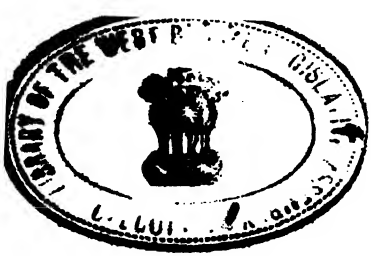
A HISTORY OF THE PEACE CONFERENCE OF PARIS



PUBLISHED BY THE JOINT COMMITTEE OF
HENRY FROWDE, HODDER AND STOUGHTON
17 WARWICK SQUARE, NEWGATE STREET
LONDON, E.C. 4

A HISTORY OF THE PEACE CONFERENCE OF PARIS

EDITED BY

H. W. V. TEMPERLEY

VOL. I

Published under the auspices of the Institute of International Affairs

BENGAL LEGISLATIVE ASSEMBLY
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OF THE WEST BENGAL LEGISLATIVE ASSEMBLY

LONDON
HENRY FROWDE
OXFORD UNIVERSITY PRESS
HODDER & STOUGHTON
WARWICK SQUARE, E.C.
1920

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[1] Volume I only.

PREFACE

THE History of the Peace Conference, of which this is the first volume, owes its origin to the Institute of International Affairs. The purpose and aim of the latter can perhaps best be stated by giving some extracts from the Report of its Committee.

'There were certain lessons which those who attended the Congress of Paris could scarcely fail to draw from the experience gained there, and the task of preparing a scheme for applying one of them was entrusted to this Committee.

'Preparations for discussing the terms of peace had long been in train when hostilities suddenly closed in November 1918. At Washington and in London, specialists, recruited by the foreign departments from the Universities and elsewhere, were at work digesting facts and stating the questions which would have to be settled. In January 1919, the staffs with these corps of specialists, strengthened by others released for the work from the navy, army, and air force, were assembled in Paris. The American delegation was mainly housed in the Hotel Crillon, and the British, which was much the largest, in the Majestic. Here were congregated under one roof trained diplomatists, soldiers, sailors, airmen, civil administrators, jurists, financial and economic experts, captains of industry and spokesmen of labour, members of cabinets and parliaments, journalists and publicists of all sorts and kinds. Many of them came from the various Dominions, India, Egypt or the Crown Colonies.

'At meals, and when off duty, there was no convention to forbid discussion of the business in hand. A unique opportunity was thus given to every specialist of grasping the relation of his own particular question to all the others involved, and of seeing its place in the vast problem of reconstruction before the Congress. So great a diversity of minds has seldom been associated on a single task under one roof. Men who never

imagined they had anything in common began to discover how much in common they really had. In friendly informal intercourse they came to see how they differed, and also to appreciate the sincerity of views which were not their own. A respect for each other's opinions grew up which could scarcely have developed under other conditions. It affected the relations of the two bodies in Paris, which had the advantage of a common language and political tradition. For besides meeting on the Commissions, where the daily work was done, the British and American specialists were constantly dining with one another in their respective hotels.

'In these delegations were included many whose business in life had been to originate thought or influence public opinion on international questions. Now for the first time they were put to the discipline of handling practical problems side by side with men who had only known what it meant to get things done. The mutual benefit of this hourly contact between men of theory and men of practice was great. There were also coming to the delegations from time to time, people fresh from some distant scene of action, from Russia, Prague, Armenia, Egypt, or the remote frontiers of Central Asia. Whenever this happened there were gatherings in the Hotel Crillon, or the Hotel Majestic, of all those from either delegation whose business it was to deal with these special problems. For hours together such visitors were plied with questions, and the problems they had studied on the spot were discussed before them in all their bearings. Not seldom it happened that practical solutions afterwards embodied in the treaties were worked out in the course of these informal discussions.

'The passions which embroil nations against each other and wreck civilization, all have their roots in the ignorance born of isolation. And this isolation is not merely that of one nation from another, but scarcely less of the schools of thought which develop within each national circle. In Paris were brought together leaders of thought and action from the same country and the same race, who had never before met for intercourse in their own land under one roof. More effective agencies for creating an opinion on international affairs at once charitable, sane, and well-informed have never been devised than these delegations so long as they existed.' . . .

'Such was the position which some members of the British

and American delegations met to consider at a gathering over which General Tasker H. Bliss was elected to preside on the motion of Lord Robert Cecil. This and subsequent meetings resulted in the reports and resolutions set out elsewhere, the opening passages of which were as follows:

'*Until recent years it was usual to assume that in foreign affairs each government must think mainly, if not entirely, of the interests of its own people. In founding the League of Nations, the Allied Powers have now recognized that national policies ought to be framed with an eye to the welfare of society at large. The proceedings at Paris have shown how necessary it is to create some organization for studying the relation of this principle to practical questions as they arise. Resolved Therefore:*

'(1) *That those present undertake to form an Institute, entitled "The Institute of International Affairs, founded at Paris,* 1919," *composed at the outset of two Branches, one in the United Kingdom and one in the United States.*

'(2) *That the purpose of this Institute should be to keep its members in touch with the international situation and enable them to study the relation between national policies and the interests of society as a whole.*

'It was further decided that the Institute as a whole should produce, amongst other publications, an Annual Register of International Affairs, beginning with a comprehensive account of the Congress of Paris. An Anglo-American Committee was appointed to develop the organization.[1] The British promoters also appointed a committee, under Lord Robert Cecil, to select the original members of their own branch.

'It was now clear that matters had reached a point when nothing further could be profitably done for the organization of the British and American Branches until the Congress was over, and the members of the two delegations had returned to

[1] The members of this were:

Professor Coolidge, Dr. James Brown Scott, Professor Shotwell,	*Americans.*
Mr. Hurst, Captain Clement Jones, Major Temperley.	*British.*

In October 1919, the committee appointed to select the members of the British Branch began their work by co-opting Lord Eustace Percy, Major Temperley and Sir John Tilley to take the places of Mr. Hurst and Sir Valentine Chirol, who were both in Egypt. The Committee of Selection was thus consolidated with the British half of the Anglo-American Committee.

their respective countries. With the preparations for the first issue of the Annual Register it was otherwise. Those first volumes would obviously have to deal with the Congress of Paris, and the settlements produced by that Congress, constituting as they must the basis upon which the future policy of the world will develop. To organize the production of this work while those who could treat its various aspects with first-hand knowledge were still assembled in Paris, was essential. The attention of the Committee was at once concentrated on this task. Mr. George L. Beer and Lord Eustace Percy undertook to draw out a plan of the work, and a meeting of the proposed contributors was held at the Hotel Astoria to consider it. At this meeting their scheme was thoroughly discussed, and the different sections allotted to the various experts..... The editorship was entrusted to Major Temperley, of Peterhouse, Cambridge, [who had been a contributor to the Cambridge Modern History.] This work, which is to include five volumes with maps and documents, is now in preparation, and will, it is hoped, be produced in the early future.'

In conclusion, it must be explained that these volumes[1] could not have been produced at this juncture, and perhaps not at all, had it not been for the public-spirited action of Mr. T. W. Lamont, of New York, in advancing £2,000 to meet the expenses. This timely assistance, offered while the Conference was still sitting, and most of the contributors were still assembled in Paris, made it possible for the work to be assigned to the various writers, and to be discussed between them before they scattered to their respective homes.

Nor can this preface be closed without reference to the great loss sustained by the Institute in the recent death of one of its most enthusiastic founders, Mr. George Louis Beer of New York, the well-known historian of the American Revolution and of the causes which led to it, and one of the foremost of all students of colonial questions. The vast range of his knowledge, and the titanic labours he accomplished as an adviser of the American Delegation, were a constant source

[1] See note at foot of p. xxvii.

of wonder and admiration to all his British as well as his American friends. There can be no doubt that the work he did in Paris must have hastened the progress of disease which cost him his life. The world's peace had no better friend. He lived to complete the contribution on Africa which appears in Volume II, and the original editorial scheme was planned by him in conjunction with Lord Eustace Percy.

June 1920.

EDITORIAL FOREWORD

THE circumstances, which produced both the Institute of International Affairs and the project for a History of the Peace Conference, have been described in the Preface. But, as the work of the History progressed, it became more and more evident that the Institute, as such, which has no foreign politics, could not stand sponsor to this work and to the views it contained. The responsibility in such case, therefore, primarily falls on the Editor, but even in his case that responsibility must be a limited one. The editorial aim has been to present a history of the Peace Conference and transactions there which should be as moderate, detached, and impartial as possible. Though this has invariably been the aim, it has not always been possible, nor did the Editor think it right, to preclude expressions of opinion on the part of an individual contributor. The difficulty does not arise from lack of information. We already possess more information about the Conference of Paris than was possessed about the Congress of Vienna half a century after it had completed its labours. Recent revelations, for instance, have made the origin of the League of Nations better known to us than the origin of the war. The *German Observations on the Draft Treaty*[1] and the Reply of the Allied and Associated Powers form the complete argumentative and legal basis of the Treaty.

The chief difficulty lies therefore not in lack of information, but in lack of perspective. It would not help matters to delay publication on this ground for two or three years. All histories

[1] No Entente Power has yet published the German Observations as an official paper. They have, however, been printed unofficially in America and imported into this country. They are for the first time extensively drawn upon and analysed in Chap. VI, Vol. II of the History. The Reply of the Allied and Associated Powers has been published in England as an official paper (Misc. No. 4, 1919) Cmd. 258. The fact is mentioned as some little inquiry has shown that a great number of people are unaware of this fact.

of the Conference in this generation will be open to the objection of being too near the events to see them in their true perspective. Nor does the difficulty consist in the fact that the information is not at present available to any one on certain questions, e. g. reparation, or in the fact that certain clauses of the Treaty have not yet been put into execution. Such objections will hold true for many years, though doubtless in a less degree as time goes on. Yet the real defect as to the lack of perspective, engendered or conveyed by a contemporary history, has a countervailing advantage. For articles written at this time by persons present at the Conference, or with an intimate knowledge of the events they describe, must reproduce much of the spirit and atmosphere in which the Conference met. The deciding factor, therefore, in publishing this history at this early date is the belief that its publication will make people realize the fleeting and now fast vanishing atmosphere in which the Conference lived and moved. New opinions are being formed, new sentiments arising in all kinds of subtle ways, which will soon transform the whole atmosphere. That atmosphere may perhaps be preserved in the pages of a contemporary history written by actors or by observers of the drama.

The object of this history is neither to criticize nor to defend the German or any other Treaty, still less to defend or to criticize the policy of any government or nation taking part in the Conference. The aim is to produce a history at once independent and objective, to detail the facts and to sketch the opinions that prevailed at the Conference. Ultimate history cannot be obtained in this generation on this or any other subject, but the purpose of this history will be attained if it preserves or records some of the materials for ultimate history, which might otherwise have been lost or forgotten.

June 1920.

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INTRODUCTION

1. *Origins of the War.*

THE war was a conflict between the principles of freedom and of autocracy, between the principles of moral influence and of material force, of government by consent and of government by compulsion. In one form or another the conflict is as old as mankind, but for our purpose it began in 1688. For it was then that the British system of self-government or constitutionalism[1] was established, and it was about that time that a new and formidable type of government arose, which was eventually to threaten not only Anglo-Saxondom but democracy itself.

'That which arose in Northern Europe about the time of our Revolution Settlement was a new form of practical absolutism. . . . It is a new type, not to be confounded with that of Henry VIII, Philip II, or Louis XIV, and better adapted to a more rational and economic age. Government so understood is the intellectual guide of the nation, the promoter of wealth, the teacher of knowledge, the guardian of morality, the mainspring of the ascending movement of man. That is the tremendous power, supported by millions of bayonets, which grew up in [those] days at Petersburg, and was developed by much abler minds, chiefly at Berlin; *and it is the greatest danger that remains to be encountered by the Anglo-Saxon race.*'[2]

Two centuries ago then, the principles, that met in battle in 1914, already showed their peculiar characteristics in England and Prussia. But the eighteenth century contributed little in the direction of further development until it drew towards

[1] In his speeches President Wilson uses the term 'democracy' to cover those States, whether monarchies or republics, which have a 'government by consent' as opposed to those under personal or militarist governments. This use, though convenient to-day, is historically misleading, for England and the Dutch Republic in the eighteenth century had 'governments by consent', though they were in no sense 'democracies'. 'Constitutionalism' seems the most comprehensive term for the principle on which free States are or have been governed.

[2] So spoke Lord Acton in 1899 in words that his hearers recognized to have been strangely prophetic in 1914. v. *Lectures on Modern History*, Chapter on Rise of Prussia, *sub-fin* p. 289, edition of 1906.

a close. Then political evolution began and proceeded with a swiftness unparalleled in politics. The United States broke away from the British Empire, but in so doing she served only to increase the sway and the prestige of ideals that were peculiarly Anglo-Saxon. For, while the British Empire had already shown that a monarchy might be free, the United States now proved that a Republic might be law-abiding and stable.

The French Republic and Revolution, which followed close on the heels of the American, taught a very different lesson. Its twin ideals were democracy and nationality.[1] Neither were strange to one or other branch of Anglo-Saxondom, but they came upon Europe with an irresistible force. France taught that a people had the right and the power to resist oppression from within and from without, and that equality before the law was the first privilege of man. Then disillusion set in, as it became apparent that the national spirit used the democratic principle in pursuit of its own ends, and Italians and Dutchmen were not charmed with democracy, when they found that their masters were Frenchmen. Finally, democracy perished even in France and became the instrument of a military and imperial autocrat. The French Revolution had unloosed torrential forces, but its immediate effects had provoked reaction and reorganized despotism. Though Napoleon fell, his rival despots in Russia, Austria, and Prussia, rehabilitated by suffering and by victory, enjoyed a new lease of life, and the triumph of reaction began.

The reaction after 1815 was but momentary. Canning 'called the new world into existence' to prove that autocracy must not meddle there, and Monroe enunciated a parallel doctrine which showed that the Anglo-Saxon powers were at least united against despots, if they were sometimes divided against one another. The future was indeed to prove that the differences between constitutionalism, democracy, and nationalism could be reconciled. The three forces met and blended, and in 1870 their influence seemed at last predominant in Europe. The omens seemed favourable. Constitutionalism had

[1] Nationality or nationalism is the impulse or desire of a people both to realize its individuality and to attain ethnic unity. The French of Napoleon's time, like Magyars, Germans and Russians later, proved that nationalism was not the same thing as democracy.

triumphed in Scandinavia, in Belgium, in Holland, in Greece, in Italy, even in France during the last years of Napoleon III. Nationality had won victories in Belgium, in Greece, in Italy, and in Serbia. Democracy had secured its first successes in the British Isles and seemed to be advancing to assured victory in every Anglo-Saxon community beyond the seas. Then the seemingly irresistible tide was decisively checked and thrown back in the Centre and East of Europe. At Sadowa and at Sedan militarism and autocracy appeared in a new light, as intelligent, attractive, and victorious.

In many countries men now arose who put democracy and nationality to strange and to sinister uses. In Russia the national aspirations were put at the service of a relentless autocracy. In Germany the national spirit, which had been the soul of the insurrection against Napoleon and had ennobled the ideals of 1848, was finally harnessed to the chariot of Prussia. It was Bismarck, the masterful charioteer, who inspired all Germany with the gospel of efficiency, discipline, success, and power, and who enforced these arguments by armaments of a size and power hitherto undreamed of by conquerors. He it was, too, who used the sentiment of nationality itself to crush other national aspirations, who set the pride and strength of a great nation against the rights, interest, or existence of small ones. As national pride crystallized, the doctrine arose that one race was superior to another, and some held the proof of superior culture to lie in the ability to exercise superior force. In the case of races so backward as to be really uncivilized some such doctrine has always been recognized. But the difficulty appeared when the new evangel was preached to Czechs by Austrians, to Poles by Russians, to Alsatians, to Danes, and to Poles by Germans, in every case by force and by the armed hand.

'The war had its roots in the disregard of small nations and of nationalities which lacked the union and the force to make good their claim to determine their own allegiance and their own forms of political life.'[1] This sentence is the clue to the events which finally led to the war. Even that finished diplomatic artist, Prince Bülow, could not make a statement of the way Germany regarded the smaller nationalities without showing how full of danger it was for the future. 'Nations

[1] President Wilson, 11th February 1918.

of military ability and economic skill and of superior culture will mostly reach further with the arm of their State power than with the sway of their national culture, and will expend their energy on making the national conquest follow in the wake of the political . . . it is a law of life and development in history, that where two national civilizations meet they fight for ascendancy.'[1] The fact is that the very principles on which military autocracies are based constrain them to curtail or abolish the existence of nationalities to whom they deem themselves superior in force or in culture. To these doctrines there could ultimately be but one answer and one end. If Belgium and Serbia blocked the way to Paris and Bagdad such small obstacles could not stand in the way of Germany's greatness. It had been forgotten that small states could stand for large principles, and that the safeguarding of their integrity carried ultimately with it the freedom of the world from autocracy.

. . . . . .

The world as it emerged from the war, though bleeding and exhausted, contained within itself the elements of stability and life. Three emperors and half a dozen kings, the chiefs or the servants of the great military autocracies, had fallen. But constitutionalism, whether in the form of limited monarchy or of a republic, had endured the terrific strain. Kaiserism or military despotism was dead if Bolshevism or democratic despotism was still alive. Great new principles had been enunciated which implied far-reaching change. All parties to the Armistice had agreed to substitute a League of Nations and a Covenanted Peace for the old unstable and perilous 'Balance of Power'. This special undertaking symbolizes the whole, for it involved complete change and invoked elemental forces. The Pope's appeal for Peace in August 1917 still shows a desire or belief that Europe could resume not only approximately its own boundaries but even approximately its old life. Even in January 1917 the Allies had made it clear that this was impossible, and every utterance of President Wilson, more especially the speeches which formed the legal basis of the peace, made this attitude clearer still. For good or for evil the nations that met at the Peace Conference were pledged to tread paths that were new and strange.

[1] *Imperial Germany* (London, 1914), pp. 239–40.

2. *Origins of the Peace.*

This work does not attempt to describe the origin or general course of the war, but simply the conditions which led to peace. The first three volumes of this history relate and illustrate the sequence of events from the first signs of peace at the end of 1916 till the exchange of ratifications at the beginning of 1920. Volume I covers the preliminaries of the peace in every sense, and is divided into three parts. *The End of the War* describes the military and naval defeat of Germany, and the political aspects of the negotiations leading up to, and including, the Armistice. Part II, *Europe in Dissolution*, exhibits the economic strain laid upon society by the prolongation of the war, and traces the effects of the exhaustion of food supplies. Closely connected, though not identical, with this study of material conditions is the study of the war-aims of belligerents in the later stages of the war as developed under its pressure and elevated and intensified by sacrifice. Part III describes the actual opening, organization, and practical working of the Conference itself. It deals also fully with that most important, always neglected, and now almost wholly forgotten, aspect of the Conference, its executive action in disarming Germany, in rescuing millions from starvation, and in maintaining and enforcing its authority in the more remote parts of Europe. The last chapter of the volume discusses the legal aspects of the situation, exhibiting the revolution or rather the anarchy caused by the dissolution of treaties. It also studies the legal basis of the treaty as founded on the armistices and the negotiations preceding them.

The contents of Volume II[1] are described by its title—*The Settlement with Germany*. The introduction describes the actual course of peace negotiations with the Germans in broad outline up to the signature of Peace. The first chapter deals broadly with certain general aspects of the League of Nations, Labour, Finance, Reparation, and International Communications. The next chapter deals with the military occupation and the military and naval clauses of the Treaty. Three chapters follow, describing the territorial settlements in West and East Europe, and in Africa. They are followed by a chapter analysing fully the legal aspects of the Treaty,

[1] Volumes II and III are now in the Press, and will appear shortly.

and giving, for the first time in this country, in an exhaustive form, the arguments for and against every notable clause in the Treaty as made by Germany and by the Allied and Associated Powers, with such legal comment as is in each case required. The final chapter of this volume describes *The New Germany*, that is the Germany which began its existence with the flight of the Kaiser, which drew up a constitution on a new basis, and which finally accepted the Treaty. The third volume contains a series of illustrative documents, first those illustrating the Brest-Litovsk Treaties or the German ideas of peace, next documents exhibiting the origin of the League of Nations, together with a representative selection of speeches made during the Peace Conference, or with reference to the Peace Treaty, by President Wilson, M. Clemenceau, Mr. Lloyd George, and General Smuts. It is hoped that these extracts will be of a sufficiently representative character to show the different aspects in which the Treaty has been viewed. The text, both of the German treaty and of the New German Constitution, has also been included.

The plan thus outlined deals necessarily with certain aspects, and certain aspects only, of the Treaty; it is limited in space, and it is limited in time. The subject is the Treaty as it affects Germany, and the date at which that history stops is the 21st January 1920, after the Treaty had come into force, after the Council of the League of Nations had held its first meeting, and when the permanent sessions of the Supreme Council came to an end. This date marks an evident and intelligible line, for it is certain that all negotiations relative to peace since that date must have a different character from all peace negotiations preceding it. As regards limitation of subject it is possible to urge that much has been omitted, but these omissions are deliberate and will be repaired in subsequent volumes. It seemed important, for instance, not to treat of the Polish problem at this stage, which is still in an unsettled condition, and where much will depend on the verdict of plebiscites which have not yet been taken. It was, however, impossible to omit some discussion of that problem, and particularly the strategical aspect of it as it confronted the Germans at the time of the signature of the Treaty. While, therefore, the main treatment of Poland has been reserved for a later volume, when it will be taken in connexion with the

whole problem of East Europe, it was deemed also better to relegate the important question of Shantung and of China to the fifth volume, which will deal more fully with Asiatic problems. The League of Nations and International Labour were topics that could not be treated exhaustively until more experience of the practical machinery set up in each case is to hand, but it was impossible not to give some indication of the handling of these topics at the Conference, and of the origins of each organization. The financial clauses of the Treaty have been treated with relative fullness; the economic clauses, on the other hand, are so bound up with the commercial arrangements of Austria and Hungary, that it was thought better to defer their discussion until the fourth volume, where the Treaties with the Powers are considered and the subject could be discussed as a whole. On the other hand, the clauses dealing with international communications affect Germany so vitally that these have been treated with relative fullness in Volume II. Certain other points, such as the question of war criminals, the trial of the Kaiser, and the practical working of the Reparation Commission, clearly lie beyond the date at which our volumes cease. These questions will ultimately be dealt with at a later stage. The fourth volume, which will include the Treaties with Austria, Hungary, and Bulgaria, will be the next to be issued, and will include a discussion of the general economic problems of Central Europe as a whole.

In a work of this kind it is impossible to avoid criticism from many different points of view, but it may perhaps be well to give a few explanations of some of the practices pursued. Should, for instance, the title be the Conference or the Congress of Paris? There is no essential difference in International Law between the two, but Conferences have usually a less formal character. According to the stricter interpretation, however, it was a Congress, and not a Conference that met at Paris. There were, however, times when it was a Conference, and times when it was a Congress, and the published State papers show, not perhaps unnaturally, that the Powers do not seem always to have realized the difference between these two terms.[1] On the other hand, the public, as a whole, seems to

[1] The matter is complicated by the fact that the sittings of Delegates to a Congress are sometimes described as 'conferences', *v.* Satow, *Diplomatic Practice*, vol. ii, p. 94, n.

have adopted the title of Conference without any discussion, and as the diplomatic usage has not been entirely consistent in this matter it was thought best to make use of the popular title, for it is by such titles that events are handed down to posterity. Historians, for instance, have found it impossible to get the public to call the Monroe Doctrine by its more appropriate title of the 'Adams' Doctrine, or to change the name of the battle in which Harold fell, from Hastings to Senlac. In such contests the public will always be victorious, and the historian shows prudence in acknowledging his defeat. As regards the title 'Principal Allied and Associated Powers', this is in strictness confined to the Five Great Powers—United States, France, British Empire, Italy, and Japan. The United States is not an Ally but an Associate. All States adhering to the Entente are known as 'the Allied and Associated Powers'. In practice, however, it has not always been possible to maintain this distinction and the whole group is sometimes generally described as the 'Allies'.

The chronological table in Volume III has been compiled with great care, and with a special purpose. Ever since the days of Bismarck, it has been increasingly true that the best materials for history are to be found in the Press. He taught us that the currents and changes of opinion are sometimes to be found there when official documents give no hint of them. This principle has been followed, and the chronological table deals not only with events but with the opinions of the Press.

The general principle or guiding thread in these volumes has been the attempt to exhibit the Peace as a great constructive experiment. The establishment of this principle will be seen in its most striking light if the state of the world before and after the Peace is examined. Before the war Europe was still concerned with the balance of power and America with isolation, while exploitation of natives went on in dark corners of the earth unchecked by international control. Preparation for war was universal. The Peace settlement has deliberately sought to change the centre of gravity and thus to bring Europe and America into harmony and thus create an international organization. Guilty nations have been punished, and war, which was previously regarded as justifiable, is henceforward looked on as a crime. Disarmament has begun. A league

has been created to enforce peace and to repair wrong or injustice, if necessary to re-write such parts of the Treaty as seem inconsistent with justice or with expediency.

These confessedly are the ideals and professions of the Powers that concluded the Armistice with Germany. How far they have been realized it is the object of this history at least partially to answer. No attempt to answer that question can be in vain so long as it is made with sincerity, and without malice. For it is no exaggeration to say that the future welfare of the world depends upon its democracies understanding the new principles on which they are to be governed, and on their combining together to make the noblest of them a reality.

PART I: THE END OF THE WAR

CHAPTER I: PART I

THE MILITARY DEFEAT OF GERMANY

1. *Relative Situation of the Belligerents.* The Great War, which flared up in Europe on the 1st August 1914, and which had raged for over two years with fluctuating fortunes but unabated fury, had subsided into comparative stagnation at the close of 1916.

The Central Powers, united in command and organization, and apparently self-supporting as regards economic resources, stood firm and unshaken; their centralized geographical position enabled them to operate effectively on interior strategic lines against any one of the loosely-knit forces of the Allied or Entente Powers. These forces were solely dependent for their maintenance on sea transport, which is comparatively slow and insecure; that they were maintained at all was only possible owing to the unchallenged sea supremacy of the Allies, which in turn depended almost solely on the efficiency of the British Navy and Mercantile Marine; that these forces, dispersed on the outer ring, could deliver anything but desultory half-blows against the Central Powers was in the circumstances hardly conceivable.

2. *Results of the War up to the end of 1916.* At the end of 1916 the balance of the material gains appeared to rest with the Central Powers. The preceding years had produced a series of bitter disappointments for the Allies. In East and West the German armies had won victory after victory, and had overrun some of the richest industrial districts of France, Belgium, and Russia. Germany's aim of securing a crushing military decision in the early months of the War had, it is true, been frustrated, partly by her own military mistakes, partly by the heroism of the Allied Armies. But, although the immediate menace of disaster had been removed, the German outposts

remained firmly entrenched within 55 miles of Paris and 65 of Dover.

3. *Unfavourable Situation of the Allies.* The indecisive battles of Verdun and the Somme appeared to demonstrate the impregnability of field fortifications in Western warfare, while the power of the Russian Colossus had proved a delusion. The entry of Italy and Rumania into the War had produced equally disappointing results, and appeared only to afford further proofs of the military superiority of the Central Powers. Serbia had been crushed and overrun; every effort of the Allies in the Mediterranean and in the Middle East seemed doomed to humiliation or to disaster. Russia was more isolated than ever, and the unfortunate example of Rumania was not likely to tempt other neutrals to join in the Alliance against the Central Powers. The attitude of Greece, for instance, was confused and hesitating.

In other ways the retrospect was equally depressing. The British Navy, which the public had expected to produce spectacular results, only succeeded in meeting the enemy in force on one occasion, when a decision was not reached; the submarine and the Zeppelin, doubly effective from their novel methods, contributed to lower the *moral* of the Allied nations and to stimulate that of their opponents.

4. *The Blockade versus Germany's Resources.* The resources of the Central Powers, both in man-power and material, seemed indeed to be inexhaustible, and their moral cohesion to be unimpaired. Owing to Germany's skilful utilization of all available resources, both in her own country and in those of her allies, it became doubtful whether the pressure of the Blockade would prove effectual in crushing the resistance of the Central Powers. At any rate, the time involved by a mere war of attrition, combined with the exercise of blockade pressure, might prove equally damaging to the Allies' resources. As time went on it became increasingly evident that the defeat of the main German armies remained the primary military objective of the Allies.

5. *Plan of the Allies for the 1917 Campaign.* In spite of the apparently unfavourable situation, the Allied peoples did not lose faith in the future. At a conference held at the French General Headquarters at Chantilly in November 1916, a plan of campaign was drawn up for the Allied Armies during 1917.

This plan, which was unanimously agreed upon by the military representatives of the Allied Powers, comprised a concerted series of offensives on all fronts, so timed as to assist each other by denying to the enemy the power of weakening one front to reinforce another. By this means the Allies hoped to co-ordinate their efforts and to overcome the strategic advantage conferred on the Central Powers by their geographical position. The main German armies in East and West were to be pinned down and defeated by superior forces, when the Italian, Macedonian, Rumanian, and Turkish fronts were expected to fall with comparative ease to the Allied contingents in those theatres.

6. *Germany's Reorganization for renewing the Struggle.* As has been indicated, the end of 1916 marked the close of a definite stage in the world-conflict. Enormous efforts had been made on both sides without attaining decisive results, and, although the Central Powers appeared to hold most of the material gains, these had only been won at a tremendous sacrifice of man-power and material. Germany knew that a long war meant economic ruin, and that victory, to be remunerative, must be rapid. The achievements of the hitherto despised 'Kitchener Divisions' of Great Britain in the Somme battle, together with the vast artillery material at the disposal of the Allies, had come as a shock to the German troops and military leaders. When Rumania declared war at the end of August 1916, von Hindenburg and Ludendorff had been summoned to replace von Falkenhayn at General Headquarters, and sweeping reforms had been instituted in the military and economic organization of Germany, of her allies, and of the occupied territories. The War Ministry in Berlin was reorganized, and a scheme, known as the 'Hindenburg Programme', was formulated in order to exploit to the full the resources of the country in man-power and material. Hindenburg's plans for mobilizing the manhood and womanhood of the country were drastic, and were only adopted by the German Government in a modified degree, but the munitions programme was vigorously carried out. At the same time the establishment of infantry divisions was standardized on a basis of 9 battalions instead of 12, and 13 new divisions were in this way formed to take part in the 1917 campaign. The Artillery, Signal Service, and Air Force establishments were largely increased.

7. *Germany's Strategic Plan for 1917.* The strategic conduct of the War was also modified. In view of the increasing strength of the Entente Powers, of their apparent intention to resume the offensive, and of the time required for the 'Hindenburg Programme' to mature, Germany was compelled to economize her forces, and, temporarily at any rate, to stand on the defensive. The tactical manuals were re-written, and the training of the troops was altered in accordance with this policy. For the time being the doctrine of the 'relentless offensive', so long inculcated in the mind of the German soldier, was abandoned. It was rightly anticipated that the 1917 offensive of the Allies in the West would be directed towards crushing in the great German salient between Arras and Reims. In order to avoid the full force of this blow, a retrenchment, known as the 'Siegfried Line', was prepared between the Scarpe and the Aisne, passing through St. Quentin, and a retirement to this position was timed to commence on the 16th March 1917 and was prepared in the fullest detail.

The adoption of this defensive policy in the West did not mean that Germany was to remain inactive in other directions. The reorganization of the Austro-Hungarian, Bulgarian, and Turkish Armies was taken in hand seriously, and plans were laid for undermining Russia's moral cohesion and for extending Germany's domination eastwards. At the same time it was hoped that the adoption of unrestricted submarine warfare in the early spring would prove decisive in bringing Great Britain to her knees.

Finally, after the occupation of Bucharest in December 1916, the German Emperor endeavoured to induce the Allies to enter into peace negotiations. As it was soon perceived that these negotiations would be based solely on Germany's territorial conquests, and would satisfy none of the Allies' war-aims, the illusory offer was rejected. Meanwhile, the Allies were re-organizing their forces for a renewal of the struggle. Changes in the Higher Command took place both in the French Army and in the British Navy. A new Ministry was formed in London under Mr. Lloyd George, and the 'War Cabinet' was instituted. In February 1917, the Allies, after a conference at Calais, reaffirmed their plan of joint offensives which had been decided upon at Chantilly in November 1916, and the general conduct

of the campaign on the Western Front was entrusted to the French Commander-in-Chief.

This plan of combined offensives was strategically sound, and its execution might well have proved successful, had not a new factor, hitherto unheeded, paralysed the military strength of the Russian Empire.

8. *The Collapse of Russia.* The enormous casualties suffered by the Russian armies were already producing a feeling of war-weariness among the peoples of Russia. The national life had been dislocated by the over-mobilization of the country's manhood, and the harshness and inefficiency of the bureaucracy had caused widespread unrest. Apart from these factors, few Allied statesmen or soldiers had realized either the degree to which the economic life of Russia depended on Germany, or the powerful ramifications of German influence in all grades of Russian society. The economic interdependence of the different parts of Russia on their vulnerable inland lines of communication was also a vital factor which had not been sufficiently appreciated. The German blockade of Russia was just as effective and noxious in its consequences as that of Germany by the Allies. The anti-Tsarist revolt of March 1917 was accepted almost with relief by the Allies as expressing a new spirit of energy and progress in the Russian people, but its far-reaching effects were not at first foreseen. An age-long *régime* of autocratic tyranny and corrupt government had stunted the mental development and political growth of the Russian peoples, and had paved the way for a terrible social cataclysm. War-weariness and indifference turned to class-hatred and revolt against all authority, until civil order and military discipline were alike swept away in an orgy of bloodshed and cruelty.

The Kerensky government made vacillating efforts to stem the flood of Bolshevism which subsequently swept over unhappy Russia. A gallant though misguided attempt was made to co-operate with the military plans of the Allies, and on the 1st July 1917 a tardy offensive was opened astride the Dniester by the armies of Brussiloff and Korniloff against the Austro-German forces with initial success, which, however, was of but short duration. The poison of Bolshevism, stimulated by German intrigue, rapidly infected all units, and Russia as a military factor went out of the War.

9. *German confidence in the result of the 1917 Campaign.*

Germany little realized what a powder-train she was igniting when by her propaganda she encouraged anarchy and revolt in the armies of the Tsar. The complete disintegration of Russia's social cohesion was as little foreseen by German statesmen as by those of the Allies. The repercussion of Bolshevism on the war-weary German people and on the beaten German Army was afterwards to prove decisive, but at the beginning of 1917 that danger still appeared remote. There were, it is true, other clouds on the horizon, of which the German Higher Command was aware. The unexpected and costly failure in front of Verdun, and the prompt rejection by the Allies of the Kaiser's peace proposal at the end of 1916, had somewhat damped the spirits of the German nation. On the other hand, the appointment of Hindenburg and Ludendorff to the Higher Command proved an enormous access of moral strength. The belief of the army and the people in the ability of these two soldiers was unbounded, and the German nation looked forward with confidence in the coming year to the promised blessings of a victorious peace: to the successful resistance of their armies in the West, to the replenishment of their economic resources from Russia and the East, and to the isolation and decisive defeat of Britain by means of ruthless submarine warfare.

10. *Unrestricted Submarine War and America's Entry.* It was the psychological result of adopting this latter weapon which introduced the final and decisive factor into the situation. A storm of mutual recrimination has raged between the military chiefs and the Imperial Chancellor as to the actual responsibility for resorting to the intensified submarine campaign. Hindenburg excuses himself on the score that the Chancellor never warned him of the effect which it might have on America, Bethmann-Hollweg pleads that he could but follow the advice of his military and naval advisers, and adopt the most effective means of winning the war.

This controversy takes us back to that still greater one regarding the responsibility for the War. Whatever be the verdict of history regarding the contributory causes which led up to the great conflagration of 1914, the main impulse which set the wheels of war in motion was undoubtedly the military policy of the German Empire. The shibboleth of 'militarism', so often appealed to by the Entente propagandists, proved in one sense a two-edged weapon, owing to the vagueness of the

term and its liability to be applied to any organism or dominion founded on military strength. In its original and generally accepted significance, however, the term 'militarism' is specially applicable to that combination of ruthless political lust and organized physical strength which has characterized the development of Imperial Germany both in peace and in war. This doctrine, to which Germany's diplomatic policy was subordinated, definitely involved the United States of America in the War, and thus cast the die which ultimately decided its issue.

During the 1917 campaign, the actual military assistance which America could lend was negligible, although her moral and financial aid were indirectly of great value, and her intervention also made additional shipping available for the Allies.

11. *Effects of Russia's Collapse.* The course of events in 1917 failed to develop in accordance with the plans of either belligerent party. The general and simultaneous offensive, contemplated by the Allies at the Conferences of Chantilly and Calais, did not materialize. As already described the Russian effort collapsed entirely, and Germany was thereby enabled to advance far into Russia and to obtain undisputed command of the Baltic and Black Seas. The economic results, in particular the occupation of Wallachia, enabled Germany to survive the pressure of the Allied Blockade during 1917, and the collapse of Russia hindered in another way the execution of the Allied plan of campaign. Although the German forces in West and East remained between January and November 1917 in approximately the same relative numerical proportions, namely, about 150 divisions in the West to 80 in Russia, yet the Russian *débâcle* enabled Germany to transfer to the West some 40 fresh divisions from her Eastern Front, in exchange for an equivalent number of divisions exhausted in battle or of inferior fighting value. The Russian front thus acted as a reservoir from which the German Higher Command could draw fresh troops in case of need.

12. *The Campaign of 1917.* In the middle of March 1917, the withdrawal of the First and Second German Armies to the 'Siegfried Line' was begun and carried out more or less 'according to plan'. This measure, which the German Higher Command had only resorted to as the result of earnest deliberation and under the menace of the coming Allied offensive, still further handicapped the Franco-British operations.

In spite, however, of the drawbacks involved by the Russian collapse, and some modifications of the original plan caused by the situation in the West, the Franco-British offensive opened in April; the Italian Army was not ready in time to co-operate so early. The British Army gained an initial victory on the Arras–Vimy front; the French attack, however, was a failure and resulted in heavy losses. General Pétain then replaced General Nivelle in command of the French Army, and General Foch was appointed Chief of the General Staff in Paris. The French Army, however, had been badly handled, and its *moral* had suffered in consequence, so that the task of hammering the German defences throughout 1917 devolved largely on the British Army. Had these operations not been continued, the main German armies would have been free to turn on the other Allies. Successful offensives of limited scope were also undertaken by the French during the summer at various points on the Western Front. At the end of July began that more ambitious Allied offensive in Flanders, which is known as the Third Battle of Ypres. The fighting that ensued was of a very stubborn character, and involved both the British and German Armies in great expenditure of man-power and material, but beyond this no definite strategic results were obtained. Towards the end of November the British attack at Cambrai came nearer to gaining a strategic success, but the opportunity was missed.

13. *Results of the 1917 Campaign in the West.* By the end of 1917 Germany had succeeded in parrying all the blows of her enemies on the Western Front, but only at great cost; 70,000 prisoners fell into the hands of the British alone, in spite of the stubborn fighting, and the German armies are estimated to have suffered nearly 2,000,000 casualties on the Western Front during the year.

Ludendorff's verdict on the state of affairs at the end of August is as follows: 'The state of affairs in the West appeared to prevent the execution of our plans elsewhere. Our wastage had been so high as to cause grave misgiving, and had exceeded all expectation.'[1] The resumption of the Flanders battle in October caused the German Higher Command still further anxiety, and all but succeeded in breaking down the resistance of the German Army. Ludendorff describes the British attack of the 4th October on the Passchendaele Ridge as being exceptionally severe, and only resisted at the cost of another enormous sacrifice of

[1] *War Memories*, 1919, vol. ii, 480.

life, and, again, 'Our wastage in . . . the fourth Flanders battle was extraordinarily high. In the West we began to run short of troops.' The Allies, too, particularly the British Army, suffered heavy casualties, but the costly Flanders battles must not be judged merely by their material results; they went far to sap the tenacity and moral cohesion of the German Army. Ludendorff himself says: 'Yet it must be admitted that certain units no longer triumphed over the demoralizing effects of the defensive battle as they had done formerly.'[1]

14. *Failure of the Submarine Campaign.* The Western Front was not the sole pre-occupation of the German Higher Command in 1917. It must be borne in mind that Ludendorff's strategic conception of the 1917 campaign was based on a defensive policy in the West, coupled with a steady and economical establishment of German ascendancy in the East, while the real decision was to be forced by the submarine war against the tonnage of the Allies; the maintenance of sea transport was recognized as vital to the Alliance against Germany.

Ludendorff tells us that, on the 9th January 1917, when the decision was finally taken to resort to unrestricted submarine warfare: 'The collapse of Russia was in no way to be foreseen, and indeed did not enter anybody's head. We reckoned that the adoption of the submarine campaign would effect a favourable decision for us, at latest before America's new troops could participate in the war; but without the adoption of this submarine war we reckoned on the collapse of the alliance between the Entente Powers.' The ravages caused by the unrestricted submarine campaign were extremely serious. No less than 25 per cent. of the tonnage bound for British ports during April 1917 was sunk by submarine action. In June 1917, the British Admiralty definitely adopted the policy of convoying merchant vessels, and the situation at once began to improve. The labours of the Anti-Submarine Department of the Admiralty also began to produce definite results; 66 enemy submarines were sunk during 1917, as compared with 25 in the preceding year.

After six months of the submarine campaign Ludendorff had to confess that 'in its ultimate results it had not achieved what had been expected of it'; he still hoped, however, 'that the expectations of the Navy would be shortly fulfilled'. By the end of the year the expected decision had still not arrived,

[1] *War Memories*, vol. ii, 492.

but the German Naval Staff was as optimistic as ever. The Higher Command, too, allowed itself the luxury of self-deception.

15. *War-weariness in Germany.* But others, less convinced of the infallibility of the German General Staff, and less confident in the prowess of the German Army and Navy, were more sceptical. The privations caused by the Blockade were becoming acute, the increasing thunder of the Allied artillery in the West, combined with the continued inactivity of the German armies, produced a feeling of nervous tension and protracted disappointment which soon expressed itself in outspoken war-weariness. The tales brought back by the troops of the mines of Messines and of the shell-craters of Flanders found an equally joyless echo in the misery of their homes.

On the 27th June 1917, Hindenburg wrote to the Kaiser as follows: 'The most serious trouble at present is the sinking of the nation's spirits. They must be raised, otherwise we shall lose the war. Our allies, too, require to be vigorously bolstered up, otherwise the danger of their defection is imminent.' These were strong words, but they summed up the situation accurately.

Early in July, the Chancellor, Bethmann-Hollweg, practically assented to the Peace resolution policy of the majority parties in the Reichstag. This brought to a head the feud between the Higher Command and the Civil Government which continued until the end of the war, and, indeed, had a vital bearing on its issue. In spite of Ludendorff's efforts, the Reichstag's Peace resolution was published in *Vorwärts*, and the Chancellor resigned. His successor, Dr. Michaëlis, proved unable to cope with the situation, and was replaced in October by Count von Hertling.

16. *War-weariness in Austria-Hungary.* If war-weariness and depression were rife in Germany, they had become infinitely more acute among Germany's allies. Although Austria-Hungary was bound hand and foot to Germany, so that independent action on her part was practically impossible, her statesmen were not blind to the abyss into which she was being led. The Russian Revolution of March 1917 seriously alarmed the Austrian bureaucracy. On the 27th March, Count Czernin, the Austro-Hungarian Foreign Minister, met Bethmann-Hollweg at Vienna, and a secret agreement was reached regarding possible peace conditions.[1] At the beginning of April,

[1] *War Memories*, vol. ii, 440–1 *sqq.*, on the *status quo ante bellum*, it was unknown to G.H.Q.

the Emperor Charles, accompanied by Count Czernin and by his Chief of the General Staff, General von Arz, visited the Kaiser at Hamburg for a personal exchange of views. The Austrian representatives pointed out that the resources of their country in man-power and material were exhausted, and suggested that, in order to provide a basis for peace negotiations, Germany should surrender Alsace-Lorraine to France. In compensation for this loss Austria would hand over Galicia to Poland with a view to their combined annexation by Germany.

These suggestions met with stern disapproval at Hamburg. The Austrians returned to Vienna empty-handed, but more than ever convinced of the gravity of the situation. On the 12th April, Count Czernin addressed a strongly-worded protest to the Emperor Charles, in which he again pointed out that Austria's military power was rapidly becoming exhausted, and that it would shortly be necessary to negotiate for a separate peace. The young Emperor thereupon wrote to the Kaiser, pressing his point of view still more urgently than before. This appeal only produced another rebuff, but Count Czernin continued throughout the summer to plead with his German masters.

17. *Caporetto.* The Austro-Hungarian Army was indeed in a bad way. It had only stemmed with great sacrifice the Italian Isonzo offensive of May 1917; the breaking strain had nearly been reached when the Italians renewed their offensive on the Carso plateau towards the end of August. The German Higher Command was at last convinced that the Austro-Hungarian Army would collapse unless it was given some tangible support. An opportunity was afforded by the war-weariness in Italy and by the unpopularity of the war among certain elements of the Italian population. A German Army Staff was at once formed, and six German divisions were made available (two from the West and four from the East). These, with some Jäger battalions and Austrian troops, took advantage of a weak spot in the Italian line near Caporetto in the Julian Alps, broke the Italian front on the 24th October, and rolled it back towards the Piave. The enormous booty which thus fell almost without effort to Austria-Hungary, and the simultaneous collapse of Russia's military resistance, were decisive in bolstering up the wavering resolution of Austria's rulers. The crisis was over, and the Dual Monarchy remained true to the German alliance for another twelve months.

Bulgaria and Turkey, the other allies of Germany, did not cause her so much anxiety during 1917, for, although they were just as anxious for peace as Austria, they were not in a position to break away while Germany's main armies still held their ground in the West and while German mobile reserves were still available. Thus, the loss first of Bagdad and later of Jerusalem, exercised comparatively little effect on Germany. If she could only win in the West, all would eventually be well. The power which bound Germany's allies to her was based on no higher grounds than greed for conquest, coupled with the servility of impotence. Germany's motto, with her allies and her enemies alike, was, 'Let them hate so long as they fear'.

18. *Bolshevism and Germany's Russian Policy.* But a cloud was gathering on the Russian Front, where events had appeared to be proceeding so *planmässig*. Its significance was long unsuspected by the German Higher Command. Germany's policy with regard to Russia had been to employ indirect methods to undermine Russia's power of resistance, while economizing her own military effort. To quote Ludendorff: 'What we anticipated took place; the Russian Revolution weakened the fighting strength of the army. The idea of peace seemed to be gaining strength in Russia.' This policy succeeded, but only too well. The German design was to hypnotize Russia into a nerveless and inert mass, which could be moulded to Germany's future aims; but her spells went wrong, and she invoked instead a demon of savage anarchy, which eventually contributed to her own downfall. Ludendorff indeed later confessed to this fatal development of the German plans: 'Looking back, I can see that our decline obviously began with the outbreak of the Revolution in Russia.' But he was blind to it at the time, although he complains elsewhere in his Memories that 'Bethmann-Hollweg and Count Czernin were both completely obsessed by the Russian Revolution. Both feared similar events in their own countries.' The German policy was, however, dictated entirely by the Higher Command. They skilfully used propaganda and fraternization to induce the Russian soldiery to sell their machine guns, and applied the screw when necessary by a short sharp military operation, as at Riga on the 1st September, and in the capture of the Esthonian Islands in the middle of October. It is an interesting fact that this latter combined operation was undertaken partly in order

to improve the discipline of the Fleet; the long-enforced inactivity of the surface vessels had induced an unhealthy leaning towards the doctrines of the Independent Socialists, and mutinies had occurred in August.

19. *Brest-Litovsk.* It is curious how slow the German Higher Command was to perceive the real trend of events in Russia, in spite of its available channels of information. Russia's military strength had flickered out with the collapse of Brussiloff's last offensive in July, but it was not until November that the Germans ventured to reduce the number of their divisions in Russia to less than 80, one-third of their total strength in all theatres. It was at that time, so Ludendorff tells us, that the idea of an offensive in the West first originated. During November and December, 24 German divisions were transferred from Russia to the West.

After much disorder and confusion, Lenin and Trotsky secured the upper hand in Petrograd in November, and on the 15th December an armistice was signed at Brest-Litovsk between the Central Powers and the Bolshevist leaders. Peace was not finally signed at Brest-Litovsk until the 3rd March 1918, owing to the procrastinations of the Bolshevist negotiators and the dissensions between the Austrian and German plenipotentiaries.[1] On the 18th February the Germans had actually terminated the armistice, and their armies had begun to advance on a 1,000-mile front from the Gulf of Finland to the Black Sea; but there was no further military resistance, and Russia could now be regarded as a dead front. Peace had already been concluded with the Ukraine on the 9th February. Peace with Rumania was not finally signed until the 7th May, though little danger was to be feared from the Rumanian army. But these delays were only technical, and the German Higher Command knew that it was free to turn its attention to the 1918 campaign.

20. *Condition of the Belligerents at the close of 1917.* At the close of 1917 the general situation was very different from what it had been twelve months previously. The strain of the almost continuous battles on the Western Front had drained the manpower of all the European belligerents, and most serious efforts were made to refill the depleted ranks during the winter months. The appointment of Georges Clemenceau as Prime Minister of

[1] *v.* fuller account in Chapter VI, Part II.

France in November 1917 was a guarantee that the fighting spirit of the French nation was not exhausted, and that the war policy of the Allies would be pursued with relentless vigour. In Great Britain still more men were combed from industry to replace the wastage of the Flanders fighting, and the British divisions (but not those of the Overseas Dominions) were reduced from 13 to 10 battalions. In Germany the 1917 Class (averaging 18½ years) was called up, nearly two years before its normal time.

The universal shortage of material resources gave almost more cause for anxiety. Three years of war had rendered Europe economically unproductive; Russia, one of the world's chief sources of food supply, was plunged in chaos. The submarine campaign, although it had failed to produce the decisive results expected in Germany, was taking enormous toll of the world's shipping, and very seriously jeopardized the food supply of Great Britain.

But the privations of the Allies were insignificant compared to those suffered by the Central Powers. In spite of an elaborate organization, controlled by what had once been the most efficient bureaucracy in the world, Germany and Austria were suffering from an acute shortage of almost every essential raw material, and from a total deficiency of many of them. Neither the oil-wells of Galicia and Rumania, the copper-mines of Serbia, nor the agricultural resources of the whole Danubian basin were sufficient to meet the demands of the prolonged struggle. The dearth of fats and oils of all kinds was particularly disastrous, both to human health and to industrial requirements. In spite of the resources of Westphalia, Silesia, and Poland, coal was extremely scarce, owing to the lack of labour and rolling-stock. The Allied Blockade was doing its work and doing it well.

21. *The Issue at Stake.* It was thus clear, at the close of 1917, that the strain was becoming too great to last, and that the end of the struggle was in sight. But what the end would be was as uncertain as ever. All the European belligerents appeared to have reached the end of their resources; Germany's territorial gains were greater than ever, and, though her people were weary, her armies were still unconquered. The collapse of Russia removed all pressure from her Eastern Front, and it was extremely doubtful if that pressure could ever be revived. Germany was free at last to concentrate superior force in the

main theatre—the Western Front—and thus challenge the final decision.

This challenge could not have been averted by a negotiated peace, to which both parties were stubbornly opposed. Germany's rulers were as determined as ever not to surrender the fruits of their military depredations; on this last point sufficient evidence is supplied by Ludendorff's conditions regarding Germany's future frontiers, as stated at the Crown Council in Berlin on the 11th September 1917.[1] The Allies, for their part, could not consent to sacrifice the ideals which had called them to action and had maintained their solidarity throughout such countless trials. Besides, the entry of America had set the seal on the continuance of the Allies' effort and renewed their faith. If the Allies were trebly armed in knowing the moral justice of their cause, they were quadruply so in the expectation of America's material assistance.

The penultimate factor in deciding the issue of the War was the collapse of Russia, which enabled Germany to concentrate superior military force to attack the Allies in the West. The ultimate factor was the arrival of effective military aid from America—but would it arrive in time to save the Allies in the impending struggle?

22. *The Seeds of Revolution in Germany.* There were only two eventualities which could have prevented the German offensive of 1918: either a revolution in Germany or a defection of her allies. Both of these possibilities were to be reckoned with. As early as the 12th April 1917, Count Czernin, a close and reliable observer of conditions in Germany, had expressed himself as follows in a memorandum addressed to the Emperor Charles: 'I am firmly convinced that if Germany attempts to carry on another winter campaign, revolution will break out in that country.'

This prediction was practically, if not literally, fulfilled. The first Council of Workmen and Soldiers was formed at Reinickendorf before the close of 1917, and throughout January and February 1918 the industrial centres of Germany and Austria-

[1] *War Memories*, English edition, vol. ii, pp. 518–21. He demanded a protective belt round the iron-mines of Lorraine, economic union with Belgium, and, in effect, political control over her. The annexation of Luxemburg, an extension of the German frontier near the Upper Silesian coalfields and Danzig and Thorn, *plus* power to conscript the inhabitants of Courland and Lithuania, and economic control of the kingdom of Poland, were further demands.

Hungary were seething with half-suppressed revolt. The strikes which began on the 16th January at Vienna, and spread thence to Budapest and Berlin, were political in character, and were at least partly the outcome of the workers' protest against the sabre-rattling policy adopted during the Brest-Litovsk negotiations.

The crisis was tided over; the signing of peace with Russia relieved Germany of one great load of anxiety, and the promise of victory in the West was dangled—a tempting lure—before the war-weary German nation. The bait was swallowed, the murmurs of dissension were stifled, and the nation braced itself for a last effort. Germany's allies, although with little confidence in the issue, followed suit.

23. *Germany's Plan for the 1918 Campaign.* The circumstances which impelled Germany to undertake the great spring offensive are clearly defined. With Austria-Hungary and Turkey at the end of their military strength, and Bulgaria frankly disaffected, the Quadruple Alliance could only be held together by the definite promise of a German victory. The internal cohesion of Germany itself depended on the fulfilment of that long-deferred hope. During two years of almost continuous attacks by the French and British Armies, the German troops in the West had remained on the defensive; their casualties had been colossal and the moral strain enormous; they certainly could not be expected to await a repetition of these hammer-blows by the American Army with fresh troops and unlimited ammunition. Besides, every officer and man of the German Army knew the truth of the military axiom that 'decisive success in battle can be gained only by a vigorous offensive'. Ludendorff defines the position accurately in the following words: 'The situation of our allies and of ourselves, as well as the condition of the army, demanded an offensive which would produce a quick decision. That could only be brought about on the Western Front.'

Time pressed. The blow would have to be delivered at the earliest possible moment if the arrival of the Americans was to be forestalled. Ludendorff's masterly training manual, entitled *The Offensive Battle in Position Warfare*, was issued on the 1st January 1918. The training of the troops could be completed by the middle of March. But a premature start might prejudice success. Offensive operations are largely dependent

on communications, which in turn depend on the state of the ground and weather. Forage is bulky and is difficult to transport in the battle zone; horses may have to depend on grazing as an emergency measure, and this is not to be found before the spring. All these factors had militated against the success of the German offensive at Verdun, which had commenced on the 21st February 1916. The opening of the 1918 offensive was fixed for a month later in the season.

24. *Choice of the Sector of Attack.* The German General Staff considered four alternative sectors of the Western Front for the delivery of the great blow; these were: FLANDERS, YPRES–LENS, ARRAS–LA FÈRE, and VERDUN. The two northern, which would have had the capture of the Channel Ports as their strategic objective, were ruled out owing to the mud of Flanders and of the LYS Valley, which would not be dry enough for operations until the middle of April. The VERDUN sector was also rejected, as its strategic importance was secondary and, from a tactical point of view, the ground was too hilly and broken to be suitable. The remaining sector, which coincided with the famous 'Siegfried Line', did not suffer from the above drawbacks, while it offered the distinct tactical advantage that the Entente troops were known to be holding the line thinly on this front. At the beginning of February the British Army had taken over from the French an additional 28 miles of line, from north of ST. QUENTIN to south of LA FÈRE. This extension of line was not justified by any corresponding increase in the forces available to hold it. On the 1st January 1918, the British Army in France, with a rifle strength of 659,000, had been holding a line 95 miles in length, *i.e.* with rather less than 4 rifles to every yard of front. By the 21st March 1918, it held a line 123 miles long, but its rifle strength had fallen to 616,000, giving less than 3 men per yard of front. The new sector, south of ST. QUENTIN, comprised the broad and marshy OISE Valley and the Forest of ST. GOBAIN; it was held, therefore, less strongly than the more active sectors farther north.

The greater part of the ground south of ST. QUENTIN was entirely new to the British troops; they were unfamiliar with the local topography and defensive organization. Besides, the strength of a modern defensive system depends so vitally on the intimate co-ordination and mutual support of adjoining sectors that any break in its continuity or cohesion, such as

tends to arise at the point of junction between two armies of different nationalities, is a source of both strategical and tactical weakness.

Another tactical disadvantage which the ARRAS–LA FÈRE sector imposed on the British Army was the existence in front of the 'Siegfried Line' of a zone, some 20 miles wide, which had been systematically devastated by the First and Second German Armies before their retirement in March 1917. Communications were therefore difficult and shelter practically non-existent, so that the area was an extremely unfavourable one for the concentration of troops.

From the strategic point of view the choice of the ARRAS–LA FÈRE sector would afford the assailant a chance of definitely separating the French from the British and Belgian Armies by driving them back on their divergent lines of communication; in this eventuality the British and Belgian Armies would be penned into a narrow strip of coast north of the SOMME, where they could hardly hope to maintain themselves.

The choice of this sector for the offensive was therefore amply justified both strategically and tactically, though we have Ludendorff's word for it that the tactical advantages alone were held to be paramount.

25. *Relative Strengths on 21st March 1918.* Ultimate success in war demands the concentration of superior force—moral and physical—at the decisive point and at the most advantageous moment. Granting that the German Higher Command had correctly chosen the time and place for their final offensive blow, the factor of material and moral superiority, upon which the result depended, remains to be considered.

During the greater part of the War the German forces on the Western Front had been slightly inferior numerically to the combined strength of the Allies. Owing partly to the advantages possessed by Germany in her unity of command and her strategical position on interior lines, the Allies had never been able to turn this margin of superiority to account. At the beginning of January 1918 the balance was still in favour of the Allies, who had some 168 divisions with which to oppose some 157 German ones. The rifle strength of the Allies was roughly 1,600,000 to the German 1,230,000. The collapse of Russia, however, enabled the tables to be turned. Between the 1st December 1917 and the end of March 1918, no fewer than

36 German divisions were transferred from the Eastern to the Western Front, while during the same period all the German divisions in Italy, eight in number, were moved to France.

Thus, on the fateful day of the 21st March the Germans had concentrated 192 divisions (approximately 1,514,000 rifles) against 169 Allied divisions (1,398,000 rifles). The margin of numerical superiority was not very considerable; still, as Ludendorff says in his Memories, it was such as the Germans had never yet possessed on the Western Front, and 'afforded prospects of success'.

The Western Front was at that time held by some 112 German divisions in the line, the remaining 80 being in reserve. This formidable mass of manœuvre was too large to be employed in one single operation. Of the 80 divisions available, 55 were destined to deliver the initial assault, while 25 others remained to replace those which might suffer the most severely, or alternatively to meet possible counter-strokes on other sectors of the front. The blow itself was to be delivered along the 50-mile front between CROISILLES (south-east of ARRAS) and LA FÈRE with a force of 5 rifles per yard. We have Ludendorff's statement that the assault was prepared and supported by a concentration of 100 guns to every kilometre of front attacked, *i.e.* one gun to every 11 yards. Owing to the extension of front already referred to, the number of guns available to defend the whole British line only amounted to one gun to every 38 yards, the allotment to the Fifth Army sector being rather less.

26. *The Element of Surprise.* Thus, so far as the initial shock was concerned, the German General Staff might well consider that the concentration of superior force at the decisive point was assured. Moreover, they had not neglected the element of surprise—that factor essential to military success. The effect of any offensive blow is enormously enhanced when it is delivered without warning, and this factor is all the more vital when the numerical superiority possessed by the assailant is not in itself such as to render success a foregone conclusion. The assemblage in secret of the attacking divisions and of the artillery and trench mortars supporting them, together with the concentration of the enormous quantities of ammunition and engineer stores required, was carried out with exemplary skill, and must ever be regarded as a masterpiece of staff work. It involved the massing in a comparatively confined zone of some

800,000 men and 7,000 guns. In spite, however, of the skill with which the concentration was conceived and executed, it did not come as a surprise. The probable designs of the enemy were too obviously indicated, and his preparations were on too vast a scale for a complete surprise to be effected. Thanks to the vigilance of the British General Staff, ample warning was given, both as to the time and place of the offensive. But for this forewarning, the effect of the German blow might well have been annihilating. It must be stated, however, that the French General Staff were as equally convinced that the main German attack would be against the front held by the French Army.

It seems that the German Higher Command was counting very largely on the assistance which their attack would derive from the element of surprise. The British tactics at CAMBRAI in November 1917 had illustrated the possibility of launching an effective surprise attack on a highly organized trench system without the lengthy artillery prelude which in previous battles had invariably disclosed the attacker's intentions. The Germans had not been able to emulate the British achievements in tank construction, partly through having come into the field too late, partly through lack of sufficient labour and raw material. The German gunners had, however, perfected themselves in the calibration of their batteries, and were thus able to open accurate destructive and barrage fire at the last moment before the assault, without having disclosed their presence by previous registration.

27. *Germany's Man-power.* As the German Higher Command depended so largely on obtaining the effect of surprise—a factor which can seldom be reckoned on with certainty—their March offensive must to some extent be regarded as a gigantic gamble. The available reserve of German man-power was insufficient in itself to guarantee victory in a succession of pitched battles. The experiences of 1916 and 1917 must have taught them that they could not expect to suffer less than 200,000 casualties per month during periods of heavy fighting on the Western Front. To meet these casualties Ludendorff had, as he admits, only 'several hundred thousand men' in reserve. Without counting the 1920 class of recruits, not as yet called to the colours, this reserve in the dépôts may possibly have amounted to 500,000, but more probably did not exceed 300,000 men. The Russian Front had been milked dry, not a man under 35 years of age

having been left in the 40 odd skeleton divisions which were holding over 1,000 miles of front between the Baltic and the Black Sea. There remained only a monthly income of recuperated wounded from hospital, returned prisoners from Russia, and a small number of men still being combed from civil occupations. We know that the total from all these sources did not exceed 130,000 per month throughout the summer of 1918. The German Army was thus faced with a probable monthly deficit of 70,000 men, which could only be made good from the capital reserve. This reserve would be exhausted if heavy fighting were to continue for a period of four to seven months, and Germany would then be bankrupt as regards man-power. The decision would have to be reached quickly or the game would be lost, for the American divisions were beginning to arrive in France.

28. *The 'Moral' of the German Army.* Ludendorff admits in his Memories that the German man-power situation prior to the great offensive was 'very serious', and blames the War Ministry for not having done all that was possible in the way of combing out the home defence troops and reserved occupations. At the same time he complains of the deteriorating moral spirit of the army, and ascribes it to the influence of those same dregs of the nation's manhood which he was so imperiously demanding. The infantry battalions at the front could not be kept up to their establishment owing to the absence of 'many thousands of deserters and shirkers', while 'tens of thousands' had avoided conscription by deserting to Holland and other neutral countries. The recruits of the 1919 class, now averaging 18¾ years of age, were being drafted in large numbers from the home dépôts to the reception camps, and the influence of these youths, ill-disciplined, under-nourished, and steeped in an atmosphere of war-weariness, was demoralizing the older men. The Higher Command did not realize that it had pumped the German nation dry of its manhood, and that the dregs which it was now trying to utilize would only foul the working of the machine. Germany's manhood had been exploited as only the manhood of France had been exploited in the previous century by the insatiable ambition of Napoleon. That great commander had known how to utilize every available unit of man-power, but he had at the same time recognized that, in war as in every other phase of human activity, 'the moral is to the physical as three to one'. War, as Ludendorff himself once said, is not a

question of mathematics; but neither the Kaiser, nor Hindenburg, nor Ludendorff was a Napoleon; all of them lacked the galvanic power to stimulate the spirit of their armies to sacrifice. Napoleon's cause in 1815 was neither nobler nor more inspiring than that of the German nation at bay, but the echo aroused in the breast of almost every Frenchman by the appeal of the Hundred Days found no counterpart in the Germany of 1918.

The German leaders not only failed to perceive the change in the spirit and sentiment of their own armies, they also underestimated the *moral* of their opponents. Through over-confidence in their own qualities and resources the German leaders again committed the error of under-rating the powers of the British Army. The same spirit of tenacity and dogged resistance, which had thwarted the great enveloping sweep of August 1914, was now to meet the full weight of the final blow in March 1918.

29. *The German March Offensive.* The 21st March came and the offensive opened. The early morning mist favoured the rapid advance of the Eighteenth German Army and vitiated the execution of the pre-arranged defence scheme. Farther north, the assault columns of the Seventeenth and Second German Armies were checked by the resolute musketry and machine-gun fire of General Byng's troops. The German infantry lost their covering artillery barrage and were held up in the British battle zone, where they suffered heavy losses. The enveloping attack of General Otto von Below's Army from the ARRAS-CAMBRAI highroad, which had been intended to reach BAPAUME and thus roll up the Third and Fifth British Armies, had failed in its main purpose.

The offensive was pressed on with relentless vigour, and the second line divisions were sent forward to exploit the initial success. Although the Seventeenth Army had failed with heavy losses, the Second and Eighteenth Armies, between CAMBRAI and LA FÈRE, continued the advance westwards and had captured BAPAUME, PÉRONNE, and NESLE by the 25th March, having made good the line of the Upper SOMME. Much had already been achieved: 90,000 British prisoners and 900 guns had been captured, in addition to vast dépôts of supplies and material of every kind. The British line was badly bent, but it was not broken, and French reserves were now coming to its aid. On the 28th March five fresh divisions of the Seventeenth

German Army made a violent assault astride the SCARPE in an attempt to capture ARRAS and the VIMY Ridge, but von Below again failed with heavy loss. The Second and Eighteenth Armies had on the 30th March been definitely brought to a standstill on the general line ALBERT–MONTDIDIER–NOYON, and their offensive powers were exhausted. A final effort on the 4th and 5th April gained HAMEL (12 miles east of AMIENS) and the western bank of the AVRE at MOREUIL, but more could not be done. The great SOMME offensive was at an end.

30. *Continuation of the German Offensive in April, May, and June.* The losses of the Seventeenth, Second, and Eighteenth German Armies had been so heavy, and their difficulties so great as regards communications and supply, that it was out of the question to renew the attack between ARRAS and the OISE. The thinly held sector of the LYS Valley, largely manned by Portuguese troops, offered a tempting bait, and a new offensive was quickly mounted. On the 9th April 14 divisions of the Sixth German Army overran the Portuguese front and gained the line of the LYS. A continuation of the operation on the succeeding days reached the line MERVILLE–MESSINES, but the gallant resistance at FESTUBERT and GIVENCHY prevented the extension of the break farther southwards, thus saving the remaining coal-mines of Northern France. The Fourth and Sixth German Armies continued until the 25th April their efforts to reach the chain of heights north of BAILLEUL, which dominate the Flanders Plain, but, beyond gaining a footing on KEMMEL HILL, nothing substantial was achieved while heavy casualties were incurred.

Ludendorff considered that the continuation of the offensive against the British Army between YPRES and BAILLEUL still gave the best promise of success. The British Army had suffered such losses that its recovery might well seem impossible. The number of effective British divisions had been reduced from 58 to 45, and most of these were below establishment. An advance of a few miles towards HAZEBROUCK and CASSEL would have forced the Allies to evacuate all Flanders as far west as DUNKIRK, and would have brought the German armies within measurable reach of the other Channel Ports. But the four armies of Crown Prince Rupprecht's Group had been heavily engaged, and the losses already incurred had exceeded the estimates of the Higher Command. All the divisions

required at least a month's rest and training out of the line before a further operation could be contemplated.

Although the offensive in Flanders against the British Army still remained Ludendorff's plan for the final and decisive blow, he decided that preliminary operations would have to be undertaken elsewhere in order to disperse the Allies' strategic reserve. Various attacks of limited scope were therefore prepared on the front of the German Crown Prince's Group between MONTDIDIER and the ARGONNE.

The first of these blows was delivered on the 27th May by the Seventh and First German Armies on the CHEMIN DES DAMES between SOISSONS and REIMS. The attack had been prepared with great skill and secrecy; although only intended to reach SOISSONS and the line of the VESLE, it actually penetrated to a depth of 30 miles and reached the line of the MARNE between DORMANS and CHÂTEAU THIERRY by the 31st May. The attack was held up on the west, however, between SOISSONS and VILLERS COTTERETS, and, as in the LYS Valley, the Germans were brought to a halt in an uncomfortable salient, where their communications were extremely precarious.

A fresh attempt was again made on the 9th June when the Eighteenth German Army attacked between MONTDIDIER and NOYON. The operation had been clumsily organized and was an expensive failure.

Meanwhile, on the Italian Front, an offensive was also being prepared. The resources of Austria-Hungary were now at an extremely low ebb, and the Austrian Higher Command, inspired by the German successes in France, as well as by the memory of CAPORETTO, hoped to replenish these resources from the rich plains of Lombardy and Venetia. Although no German troops were available on this occasion to assist them, the Austrians planned an ambitious offensive which was launched on the 15th June at various points between the ASIAGO Plateau and the mouth of the PIAVE. The attacks in the mountain sector against the British and French Corps were checked with heavy losses; the attack on the PIAVE met with more success, but was eventually frustrated by the sudden rising of the river, which swept away the Austrian bridges. The Austrians were forced to return to their original positions, having lost some 24,000 prisoners and 65 guns.

31. *Foch as Generalissimo.* The shock of the German March

offensive and the grave peril, which menaced the cohesion of the Allied Armies, had the effect of bringing home to the Allies the urgent necessity for unity of command. The Franco-British Armies were within measurable distance of destruction when it was realized that all petty rivalries must be jettisoned and that the united military resources of the Allies must be 'pooled' under the direction of a single mind. Fortunately the right man was at hand. General Foch was a soldier with a European reputation, although the real brilliance of his military genius had not then been universally appreciated. It was fitting, too, that the supreme command of the Allies, who were fighting on French soil to protect the liberty of France, should be vested in a Frenchman.

Although the advantages possessed by the Central Powers in their centralized leadership had been fully realized, it is open to question whether the single command could have been adopted earlier by the Allies in view of the diversity of their organization, characteristics, and geographical situation. However that may be, its adoption on the 26th March 1918, under the stress of imminent peril, produced instantaneous results. A strategic reserve of French, British, and American divisions was at once formed, and concentrated in the most vital areas where danger threatened. The relative merits and requirements of all sectors of the battle line were equally considered, so that offensive and defensive dispositions could be co-ordinated along the whole length of the common front. To the institution of the single command, still more to the brilliant soldier who wielded it, is due a large measure of the credit for having brought the German offensive to a standstill.

32. *The Coming of the Americans.* Besides the institution of the single command, the Allies bent all their energies to repairing the gaps made in their resources. By the end of March reinforcements to the extent of some 300,000 were sent across the Channel from England, and every gun lost had been replaced. America was not slow in responding to the appeal which the British Prime Minister addressed to her in the early days of the offensive. During the month of April 118,000 American troops were transported to Europe from America, and in the following month this number was more than doubled. Prior to the launching of the German offensive there were five American divisions in France, of which three only were trained; by the

beginning of July these numbers had risen to 24 and 12 respectively. American troops had counter-attacked vigorously at CHÂTEAU THIERRY at the beginning of June, and were already giving a good account of themselves in the firing line. Ludendorff admits in his Memories that the American troops were arriving more quickly than he had considered possible. He sums up the effect at this stage of American assistance in the following words: 'The American reinforcements as they arrived could relieve French or British divisions in quiet sectors. This constituted a fact of enormous significance and illustrates the influence which the dispatch of troops from the United States exercised upon the issue of the struggle. America in this way became the decisive power of the War.'

33. *The Turn of the Tide.* At the beginning of July the star of the Allies was at last in the ascendant. The situation of the German armies, on the other hand, was rapidly deteriorating. Not only had their battle casualties exceeded all expectations, but a new factor—the influenza epidemic—began to make itself felt. This scourge, passing eastwards across Europe, had already taken its toll of the Allied forces; its effect on the German troops, weakened by indifferent nourishment and forced to fight, rest, and train in the devastated battle zone, was far more serious. The epidemic was particularly prevalent among the units of Crown Prince Rupprecht's Group of Armies, a fact which boded ill for the intended Flanders offensive. This operation was therefore postponed by the German Higher Command until the beginning of August. The average strength of a German battalion on the Western Front, which had been 850 on the 21st March, had fallen to a bare 700 at the beginning of July. Thus, although the German Higher Command had succeeded in concentrating 203 divisions (1,890 battalions) on the Western Front, against only 174 Allied divisions (1,790 battalions), the Allies actually possessed a superiority of some 60,000 rifles.

Even more serious than the consumption of Germany's manpower was the deterioration in the spirit and discipline of the German armies. The low *moral* of the recruits of the 1919 class has already been referred to, and, during the period between April and July, these recruits provided from one-third to one-half of the drafts received by the fighting troops to make good their

battle casualties. The spirit of insubordination grew apace, and was fostered by the simultaneous decline in the quality of the regimental officers due to the high wastage. During the first fortnight of May a serious mutiny occurred in the reinforcement camp at Beverloo in Belgium, among the Alsatians and Poles who had been brought over as drafts from the Russian Front. About the same period, supply trains were being held up and pillaged by armed parties of soldiers in the area of the Eighteenth German Army. An order published on the 8th May by General von Quast, commanding the Sixth Army, mentions 'the slow but steady deterioration of discipline'. On the 7th June General von der Marwitz, commanding the Second Army, published an order in which he said: 'Discipline, which is the keystone of our army, is seriously shaken'; another order, published five days later by the same Army Commander, admitted that 'cases of soldiers openly refusing to obey orders are increasing to an alarming extent'. These occurrences were ominous for the future, for discipline is an essential factor in the cohesion of an army, even when that army is numerically superior and victorious; but when an army suffers reverses or is compelled to give ground, only good discipline can save it from destruction.

34. *The Battles of July.* The first fortnight of July opens the period when the initiative was definitely wrested from the grasp of the German Higher Command. From the 28th June onwards the French and British had begun to improve their position in various sectors by small local operations. The most ambitious of these was the re-capture of HAMEL (12 miles east of AMIENS) by the Australian Corps on the 4th July. Sixty of the 'Mark V' tanks were employed for the first time; the attack was a complete surprise and produced encouraging results.

The German Higher Command was, however, still confident of success, and intended to strike a decisive blow in Flanders at the beginning of August. As Foch's reserves in that area were still too strong, a preliminary operation farther south was necessary to divert them. With this object the German Crown Prince was to carry out a great converging offensive on a 50-mile front east and west of REIMS, directed on EPERNAY and CHÂLONS-sur-MARNE. The French General Staff obtained ample warning of the attack and took measures accordingly; the Champagne blow spent itself in the air and broke down

completely, again with heavy losses. Ludendorff still failed to realize that he had definitely lost the initiative and must draw in his horns. He began in haste to transfer his reserve divisions, artillery, and aeroplanes to Flanders for the consummation of his long-cherished plan, when suddenly, like a bolt from the blue, Foch's counter-stroke developed.

At dawn on the 18th July, the Tenth and Sixth French Armies, under the command of Generals Mangin and Degoutte, attacked on a 35-mile front between SOISSONS and CHÂTEAU THIERRY. Over 450 tanks, which had been assembled unperceived in the Forest of VILLERS COTTERETS, prepared and assisted the assault. The German Ninth and Seventh Armies were completely surprised, and reserve divisions destined for the north had to be counter-ordered and sent hurriedly to fill the gap. The Germans lost 12,000 prisoners and 800 guns at one blow.

Foch's counter-stroke had completely upset the plans of the German Higher Command, besides inflicting very heavy casualties. It was not, however, until several days later that Ludendorff realized its full significance. The Flanders offensive was then definitely abandoned, and by the end of the month the Seventh Army had been withdrawn behind the line of the VESLE from the precarious CHÂTEAU THIERRY salient. Further, the losses sustained in the July battles had been so great that the German Higher Command was forced to disband ten infantry divisions in order to provide reinforcements for other units. The capital reserve of man-power was exhausted and the German armies were definitely forced to revert to a defensive *rôle*.

The military situation thus took an entirely new turn. In the words of Field-Marshal Lord Haig's Dispatch: 'The complete success of the Allied counter-attack on the 18th July near SOISSONS marked the turning-point in the year's campaign, and commenced the second phase of the Allied operations. Thereafter the initiative lay with the Allies, and the growing superiority of their forces enabled them to roll back the tide of invasion with ever-increasing swiftness.'

35. *The Allied Counter-offensive in August and September.* If the 18th July was a heavy blow for the German Higher Command, still worse was to follow. On the 8th August the Fourth British Army, under General Lord Rawlinson, with the First French Army under General Debeney on its right, attacked the

Second German Army on a front of 15 miles between MORLANCOURT (north of the SOMME) and MOREUIL on the River AVRE. The attack, which was planned and executed under the orders of Lord Haig, was carried out by some 17 divisions, and was supported by more than 400 tanks; it came as a complete surprise to the enemy and was entirely successful. The advance was continued until the 12th August, by which time over 30,000 prisoners and 700 guns had been captured. The attack of the 8th August set the seal on the Allied victory of the 18th July, and made the German Armies, both troops and leaders, realize their inferiority on the field of battle. As Ludendorff says, 'The 8th August is the German Army's black day in the history of this war'; and again, 'The 8th August determined the collapse of our fighting powers'.

Marshal Foch's strategic effort was not confined to the victories already won by the French and British Armies between the MARNE and the SOMME. He had taken the measure of the situation and gauged exactly the relative values, moral and material, of the forces now set in motion. His strategic conception involved the crushing of the great German salient which was still thrust deep into the heart of France between ARTOIS and the ARGONNE. This salient was buttressed on the flanks by the great fortified pivots of LILLE and METZ. Between these pivots stretched the strongly entrenched 'Siegfried' Line,[1] with its northern extension, the 'Wotan' Line,[2] from the SCARPE to the LYS. Behind this barrier a second and shorter retrenchment was being hastily prepared between the SCHELDT and the Upper MEUSE, comprising the 'Hermann', 'Hunding', and 'Brunhild' Lines. The two main faces of this great salient depended on the axes of the SAMBRE and MEUSE Valleys, radiating from NAMUR, which was thus the strategic focus of the whole front. Towards this focus the drives of the Allied Armies were directed, the British and Belgians on the western, the French and Americans on the southern face of the salient.

Foch's blows fell in relentless succession. On the 21st August the offensive was resumed by the Third and Fourth British Armies and continued incessantly for ten days. BAPAUME and PÉRONNE fell, while the extension of the battle northwards by the First British Army resulted in the storming of the 'Wotan

[1] Known by the British as the 'HINDENBURG LINE'.
[2] Known by the British as the 'DROCOURT–QUÉANT LINE'.

Line' at its pivotal point on the 2nd September. The Germans were thus forced to retire forthwith to their main defensive position, the 'Siegfried Line'.

On the 12th September the First American Army drove in the St. Mihiel salient east of the Meuse and compelled the Germans to retire to the 'Michel' retrenchment in the Woëvre Plain. The effect of this operation was considerable, as the threat of further attacks on the southern pivot of their defensive system caused the Germans to withdraw a number of divisions from their northern army groups in order to reinforce the Lorraine sector.

Throughout September the Allies continued and intensified their offensive blows on the now wavering German armies. On the 26th the French and the Americans attacked on a front of over 40 miles on both sides of the Argonne Forest, between the Meuse and the Suippe. On the 27th the Third and First British Armies attacked on a front of 11 miles in the direction of Cambrai. On the 28th the Second British Army and the Belgian Army, under the command of King Albert, attacked between Ypres and Dixmude. On the 29th the British attack on the 'Siegfried Line' was extended southwards to St. Quentin and renewed on a 30-mile front, with the result that the main defences of the 'Siegfried Line' were stormed at one of its strongest points. In three days of heavy fighting the British armies had captured 27,000 prisoners and 400 guns.

During the eleven weeks between the 15th July and the 30th September, the German armies on the Western Front had suffered a succession of defeats which had reduced their spirits and resources to breaking-point. The Allies had captured 254,000 prisoners, 3,670 guns, and 23,000 machine guns. Since the opening of their offensive the German armies had suffered two million casualties in battle. They had been forced to reduce the strength of their battalions from four companies to three; so that, although on paper the 194 German divisions on the Western Front were equivalent in number to the Allied divisions, the latter now mustered some one and a half million rifles as against a bare million on the German side. The *moral* of the German troops was shattered, and their last entrenched line of defence had been pierced in the centre.

36. *Macedonia and Palestine.* While the situation in the West was thus rapidly approaching a decision, events in the

East were developing as unfavourably for the Central Powers. Under the stress of the Allied attacks in France and Flanders, only a few German battalions could be spared to strengthen the disheartened armies of Bulgaria and Turkey. These allies, whose adherence could only be retained by the success of German arms, were now wavering, although the German Higher Command seems to have been singularly blind to their actual state of inefficiency and lack of zeal.

On the 15th September the Allied offensive began in MACEDONIA. Thanks to the magnificent fighting qualities of the Serbian Army, the Bulgarian centre in the mountain sector between the VARDAR and the CERNA was completely broken, and the Allies advanced on NISH and SOFIA. Bulgaria signed an armistice with the Allied Commander-in-Chief on the 29th September.

On the 18th September Lord Allenby opened his PALESTINE offensive, and on the following day three cavalry divisions pushed through the gap made by the infantry and rolled up the whole Turkish Front. The British cavalry reached DAMASCUS on the 30th, by which date 60,000 prisoners and 325 guns had been captured.

The collapse of the Bulgarian and Turkish Armies was the death-blow to Germany's chances of evading defeat. Apart from the political effect of these disasters on the war-weary German and Austrian peoples, the whole of the southern frontiers of Austria-Hungary and Rumania were exposed to the advance of the Allies. This advance now threatened Germany's line of communication with the Ukraine by the Danube. Germany's subsistence during the summer of 1918 had been dependent on the horses, cattle, grain, and oil which she had received from Rumania and the Ukraine. The interruption of the Danube line would be a vital blow.

The German Higher Command realized that, although it was hopeless to try to restore the situation in MACEDONIA, a Danube Front would have to be constituted at all costs. To form a defensive cordon from the Adriatic to the Black Sea involved holding a line 650 miles in length. The available forces in the Eastern and Southern theatres were miserably inadequate for this purpose. One German and one Austro-Hungarian division were hurriedly dispatched towards SOFIA from the Ukraine, while three German divisions in Russia and two

Austro-Hungarian divisions in Italy, all under orders for the Western Front, were diverted in the hope of saving NISH. The German Alpine Corps was also sent to the MORAVA Valley from the Western Front. Thus the Allied victory in the BALKANS deprived the German Western Front of four German and two Austro-Hungarian divisions at the critical period of the War.

37. *Decision in Sight.* About the middle of July 1918, Germany's statesmen began to suspect that the great offensive had definitely failed and that the pendulum of military success was about to swing back. At this time von Hintze, who was replacing von Kühlmann as Secretary of State for Foreign Affairs, formally asked Ludendorff whether he was still certain of bringing the offensive to a victorious decision. The First Quartermaster-General replied in the affirmative.[1]

The defeat of the Second German Army on the 8th August altered Ludendorff's opinion on this point. Count von Hertling, the Imperial Chancellor, and von Hintze, the Secretary of State for Foreign Affairs, went to General Headquarters at SPA on the 13th August to confer with the Higher Command. When Ludendorff had described the military situation and pointed out that a retirement on the West Front would probably be necessary, the Foreign Secretary realized that Germany would have to resort to peace negotiations ere matters grew worse. On the following day a Crown Council was held at SPA, at which the Kaiser and Crown Prince were present. After hearing the statements of his advisers, the Emperor decided that peace negotiations must be initiated as soon as a suitable occasion offered, preferably after a German success, and charged the Foreign Secretary with the duty of approaching the Queen of the Netherlands as an intermediary.

On the 14th and 15th August the discussion was continued with the Austrian Emperor and Count Burian, who had replaced Count Czernin in the spring as Austro-Hungarian Foreign Minister. The Austrians were anxious to commence peace negotiations at once, but preferred to initiate them by a direct appeal to all the belligerents. For the next fortnight an acrimonious exchange of views was carried on between the German and Austrian Governments, each insisting on the merits of their own proposals. On the 30th August the Austrians threatened

[1] 'I discussed with him my hope of even yet making the Entente ready for peace,' vol. ii, 654.

to act independently, and von Hintze hastened to VIENNA. On the 7th September the Austrian Emperor asked Hindenburg to state his definite plans for the future, and his opinion as to when a suitable moment would occur for opening peace negotiations. After a conference with von Hintze at General Headquarters on the 9th, Hindenburg on the 10th replied that the Higher Command intended to hold the 'Siegfried Line', but that he approved of immediate peace negotiations being opened so long as these were initiated through neutral mediation and not on the lines of the Austrian proposal. The discussions were continued, but finally on the 15th September the Austro-Hungarian Note was issued to the world.

Between the 14th August and the 14th September the conviction began to dawn on the German Higher Command that the military position could only change for the worse, and that no German success, even temporary, was possible. The Allied victories in the Balkans and Palestine, with the consequent menace to Austria's Danube flank, at last succeeded in shaking the Olympic self-confidence of German General Headquarters. On the 21st September Ludendorff suggested to the German Foreign Office that America might be approached through Berne with a view to opening peace negotiations on the basis of President Wilson's Fourteen Points. No definite step was taken, however, until the combined Allied offensives in the West on the 26th, 27th, and 28th September called imperatively for a decision. On the evening of the 28th, Hindenburg and Ludendorff were forced to the conclusion that only one chance remained of protracting the struggle, namely to sue for an armistice, to evacuate the occupied territory, and to renew the contest on the frontiers of Germany with a view to rousing the flagging patriotism of their countrymen.

While the statesmen and soldiers of Germany and Austria were hesitating and wrangling, events were developing rapidly on both the Eastern and Western battle-fields. By the 30th September the Belgians had occupied ROULERS, the British had gained the line of the River LYS as far as COMINES and were in the outskirts of CAMBRAI, while the First French Army had entered ST. QUENTIN. On the 29th the Bulgarian Armistice was signed, and on the day after DAMASCUS fell.

This succession of disasters proved too much for the overstrained nerves of the German Higher Command. On the

1st October Ludendorff urged the Government to transmit the peace offer without further delay, as a break-through might occur at any moment; he even went so far as to say: 'The troops are standing firm to-day; what may happen to-morrow cannot be foreseen.'

On the 2nd October Prince Max of Baden replaced Count Hertling as Imperial Chancellor, and on the following day he specifically asked the Chief of the General Staff whether a military collapse was inevitable, and, if so, whether the Higher Command was prepared to accept unfavourable peace terms. On the following day Hindenburg replied that in view of the military situation it was necessary to put an end to the struggle forthwith in order to avoid further sacrifices. As a result of this communication Prince Max issued his First Note to President Wilson on the 4th, requesting an immediate armistice.

38. *The last Phase.* At the beginning of October 1918 defeat stared the German Army in the face. That the German Higher Command was not blind to the situation is proved by the candid exposition made by its representative, Major von dem Busche, to the party leaders of the Reichstag on the morning of the 2nd October. Never before had the Higher Command taken the Civil Government into its full confidence; the result was curious. The Civil Government at once assumed that the military chiefs had lost their nerve; doubts were cast on their ability to appreciate the situation soberly, and it was suggested that other military commanders should be consulted.

President Wilson's reply to the First German Note was dispatched on the 8th October. After further futile discussions and recriminations between the Higher Command and the Civil Government, a non-committal Second Note was issued on the 12th, but the President's prompt and stern rejoinder of the 14th afforded little hope of evasion.

The Allied offensive was continued during October with great determination, although the exertions which the combatants had made during the spring and summer were taxing their strength severely. On the 4th October the Americans resumed their operations between the ARGONNE and the MEUSE, and on the 5th the First and Third German Armies fell back on the whole CHAMPAGNE Front. On the 8th the Third and Fourth British Armies attacked on a front of 20 miles between ST. QUENTIN and CAMBRAI. On the 9th the Canadians entered

CAMBRAI, and the 'Siegfried' defensive system had been stormed on a wide front. On the following day the advance was continued to the enemy's last line of defence, the 'Hermann' position, along the River SELLE. On the 11th October the enemy was forced by the pressure on his flanks to commence a general withdrawal between the OISE and the MEUSE to the 'Hunding-Brunhild' line, while in the north he hastened his preparations for evacuating the coast of Flanders.

On the 14th, 15th, and 16th October the Belgian, French, and British forces in Flanders renewed the offensive on the front of the Fourth German Army between DIXMUDE and the River LYS, capturing over 12,000 prisoners and several hundred guns, and advancing to a depth of 18 miles. This advance turned the LILLE defences from the north, and on the 17th October British troops entered LILLE and DOUAI. By the 19th the Allies had occupied OSTEND, BRUGES, and ZEEBRUGGE, thus gaining the whole Flemish coast.

On the 17th October a full session of the German Cabinet was held in Berlin; every aspect of the situation was examined, and President Wilson's reply to the Second German Note was considered. Under interrogation by the Imperial Chancellor, Ludendorff gave equivocal replies and refused to admit the imminence of defeat, although he confessed to the deterioration of the *moral* of the German troops and to their dread of the tank attacks. He characterized the situation as grave but not hopeless. 'War', he said, 'is not like a sum in arithmetic. . . . There is an element of soldiers' luck in war. Perhaps Germany's luck may still turn.' He insisted that the army had a good chance of surviving the critical four weeks ahead; if Germany could only hold out until winter intervened, she might look forward to renewing the struggle in the spring under more favourable circumstances. The War Minister, General von Scheüch, rather detracted from the force of this assertion by stating that if the Rumanian oil supply were cut off the German Army could only carry on the war for another six weeks.

This was cold comfort for Germany's statesmen. Scheidemann, another Secretary of State, was still more depressing; he stated definitely that the length of the war, no less than the privations endured, had broken the spirit of the German people. 'The workers', he stated, 'are inclined more and more to say "Better a horrible end than a never-ending horror".' The

deficiency of meat, potatoes, oil, fat, and rolling-stock was also emphasized.

39. *The End of the Struggle.* On the 17th October the British Army, assisted by the Second American Corps, assaulted the 'Hermann' line on a 10-mile front from LE CATEAU southwards. On the 20th this line had been stormed; the battle extended northwards, and continued until the 25th October. In this battle of the SELLE the Germans lost 20,000 prisoners and 475 guns; their last line of defence on the Western Front had been broken.

On the 20th October the German Government learnt that Turkey had begun separate peace negotiations and that Austria-Hungary was likely to follow suit. On the same day the Third German Note was dispatched to President Wilson, and orders were issued to U-boat commanders to refrain from torpedoing merchant vessels. Nevertheless, on the 25th, the Higher Command, obsessed by a strange reluctance to face the facts, insisted that the crisis could still be surmounted; Ludendorff even tried to induce the Government to break off the peace negotiations. This extraordinary display of obstinacy was the last straw in breaking down the relations between the Higher Command and the Civil Government. On the following day the Emperor asked for Ludendorff's resignation.

Meanwhile the long-delayed Italian offensive had matured, and on the 27th Lord Cavan, at the head of the Tenth Italian Army, broke the Austrian line east of the PIAVE. On the same day Austria-Hungary sued for an armistice, and the German Government dispatched their Fourth Note to President Wilson.

On the 30th October Turkey signed an armistice with the Allied Powers at Mudros. All Germany's allies had now abandoned the struggle; it was impossible for her to hold out longer.

If the Germans were still inclined to postpone their acceptance of defeat, the Allies were in no way disposed to let victory elude their grasp. In spite of the strain which the continuous operations had imposed on the troops, the Allied Armies maintained their offensive pressure.

On the 4th November the British Army attacked on a 30-mile front between the SCHELDT and the SAMBRE, capturing 10,000 prisoners and 200 guns. At the same time the French and Americans pressed the enemy back between the SAMBRE

and the MEUSE, the latter reached SEDAN on the 11th, and the battle now extended from VALENCIENNES to VERDUN.

On the 5th November a Cabinet Meeting was held in Berlin. General Gröner, Ludendorff's successor, gave a candid review of the military situation and stated that the resistance of the German Army to the Allies' attacks could be of but short duration. At last on the 7th the German Armistice Commission left Spa for the Allied lines, and four days later hostilities ceased.

40. *The Factors of Defeat.* To analyse finally the causes which brought about the military defeat of Germany, to enumerate them fully and to appraise their relative importance, is a task which must be left to the historian of the future. It has been the aim of this outline of the later stages of the Great War to set forth in their due proportions, so far as is now possible, the principal factors which appear to have affected the situation.

These factors may be classed generally under the main headings of moral cohesion, man-power, and material resources.

As regards the moral influences involved, the outstanding feature of the War was the sincere and lofty idealism which inspired and maintained the Alliance against the Central Powers. That this spiritual buoyancy survived the reverses and disappointments of the earlier stages of the war differentiates it at once from the spurious *moral* of the German Army and nation, which was nourished by the taste or anticipation of success, and withered when cheated of victory.

The gradual decline in the discipline of the German Army may be attributed mainly to the fact that the rigid military system enforced by Germany's officer-caste constituted an anachronism quite incompatible with the development of a modern national army in a long war. The mutual relations of confidence and friendship between the officer and the private soldier, which were traditional in the Allied Armies, form the only conceivable basis of discipline among democratic troops, hastily recruited and trained, under the leadership of inexperienced officers. It is to this factor and not to the contagion of Russian Bolshevism that the break-down of German discipline must be chiefly attributed. It was largely the collapse of discipline which rendered the German soldier a prey to the 'tank-terror' which obsessed him during the final battles of the war.

Ludendorff and other German military chiefs ascribe the decline of discipline in their armies to the demoralizing influence

of public opinion in the interior of Germany, for which they lay all the blame on the Civil Government. This argument is of course fallacious, for in a national war the army and the nation are one. Ludendorff, however, was no psychologist. The seeds of the German Revolution were engendered by the unsympathetic and unrepresentative system of autocracy under which the country was governed; it was fostered by the pressure of the blockade and by the slow awakening of the national intelligence to reality.

The moral effect on Germany of American intervention in the War can hardly be over-estimated. To the average German and Austrian the United States of America stood as the champion of political liberty and enlightenment, unentangled by the network of European diplomatic intrigue. It was the entry of America into the War, and not the effect of the Allied propaganda, which really convinced the German people that their cause was a wrong one.

The advent of America did of course turn the tables as regards man-power, and reversed the adverse balance of April 1918. During the six months from April to September nearly one and a half million American troops were transported to Europe. It was the 'big battalions' that won, but big battalions alone cannot win against superior skill or determination, as the history of every war has proved; and the big battalions from America were practically untrained.

The considered opinion of the German Higher Command regarding the American troops was expressed as follows at a Cabinet Meeting on the 2nd October 1918: '. . . in cases where they (the American troops) were successful at first owing to the enormous number of men employed, they were nevertheless driven back in spite of their superior numbers. What is decisive, however, is the fact that they can take over wide stretches of quiet front and set free experienced French and British divisions, thus providing almost inexhaustible reserves.'

Not only had the German Higher Command blundered in its estimate of America's potential assistance, but it grievously miscalculated the cost of defeating the British and French Armies. The great March offensive was launched with a reserve of only 'a few hundred thousand' men in hand. The stoutness of the Allied resistance was not reckoned with by Germany's military chiefs in their characteristic over-confidence regarding

the armament, training, tactics, and leadership of their own troops. At the Cabinet Meetings held on the 9th, 17th, and 20th October 1918, the German leaders excused themselves by laying the blame on every conceivable factor: on the tanks, on bad discipline, on the influenza epidemic, on the potato shortage, on Austria, on Bulgaria, etc., but each time the same refrain recurs that the really decisive factor was the deficiency of man-power caused by the battle casualties. The gamble had failed; the Higher Command had set out to build a tower without counting the cost. By their blindness of perception regarding the moral and material issues at stake Germany's leaders failed to win the War, just as the genius of the Allied Generalissimo and the fighting qualities of the troops he commanded turned that failure into victory for the Allies.

No review of Germany's military defeat can be complete without reference to the decisive part played by the British Navy. Not only did the cumulative effect of the blockade wear down the physical and moral powers of resistance of the German nation and army, but it was the factor of British sea supremacy which enabled the Alliance to be maintained in the face of Germany's strategic position, and which transported across the seas the armed forces and material contributions of Great Britain, of her Dominions, and, finally, of America. Further, by defeating the submarine the British Navy thwarted the deadly and insidious design wherein lay for more than two years Germany's cherished hope of achieving victory.

Amid all the multiplex factors which combined to destroy the German military machine none, however, can claim priority over the joint achievements of the French and British Armies, which fought alongside each other through more than four years of bitter uphill struggle. No words can better express this claim than a passage in Lord Haig's final Dispatch, written on the first anniversary of the great German offensive: 'The rapid collapse of Germany's military powers in the latter half of 1918 was the logical outcome of the fighting of the previous two years. It would not have taken place but for that period of ceaseless attrition which used up the reserves of the German armies, while the constant and growing pressure of the blockade sapped with more deadly insistence from year to year at the strength and resolution of the German people. It is in the great battles of 1916 and 1917 that we have to seek for the secret of our victory in 1918.'

CHAPTER I: PART II

SOME INFLUENCES OF SEA-POWER IN THE WAR

1. *Historical Retrospect of Sea-Power.* In the struggle from 1914 to 1918, Sea-Power played the same part as in earlier wars. Changes of material affected the tactical methods of its employment, but the pressure which lay within its power directly to impose, and the capacity it conferred of transferring troops and maintaining the Allies, were different only in degree from what they were in the seventeenth and eighteenth centuries.

Napoleon's advent caused war upon land to assume a more comprehensive character than it had borne in the eighteenth century. Naval warfare has indeed always been of an essentially national character, not confined merely to struggles between fleets, but aiming directly at the resources of the enemy nation; yet it has never been conducted with greater rigour than in the recent war. This result is due not to changes either in international law or in its application, but to the conditions of the struggle. France was never so completely surrounded by her enemies, either in the days of Louis XIV, Louis XV, or Napoleon, as Germany was by the end of 1915; nor, great as was the dependence of France in the eighteenth century upon her commerce for the maintenance of a healthy internal condition, was it so great as that of a modern State upon imports from abroad for the life of the individual citizen and the materials for the implements of war. More self-supporting both as to food and military requirements than the Central Powers of the twentieth century, she was at the same time less isolated; while her greater conquests placed her in possession of extensive territories from which she could draw supplies, and made her capable of maintaining a very long struggle. But even under those conditions she was distressed to the utmost by the action of Sea-Power. With such a precedent it was not unnatural that expectations should have been held that modern Germany would not be able to hold out long when invested on two land fronts and by the ocean.

2. *German views of the British 'blockade'.* The oceanic investment called 'the blockade' has formed the subject of

strong expressions of opinion by German writers, as a 'defiance of the laws of nations' and an act of inhumanity. Yet German philosophers, soldiers, and propagandists had long since established the doctrine that War—'the supreme act of the State'—was no longer an affair of armies but of nations. The army became the nation, the nation the army; and each individual had his part to play in the struggle. The applicability of the same doctrine to the sea was inconvenient to a military state which was ringed round by a maritime coalition. Yet earlier German military writers, such as von der Goltz, Bernhardi, and Maltzahn, had well understood that no Power possessing strength at sea would fail to use it as it was used by the Entente navies.

The use of the power to bring pressure upon a nation by cutting off its supplies from abroad has, indeed, never been neglected by any naval power. From the sixteenth to the eighteenth century, when Spain was our enemy, British strategy aimed throughout at preventing her from obtaining those supplies of bullion from her American Empire upon which depended not only her military effort, but also her national economic life. When Holland and England were at once commercial and military rivals, the national life of each was struck at through the oversea commerce which sustained it. Grass did not grow in the streets of Amsterdam without causing suffering to the inhabitants. The British struggles with France, in so far as they were conducted on the sea—always our principal theatre of war—were marked by the same characteristic. The drain upon the life of France under Louis XIV, brought about by attack on her commerce, is well known; under the Republic the battle of the First of June was fought to prevent a supply of food from reaching France, then suffering from scarcity as the result of a bad harvest. Yet until Germany found the scales weighted against her, neither her historians nor her strategists attempted to condemn measures of sea warfare on the grounds of the resulting distress to the civilian population.

Dependent upon the sea for its prosperity as every country was in the past, this dependence has increased with the changed conditions brought about by the developments of modern life. The war has brought this into striking prominence, though it seems doubtful if its significance had been fully appreciated before. No European country is wholly independent of oversea

supplies of raw materials, though some, as we have seen, are capable of existing for a prolonged time without them. War brings about an enhanced demand; the complex elements of motor transport, munitions, and machinery of all kinds employed by an army, call to their aid so vast and varied a supply of material that hardly a substance can be found that does not, in some form, contribute to the prosecution of the war; and of these some are bound to be the products of other countries. Thus, without oil, neither tanks, aircraft, motor-transport, nor submarines can be moved, and a country which does not possess oil within her borders must import it from elsewhere; and 'elsewhere' may be approachable only across the sea or through the lines of an enemy army.

Not only, however, are almost all substances the raw materials of some form of munition, but the populations themselves are elements of military strength. The munition-maker, male and female, contributes to the fighting power of the Army, and as such is a factor of its power to resist the enemy. No writers, we have said, have more clearly pronounced the doctrine of national war than those of Germany, who lay stress upon the need of sustaining the *moral* of the population and depressing that of the enemy; nor did our late enemies fail to use every measure calculated to produce those results. The submarine campaign aimed, like the blockade, at compelling the Entente to abandon the struggle owing to the shortage of food it would cause; the aerial and coastal bombardments were operative far more in their moral than their physical or material effects. Themselves aiming at moral results by striking at the civil populations, it is singular that able German writers, when the time for propagandist argument has passed, should continue to denounce what they call the violations of international law. Their own acts constitute a refutation of their complaints no less powerful than history and the writings of their countrymen before 1914.

3. *First results of Sea-Power, 1914–15.* The first act of the British Navy was to establish itself in the two gateways through which trade reaches Germany; while the French, after passing its colonial troops across the Mediterranean, took a corresponding position as against Austria. The German war directors were faced with a choice of action. Their principal fleet, inferior in battleship strength to the British, but possessing a superiority

of torpedo craft, might at once put all things to the hazard of a general engagement at sea, thus to prevent a blockade from being established at all; or it might withhold action, hoping, by the action of its lesser vessels, either surface or submarine torpedo craft, or by mining, to reduce the strength of the British Fleet to a point at which a fleet action presented reasonable hopes of success. These views were the subject of much difference of opinion. Grand-Admiral von Tirpitz states that the Chancellor, the Chief of the Cabinet, and the Chief of the Naval Staff were opposed to the former, while he himself 'fought against the withholding of the fleet from the pursuit of its great aim and object'. What the result would have been if Von Tirpitz's policy had been followed we cannot say; but so long as the German fleet did not attempt to break down the control of commerce exercised by the wants of the Entente, the effects of that control could only increase. If the war were short, as the great General Staff was confident it would be, sea-power could not have developed its full effect; since it is, in the nature of things, a slow-acting weapon, especially against a country well stocked from the beginning, hastily purchasing all it could from abroad, and capable of maintaining itself for a considerable time.

The defeat on the Marne showed that the dream of a short war was an illusion; by the end of 1914 no doubt existed but that the war would be prolonged, and that the cutting off of supplies would play an important part. These supplies were of two kinds. Not only were the materials classed as 'contraband', from their applicability to the service of the army, being stopped, but also supplies for the whole people. Tirpitz correctly foresaw the result when he wrote on the 13th March 1915 that 'gradually the blockade of Germany must affect the whole life of the nation'. Two years later the situation was becoming increasingly oppressive. 'If the war lasted,' wrote Ludendorff at the end of 1916, 'our defeat seemed inevitable. Economically we were in a highly unfavourable position for a war of exhaustion. At home our strength was badly shaken. Questions of the supply of foodstuffs caused great anxiety, and so, too, did questions of *moral*. We were not undermining the spirits of the enemy populations with starvation blockades and propaganda.'[1]

[1] *My War Memories*, i. p. 307.

4. *Effects of the blockade on enemy moral.* There is a close association between the life of the nation and the spirit of the fighting services. 'The tremendous moral impetus', says Falkenhayn, writing at the end of 1915, 'which the field-army received from the spirit prevailing among the vast majority of the people at home played an overwhelming part.'[1] As the *moral* of the fleet and army was largely a reflection of that of the civil population, so the depression of the national spirits tended to affect the fighting men. Nevertheless, there is little to show that any serious inroad into naval *moral* occurred before the autumn of 1917, nor, in the absence of more information on so complicated a matter of crowd psychology, would it be proper to attribute the eventual decay to any one cause. That the blockade contributed to that decay and accentuated the depression caused by military losses, can hardly be doubted. 'The waning *moral* at home', says Ludendorff, 'was intimately connected with the food situation.... In wide quarters a certain decay of bodily and mental power of resistance was noticeable, resulting in an unmanly and hysterical state of mind which, under the spell of enemy propaganda, encouraged the pacifist leanings of many Germans. In the summer of 1917 my first glimpse of this situation gave me a great shock.'[2]

5. *Action of the German Fleet.* Making due allowance for the desire of a military commander to attribute failure to any other cause than defeat in the field, it seems proper to accept the evidence of the many writers that the blockade, by affecting the stamina of the people, contributed in an important degree to the eventual collapse. A successful action against the Grand Fleet would have gone far towards preventing this, and the prospects of success were greatest in the early days of the war before additions to its units increased its initial superiority. The efforts to reduce the British Fleet in the manner chosen, by attrition, were not effective. The small number of submarines available in 1914 cruised in the North Sea and Channel and secured some successes, but none of a character to weaken the hold of the Navy. Some ships capable of useful services were sunk, the dispositions of the cruising squadrons employed in the northern area had to be modified. But no relaxation of the isolating action of the Fleet was brought about, nor was the

[1] Falkenhayn, *General Headquarters, 1914–1916*, p. 193.
[2] *War Memories*, i, p. 349.

entry of supplies to Germany rendered any easier. The German minelayers were more successful in the combination of circumstances, to which the submarines contributed, that brought about the loss of a modern battleship—the *Audacious*—a serious blow at a moment when the British superiority of ships of the line was not great; and the submarine and minelayer imposed upon us the necessity of constituting that great auxiliary patrol flotilla which absorbed so many men and formed so important a factor in the subsequent years of war. It was fortunate that the submarine campaign was started on small lines, as this afforded us time to organize the measures to meet it. Our difficulties would have been far greater if the campaign had been withheld, as Tirpitz desired, until the German flotilla could strike us, unprepared, with great strength. It was a mistake on the part of the Germans to drift into a new campaign and deny themselves all the advantages of surprise.

Besides using their strength to bring direct pressure upon the enemy peoples, the navies of the Entente had the immediate and vastly important task of assuring the passage of British and colonial troops into France. How immediate this was can be measured by the dates on which the British Army came into action in August 1914. If the German Fleet had been able to delay the arrival of the Expeditionary Force by blocking the Channel ports of departure and arrival—many of which were undefended—or by other means, the battle of the Marne, the turning point of the war, would have assumed a different complexion. The inactivity of the German Fleet at this juncture shows a complete misconception of the part which the British Army was capable of playing. The urgent need of troops in France affected the defence of trade. Convoys of troop transports from Australia, India, and Canada needed escorts, for German cruisers were still at large. These attacked trade with some freedom in the Atlantic and Indian Oceans, did some measurable damage, and were not all disposed of until April 1915. But they were unable seriously to affect the course of trade or the stability of British credit. Far less could they do anything to assist in relieving the pressure that was beginning to be put upon their country. German commerce carried in German bottoms ceased.

6. *Leakage of supplies through neutrals.* Supplies, nevertheless, continued to reach Germany through neutral countries.

This is one of the most delicate and difficult of the problems with which a sea-power is faced in exercising its strength. The interests of neutral powers are bound to be interfered with in any commercial war—even one only of tariffs—and the more completely a navy attempts to obtain the full effect of which it is capable, the more it risks intervention on the part of those who suffer. This truth had been illustrated by the Armed Neutralities of past days. The tendency of International agreements in recent years had been towards securing the rights of neutrals; raw materials had been made free goods in all circumstances; and, though the needs of Germany in matters contraband could not be supplied by her own ports, other channels were available through Holland, Denmark, the Scandinavian powers, and, for some time, Italy. Anticipating a short war, and confident that she could obtain all raw materials directly, and contraband indirectly, Germany believed that her weakness at sea would not affect her operations on land. She does not appear to have realized that 'absolute war' is no less applicable to sea- than to land-warfare.

7. *Effect on Germany of the tightening of the 'blockade'.* To stop all supplies destined for the Central Powers could not be done by naval action only. Neutral waters could be reached and used; and the immunity of raw materials could not at once be removed. Iron ore from Sweden, needed for munitions, could be embarked at Narvik, carried down to the southern point of Norway within territorial waters, and thence across the Skagerak to Dutch waters and Rotterdam, whence it reached Essen, by canal. Even if captured in the short stretch of open water it could not be condemned. Cotton, silk, wool, oil-seeds, rubber, raw hides, and other materials, all of importance either for clothing or munitioning the army, were free at first, but not for long. On the 21st September, unwrought copper, lead, glycerine, ferro-chrome, haematite, and magnetic iron ore, rubber, hides, and skins were added to the conditional contraband list, which steadily increased its scope. Although the term 'blockade' is applied to this, no 'blockade' was ever declared, for neutral ports cannot be blockaded. But it was possible to restrict trade to neutral ports, and gradually to obtain a control of all sea-borne trade which permitted innocent goods to pass while contraband was held up. The word 'contraband' changed its meaning; originally referring only to goods of direct service

to the army, it was extended by logic and necessity to the whole of the enemies' trade.

Food was a matter of greater difficulty; the British attitude at an earlier date had been strongly against treating as contraband food destined for the civil population. But a decree of the German Government in October that stocks of grain and flour were to be seized, furnished a strong argument for permitting no further supplies to enter, since it would be impossible to discriminate between civil and military supplies. The German submarine campaign against merchant ships began in February 1915; it threw to the winds all the restraints hitherto accepted in sea warfare. Retaliation followed early in March when all limits of contraband were abolished by a British Order in Council, which further laid down that if it could be proved that goods came from, belonged to, or were going to the enemy, no matter who were the consignors or consignees, the ships carrying the goods could be sent into port and placed in the Prize Court. In this manner Germany's submarine campaign served to harden the measures against herself.

The submarine campaign, while it was bound to give rise to complications with neutrals of a more serious nature than those likely to result from the ordinary methods of visit and search, could only hope in its early stages to be used as a lever for mitigating the severity of the extension of contraband employed by the Entente. But it was unlikely that any mitigation in the Orders as to food would be made, even if the campaign were dropped, nor, indeed, did the enemy have any hopes that he could secure much relief. The importance of materials such as rubber, copper, and cotton, was so outstandingly clear that their entry could obviously not be allowed by the maritime powers.

The answer to the submarine blows did not lie in abandoning the pressure the sea-powers were exerting upon the enemy—which would have been an admission of loss of command at sea—but in developing an effective offensive against the submarine.

Raw materials, indeed, cast their shadow over the whole war; the need for them affected strategy on land as well as at sea. Thus, even a temporary overrunning of Upper Silesia by the Entente was, in Falkenhayn's eyes, inadmissible, as 'it would have robbed Germany of the rich resources of Silesia, and consequently would have made it impossible for her to continue the

war beyond a limited time'. 'The loss of the frontier territories would have rendered the continuation of the war impossible after a comparatively short time.'[1] Italy's entry into the war added inconveniences, as the Italian ports, so long as a state of hostilities was not declared between her and Germany, were a channel for supply. 'Our communications with the outer world through Italy, which provided us with extremely important raw materials, could not be dispensed with except under the most compelling necessity.'[2] Rumania, until she joined the Allies, was another source. Could the Central Powers have held out if neither food nor oil had been supplied by Rumania in 1916?

With what anxiety the German General Staff looked upon the situation that was growing as a result of the blockade is evident. Both Ludendorff and Falkenhayn lay emphasis upon the difficulty of maintaining the *morale*, both of the fighting services and the people, under the stress of privations. The makeshifts employed in munitions bear witness to the difficulties in shortage of materials. In his memorandum of Christmas 1915, Falkenhayn was already predicting the possibility of collapse. 'The power of our Allies to hold out is restricted, while our own is not unlimited. It is possible that next winter or—if the Rumanian deliveries continue—the winter after the next, will bring food crises, and the social and political crises that always follow them, among the members of our alliance if there has been no decision by then.'[3] How true this was to prove we know. What is remarkable is that resistance was prolonged actually for a year longer than this estimate had foretold.

8. *Effects of the German 'blockade' on Russia.* While the Central Powers were thus cut off from the outer oceans by the Navies of the Entente, and the exiguous channels of supply through neutral ports were constricted by diplomatic and commercial measures, Russia was suffering similar but even more acute difficulties at the hands of Germany. Except as a food-producing and exporting country, Russia was not self-supporting in war. Her munition supply was insufficient, her means of increasing it were undeveloped. Her great retreat in 1915 was largely due to shortage of munitions, and the German command of the Baltic and the Turkish hold on the Dardanelles

[1] *General Headquarters*, pp. 19, 41. [2] Ibid., p. 68.
[3] Ibid., p. 211.

prevented any rapid means of replenishing them. The Vladivostok route was safe, but long; and both the port and railway were congested. Political difficulties hampered the transport across Scandinavia. Two Arctic channels existed, but of these Archangel is covered by ice for over half the year, and Kola, the port of the Murman railway, was, like the railway, as yet undeveloped. Thus sea-power, though it could carry goods to Vladivostok and Archangel, had then done all that was possible; the only alternative lay in the opening of either the Baltic or the Dardanelles, and neither of these was a purely naval operation.

9. *General Summary.* The blockade of Germany is usually spoken of as relating to the sea. In truth, as we have said earlier, there was no sea blockade in the technical sense of the term, and the isolation of Germany was not only by sea. The armies on land frontiers were performing a similar service. The collapse of Russia, which burst the barriers in the East, broke this blockade, and then the supplies drawn from the Ukraine preserved Austria and relieved Germany. If the Western barrier could also have been broken, whatever might have happened to the armies, a vast territory would have fallen into German hands on which they could have lived and continued to hold out and defy the oceanic blockade. But it would have done still more; it would have aided to a high degree the German offensive at sea. Difficult as the problem proved to defend trade against the submarines operating from Flanders or the Bight, it would have been far more difficult if the northern ports of France had fallen into the hands of the enemy.

Thus a German military victory would have reacted offensively and defensively on the situation at sea. With Lithuania, Courland, the Ukraine, and another large region in France in their hands; with bases on the Channel coast from which submarines could operate—bases whose approaches would be more difficult to mine and to observe than those in the Narrow or North Seas—Germany might well have high hopes of ending the war successfully. When, then, the great attack of March 1918 developed, the replacement of the heavy losses of the forces under Foch was a crucial matter. The Franco-British army, initially inferior to the enemy, had suffered severely. Italy, not yet recovered from Caporetto, could lend small help, and the only available troops lay in England, America, and the Near East.

For the Central Powers, no less than for the Entente, the

occasion demanded the acceptance of the highest risks in preventing or assuring the arrival of reinforcements and the replacement of lost guns. The first troops that could go were the quarter million and more in England, and these were dispatched with the utmost speed. Nothing yet has appeared to explain why the enemy made no attempt to cut the line of communication in the Channel. A difficult, most hazardous venture, indeed; one from which those who took part might not expect to return. But the results of a successful operation would have been so far-reaching that the loss of the whole navy of Germany would have been well incurred in procuring it. The ships were still in good sea-going condition, and the naval mutiny of the preceding autumn had not, it would appear, vitally affected the *moral* of the fleet. The hesitation to incur risks at sea, which prevented her from attempting to influence the course of events in August 1914, once more appeared at a second and even more critical and decisive moment. What may be the reasons for this curious attitude in so military-minded a nation cannot be said. Admiral Tirpitz, writing on the 14th January 1915, attributed the inactivity of the fleet to the mentality of the admirals. 'All their thoughts, instead of being fixed on that (viz. beating England), are centred on technique, which leaves much to be desired in every direction and hinders them from accomplishing anything. . . . The fleet is there, but a Tegetthoff is lacking.' Excellent material, as we know, was in the hands of well-trained officers and men; but somewhere in the highest regions a spirit of distrust appeared to reign. The fleet, built as a 'sally fleet', did not perform its mission of sallying at the moments when its services were most needed, and a finely prepared weapon rusted in the hands of men who seem to have made their calculations in the negative terms of what would happen if they were beaten, rather than in the positive terms of what injury it could inflict upon the fighting forces, both naval and military, of the enemy.

CHAPTER II

THE GERMAN REVOLUTION AND THE CONDITIONS WHICH PREPARED IT

1. *The Chancellor crisis of 1917; Weakness of Bethmann-Hollweg.* Perhaps the best way to impart some understanding of the distribution of German political forces at the beginning of 1918 is to give a short account of the two ministerial crises of the previous year—the substitution of Michaelis for Bethmann-Hollweg and of Hertling for Michaelis. This will tend to indicate the direction in which forces were moving when the year 1918 opened.

The permanent weakness of the Bethmann-Hollweg government lay in the necessity from which it suffered of inclining towards that side with which it had the least real sympathy. It had repeatedly to place itself by the side of the Jingoes because it could not obtain peace, and it would not admit that this failure was due to the fact that the war-aims were unattainable, whether they were those put forward by the more Jingo or by the more moderate section. Until the end of the war all succeeding German governments were to suffer from a similar weakness, that is, they were obliged by the necessity of securing a majority to express public adherence to programmes which could not be realized. The course of events invariably revealed this fact and discredited the Government at the same time.

On the 15th May 1917, Bethmann-Hollweg outlined his policy. He maintained a discreet reserve about war-aims in the West, but suggested the possibility of giving generous treatment to Russia. This speech had been well received by the majority of the Deutsche Partei, and by the National Liberals, Centrists, and Progressives; and even the Majority Socialists were not ill pleased. During the summer, however, partly owing to the more hopeful view taken by British statesmen with reference to submarine warfare, German optimism sensibly diminished; a violent pan-German agitation produced the usual reaction; and the Majority Socialists, alarmed by

the rapidity with which the Independents were gaining on them, became insistent on the necessity for the 'no annexations and no indemnities' formula, and for internal reform in the direction of parliamentarization. The Reichstag was to reassemble on the 5th July, and it was feared that the Majority Socialists would vote against the war credits; but the meetings of the committees, a few days earlier, produced even more disquieting symptoms. In the Main Committee Erzberger (Centre) supported Ebert (Majority Socialist) in demanding that political discussions should precede the passing of the credits, and on the 4th July in the Constitutional Committee the National Liberals, Progressives, and Socialists united in a resolution calling upon the Government to create political equality in the Federal States, and this agreement was the more interesting because most of the Centrists were known to be in favour of the resolution.

2. *Erzberger and the Submarine War, 6th July 1917.* On the 6th July there was a heated debate in the Main Committee, in which Erzberger authoritatively challenged the figures dealing with Entente submarine losses which had been officially published, and demanded the conclusion of a 'peace of understanding'.[1] All accounts agree that the effect of these revelations was most startling and an acute political crisis at once supervened. Next day, in deference to a united request from National Liberals, Centrists, Progressives, and Majority Socialists the Chancellor in person replied. The nature of his reply is uncertain, but it is reported to have included a definite repudiation of 'peace by understanding'. However this may be, it was certainly unsatisfactory to the Centre and Left, and probably to the Right as well. The fact that the Emperor, Hindenburg, and Ludendorff arrived in Berlin on the same day still further indicated the seriousness of the crisis.

3. *Fall of Bethmann-Hollweg, 13th July 1917; appointment*

[1] Czernin and his agents had had dealings with Erzberger. Their outcome is obscure, but Erzberger had admittedly seen and quoted from the secret report of Czernin to the Emperor Charles (12th April) which showed up the failure of the submarine campaign. It may be illustrated by the following quotation:

> 'It is now 2½ months (almost half the time stated) since the U-boat warfare started, and all the information that we get from England is to the effect that the downfall of this, our most powerful and most dangerous adversary, is not to be thought of.'

Czernin, *In the World War*, p. 149, p. 155 and note. Czernin complains that Erzberger revealed everything to the Reichstag.

of Michaelis. The Conservatives and the Independent Socialists were in no sense supporters of Bethmann, but they were holding aloof from the political fray. After some hesitation the Centre had ranged itself, as it was to do so often later, behind Erzberger, in spite of its dislike and distrust of him. The Progressives, or at least the more radical among them, sincerely and in principle desired parliamentarization; the Right section of the National Liberals was, as it had always been, opposed to Bethmann, and on the 9th and 10th July the Left section also turned against him. On the 9th, according to a report which was not denied, he proposed at a Crown Council that the only constitutional reform should be the equalization of the Prussian franchise, and he found even this proposal opposed by all the Prussian ministers. On the 10th, in the Main Committee, Bethmann refused to report what had happened in the Crown Council, and Ebert successfully moved the adjournment. The result of this was to rivet the Progressives to the anti-Bethmann 'block' that was being formed, and to push the National Liberals nearer towards it. Bethmann endeavoured to strengthen his position by proposing a State Council, which should include some Reichstag members, and by issuing the imperial rescript promising the equal franchise to Prussia in time for the next elections. This rescript was granted on the 11th and published on the 12th. On the 13th Ebert again successfully moved the adjournment of the Main Committee, in a speech in which he complained of Bethmann's reluctance to define his war-aims. On the same day the Chancellor resigned, after a threat from Hindenburg and Ludendorff that they would leave office if he remained. The chancellorship was offered to Hertling,[1] the Bavarian Prime Minister, who refused it on the grounds that he was a South German, a Roman Catholic, and too old to carry on the struggle with G.H.Q. Already, too, the Peace Resolution was being drafted, and it is probable that some verbal alterations in it were made at the instance of the generals.

On the whole there seems to be no reason to disagree with Hertling's two comments on Bethmann-Hollweg's fall—that during his last days the general feeling in political circles was that 'Bethmann must go, whoever comes next', and that the action of the generals was 'fabulous, but true'. On the day

[1] Other candidates had been: Hintze for the Jingoes, Bernstorff for the Left, Helfferich, who had little support anywhere and was hated by both extremes, Brockdorff-Rantzau and later Kühlmann for the Moderates.

of Hertling's refusal of the chancellorship it was accepted by Michaelis, who confirmed the common impression that he was 'Ludendorff's man' by interviewing the party leaders in the presence of the generals.

4. *The Reichstag Resolution of the 19th July, distribution of parties.* It was expected, or at least hoped by the Centre and by the Left, that Michaelis would accept their Resolution, especially as the Wolff Telegraph Bureau circulated the terms of it after his reception of the party leaders. On the 19th, in a Reichstag debate, Michaelis declared his attitude to the Resolution:

'What we wish primarily to do is to conclude peace as men who have successfully carried through their purpose. . . . If we make peace we must primarily achieve this, that the frontiers of the German Empire are for all time safeguarded. We must, by way of . . . compromise, guarantee the vital conditions of the German Empire on the Continent and overseas. The peace must provide a basis for a lasting reconciliation of the nations. . . . These ends are attainable within the limits of your Resolution as I understand it. . . . It goes without saying that I stand upon the ground of the Imperial Rescript of July 11th. I also consider it desirable that relations of confidence between Parliament and Government should be made closer by calling to leading executive positions men who, in addition to their personal qualifications for the posts concerned, possess also the confidence of the great parties in the popular representative body. . . .'

After the Chancellor's speech Fehrenbach (Centre) read the Resolution, which ran as follows:

'As on August 4th, 1914, so on the threshold of the fourth year of war, the word of the Speech from the Throne holds good for the German people: "We are not impelled by lust of conquest." For the defence of her freedom and independence, for the integrity of her territorial possessions (*territorialen Besitzstandes*), Germany took up arms. The Reichstag strives for a peace of understanding and the permanent reconciliation of the peoples. *With such a peace forced acquisitions of territory and political, economic, or financial oppressions are inconsistent.* The Reichstag also rejects all schemes which aim at economic barriers and hostility between the peoples (*Absperrung und Verfeindung*) after the war. The freedom of the seas must be made secure (*sichergestellt werden*). Only economic peace will prepare the ground for a friendly intercourse between the nations. The Reichstag will actively promote the creation of International Law organizations.

'So long, however, as the enemy Governments do not accept such a peace, so long as they threaten Germany and her allies with conquests (*Eroberungen*) and oppression (*Vergewaltigung*), the German nation will stand together like one man, and unshakably hold out and fight until its own and its allies' right to life and development is

secured (*gesichert*). The German nation is invincible in its unity. The Reichstag knows that it is at one in this statement with the men who in heroic fights are defending the Fatherland. The imperishable gratitude of the whole people is assured to them.'

The Resolution was passed by 214 votes to 116[1]: 17 Poles abstained: the Independent Socialists, National Liberals, most of the Pan-German section, and the Conservatives voted against it; the Ayes were the Majority Socialists, the Progressives (with one abstention), and the Centrists (with two abstentions). It was known, and was emphasized by subsequent press comment, that many National Liberals were really in favour of the Resolution, and that many Centrists had not made up their minds what they meant by it.

5. *Vagueness of the Chancellor's Attitude towards the Resolution.* If the Majority did not know what they meant by their Resolution, it was still harder to find out what the Chancellor meant by it. A few days later Scheidemann (Majority Socialist) declared that Michaelis had accepted the Resolution fully and freely, but there was some excuse for many others who interpreted his speech in rather a different sense. On the 26th Michaelis reaffirmed his position, without throwing much light upon it:

'The enemy press has . . . suggested that I agreed to the Majority Resolution only with an ill-concealed reservation of Germany's desire for conquest. I must repudiate this misrepresentation. . . . As is evident, my statement implied that the enemy must also renounce all idea of conquest. The facts of which I have just informed you make it manifest that our enemies are not in the least considering such a renunciation.'[2]

Both of Michaelis's statements were extremely unwelcome

[1] The actual party figures at this time were approximately as follows:

Independents (including Alsatians)	19
Minority Socialists	19
Poles	18
Majority Socialists	89
Progressives	46
Centre	91
National Liberals	44
German Fraction	26
Conservatives	45
Total Deputies in Reichstag	397

[2] This is a reference to the secret agreements made between Russia and France with reference to the Saar Valley and Left Bank of the Rhine, which were then transpiring. Subsequently the full text was published in November by Trotsky. *v.* Vol. I, Appendix II.

to the Right, and it is probable, in spite of Scheidemann's brave words, that they failed to satisfy the Left. With regard to the other urgent problem—parliamentarization—he was more successful. His appointments—Drews, Kühlmann, Wallraf, Spahn, Schiffer—were personally acceptable to the Left, while the Centre and Right were pleased by the absence of any approach to ministerial responsibility or to control of the executive by the Reichstag. But this was a dangerous success; it was obviously probable that with the process of time the persons nominated would displease the Right, while the Left would not rest satisfied with an unparliamentary *régime*.

6. *The Papal Peace Note, 15th August, and the Attitude of Michaelis.* On the 15th August the Papal Peace Note began to be discussed in Berlin,[1] and the discussion of this Note proved the beginning of the end of Michaelis's short-lived ministry. The Note produced some admissions, e. g. the admission by *Germania* (a Centrist organ) that there was an Alsace-Lorraine question which might be discussed: on the other hand, its only effect on the equally Centrist *Bayerische Kurier* was to strengthen its insistence on the necessity of indemnities.

On the 21st August Michaelis made a non-committal speech in the Main Committee, and the next day Kühlmann was equally non-committal and rather more conciliatory: Erzberger called upon the Chancellor to define clearly what his speech of the 19th July had meant. Michaelis made a reply in which, according to the official report, he pointed out that the members of the Majority themselves disagreed about the interpretation of the Resolution, while it was unofficially stated that he altogether denied that he had ever accepted it. The session was suspended, and Payer, a Progressive from Württemberg, was sent to Michaelis with an ultimatum. On resumption the Chancellor made some sort of apology, which was apparently unsatisfactory, for it drew a protest from Ebert. It is probable that Michaelis had been forced to maintain his original acceptance of the Resolution, but had not been forced to withdraw his qualifying phrase 'as I understand it'.[2]

[1] The Note was dated 1st August, but published the 17th. Apart from suggesting disarmament and arbitration its territorial proposals were on the basis of the *status quo*.

[2] What Michaelis secretly meant by 'as I understand it' was clearly explained in his secret letter to Czernin, 17th August 1917. He suggests 'reinstatement of the *status quo*' as a suitable basis for negotiation. This,

The result of these discussions—combined with the revival of annexationist propaganda—was to weaken the Chancellor and to strengthen the Majority block. Michaelis appointed a committee of fourteen (seven from the various parties in the Reichstag, and seven from the Bundesrat) to draw up the answer to the Pope. This arrangement was accepted by the parties, and the National Liberals decided to resume participation in the inter-party conferences. On the other hand, the Progressives and Majority Socialists took the opportunity to renew their demands for parliamentarization and for the repeal of Article 9.[1] Here they reached first principles: the repeal of Article 9 was necessary if the Reichstag was to have any real control over the Federal Government, just as was the reform of the Prussian franchise if the Prussian people was to have any real control over the government of its state. The decision of policy in fact, foreign and domestic, depended not only on internal reform in the Empire but on internal reform in Prussia. Fifteen years before, the difficulties, which were now experienced, had been foreseen by a profound student of German institutions.[2] 'At present popular government in Germany is neither probable nor desirable. In fact the institutions are by no means adapted to it. . . . The intricate connection between the Prussian and the federal machinery, which works very well so long as both are controlled by a single man, would hardly be possible if

however, 'would not exclude the desired possibility of retaining the present frontiers, and by negotiating (would) bring former enemy economic territory into close economic and military conjunction with Germany (this would refer to Courland, Lithuania, and Poland). . . . Germany is ready to evacuate the occupied French territory, but must reserve to herself the right, *by means of the peace negotiations*, to the economic exploitation of the territory of Longwy and Briey, if not through direct incorporation by a legal right to exploit. We are not in a position to cede to France any notable districts in Alsace-Lorraine. I should wish to have a free hand in the negotiations in the matter of *connecting Belgium with Germany in a military and economic sense*.' Czernin says he replied that he 'interpreted the views of the German Reichstag as demanding a peace without annexations or indemnity, and that it would be out of the question for the German Government to ignore the *unanimous* (sic) decision of the Reichstag'. *In the World War*, pp. 157–60.

In plain words Michaelis intended annexations but proposed to disguise them under the form of 'military and economic control'. For further discussions, *v.* Vol. I, Chap. V, § 12.

[1] 'Every member of the Bundesrat has the right to appear in the Reichstag, and must be heard there at any time upon his request, in order to represent the views of his Government, even when the same shall not have been adopted by a majority of the Bundesrat. No one shall be at the same time a member of the Bundesrat and of the Reichstag.'

[2] Lowell, *Governments and Parties in Continental Europe*, vol. ii, p. 67.

the people became the real source of power.' The institutions were no longer working well, the 'single man' had signed a Rescript on the 11th July promising a democratization of the Prussian franchise. That proved that he was losing his grip on the machine, but no one knew how to accomplish the transition between autocracy and democracy. The majority in the Reichstag did not as yet go as far as the Progressives and Majority Socialists in their demands for the realization of responsible government, and probably did not see the necessity of doing so. Confused and bewildered, they were put off with half measures and with such concessions as the establishment of a 'free committee' to discuss foreign policy or with promises by the 'single man' of a democratic reform of the Prussian franchise. For a time these measures were to succeed but they could not do so indefinitely. The essence of the situation was that no real change could be made in the existing system without eventually affecting every part of it, and, when such changes really began to be made, the result was necessarily the break-down of the machine.

7. *German Reply to the Pope, 19th September 1917, and further Opposition to Michaelis.* The German reply to the Pope's Note was approved by Michaelis's 'Free Committee' of fourteen, and dispatched on the 19th September. Its most explicit sentence was this:

> 'The special measures which the Government has taken, in the closest contact with the representatives of the German people, to discuss and answer the questions raised prove how earnestly it desires, in unison (*Einklang*) with the desire of His Holiness and with the peace resolution adopted by the Reichstag on July 19th, to find a practical basis for a just and lasting peace.'

Even this was not very explicit: the Left accepted it as a reaffirmation of solidarity with its Resolution, but the Right took it in no such sense. The Right might claim with some justice that its interpretation was correct when Michaelis insisted in a Main Committee discussion at the end of September that his Government was not bound on the Belgian question and that it must decline to define its war-aims, while Kühlmann asserted that there was the most complete agreement not only between the Government and the Reichstag but also between the Government and G.H.Q. In fact the only protest against the Chancellor's attitude on the Belgian question came from the Socialists.

On the 6th October began the last act of the Michaelis drama. After a debate, arising from a Socialist interpellation on political propaganda in the Army, the bourgeois parties professed their satisfaction with the Chancellor's explanations, but the two Socialist sections united in a vote of no confidence. On the 9th Dittmann (Independent Socialist) raised the whole question again, and also complained that the Government proscribed his party, in spite of the Chancellor's promise to treat all parties alike. Michaelis rejoined that he could only trust parties which honestly supported the State, and waxed eloquent on the beauty and utility of the official arrangements for 'enlightenment' (*Aufklärung*), while his colleague Capelle (Secretary for the Navy) declared that it was obvious enough why Independent Socialists, and particularly Dittmann, were so familiar with the details of unrest in the Navy. Trimborn (Centre) greeted with joy Michaelis's plain acceptance of the July Resolution, though it is difficult to see that he was any plainer than before, and Kühlmann made his celebrated 'No, never' declaration about Alsace-Lorraine. The effect of this debate, in spite of Trimborn's expression of a satisfaction which, one may fairly suppose, was not generally shared by his Centrist colleagues, was to close up the Majority in opposition to the Chancellor. By the 12th every one, except the Conservatives, agreed that Michaelis was impossible, and intrigues began for a National Liberal and Centre, *i.e.* a Bülow-Kühlmann combination. Capelle offered his resignation, which the Emperor ultimately refused to accept. On the 23rd the Majority leaders informed Valentini (Chief of the Emperor's Civil Cabinet) that they were expecting a new Chancellor, but that they wished to avoid any encroachment on the Emperor's right of nomination, a curious comment on their former demands for parliamentarization. On the 25th they had the courage to tell Valentini plainly that Michaelis must go, and by that date they had agreed upon a common programme—the equalization of the Prussian franchise, the abolition of the political censorship, the repeal of the combination law (Article 35), and the conduct of foreign policy on the basis of the reply to the Papal Note. It is clear that on the cardinal points—peace and parliamentarization—this programme was weaker than the July demands.

8. *Michaelis succeeded by Hertling, 28th October 1917.* On

the 26th October Lerchenfeld (Bavarian Minister at Berlin) telegraphed to Hertling:

'. . . H.M. will offer you the chancellorship again: G.H.Q. is willing to mix no more in politics: Michaelis becomes Prussian Minister-President: you are first to place yourself in agreement with the different party leaders: will be most joyfully received here. . . .'

Naturally this fact was not known at the time, but from the Emperor's refusal of Capelle's resignation on the same date the conclusion was drawn that Michaelis's chancellorship was near its end, and by the next day it was generally assumed that he had presented his resignation.

Hertling arrived in Berlin on the 28th of October, and, accompanied by Michaelis, had an audience of the Emperor. He refused the co-operation of Michaelis, and insisted on himself holding the office of Prussian Minister-President as well as that of Chancellor. He spent the 29th and 30th in negotiation with the Reichstag leaders, the chief difficulty being, apparently, with the National Liberals, many of whom were still holding out for Bülow. They were brought round, however, by Kühlmann, who promised that Friedberg should be Vice-President of the Prussian Ministry. Hertling accepted the fourfold programme and hinted, rather than promised, that Payer should be appointed Vice-Chancellor.

9. *Tendencies at the End of 1917.* This arrangement was not a great advance in the direction of parliamentarization, in view of the fact that all party leaders and not merely the leaders of the majority had been consulted, but the majority programme had been accepted (though it was such a very modest one), and the Left was thus encouraged to welcome Hertling as the first parliamentary chancellor. In his first speech (29th November) in the Reichstag the new Chancellor indicated his acceptance of the four points, but made the reservation, 'Nothing can, or shall, be changed in the foundations of our Imperial Constitution'. When he was twitted by Heydebrand in the Prussian Diet (6th December) with being a parliamentary chancellor, he took the occasion formally to deny it.

In short, the two chancellor crises of 1917 had given Germany the July Resolution as modified in the Reply to the Pope as the basis of her foreign, and the Imperial Rescript of the 11th July as the guiding star of her domestic, policy. They had also conferred upon her, to direct policy, if 'other factors'

would let him, what a Berlin paper was later to describe as 'this Chancellor of the Left, who gets his applause from the Right'.

The anti-parliamentarians found it convenient not to disavow but to interpret the Rescript and the Resolution, while an increasing public opinion found in them ideals, made in Germany, which could be reconciled, in some sort, with the 'Fourteen Points' of President Wilson. The Chancellor himself was glad to be able to expand or contract his interpretations with victory or defeat, with the pressure of the blockade and with the sufferings of the people. Even the majority in the Reichstag was not opposed to a convenient ambiguity, for its chief characteristic was that it preferred to work through the existing executive, even in feeling its way towards responsible government. The victory of that principle was only ultimately determined by the defeat and discredit of autocracy. In this way the Rescript and the Resolution were closely connected with the downfall of the monarchy and on the decision to negotiate for peace.

10. *1918.* The year 1918 began with military conditions that were much more favourable to Germany than could have been expected. Ludendorff says, indeed, that it was possible again, as in 1914 and 1915, to think of deciding the war by an attack on land.[1]

11. *Food Situation.* It is probable, too, that the internal situation was, chiefly as a result of the improved military conditions, much more favourable to the Government than could have been predicted at any time during the previous year. The food supply indeed gave little cause for rejoicing; the shortage of fodder necessitated much wasteful slaughtering of pigs; supplies of meat, milk, and fats grew steadily worse; the authorities were harassed by agitations for an increase of the potato ration and discredited by the Neukölln Memorial, with its evidence that even municipalities transgressed regulations, particularly with regard to maximum prices; but there was some consolation in the official belief that the last grain harvests had been better than the estimates showed, and in the raising of the sugar ration. Perhaps the most serious factor of the food situation was the growth of antagonism between town and country, against which the food controller

[1] *War Memories*, ii, p. 537.

found it advisable to issue a warning, but almost without exception the non-socialist papers agreed that although State control of food was imperfectly administered and essentially unpleasant, yet it had proved itself an evil that was necessary for the avoidance of greater evils. Chiefly owing to transport difficulties there was an insufficient supply of fuel in many large towns, and in South Germany many industries had to be restricted or shut down. The shortage of textiles had led to the expropriation of all kinds of sail-cloth, and to demands for cast-off clothing which had met with little success; on the other hand, supplies of flax were improving and there was at least enough wool to meet the demands of the Army, though it was decided to make no new tunics for the Navy. The metal industries were finding it increasingly, but not hopelessly, difficult to obtain raw materials.

12. *Parties.* In internal politics at this time it could be said of only one party, the Independent Socialists, that it was definitely in opposition. The Majority Socialists also demanded the calling of the Reichstag, and threatened unqualified opposition if the Brest-Litovsk negotiations should finally break down owing to the German Government's refusal honestly to apply the principle of self-determination. The interruption in the negotiations led to furious attacks on Kühlmann (Foreign Secretary), quite as furious on the part of the Conservatives, who thought him too weak, as on that of the Majority Socialists, who declared that he had been captured by the reactionaries. That this was one of the occasions when the Higher Command sympathized with the Conservatives was shown by Ludendorff's offer of resignation, which, however, was denied, somewhat vaguely, by the Wolff Bureau.

This offer of resignation[1] illustrates the General Staff's conception of its pseudo-governmental functions: on the 7th January 1918, Hindenburg presented to the Emperor a memorandum in which he claimed that he and Ludendorff had a share of responsibility for the terms of the peace, and that Kühlmann's weakness over the Polish frontier jeopardized the attainment of a settlement likely to ensure a permanent peace. The Chancellor maintained that the responsibility was his alone; but the Generals replied that both the Army and the people attributed part of the responsibility to them, and that

[1] *War Memories*, ii, 547 and seq.

the Government itself had encouraged this attitude, both by proclaiming their agreement with its views and by shielding itself behind their objections to plans which it was unable or unwilling to carry out. It is impossible to deny the justice of this argument.

Altogether there can be little doubt that parliamentary influence had been growing smaller during the last six months, as a result of military successes and of the Bolshevist revolution. The National Liberals had become again as annexationist as the Government; on the 8th January, indeed, they demanded that the Russian peace should include 'those securities which the High Command regarded as necessary'. The Progressives and Majority Socialists had not gone quite so far, but on the whole they had moved pretty steadily in the same direction; certainly neither of these parties would have accepted Lloyd George's and President Wilson's speeches as a basis of discussion. The Reichstag Centre Party, on the 8th January, declared its confidence in the Government. In a recently published book Paul Lensch, who had moved from the Left to the extreme Right of Socialism, had declared that the proof of Germany's revolutionary mission must be the fact of her winning the day in the teeth of a world of enemies. He added that victory must be followed by the overthrow of Junkerism, of the three-class suffrage, and of the anti-parliamentary system: how little such a sequel could be expected was asserted by Liberals like Dernburg and by Independent Socialists like Bernstein, and was sufficiently proved by the Prussian Franchise Bill introduced in December, which contained clauses narrowly limiting the action of the Lower House, and was referred to a hostile committee. In view of such a fact it was idle for *Vorwärts* to talk of Hertling's Chancellorship as 'epoch-making in the same sense as the Russian Revolution'.

The process of parliamentarization, which had had a victory of sorts in the appointment of Hertling, had obviously not advanced; on the contrary, the development had been rather the other way. The Reichstag Majority was less united than it had been; it had by now become extremely doubtful whether most of its constituents retained any enthusiasm for the July Resolution, which had been its great achievement; the only parliamentary opposition came from the Independent Socialists, who could be ignored, and the Majority Socialists. The latter

were so much compromised and so much more opposed to the General Staff than to the Government (and many of them, too, were so sincerely imperialist), that their partial and wavering opposition was a source of weakness as much to themselves as to the Government. None the less most of their supporters were doubtless anxious for peace.

The true weakness of the Government lay partly in its divided character, of which the Brest-Litovsk negotiations were very soon to give another blazing illustration in General Hoffmann's declaration that the self-determination of occupied territories was an internal German question. It lay partly also in the war-weariness of the people, soon to be exhibited in the great strikes, in the war-weariness of the Army, which was well enough known to Ludendorff,[1] and of the Navy, which was too well known to the Independent Socialists; partly in the provocative conduct of such reactionary organizations as the Vaterlandspartei, which produced more or less violent collisions at Cologne, Mannheim, Heidelberg, and elsewhere. Besides all these causes of weakness there were of course the difficulties in the supply of food and raw materials, which if not increasing were at least cumulative in their effect, difficulties which, it was hoped, the Russian peace would alleviate. The essential weakness of the whole position, then, lay in the fact that the Government rested on military success, a condition which accentuated the characteristic German vice of 'Nebenregierung', and which demanded for its continuance more and ever greater military successes.

The discussions in the Main Committee of the Reichstag at the end of January showed sufficiently clearly the attitudes of the various parties at that date. They began with a Majority Socialist attack on the censorship, which had suppressed *Vorwärts* for publishing a report of the Vienna strikes. The freedom of the press was a subject on which the Majority Socialists were always glad to criticize the Government, all the more when they were not very sure of their position on questions of policy. In the debate on foreign policy Scheidemann (*Maj. Soc.*) declared that he found a growing inclination to peace in Wilson's and Lloyd George's speeches, but made it clear that he regarded the Alsace-Lorraine question as purely German. David (*Maj. Soc.*) urged the necessity of an understanding with Trotsky and warned the Government of the

[1] Cf. e.g. ii, 542 and 584.

results of the Pan-German policy, though he disclaimed a desire to threaten them. Of the Centre Party Trimborn supported Kühlmann and found the demands of the Entente regarding Alsace-Lorraine unacceptable, while his colleague Erzberger warned the Government that the Catholic Trade Unions would not tolerate Pan-German war-aims. Fischbeck (*Progressive*) defended Kühlmann and thought that Wilson's message was seriously intended, and Naumann (*Progressive*), after agreeing with him, stated that the growth of revolutionary feeling was a reaction against the activities of Tirpitz and the Vaterlandspartei.[1] Stresemann, for the National Liberals, managed to agree with the Chancellor by interpreting him in the most Jingo sense. Westarp (*Conserv.*) and Wallraf (Minister of the Interior) were uncompromising. The only speaker who came near enough to Entente demands to involve a definite breach with the Government was the Independent Socialist Haase, who declared that if the war could be ended by conceding a referendum to the Reichsland, the concession should be made.

13. *The Independent Socialists.* Before proceeding to deal with the strikes which broke out in Berlin on the 28th January, in some other towns a day or two earlier, it will be useful to say something about the position of the Independent Socialists. The members of this party were not necessarily more radical and extreme than their colleagues of the Majority. They were simply more radically and extremely opposed to the war; it was that fact which caused their secession, and which prevented reunion. In most parts of the country they had not succeeded in capturing the party organizations or the party press; in very few cases had they captured trade unions. They were thus in a position of irresponsibility and almost of impotence, with the natural result that many of them tended farther towards violence and revolution, never so far, however, as the Spartacists and the Bremen Internationalists, led by Liebknecht, Franz Mehring, Otto Ruehle, Rosa Luxemburg, and Klara Zetkin, who approximated very closely to the Russian Bolshevists. Many of the Independent Socialists, and those the best (e. g. Kautsky, Bernstein, Haase), were convinced revisionists, and fundamentally more antagonistic to the Spartacists than to any of the Majority parties.[2] They were,

[1] He read out from a handbill calling for a general strike.

[2] 'Revisionism' meant the adoption of progressive and pacific, as opposed to revolutionary, measures.

moreover, most of them, old rather than young, intellectuals rather than labourers, literary men rather than political tacticians.

14. *The January Strikes.* As has already been stated, the Government's alarm over the Austrian strikes led it to suppress *Vorwärts*, and also the Liberal *Berliner Tageblatt.* This action led to protests in the Main Committee not only from Ebert (*Maj. Soc.*) but also from Stresemann and Trimborn (*Centre*). The Government's alarm may also be judged by the fact that it sent 4,500 tons of flour to Austria, though this action tends to show that it had sufficient stocks to quiet any insistent clamour at home. Towards the end of January Ellenbogen, a Viennese Socialist, and some delegates from Leipzig arrived in Berlin. During the last six months there had been food demonstrations, mainly composed of women, and there had been isolated strikes; but the trade unions, while they had been active enough in the industrial sphere, had discouraged political agitation, and there had been no reason to fear a general or political strike. The violence of the Vaterlandspartei had led, however, to counter-demonstrations and occasional riots. Recent discussions in the Main Committee had shown that though the two sections of the Socialists were more or less at one at least in holding by 'no annexations' as an anti-governmental platform, and that though the Progressives were still, even more doubtfully, on the same side, yet the solid body of anti-annexationist opinion was far from being properly represented in the Reichstag. The soothing effect of Kühlmann's speeches on the 25th and 26th was neutralized by those of Hertling. The position was one of great tension and anxiety, the chief factors in which were popular doubts as to the questions whether the war was being unnecessarily prolonged and whether the Brest-Litovsk negotiations were being conducted so as to ensure the speediest possible conclusion of peace.

On the 28th January a partial strike began in Berlin. Though the chief trade union leaders—Legien, Bauer, and Korsten—were against it, the Central Committee of Trade Unions declared its neutrality. The demands made were:

(1) Peace without annexation or indemnities on the basis of self-determination.

(2) Participation of workers of all nations in peace negotiations.

(3) Requisition and proper distribution of food.

(4) Abolition of the state of siege and demilitarization of industry.

(5) Liberation of political prisoners.

(6) Universal, secret, and equal franchise for the Prussian Diet.

It is difficult to see why the strikes should have begun just when they did; there had been no recent political event likely to cause such an outbreak; it has been suggested that plans had been laid for a general strike and then dropped, and that the strike later began spontaneously; this explanation is supported by the recent Main Committee discussions of the possibility of a strike and the reading of leaflets agitating for such action, and also by the fact that it was the more highly skilled workmen who struck first.

On the 28th January the official organ of the Gewerkschaften,[1] which had hitherto been the chief force in preventing the Socialist majority from going into opposition, demanded a formulation of German war-aims in the West, as an answer to Lloyd George's speech of 15th January. It demanded also the representation of labour interests in peace negotiations, and the expediting of Prussian Franchise Reform. The raising of such demands at such a moment sufficiently characterized the neutrality of the Gewerkschaften and contrasted with the attitude of the Hirsch-Duncker and Catholic Unions, which supported the Government.

The leaders of the Independent Socialists joined the strike committee doubtless because they sympathized with the movement, the Majority Socialists, as the *Frankfurter Zeitung* put it, 'not to promote the strike but to exert a conciliatory influence and to prevent harm'.

On the 29th January *Vorwärts* was suppressed for publishing too high an estimate of the number of strikers in Berlin, and an official estimate of 125,000 was made: the next day the Trade Unions put the figure at about 350,000, but the official estimate never exceeded 180,000, the declared figure on the 31st January. On this day an intensified state of siege was declared, riots took place with some bloodshed, and Dittmann (*Ind. Soc.*) was arrested. Outside Berlin the most serious strikes seem to have been at Hamburg, Kiel, Danzig, Nurem-

[1] Trade Unions.

berg, Bochum, Dortmund, Mannheim, and Munich: rather oddly, the quietest part of the country was Saxony, the stronghold of the Independent Socialists.

The Government from the beginning refused to negotiate with the strikers themselves, but offered to receive their Reichstag deputies: of this offer at first they declined to avail themselves, but on the 1st February, Scheidemann, Ebert, Haase, and Ledebour were received by the Chancellor in the presence of Payer: they obtained no concession, not even permission for meetings of the strike leaders. On the same day the Commander of the Mark decreed the militarization of certain armament factories, and ordered the men to return to work at latest on the 4th. The President of the Reichstag refused the Socialist Party Directorate's request for the calling of that body, on the ground that all the bourgeois parties were opposed to it.

In spite, or because, of these defeats the Majority Socialists, after the meeting of 1st February, used their influence to bring the strikes to an end, which they succeeded in doing in the course of the next week; and on the 10th February the Military Authorities withdrew their prohibition of meetings and discussions. It is possible that the deputies, though they had obtained no public concessions, had received private assurances, particularly on the question of the Prussian franchise. This view is supported by Vice-President[1] Friedberg's action in the Landtag on the 11th February when he 'urgently recommended' that the consideration of the Franchise Bill be proceeded with, and by Hertling's declaration on the next day that he 'desired no doubt to arise concerning his unaltered determination to bring about the reform by all the means at his disposal'. If some such private assurances had been given, the Majority Socialists must soon have perceived their value, for on the 5th February the National Liberals absented themselves from the meeting of the Reichstag Majority leaders, and on the 20th four out of seven of the National Liberals in the franchise committee of the Prussian Lower House voted against the Government's proposal of equal franchise.

15. *Lessons of the Strike.* There can be no doubt that the main lesson of the strikes was that the Government was still able to suppress any such manifestations. In this connexion it is

[1] *i.e.* Vice-President of the Prussian Ministry.

significant that the militaristic methods used in Prussia were not employed in the other states. The Bavarian Government, for instance, ostentatiously avoided the declaration of a state of siege, or the militarization of industries, or the punishment of strikers by sending them to the army.

The chief reasons for the failure of the agitation were well set out by Jacob Bengler in the *Freie Zeitung*, an 'advanced' paper published in Switzerland. He considered that they were:

(1) the lowness of Trade Union funds, owing to the absence of many members, and the highness of wages;

(2) the locking up by employers of a large part of these wages in war loan;

(3) the dissensions among the Socialists, and the hesitating and half-hearted alliance of the Majority Socialists with the Government;

(4) the natural pusillanimity of the German Socialist, accentuated by the continued strain of under-nourishment.

The fact, however, that such serious strikes should have been declared on a mainly political platform and even the very success of the Government were ominous for the future. That success, at least in Prussia, had been obtained by the use of military methods, and depended for the possibility of repetition on the continuance of military strength. The calling up of munition workers and of soldiers on leave diminished the available amount of skilled labour and strengthened the untrustworthy elements in the Army. Another result of the suppression of Socialist manifestations was to encourage the activities of the 'Vaterlandspartei', which had already done harm and now supplied more and more material for Socialist propaganda. The Government, in fact, was engaged in a hopeless attempt to make use of both the Right and the Left, and was bound in the end to fight one or the other. Meanwhile the Conservatives were disappointed in their hope that the strike episode would break up the coalition of the Left, the Progressives particularly being very careful to renew their pledges of co-operation with the Socialists.

16. *The Brest-Litovsk Negotiations.* On 20th February the Ukraine Treaty was approved by all parties in the Reichstag except the Independent Socialists and the Poles. *Vorwärts* indeed declared that the treaty was 'nothing but a scrap of paper, which has yet to be written over by German blood'.

At the same time it asserted that the Official Socialists could only affect policy by staying in the Majority block and influencing it, and it attacked the Independent Socialists for voting against the peace. Similarly the *Internationale Korrespondenz* launched violent attacks against the Bolshevists. Indeed, the only Majority Socialist paper which opposed the Government's Eastern policy effectively was the *Frankfurter Volksstimme.*

17. *Foreign Policy.* The Government declared its policy by two speeches delivered on the 25th February; one, on foreign policy, by the Chancellor, Count Hertling, and the other, on domestic policy, by the Vice-Chancellor, von Payer. Hertling declared that there was no intention of retaining Belgium, but that Germany must be safeguarded against the danger of that country becoming an 'object or jumping-off ground of enemy machinations'. Similarly, Germany did not think of establishing herself in Esthonia or Livonia: 'regarding Courland and Lithuania . . . it was a question of providing those countries with organs of self-government.' The Petrograd Government had accepted German peace conditions, and negotiations were being resumed at Brest-Litovsk; negotiations with Rumania had begun at Bucharest. 'In contra-distinction to the Central Powers the Entente had from the first pursued aims of conquest. It is fighting for the return of Alsace-Lorraine to France. I have nothing to add to what I have already said on this subject. There is no Alsace-Lorraine question in an international sense. If there is such a question it is purely a German question.'

It is obvious that anything except the demands of the most extreme annexationists could be brought within the terms of this speech, certainly anything of what may be called the Ludendorff policy. It was even more obvious that the recent strikes had not disposed the Government to conciliation. On the contrary, its suppression of them had emboldened it to publish its 'veiled annexation policy' in a speech which did not provide very much veil.

18. *Internal Policy.* On the same day the Progressive von Payer made his maiden speech as Vice-Chancellor; the Federated Governments were conscious of their duties to the dependants of soldiers, and had mitigated many a hardship by lowering the age limit for old-age pensions: they had reformed the laws concerning associations. The Reichstag had received

a draft for a Labour Chamber Law which, it was hoped, would satisfactorily settle industrial disputes: there was also a draft bill for redistributing the Reichstag electoral divisions, and another for abolishing para. 153 of the Trade Regulations. The Imperial Government was also considering the question of housing. As for Prussian suffrage reform, von Payer expressed his firm conviction that the franchise provided for in the bill would come, and his reasonable hope that it would come soon. The Reichstag and the Government had come into closer touch, and he hoped that this process of parliamentarization would continue; he then rebuked the Extreme Left and reminded them that the strikes had brought many workmen into economic difficulties, and had cost human lives and human happiness. But the Extreme Right were just as bad: they too denied the good faith of their opponents and predicted downfall for the State if it were not guided by the minority of which they approved. Finally, after declaring that there would have to be new taxes to maintain the equilibrium of the Budget, the Vice-Chancellor announced that the bread ration would after all not be reduced.

This speech was well calculated to make the best of the existing political situation; if assurances about the Prussian franchise were wearing a little thin, at any rate there was no denying the real benefits of the Government's industrial policy. The average Moderate Socialist reader would find it difficult, too, to deny the truth of Payer's strictures on the strikes and the Independents, more especially as he had rebuked the Jingoes even more severely.

That the Extreme Left had in fact lost strength in the country may be seen from the election at Nieder-Barnim early in March, when the Independents lost the seat to the Majority Socialists, after repeated announcements that they were willing to accept the result as an index of the party's decision between the two sections. At the same time, their failure was partly due to their own incompetence in selecting a singularly bad candidate, to their want of a press, and to the fact that all the weight of bourgeois and 'non-party' influence was thrown on to the side of their opponents.

The first days of March were mainly occupied with discussions of the Russian Peace Treaty, and disclosed no new developments in domestic politics, the Majority Socialists con-

tinuing, with the exception of the directors of the *Frankfurter Volksstimme*, to persuade themselves of the uselessness of protest. All other parties but the Independents had acquiesced with varying degrees of enthusiasm or of reserve. The only other feature of interest was a growing optimism among the parties of the Left with regard to Prussian franchise.

19. *The 'Home Front' and Army Moral.* No doubt there were very sufficient military reasons for the commencement of the March offensive, but there were equally urgent reasons of domestic policy. Ludendorff, after describing the loss by desertion and 'skrimshanking' in the winter, declares that in March the army's *moral* seemed to be completely restored, though there was a certain amount of secret agitation. He attributed the failure of the warlike spirit at home to the vices and misdeeds of the Government, but adds that 'the generally improved spirit of the army had a temporary influence on that at home, and this blinded us to a good deal'.[1] This 'improvement at home' was really due to influences already discussed, which all come back directly or indirectly to the fact that the war on two fronts had ended, and that the position on the one remaining front had improved.

It may be doubted, too, whether Ludendorff was justified in boasting of improved *moral* in the army. On the 24th February a Reichstag debate on this subject left a quite different impression. Progressives and Socialists complained of favouritism in the matter of leave, of the retention of Landsturmers over 45 at the front, of bad medical service, and of the calling-up of individuals for 'political' reasons. There was other evidence also of increasing discontent and indiscipline, particularly in the Navy. Among civilian workmen there was always more and more grumbling about food conditions, but their recent experiences had removed any inclination to strike with the object of forcing the Government to make peace. The Majority Socialists had received the Russian peace very grudgingly and unwillingly, and even outside their ranks there was a good deal of displeasure at its terms. Its value, apart from military considerations, lay in the benefits which many of the public hoped from it, and which, as the experts must have known, were not likely to materialize. There had been signs of Austrian discontent with the alliance, as in Dr. Lammasch's recent

[1] *War Memories*, ii. 586.

speech in the Reichsrath, and Ludendorff at any rate knew well that the alliance depended solely on the hope of German victory. On the whole it is probably true that the military party was as strong as it had ever been, and as closely united with the Government, with which, indeed, its differences were as to methods rather than objects: the various political parties were, except for the Independents, convinced of the futility of clean-cut opposition: the people were, some from conviction and some from recent experience, unwilling to attempt to stop the prosecution of the war: the economic situation was unlikely to be ameliorated as much as was generally expected, and would therefore in effect get worse; military *moral* was not what might be wished, but it was better than it had been and than it was likely to become. It would be exaggeration to say that the domestic situation necessitated immediate military success, but it did require military success, and there was more chance of obtaining it now than there would be later. Ludendorff speaks of the attempt of Colonel von Haeften,[1] Max Warburg,[2] and Conrad Haussmann to get into touch with the Entente for the purposes of negotiation. He complains in view of these facts (which he did not know at the time) of Hertling's and Payer's refusal to contradict the rumour that peace could have been obtained in March if he had not insisted on attacking. In truth, no peace could have been obtained which would have been approved by fifty votes in the Reichstag.

20. *First Results of the March Offensive.* When the offensive began, the general feeling in Germany, more particularly as seen in the Press and in the Reichstag, was one of confidence, but of a very tremulous confidence. The opening days of the battle strengthened confidence very much; on the 25th March the *Berliner Zeitung am Mittag* was already announcing that 'the decisive blow of the break-through has followed the breach in the English positions'. The next day the Centre's organ, *Kölnische Volkszeitung*, thought it 'no longer possible to conclude peace on the terms which we were willing to accept a week ago'. *Vorwärts* reported that the whole people was 'imbued with the feeling that if ever military events can bring peace, it will be now'; the Press as a whole was jubilant.

In the early days of April jubilation increased; *Vorwärts*

[1] A Hamburg banker.
[2] A Progressive member of the Reichstag. Cf. Ludendorff, ii, p. 593.

grieved to think that there was now no way out but a complete German victory and the dangers which that would entail, and the *Welt am Montag* also regretted that a German victory was now inevitable. The Liberal *Frankfurter Zeitung* came to the conclusion that after all, though Briey and Longwy were not necessary to Germany, yet they were more useful to her than to France, and that politics must build on this plain economic fact. At the same time the restoration of Belgian neutrality was unthinkable except as an unarmed neutrality. The *Münchener Neueste Nachrichten* began to wonder whether the July Resolution still corresponded to the facts of the situation. Trimborn (*Centre*) announced that it must be clearly understood that his party, the 'Centre', kept a perfectly free hand for the future peace negotiations. Dr. Ablass (*Progressive*) pointed out that although the Resolution had gained successes in the East, yet it was not an unalterable programme, and was no longer binding.

On the 15th April the Centre's 'Parlamentarische Korrespondenz' asked, 'Who is there who has ever thought of regarding the peace decision of the 19th July as something not to be touched or altered?' On about the same date the *Freisinnige Zeitung* (the organ of the Progressives) declared that 'the Reichstag resolution had presupposed that all the other nations had the will for an understanding . . . this presupposition has proved illusory. . . . When our enemies have such designs, our attitude to the conclusion of peace after a victorious war must be other than it would be, had our enemies been ready and prompt to go along with us.' The *Lokal-Anzeiger* began to wonder whether Erzberger too would not retract, and apart from him Conrad Haussmann was almost the only bourgeois politician who stood by the July Resolution.

Other signs as well as these,[1] in fact, made it clear that the attitudes of German parties to the great questions of war and peace still depended on every change in the military barometer. This fact and the excessive confidence of the moment contained an element of weakness for the prosecution of the war, which can be traced, for instance, in the remark of *Vorwärts*—'Our whole people is imbued with the feeling that *if ever* military events can bring peace, it will be *now*.'

[1] e.g. Zedlitz, who had shown signs of willingness to compromise on the question of the Prussian franchise, was forced to resign the leadership of the Free Conservatives in the third week of April.

21. *April—waning of confidence.* Very early in April the High Command had ceased to share the confidence of the Press. Ludendorff[1] says: 'These actions (April 4) were indecisive. It was an established fact that the enemy's resistance was beyond our strength. . . . G.H.Q. had to take the extremely difficult decision to abandon the attack on Amiens. . . . Strategically, we had not achieved what the events of the 23rd, 24th and 25th had encouraged us to hope for. . . . However, our troops had beaten the French and English and proved themselves superior. That they did not achieve all the success that was possible was due, not only to their reduced fighting value, but above all, to their not being always under the firm control of their officers. . . . It was as yet too early to give a final opinion on the strategical situation; in itself it was by no means favourable.' He then strangely goes on to complain that the Emperor, unlike his grandfather, 'did not find men like Roon and Bismarck, who were resolved in times of stress to demand from the country everything needed for the prosecution of the war'.

Perhaps some hint of the disappointment of G.H.Q. found its way back to Germany, at any rate it is evident that the jubilant spirit was continually decreasing during the rest of April and May, and that the note of anxiety which *Vorwärts* had struck on the 20th March was spreading almost universally. Instead of celebrating the German achievements newspapers insisted on the incompetence and bad *moral* of the English Army, on the exhaustion of French reserves, on the dissensions between members of the Entente, and on the impatience and credulity of coffee-house strategists. The *Berliner Tageblatt* mirrored the hysterical condition of Berlin. 'In the Reichstag they say, our losses were enormous; in the Reichstag they say, the offensive in the West has stuck; in the Reichstag they say, the whole country in front of Ypres is a great lake, and therefore impassable; in the Reichstag they say, all the country between Amiens and Paris is mined, and would be blown up.' Naturally an attitude of confidence in the military situation was preserved, but it is significant that even in reporting such real victories as the capture of Kemmel Hill it was necessary to deprecate depression.

The spread of nervousness at home might have been justified

[1] II. 600-601, 607.

by a knowledge of the state of mind at G.H.Q.: Ludendorff 'expected strong forces of Americans to come. But the rapidity with which they actually did arrive proved surprising. . . . The only increase in drafts from home that I received for the future was furnished by prisoners of war returned from Russia. G.H.Q. now fell back on its own reserves of men, and prepared its drafts from the troops of the Eastern Army and Rumania . . . but these could not suffice unless the Government released the exempted men and took energetic action against deserters and shirkers. Our troops had fought well, but the fact that certain divisions had obviously failed to show any inclination to attack in the plain of the Lys gave food for thought. . . . The way in which troops stopped round captured food supplies . . . was a serious matter. . . . The absence of our old peace-trained corps of officers was most severely felt. In addition, during the first half of the war the Reichstag had made the penal laws more lenient. . . . The Entente, no doubt, achieved more than we did with their considerably more severe punishments.'[1]

22. *Erzberger.* When the end of April brought no hope of decision in the West there were distinct signs of a renewal of the pacific spirit and of an increase of liberalism. In this connexion something can be learnt from Erzberger, who, of all German politicians, was, throughout the war, by far the most successful in the art of forecasting public opinion. On the 30th April a concerted Pan-German and National-Liberal attack on him indicated that there was no longer any hope of his running away from the July Resolution, and was accompanied by a determined attempt to induce the Centre to repudiate him and to embroil him with the Chancellor; neither the Centre party nor the Chancellor was induced to drop Erzberger, and indeed on the 1st May the *Norddeutsche Allgemeine Zeitung* denied the report of dissensions between him and Hertling, though a week after the publication of an acrimonious correspondence showed (what in fact had long been an open secret) that the two were not on the best of terms. On the 4th May Erzberger attacked the Government's Ukrainian policy, and insisted that there must be no more interference with the internal affairs of that country. The three parties—Centre, Progressive and Majority Socialist—drew up a formula emphasizing the need for the supremacy of the civil govern-

[1] II. 610 seq.

ment. Payer expressed his sympathy, but pointed out that such a resolution amounted to a vote of censure. Accordingly the Majority refrained from bringing forward a formal motion, as their last wish at that moment was to destroy the Hertling-Kühlmann-Payer combination. The whole incident shows how Erzberger was a little quicker than any one else to perceive the swing of public opinion, and how both the Government and the Majority parties thought it wise to follow him.

23. *Prussian Franchise.* At about the same time (the end of April and the first half of May) the franchise question was working up to a crisis. A National-Liberal party convention on the 28th April voted for the equal franchise by a large majority; on the 15th May it was announced that the Centre, in spite of the rejection of its proposals for religious guarantees, would vote for equal franchise. The Government would not accept the proposals for additional votes (except one to be given in respect of age) and the Bill was passed with no franchise clause at all. Friedberg (Vice-President) announced that dissolution would follow as soon as the war situation allowed; the Progressives and Social Democrats were enraged, and it was known that the military opposed a dissolution during the continuance of the Western offensive. Discontent was not likely to be diminished by the contemporaneous reduction of the bread ration.

24. *Disappointment with the Eastern treaties.* By the end of April, also, it had become clear, at least to officials and business men, that the Eastern treaties were not going to ease economic conditions as much as had been expected. Of the 1,000,000 tons of grain hoped for from the Ukraine it was now calculated that only 100,000 would be obtained and neither Russia nor Rumania was likely to come up to expectations; the German Press did not conceal its disappointment, especially over the Ukraine. Meat stocks had rapidly dwindled,[1] and, though the meat ration had not been officially reduced, in many towns not more than 5½ ounces were obtainable. The potato ration was maintained at the existing level. At Krupp's there was no shortage of any metal except mica, but outside there was a lack of copper and nickel. The scheme for the 'voluntary' surrender of textiles had not been successful; secondhand

[1] e.g. the number of pigs had fallen during the last twelve months from 5,700,000 to 1,300,000; however, this loss had been to a small extent supplied by the army's release of 300,000 oxen from occupied territory.

leather had been brought under control; at the last Leipzig Fair there had been no rubber, and none of the substitutes were really efficient. The 8th War Loan had been a real success, for it had raised £727,500,000, or about £70,000,000 more than the 7th. The new budget provided for very little fresh taxation, and much over-estimated the probable yield of that, but the declared policy was to postpone financial reform until after the war.

The main interest of domestic politics continued to centre round Erzberger; and controversy still raged as to what had happened in the Main Committee on the 4th May. The object of the Right and of the section of the Centre represented by the *Kölnische Volkszeitung* was the final discrediting of Erzberger and the consequent alienation of the Centre from the Left. This manœuvre was rendered more hopeful by the successes of the end of May, particularly that of the Chemin des Dames. On the whole, however, the attempt to detach the Centre from the Left did not effect much. The Centre was determined to be safe whatever happened, and Erzberger had made up his mind, finally this time, that a peace by understanding was the only practicable, as well as the only Christian, solution. The death of Kaempf, President of the Reichstag, gave the Right a momentary hope of a quarrel among the Majority, but the matter was adjusted by the election of Fehrenbach (*Centre*) as President and Scheidemann (*Maj. Soc.*) as a third Vice-President.

25. *The Socialist 'Würzburg' Programme of the 24th May.* On the 24th May was published the Socialist programme of action drawn up by the committee appointed by the Party Directorate in accordance with the resolution of the Würzburg Conference; the main political demands were that:

The representative bodies of the people should have a deciding voice in the appointment and dismissal of the Imperial Chancellor, the Secretaries of State, and the Ministers, who must be entirely responsible to the parliaments for their official actions.

The Reichstag should have a deciding voice as to war and peace, and as to the conclusion of treaties of alliance with foreign powers.

That the standing army should be transformed into a people's army, beginning with the reduction of the time of service.

They further stipulated for the abolition of secret diplomacy; the creation of international legal organizations; complete liberty for associations and meetings, and the abolition of all exceptional legislation; complete self-government in communes, regions, and provinces. Finally, they demanded the reconstruction of the educational system, with a view to removing the monopoly of higher education by the ruling classes.

Although it was expressly stated that the Erfurt programme of 1891 was not replaced but supplemented, there can be no doubt that the Würzburg Programme marked the victory of 'revision' and the abandonment of revolutionary methods. It is characteristic that the *Hamburger Echo*, before the war one of the stoutest opponents of revisionism, insisted in its comment that the Socialist Party must, if it did not want to be eliminated and condemned to sterility, be prepared to make, just as it demanded, concessions. Forgetting its old policy of uncompromising opposition, it went on to declare that the majority block, which had been founded the year before in the Reichstag, was the best proof of the success of parliamentary policy on the basis of give-and-take.

26. *Conservative manœuvres against the Majority.* The third of the articles by 'L. H.', with which the (Conservative) *Kreuzzeitung* was endeavouring to split the Majority (and perhaps also to get Bülow as Chancellor), demanded Freedom of the Seas, and (under the phrase 'the broadening of the basis of our existence') continental annexations, that is, unless Germany obtained very favourable economic terms, and lastly a colonial settlement which should include something more than the restoration of all German colonies. This programme was better calculated to capture hesitating politicians of the Centre and Radical groups than crude demands for annexations and indemnities, for it could be interpreted later on either in a more annexationist sense or as evidence of Conservative moderation. For the moment it was evidently not expected to have much effect, as was clear from the editor's disclaimer of responsibility. Still, some slight progress was being made with the manœuvres against the Majority, or at least no ground was being lost, for on the 11th June a fairly large Centre group backed a renewed National Liberal proposal for a plural franchise and religious guarantees. This proposal was generally considered obstruc-

tive, but, in spite of repudiation by the Government, it was passed by an increased majority.

27. *Relations with Austria-Hungary.* Important developments in Austro-German relations were foreshadowed by Payer's speech of the 9th June, in which he declared the thought of separation to be impossible; the centre of gravity must be economic. Poland, Bulgaria, Rumania, and perhaps Turkey, should be included; there must be a complete military *rapprochement*, to lighten the burden on the individual states. Burian arrived in Berlin two days later, amid Viennese messages demanding the 'Austro-Polish solution' and Berlin insistence that the alliance must come before the settlement of detailed questions; on his departure he professed satisfaction, though he admitted that nothing had been settled. His satisfaction must have been marred by the friction between the two Governments about the distribution of food; Seidler having expressed the hope that Germany would make certain exports to Austria 'in the sense of the agreements concluded in May', the Wolff Bureau circulated a note that Germany intended to do nothing of the kind; on the 20th June the *Norddeutsche Allgemeine Zeitung* semi-officially deplored the attempt to put the blame on Germany, and explained that the nature of the May agreement had been misunderstood; Germany, having no reserves, had made no promise to deliver from her own supply. However, on 22nd June it was announced that Germany had agreed to let Austria have 10,000 tons of bread-corn from her army stocks.

28. *Army Moral.* G.H.Q., meanwhile, had not been gaining, nor even maintaining, confidence. By June it was recognized that 'not only had our March superiority been cancelled, but also the difference in gross numbers was now to our disadvantage . . . new American reinforcements could release English and French divisions on quiet sectors . . . for this reason America became the deciding factor in the war' (I. 637). In spite of this, however, and of the influenza epidemic, Ludendorff continued to believe that his strength was still great enough to allow him to strike 'one more blow that should make the enemy ready for peace', and he therefore planned the attack on Rheims for the middle of July, and 'undertook the operation with the firm conviction that it would succeed'. After the attack on Rheims he still thought that his men 'had shown

themselves in all essentials superior to the enemy, as long as they were handled carefully'; but his strategical judgment was already being overruled partly by considerations of foreign politics, and partly by distrust of his troops: 'I finally decided against the defensive because, quite apart from the bad influence it would have on our allies, I was afraid that the army would find defensive battles an even greater strain than offensive. Reports from the army about the evil influence of the mood prevailing at home, and reports from home about the low *moral* of the army, became more frequent. The army also complained of the effect of enemy propaganda. . . . The reason for the falling off in our *moral* was not to be found in that. It lay very much deeper. . . . A decided deterioration in the army's *moral* resulted from the re-enrolment, after long leave, of soldiers returned from captivity in Russia. . . .'[1]

All this is rather confused: it is at any rate significant that one guiding motive at G.H.Q. was consideration of the state of mind of Germany's allies, while the High Command's complaints of the effect of a bad spirit at home on the army were answered by exactly analogous counter-complaints from home. The truth is probably that there was a growing recognition that, in consequence particularly of the Entente's almost inexhaustible new reservoir of man-power, a good result of the war could not be expected even with such victories as could still be hoped for. Ludendorff's assertion that after the attack on Rheims 'a belief in a favourable issue of the war still prevailed in every quarter' hardly squares with the rest of his remarks as quoted above, particularly with his hope that 'one more blow' would make the 'enemy ready for peace' and his admission that the only result of the recent battles was disillusionment. He certainly changed his opinion a little later, when he inquired into the reasons of the failure of the 18th July, and found that 'the men had ceased to believe in the possibility of an attack'.[2] He spends a good many pages in rebutting charges of favouritism of regular officers, of luxury for officers at the expense of their men, of the unsatisfactory working of canteens, and so on. Complaints on these and similar grounds were periodical in the Reichstag: on 11th June for instance, Wirth (Centre) demanded that leave should not be given to men who procured food for their superiors or who took up

[1] II. pp. 640–42. [2] II, p. 671.

war loan, and that something should be done to improve the very bad arrangements for feeding returned prisoners and troops moving from East to West, and Majority Socialist and Independent Socialist speakers made more violent complaints. Müller (*Progressive*) declared that the Army Command flouted Reichstag Resolutions and War Ministry Orders, and had even suppressed a pamphlet of his own. Many of these complaints are of the kind which will always be made, and will always contain some truth; but they indicate two sources of irritation which are not necessary to an Army. It is undoubtedly true that leave was granted to men who took up war loan, and that some officers did use other means of pressure for war loan propaganda; and also that the Army Command was not purely passive in the matter of propaganda.

29. *Speech of Kühlmann, 24th June, and Resignation.* The chief political incident of this period was the resignation of Kühlmann, and the events that led to it.

On the 24th June, after a long speech on foreign politics, in which he said little that was new, Kühlmann came to the military situation and the prospects of peace: 'Our army, under leaders of genius whom God has given us, has passed from victory to victory. The situation is such that the initiative rests entirely in the hands of the German Supreme Army Command, and that we can hope that the summer and autumn will bring our arms new and great successes. The Austro-Hungarian Army has also in a dashing onslaught attacked the Italian position and achieved noteworthy successes. . . .' Then followed a quotation of Moltke's prophecy that a modern war might last seven years or thirty years, boasts of the German peace offer, the July Resolution, and the reply to the Papal Note, assertions of Russia's responsibility for the outbreak of war. Germany's aims were defined as follows: 'We wish in the world for the German people, and the same applies, *mutatis mutandis*, to our Allies, a secure, free, strong, and independent life: we wish beyond the seas to have the possessions which correspond to our greatness, wealth, and proved colonial capacities: we wish to have the possibility and the freedom to carry on a free sea our trade . . . absolute integrity of the territory of the German Empire. . . . We regard Belgium as one of the questions in the entire complex . . . far-going advances on the road to peace are hardly to be expected from public

statements. . . . So long as every overture is regarded by the others as a peace offensive as a trap, . . . so long as every attempt at *rapprochement* is immediately most violently denounced . . . , so long is it impossible to see how any exchange of ideas can be started leading to peace. Without such an exchange of ideas . . . *an absolute end can hardly be expected through purely military decisions alone*, without any diplomatic negotiations. . . . We hope that our enemies perceive that against the resources at our disposal the idea of a victory for the Entente is a dream and an illusion.'

The next day Hertling made a speech which was claimed as support by both the Left and Right, and in which he declared that 'the tendency of the utterances of the Secretary of State was purely to ascribe the responsibility for the continuation of the war to the enemy powers, entirely in the same sense as I had done on the 25th February, for it goes without saying that there can be no question of crippling our energetic will to defend ourselves or of shaking our confidence in victory'.

Kühlmann himself explained that his 'appeal was directed to no one specifically. His intention was clear from the contents of his speech, namely, that negotiations from parliament to parliament, from speaker's tribune to speaker's tribune . . . would hardly bring any material advance on the road to a solution. Therefore, nothing remained but the method of confidential or diplomatic contact.'

These attempts at defence were not very convincing: some observers considered at the time that the considerable interval (nearly three weeks) between the Foreign Secretary's speech and his resignation indicated that he had had some sort of support from G.H.Q. Ludendorff's book shows that his real state of mind gave some ground for the position which Kühlmann took up: Ludendorff says moreover: 'The Secretary of State was only repeating what was in the minds of the majority,' a statement which is borne out by the applause with which the Foreign Secretary's remarks were greeted from the Centre and Left. It is possible that Ludendorff really had been anxious to damp down the very enthusiastic expectations which were then common of the results of the summer campaign, and that Kühlmann went further than the General had intended. This question does not affect the real importance of the speech, which lies rather in its effects than in its causes.

The debate in which the speeches of Kühlmann and Hertling were delivered did nothing to clear up the situation: the Conservative Westarp drew from it the conclusion that 'the Imperial Chancellor cannot and will not pursue the policy of the Peace Resolution as we understand it': the Social Democrat Noske gathered that the Chancellor was advocating a peace by understanding. Such a situation could not but give German foreign policy an appearance of weakness, or intentional ambiguity, or both: nor was this appearance lessened by subsequent events. Official attempts at defending Kühlmann did not indeed withdraw his declaration in favour of peace by understanding, but they did give the impression that the Government had a sense of weakness in confronting annexationist attacks. The military censorship forbade Kühlmann's speech to be interpreted as meaning that a military decision could not end the war, and provoked the *Frankfurter Zeitung* to declare that this was the first time, at any rate so far as was known, that 'the representatives of the military authorities had issued verdicts upon the utterances of those whose business it is to conduct the Government of the country'. It stated also that 'they had tried to prevent the public from adopting particular views of responsible statesmen'. 'If these factors outside parliament, the most important of which is the Chief Command of the Army, as was shown by former crises and has again been demonstrated by these debates, are at all times able to transform those views of the leading statesmen which are disagreeable to them; if they can forbid the public to give assent to such views and can make those who express them apologize, then it does not really much matter who the persons are who conduct public business and who figure as the representatives of German policy before the Reichstag. . . . There are two possible courses which would replace the present uncertainty by a real solution. Either the Chancellor should once more formally declare in the name of the Government that the Government is still prepared to put an end to the war by an understanding which would meet our vital necessities, or else the representatives of those influences, the exponents of which in the Reichstag assert that the Government will not and cannot pursue the policy of understanding, should assume responsibility for Germany's policy. If it is the case that the Chief Command determines the course of our policy,

then the conduct of this policy should quite frankly be taken over by some one who belongs to that school of thought.'

It was the second rather than the first of the *Frankfurter Zeitung's* alternatives which was adopted when Kühlmann was replaced by Admiral von Hintze: no doubt the interval between the 24th June and Kühlmann's resignation was partly lengthened by the difficulty of finding a successor, and there is some reason to suppose that Bülow was the first candidate. Hertling explained that Kühlmann's resignation was necessitated by personal reasons, and it is true that the Foreign Secretary was not *persona grata* with the Emperor, had enemies in high places in his own office, had been weakened by the retirement of Czernin, and also by the *Deutsche Zeitung's* attacks on his private life. But there can be no doubt that the main cause of his fall was what Hertling described as the want of 'a relationship of confidence between him and other factors', that the chief of the 'other factors' was G.H.Q., and that the want of confidence was due to political rather than personal reasons. Hintze was generally assumed, equally by the Right and by the Left, to be a representative of the annexationists, and he was welcomed by Ludendorff as a 'strong man', though the General could not approve of his Russian policy, which he attributed partly to his own views and partly to 'the old tendencies of the Foreign Office'.

In the middle of July, to Hintze's question whether he was certain of finally and decisively defeating the enemy in the offensive which was then taking place, Ludendorff replied, 'To that I answer positively, Yes'.

30. *Deepening Depression—June to August.* The whole Kühlmann incident showed the existence of a dual government in Germany, of which the military part was the stronger: it weakened the civil government without strengthening the Army Command. G.H.Q. had been able to get what it wanted out of the late *régime* without being responsible for it. Now the 'parliamentarization' of 1917 had been to a large extent neutralized, for there was no pretence that Hintze was appointed with the consent or even with the approval of the Majority.[1] The Generals, in fact, had accepted a larger and more obvious share of responsibility for policy, and would therefore be more

[1] But Hertling did announce that he had obtained guarantees that Hintze would be loyal to his policy.

seriously weakened by want of success. It is probably fair to infer that they were once more placing their hopes on 'one more blow', and that in the light of the military history of the year, of the decline in the *moral* of the army, and of the more rapidly increasing irritation at the food and general economic shortage, these hopes were based on desperation. In short, G.H.Q. now felt that every risk must be taken for the sake of finishing the war quickly.

In spite of Ludendorff's complaints that the Press had not done its share in maintaining civilian *moral*, it had in fact been throughout June very resolutely optimistic, even about the Austrian campaign on the Isonzo. During July, and still more in August, it showed increasing signs of depression, as the offensive of Foch gathered strength. On the 30th July the German wireless declared that 'up to the present the battle has taken a direction which was intended by the German High Command, and it will be further conducted in accordance with the plans of the High Command. The Command has maintained its full freedom of operation. . . .' On the 2nd August the *Vossische Zeitung* reported that the danger was over when Foch was brought to a stand about 23rd July, but it came very near the crime for which Kühlmann had suffered when it reckoned with Foch's formation of a new reserve 'until movement enters the whole front, which, unless politicians can end the war, will one day happen . . .' and on the 3rd August the wireless published Ludendorff's admission that 'our strategical plan of attack has failed'. It is improbable that this would have been said if it were not already known, and equally improbable that much consolation was derived from Ludendorff's statement, 'I look forward with absolute confidence to the results of this great struggle'. At any rate by 10th August the Press was showing unmistakable signs of distrust of the General Staff. On the 11th August the *Frankfurter Zeitung* came pretty near to an open expression of distrust: 'We have always pointed out that we expected no miracles from this campaign. But we trusted firmly in the success of the general plan, and we still do so till the contrary is proved. . . .' Exhortations to civilians to keep up their courage, and to think of the effect of domestic depression on the troops, continued, and by the 18th August the *Frankfurter Zeitung* was lecturing the troops themselves. At the same time, discontent was continually aggravated by the

bitterer and bitterer disappointment and more and more acrimonious wrangling over Eastern policy, on which a lurid light was thrown by the murders of Mirbach and Eichhorn.

All confidence, in fact, had vanished; and it was the same at G.H.Q., as may be seen from Ludendorff's memoirs.[1]

Depression was spreading and deepening in the army as well as at G.H.Q.: this became very obvious to the Entente from the examination of prisoners of war. Discouragement among the civilian population was made more difficult to bear by the lateness of the harvest and the reduction of the meat ration: the oat crop was very poor, and in general it was probable that the official estimate of the harvest as better than the previous year's was untrue.

31. *Weakening of the Government, July.* The parties of the Majority had been united in their defence of Kühlmann's speech of the 24th June, but unable to prevent his fall or to influence the appointment of his successor. They continued, however, to make attacks on the Government, some of them (e.g., Scheidemann, 11th July) very violent, and it was to this no doubt, and to the military situation, that was due the change in Hertling's views of the Belgian question in the twenty-four hours from the 11th July to the 12th July: on the first occasion he still held that 'Belgium as a pawn means for us that we must secure ourselves by the peace conditions against Belgium ever becoming a jumping-off ground for our enemies, not only in a military but also in an economic sense'; but by the 12th Belgium had become a pawn for the securing of other peace conditions, and Germany had no intention of retaining it in any form whatever.[2]

32. *Reduction of War-aims.* On the 13th July the Majority Socialists re-affirmed their independence, on the occasion of voting the war credits, by putting in a plea for peace 'on the basis of the integrity of both sides': this plea did not save Scheidemann from being hissed at a public meeting for voting the war credits at all. On the 4th July the Prussian Franchise Bill had been passed with the plural franchise agreed on by the Right, which still maintained its confidence in spite of the Government's continued determination to dissolve if necessary.

[1] II, 674 and seq.

[2] The inspired Press made the most of this concession to the Left, but interpreted it in a narrow sense as meaning a Federal Flemish-Walloon Belgium united by commercial treaties to Germany.

On the 25th July Scheidemann (who was touring the country in favour of electoral reform)[1] announced that he had the Chancellor's assurance that, if it were necessary in the interests of the equal franchise, the Prussian Landtag would be dissolved before the end of the year. At once the semi-official *Norddeutsche Allgemeine Zeitung* hastened to declare that this announcement was due to a misunderstanding.

During July and August there was a good deal of obscure intriguing in the direction of peace, and towards the end of August there were several members of the Majority Socialist and the Left parties in Switzerland and in touch with various neutral 'peace-makers'. Among them was Scheidemann, though it was possible that he hoped not so much to bring peace nearer as to be able to stiffen the German workers by pointing out that he had gone to Switzerland and none of the Entente Socialists had met him half-way.

August saw a considerable shifting of political opinion towards the Left: mention has already been made of the opposition which Scheidemann met on his equal franchise campaign: there were signs also of dissatisfaction even among the Majority Socialists themselves, of discontent with the leadership of Scheidemann and Ebert, and probably their Swiss visit was not unconnected with this discontent.

In the ranks of the Centre the Left Wing again predominated: even the *Kölnische Volkszeitung*, which was accustomed to make the most Jingo demands, began to think that it might be well to provide British pacifists with encouragement. There were repeated demands, which met with some success, that more influence inside the Centre should be given to the working classes, and at a by-election an unofficial Centre candidate was elected by the progressive section against the official party representative, who was supported by the Bishop. All parties of the Left made increasingly violent attacks on the Government's Eastern policy and particularly on what *Vorwärts* called 'the throne barricade against the peace of the peoples'. There was a general weakening too—even, to some extent, on the Right—about war-aims in the West. By the end of the month Stresemann professed to think that peace would have resulted from an English proposal on the lines laid down by

[1] A few days before the Independent Socialists had prevented him from holding a meeting at Solingen.

Lord Lansdowne, and claimed that the National-Liberals had refrained from supporting the July Resolution only because they knew that the enemy would not respond. Official propaganda was supplied by Dr. Solf, who denied that Germany was ruled by the doctrine of force, promised the restoration of Belgium as an independent state, described the Brest-Litovsk Treaty as a framework, demanded the return of the colonies, and assured his hearers that it would be helping the enemy to react to their knock-out policy in a similar spirit. This speech was very warmly welcomed by the Left (though an Independent Socialist paper thought this and a somewhat similar speech of Prince Max of Baden completely in accord with Pan-German wishes).

The increasing demand for the summoning of the Main Committee and even of the Reichstag led to a meeting on the 22nd August between representatives of the Government, of whom the chief were Payer and Hintze, and the party leaders. Contrary to custom, an official report of the discussion between the Government and the party leaders was issued. According to this report 'the majority of the deputies took the view that even after the conclusion of the negotiations which are at present still pending with Russia the immediate summoning of the Reichstag might be dispensed with. In connexion with this the Foreign Secretary gave more precise information on the external political situation and the results of the deliberations which took place a short time ago at Headquarters in the presence of Austro-Hungarians and after the representatives of Poland had been heard.' It is difficult to understand the nature of the agreement semi-officially announced to have been reached on both Eastern and Western policy, but the Left doubtless did receive assurances of some sort in return for not insisting on the meeting of the Reichstag before the normal date.

33. *The Spa Conferences, 13th–15th August.* It has already been said that Ludendorff decided to arrange conferences with the Chancellor and the Foreign Secretary. These conferences took place at Spa on the 13th and 15th August, and reference is made to them in the official report of the party leaders' meeting. At these conferences Hintze reported Austria's declaration, and his own opinion, that she could not hold out beyond the winter, and that it was doubtful if she could hold out so long. Relations

but assurances that negotiations would be continued, and a hint that the Entente would shortly be forced to show whether it was conducting a predatory war or was really fighting for a League of Nations. This hint was repeated on the 9th by Burian himself, and materialized on the 15th in the Austro-Hungarian peace note, the forerunner of the defection of Germany's allies.

Enough has been written to show that by September Germany was very near desperation, and that the Government did little to disguise the fact. This did not at once lead to a more violent or more open opposition. There were efforts to organize an *union sacrée* from Westarp to Wiemer, that is, an alliance of all the bourgeois parties, behind a programme something like that sketched by Payer; but it was too difficult to get any such programme accepted by the Right, and then the Centre and the Left were beginning to wonder whether such a programme would any longer be good enough. The Socialists were for a time remarkably quiet, hardly troubling to denounce the Supplementary Treaties with the Bolshevists, which some Progressive papers even mildly welcomed: though the Socialists did promise Troelstra to oppose the Government bitterly if it allowed the Russian question to wreck peace attempts for which the Entente was ready. But already there were rumours of the Kaiser's abdication. Erzberger was becoming more prominent again and was expressing his wonder that the propertied classes all over the world did not rise up and insist on peace, as the only way to avoid Bolshevism. A report reached Berlin from Vienna that the Ministry was to be reconstructed so as to allow for the inclusion of Scheidemann and Erzberger, and some of the Right papers took this with a certain amount of seriousness.

On the 15th the Austro-Hungarian Government issued its invitation to all belligerents to take part in a 'confidential non-binding discussion' on neutral territory.

It is now known that on the 3rd September the German Chancellor had informed the Prussian Cabinet that 'an offer of peace could not, and must not, be made', but 'feelers must be thrown out', and that since the 10th August discussions had been in progress between the two Governments on the question of a peace move, Germany basing her unwillingness on the unripeness of the time and on the advantages of seeking

neutral mediation: when the Note was issued, therefore, it was not unexpected by the German Government, but it was unwelcome on these two grounds. The German Government had, in fact, informed most of the party leaders, excluding some of the Majority Socialists because it feared a press campaign against the supplementary Russian agreement: it is almost certain, however, that the news was already known from unofficial sources. On the 10th September Hindenburg was in favour of neutral mediation without delay. Semi-official denials that the Austro-Hungarian Note was in harmony with her Ally were therefore justified, and so, probably, was the statement that Count Toerring's proposal to the Belgian Government was 'the irresponsible work of an uninvited mediator'. From the 18th September to the end of the month the German Government was making repeated efforts to obtain neutral mediation.[1]

36. *Action of the Opposition.* The continued success of the Entente armies, together with the Austro-Hungarian Note (or rather the way in which it had been prejudiced by Payer's speech and in which it was broken to the Reichstag leaders), convinced the opponents of the Hertling *régime* that the time had come for action. When, at the meeting with the Chancellor the Majority leaders had insisted on the summoning of the Main Committee for the 24th September, the National-Liberals began to angle for participation in the Majority's councils, and very generously dropped all objection to Payer's programme. *Germania* (Centre) would welcome the National-Liberals if they abandoned their opposition to the July Resolution. The Centre wished still to support Hertling, but had no objection to a socialist element in the Government; the Socialists were willing to enter the Government on the following conditions:

(1) Article IX, forbidding simultaneous membership of the Reichstag and the Bundesrat, must be abolished.

(2) Equal, secret, and direct suffrage for all states of the Federation.

(3) The elimination of 'parallel governments' and the appointment of Government representatives from the Majority.

(4) Freedom of meetings and of the Press, and political control of the state of siege, *i.e.* equivalent of martial law.

[1] This is asserted in the official *Vorgeschichte des Waffenstillstands*, but was denied by Hintze to Ludendorff on 29th September.

(5) The National Liberals must unreservedly accept the standpoint of the Majority.

(6) The restoration of Belgium, Serbia, and Montenegro.

(7) The peace treaties of Brest-Litovsk and Bucharest not to hinder the conclusion of general peace.

(8) Autonomy for Alsace-Lorraine.

Ebert pointed out the difficulty of working with the Centre, and both he and Scheidemann spoke against a peace at any price and envisaged the possible necessity of a war of national defence. Meanwhile papers of such various hues as the *Frankfurter*, the *Vossische*, the *Börsen-Zeitung*, and *Vorwärts* were all suggesting that the last word had not been said on indemnities, and that Germany was ready for discussion of the Alsace-Lorraine question, though she must maintain her standpoint.

37. *Meeting of the Main Committee, 24th September.* The situation when the Main Committee met, on the 24th September, was that many members of the Centre were unwilling to join a coalition government because they knew that the Socialists would want Hertling's resignation, the revision of the Brest-Litovsk Treaties, and the repeal of Article IX. The National-Liberals were hoping to take advantage of this to form with the Centre a coalition which should lean to the Right. Such a hope was absolutely doomed: the cleverest tactics could not disguise the fact that political forces had shifted decisively and irrevocably to the Left. It could no longer be doubted that an overwhelming majority of the population now wanted peace and parliamentarization, even though for many of them parliamentarization was only a step to peace. Socialists, Progressives, many Centrists, some National-Liberals, could no longer doubt which way their supporters wanted them to lean, nor be ignorant that those supporters were daily becoming more numerous and more resolved.

The Government did not strengthen its position in the debate of the 24th: Hertling denied that the military situation was as bad as it had been on previous occasions, defended German actions with regard to Belgium, laid the responsibility for the war on Edward VII and Russia, and appealed for unity and confidence. Wrisberg admitted that military reports had under-estimated the enemy, but declared that the High Command was full of confidence. Brüninghaus, for the Admiralty, was

satisfied with the position at sea. Hintze said almost nothing, and Payer defended Eastern policy.

The most noteworthy feature of the ensuing debate was the acceptance of Payer's Stuttgart programme by the National-Liberals, Centrists, and Progressives, which showed that the gulf between the Socialists and the rest of the Majority was not yet bridged. Next was the violent attack made by Gröber on the 'Nebenregierung', which, in view of the fact that he was the great champion of Hertling in the Centre, was evidence of increasing solidarity. That solidarity was further strengthened by Hertling's speech of the 26th, when he acknowledged the objection to the military's conduct of the state of siege, but said that the civil authorities could only do their best to influence it. On the same day solidarity was definitely established by the news of Bulgaria's defection. After that it was vain for the National-Liberals to call for an 'all-party coalition'. Hertling called a meeting of the Prussian Ministry, which decided to vote against the repeal of Article IX in the Bundesrat, and such a decision rendered hopeless all attempts at co-operation with the Majority. On the 29th Hertling and Hintze departed for G.H.Q.,[1] and on the same day *Germania* became enthusiastic for the Socialists and the Conservative press called openly for a dictatorship. By the 30th *Vorwärts* was painting a very depressing future of a Germany deserted by Austria-Hungary and Turkey, and was declaring that any statesman who was not in favour of a peace of understanding deserved to be hanged. On the 1st October the Emperor accepted Hertling's resignation and expressed his desire for a more effective co-operation of the people in determining the destiny of the Fatherland.[2]

38. *Effect of the Bulgarian Defection.* That the people of Berlin were affected by the Bulgarian news no less than were the politicians was shown by the tone of the press: the *Kölnische Zeitung*, for instance, thanked heaven that Berlin was not Germany. 'As the Bourse yesterday and the riot of rumours showed again, Berlin always beats the Empire by innumerable lengths in nervousness . . . we must, in times like the present, call to the world again and again that Berlin is not Germany';

[1] Cf. Ludendorff, II, p. 722, for Hintze's declaration on this date that a parliamentary ministry was essential and a revolution possible.

[2] Already the Right was complaining of anti-monarchical propaganda.

but it may be doubted whether this time there was very much difference between the two.

On the 29th September, despite encouraging news from German sources at Sofia, it had been resolved that the new German Government should make a peace offer [1] based on the Fourteen Points, and on the same day the Bulgarian armistice was signed. Turco-German relations were very strained.

During September pessimism had been deepening at G.H.Q. Ludendorff saw that 'the distressing manifestations in the army would not decrease but rather multiply with the constant retreats and disintegrating influences from home.[2] He knew that 'there was no longer any chance of the pendulum swinging in our favour', and by the end of the month 'duty compelled him to substitute action for idle time-wasting. . . . The enemy had to be asked for peace, and an armistice.' [3] On the 30th September G.H.Q. asked to be informed of all public announcements with regard to peace negotiations, as otherwise there was a danger of demoralization setting in. On 1st October Ludendorff requested that the offer of peace should be dispatched at once. 'The troops are holding their own to-day, what may happen to-morrow cannot be foreseen.'

On the 2nd October Major von dem Bussche, as the official spokesman of the Higher Command, assured a meeting of the Reichstag party leaders that the fighting of the last six days had been victorious, but admitted that there was no longer any prospect of forcing the enemy to make peace: the situation might grow worse at any moment, and no time must be lost.

39. *Prince Max of Baden's Chancellorship: Beginning of Peace Negotiations. Character of the New Government.* On the 3rd October it was known that Prince Max of Baden was to be the new Chancellor, at the head of a parliamentary *régime*, and on the 5th he made his first speech to the Reichstag: he accepted the programme of the Majority and announced that a Note had been sent to President Wilson asking him to take in hand the work of peace.[4] Prince Max had long been considered a really Liberal politician and a champion of moderate war-aims. He had even been claimed as a colleague by the Baden Socialist party.

[1] Such an offer had been in course of preparation since 21st September.
[2] II, p. 700. [3] II, p. 719.
[4] This Note was sent on the 4th, though it is dated the 3rd in the Official *Vorgeschichte des Waffenstillstands* (p. 59); it was transmitted via Switzerland on the 5th, and reached Washington on the 6th.

The press was taking a more and more gloomy view, the Berlin Bourse was in a state of collapse, the Russian wireless was quoting an article by 'Spartacus' in the *Isvestiya* calling on the German proletariate to resort to revolution. The Conservative Party, probably as a result of Hindenburg's visit to Berlin, announced on the 2nd October its willingness to accept the Emperor's decree and to co-operate with a Government which aimed at an honourable peace: on the same day the Prussian Landtag was converted to the equal franchise. Nevertheless, the new Government was formed exclusively from the Majority.[1] On the 4th the National-Liberals accepted the Majority programme. But they were not very cordially welcomed, for it was decided that, instead of admitting any fresh National-Liberals to the Government, those members of the party who were in office under the old *régime* should be allowed to remain.

In general the press welcomed the new Government, even the *Kreuzzeitung* being convinced that the Higher Command had agreed to the Chancellor's step, but most of the Pan-German papers continued to denounce the spirit of defeat, for which they saw no justification: the left wing of the Socialists also had misgivings as to the new *régime*.

On the 8th October the Government received Wilson's reply to its peace Note. Meanwhile all interest was concentrated on two points—the possibility of peace, and domestic politics. Expert criticism of the Western front was a little more reassuring, but the general impression was that the war was lost: on the 5th came the news of Ferdinand's abdication (the 4th) and that Russia had repudiated her treaty with Turkey; by this date it was no longer to be doubted that the change in the Turkish Government was a preparation for peace. It was vain for Rathenau to protest that the peace proposal was premature; apart from the Pan-Germans (whose opposition Payer welcomed as strengthening the Government) his only supporter was Haenisch, who kept the flag of Jingo Socialism flying, but can have had no followers left.

[1] The Government was composed as follows: *Vice-Chancellor*, Payer (*Progr.*); *Foreign Affairs and Colonies*, Solf; *War*, General v. Scheüch; *Admiralty*, Admiral von Mann; *Interior*, Trimborn (*Centre*); *Labour*, Bauer (*Maj. Soc.*); *Under-Secretary*, Giesberts (*Centre Labour*); *Ministers without Portfolio*, Erzberger, Gröber (*Centre*), Haussmann (*Progr.*), Scheidemann (*Maj. Soc.*); *Under-Secretaries of Food and Economic Offices*, August Müller, Robert Schmidt (*Maj. Soc.*).

On the 10th a Socialist newspaper was pointing out the incompatibility between the Kaiser's principles and the armistice conditions, and recommending him to improve the prospects of peace by abdication. On the same day, the 10th, the revolutionary council of the Eastern Army [1] published a communist manifesto, whose first postulate was that the Western army had been defeated and was in flight. Strikes were breaking out, notably at Krupp's.

On the 12th October a meeting of the Bavarian Socialist Party demanded a parliamentary commission of inquiry into the responsibility for the failure of the peace offer of December 1916, an inquiry which should not stop at the steps of the throne. The leader of the party, Adolf Braun, warned it that it must work against the now universal feeling for revolution. He believed in revolution, and he believed that it would come soon, but this was not the time, when it was quite impossible to satisfy the demands of the masses flooding back from the front.

On the 9th October Ludendorff thought that the spirit of the army had improved, and that material was sufficient; [2] the chief weakness was the lack of reinforcements. He opposed a suggested *levée en masse*, and thought it possible to protect the frontier at a distance from the Western front for a long time, though there was some danger of a break through.

On the 10th Solf reported that Ludendorff considered it impossible to hold the front three months longer; some of the politicians, notably Payer and Erzberger, were anxious to obtain other military opinions, but in view of Ludendorff's insistence that G.H.Q. must bear the whole responsibility, they dared not carry out this project. After a good deal of discussion, Hindenburg and Ludendorff agreed to the text of the reply to Wilson, which was dispatched on the 12th October; in this reply G.H.Q. had obtained the insertion of the paragraph assuming the Entente's acceptance of Wilson's principles, but it had failed to obtain any reservations with regard to the evacuation of occupied territory. (II. 738.)

On the 13th October Erzberger announced that the enemy was being convinced that Germany had changed from an authority state to a people's state. He denied that Germany was offering peace from weakness, but rather invalidated this

[1] The authenticity of this council is not above suspicion.
[2] Except that the Air Force had only two months' supply of oil.

denial by asserting, with pardonable exaggeration, that the generals and the political leaders had drawn up the last reply to Wilson in a spirit of complete understanding.

On the 15th October the press published the text of Prince Max's letter to Prince Alexander von Hohenlohe; this letter[1] was, indeed, nearly a year old, but it was disconcerting to find that, even so long ago, the new Chancellor had been opposed to parliamentarization and had regarded the July Resolution with the utmost contempt. The Majority Socialists had, according to rumour, only accepted a prince as Chancellor with a good deal of grudging, and now had an excellent excuse for getting rid of him. Yet the expected Chancellor-crisis did not occur; the truth is that by this time every one knew that the Socialists had the game in their hands, and just because they were so strong it was to their advantage to have a Chancellor for whom they were not responsible. It is very likely that there was some bargain between the two, with further pledges of obedience from the Chancellor; in any case, he made no attempt at independent action for the rest of his term of office.

The press as a whole had treated the Note of the 12th October, with its acceptance of preliminary evacuation of occupied territory, as an inevitable necessity; only the extreme Right alone had failed to see the necessity. Even the Vaterlandspartei assured the Government of its support in the great task of winning peace with honour; it added that it would continue that support if it came to a war of national defence. Wilson's second Note (the 14th October) caused general disappointment; it was published in Germany on the 16th, and the immediate result was to increase the number of Conservative organs which called for a war of defence;[2] it was just these papers, too, which saw in the American President's desire for the 'destruction of the power which has hitherto controlled the destinies of Germany' an attack on the Emperor. The bourgeois Majority papers found this interpretation impossible, in view of the change in Art. IX, which had already passed the Bundesrat, and which was to make it possible for parliamentary ministers to be responsible to the Reichstag.

[1] It described the July Resolution as 'the disgusting child of fear and the Berlin dog-days'.

[2] The Committee of the Conservative Party announced that there was no choice—'the decisive struggle of arms must be carried on to the end'.

40. *Extremist Agitation.* On the 17th October *Vorwärts* reported that there was in the Berlin factories much talk of a Haase-Ledebour Government, which was to establish the dictatorship of the proletariate on a foundation of workmen's councils. *Vorwärts* pointed out, with a truth which was obvious from the past and was to be reasserted by the future, that there was a great difference between the Independents and the Bolshevists. On the 18th the Executive Committee of the Official Socialists published a manifesto, which insisted that great steps had already been taken towards peace and parliamentarization, and that the Socialists would stay in the Government only so long as that process continued; the German workers must beware of the dark forces of reaction, but equally they must avoid Bolshevism and strikes and demonstrations against the Government, which no longer had either sense or object.

There is evidence that by this time the discussion of the question of the Emperor's abdication was general and open, that war-loan placards were defaced and in general that an anti-patriotic attitude was common, and that the police were trusting to the military, but with the consciousness that their trust was likely to be disappointed. There is no considerable evidence that revolution was being systematically prepared,[1] or that efforts were being made to replace the old organization, which was evidently crumbling. The Official Socialists were anxious chiefly to get peace without falling into the disaster of Bolshevism; most of the Independent Socialists, and the best of them, were equally averse from Bolshevism; and most important of all, the whole process was mainly a negative one. It was not that a new power was forcing itself into a position of control, but that the impotence of what had been the guiding power was becoming more and more obvious, while its successors, debilitated by years of indecision, were most concerned to keep the old machinery going in order to avoid a complete break-down.

41. *Answer to the 2nd American Note.* The first meeting of secretaries of state to discuss the answer to be sent to Wilson's second Note was held on the 16th October, when Solf read a telegram from G.H.Q. inquiring whether the internal situation would allow the transfer of all troops from East to West and

[1] Though no doubt something was being done by Spartacists and extremist Independents.

a struggle to the bitter end. He attacked the Higher Command for its attempt to shift responsibility, and maintained that the collapse of military power had caused civilian depression. Solf was supported by Scheidemann and Gröber; Payer again raised the question of consulting other generals than Ludendorff, which Col. von Haeften deprecated. The next day the Chancellor reported that Ludendorff and Hindenburg would resign if other generals were consulted: Haussmann thought their resignation would be disastrous; Scheidemann insisted that it must be avoided, although the National-Liberals had indicated to Solf their want of confidence in Ludendorff and Hindenburg, thus strengthening the Government's hands in the matter. Later in the day Generals Ludendorff and Hoffmann attended; both agreed that not more than twelve divisions could be brought from the East, that to bring so many would mean the loss of whatever economic advantage Germany drew from the Ukraine and an increased danger of Bolshevism, and that the released divisions could be useful only on the defensive. In reply to a definite question Ludendorff said that a break-through was possible, but that he did not fear it. General Scheüch thought that one big reinforcement of 600,000 could be raised, and then 100,000 a month for six months and 150,000 for the next six months; home industries would suffer, and reinforcements would be exhausted by September 1919. Ludendorff then had his usual altercation with the civilians as to whether the army had been demoralized from the 'home front'. He promised that if the army could get over the next four weeks they would be 'out of the wood', and Payer agreed that, provided the answer to Wilson were so worded as to show the people that they had not thrown up the sponge, all would not yet be lost. After some further discussion Ludendorff again admitted that 'the line may be broken and we may be defeated any day'; it was generally agreed that without Rumania oil supplies would last very few months longer. Ludendorff's last word was that, if Wilson stood by his second Note, he must be told to fight for his conditions; there could be no worse conditions. This attitude he maintained on the 18th: on the same day Burian warned the German Government in detail of all the possible consequences of a breach in the negotiations, and Solf informed the Minister of War that he had reason to believe that Luden-

dorff's hopes were not shared by his entourage. On the 20th Hindenburg sent by telephone two suggested additions to the German reply, but it was sent off on that day without them. It 'left it to the President to create an opportunity for the settlement of the details.' of evacuation, promised the cessation of the sinking of passenger ships, and emphasized the democratization of the German Government. The Government had, in fact, made up its mind to act against the opinion of Ludendorff.

This is a really epoch-making event; German politicians were at last not only in a position to control policy, but actually bold enough to do so: the significance of this is not lessened by the doubt, which one cannot fail to have after reading the discussion analysed above, whether Ludendorff was not having the greatest difficulty in persuading himself to advise resistance. No doubt the resolution of the civilians was stiffened by communications like that addressed to them on the 20th October by the Imperial Minister at Munich: 'It seems to me to be my duty to issue a warning against judging the true state of public feeling by the firm tone of almost the entire press. In reality, an overwhelming majority are desirous only of peace.'

42. *Influence of trade unions and economic organizations.* Something has already been said of the aversion of most of the Socialist leaders from revolutionary violence; the trade unions as such were even more strongly opposed to any such action. Their leaders were accustomed to a continuous effort to get out of the existing system everything that could be got for the wage-earner.[1] Officially the unions were neutral in politics; they had great sums invested, largely in war loan; there is very little evidence of anything like organized preparation of workers' councils before the Revolution, and certainly such preparation received no support from the unions. Early in 1919 there were repeated complaints from the champions of the councils that 'as Ebert, Scheidemann & Co. undermined and finally abolished the rights of the Workmen's and Soldiers' Council in the political field, so Legien, Bauer, and Adolf Cohen did the same in the economic field'.[2]

[1] Cf. Noske in the Reichstag, 24th October: 'I share the view of Haase that a large part of our economy is ripe for socialization, that is why we do not want it demolished by civil war.'

[2] *Was die Arbeiterräte wollen und sollen*, Richard Müller.

Pamphlets by supporters of the councils assert, and, from internal evidence, no doubt with truth, that on the 18th October Hugo Stinnes was commissioned by the iron-masters and the mine-owners' association to negotiate with the trade unions for the foundation of 'co-partnership'.[1] At first the negotiations were carried on in Rhenish Westphalia, and at the beginning of November continued in Berlin. Among others the following participated—Stinnes, Vogler, Hugenberg, Ernst von Borsig, Friedrich von Siemens, for the employers; for the workers—Legien, Liepart, Schlickert, Stegerwald, Hartmann, Höfle. 'It was certainly an indescribable triumph for the trade union pundits when the well-known extremist Stinnes found himself ready for a partnership of labour[1].' The leader of the German iron- and steel-masters, Dr. Reichert, said later that on the 9th October a meeting of industrialists took place at Düsseldorf—'How could industry be saved? How could capitalistic enterprise[2] be saved from the socialization which was threatening to sweep over every branch of economics, from nationalization and from the approaching revolution? . . . It seemed that only organized labour had an outstanding influence. Therefore it was resolved, in the middle of the general insecurity, in the face of the tottering State and Government, that industry could find strong allies only on the side of the workers, that is, of the trade unions . . . The sacrifice had to be made . . . On November 6 the same representatives of employers and workmen appeared (before the Government) and unanimously demanded the creation of the demobilization office.' Richard Seidel, also a champion of the council system, says, 'In consequence of such considerations (*i.e.*, the connexion between wages and the prosperity of industry) the idea arose that the economic situation should be turned to the advantage of both parties by the co-operation of the employers' and the workers' associations. On this idea was built up the policy which the higher authorities of the trade unions followed during the revolution, "co-partnership for ensuring the transition economy" . . . It sets the finishing touch to a development whose roots lay in the time before the war, its bloom in the action of the trade unions during the war.' These utterances may be of some assistance to the understanding of German history in the last three weeks before the signing of the armistice.

[1] *Arbeitsgemeinschaft.* [2] *Unternehmertum.*

43. *The Reichstag establishes responsible government.* The Reichstag met on the 22nd October. Prince Max of Baden described the course of the peace negotiations and the nature of the constitutional changes proposed by his Government—participation of Reichstag members in the ministry, representation of the Chancellor by persons other than heads of offices, the establishment of a State Tribunal to ensure the legal responsibility of the Chancellor, Reichstag control of the declaration of peace and war and, after the establishment of the League of Nations, of alliances; amnesty for political prisoners. These proposals were well received except by the Conservatives, and by the Independent Socialists, who demanded the abolition of the monarchy. There was a good deal of grumbling that the military 'Nebenregierung' was not so easily annihilated as the Government thought, as was shown by the continued misdeeds of the censorship and the state of siege. Even Ebert, himself a minister, declared that the military Cabinet must be relieved of its powers; the results of the debates were that the constitutional proposals were stiffened, particularly by the civil control of the military Cabinet and of army appointments, that anti-monarchical suggestions from the Independent Socialists were greeted with applause not only by the Majority Socialists but also to some extent from the Government benches,[1] and that the Poles and Alsatians showed their conviction that the end of the German Empire was in sight.

Liebknecht celebrated his release by Bolshevist speeches at Independent Socialist meetings, which greeted them with cries of 'Long live the German Social Republic!' But the reception of Kautsky's pamphlet 'Die Diktatur des Proletariats', which rejected any attempt at class dictatorship, seemed to show that the majority of the Independent Socialists was anti-Bolshevist and democratic, although the book was attacked by Klara Zetkin.

The general impression was that the resistance in the West was comparatively successful and that the army was not broken, but there was increasing financial anxiety, which necessitated an official announcement that the Reichstag

[1] Already on the 25th the Government had been informed by its representative in Munich that Wilson's Note of the 23rd was interpreted as an attack on the Emperor. The German Minister at Berne reported 'from a reliable source that the conclusion of the Wilson Note refers to nothing less than the abdication of the Kaiser'.

would hold itself responsible for the State's financial obligations, and particularly for the war loan. What was probably a fair account of the state of mind of ordinary people was given by Winnig, the Hamburg labour leader, on the 27th; people who were not agitators were not surprised at the events of the last three months, because as the result of past disappointments they had become thoroughly sceptical; they felt sceptical also about the new Government, which would have to win their confidence gradually; there was—in clubs as well as in factories—a good deal of vague grumbling and of foolish talk about a complete change, 'as in Russia,' which arose from a failure to perceive that nothing but misery would arise from the destruction of the economic basis of society.

44. *The Reception of Wilson's Note of the 23rd October.* Wilson's Note of the 23rd October was received with relief by supporters of the new *régime*, in spite of its insistence on armistice conditions which would put the Associated Powers in a position to enforce any arrangement that had to be concluded and to make a renewal of hostilities on the part of Germany impossible. The immediate result was the attempt of G.H.Q. to insist on the breaking off of negotiations, an attempt which ended in the resignation of Ludendorff, though Hindenburg was persuaded to stay on. Ludendorff's resignation was announced on the 27th, and, on the same day the Emperor was informed by the Emperor of Austria of his unalterable intention to ask within twenty-four hours for a separate peace and an immediate armistice. Germany's reply to Wilson's Note promised that negotiations would be carried on by a people's government and asked for proposals for an armistice.

45. *The Naval Mutiny.* On the 28th October there began at Kiel the naval mutiny which was the occasion of the November Revolution. There had been previous naval mutinies, of which at least one had been publicly known and had made a connexion between the sailors' leaders and the Independent Socialists. The proneness of the sailors to insubordination may be explained partly by the fact that they were recruited from men who had seen the world and from skilled artificers, partly by the inglorious and nerve-trying nature of their war, partly from their continual observation of the great difference between the lives of officers and those of other ratings; it was noticed that discipline was much better on the smaller ships.

The sailors, like other Germans, had by the end of October only one guiding motive—the wish for peace. On the 28th October the fleet received orders to sail; it was asserted at the time, and has been asserted since, that the intention was only to protect the right flank of the German Army, though of course this might lead to a fleet engagement; many officers,[1] especially of the 3rd Squadron and most of all the captain of the *Markgraf*, had declared that it would be better to see the whole fleet blown up than to surrender. In any case, the men were convinced that to sail was suicide, and, in spite of their officers' attempts at persuasion on the night of the 27/28, they resolutely refused. A letter from one of them, dated the 2nd November, admitted that there had been excesses on some ships and estimated that over 1,000 men had been arrested. The men of the 3rd Squadron called a meeting for the 2nd November in the Trade Union Hall, to protest against the arrest of their comrades and other grievances. The meeting was forbidden; the sailors determined on a public demonstration, and demanded the sympathy of the workers. At the time fixed for the demonstration about 3,000 men, mostly sailors, assembled; the authorities caused the alarm to be sounded,[2] in order to make them return to their quarters, but no notice was taken. The demonstrators marched in procession to the Waldwiese barracks, released their comrades under arrest, and took arms; on their way back they came into collision with a party of mates and 'applicants' under the command of a lieutenant, and there were some casualties. After this the sailors, on the model of the Russian Revolution, chose a council, which by the morning of the 4th November had in its control 20,000 rifles, with 60 rounds of ammunition for each. The infantry who were called in against the sailors let themselves be disarmed; the Kiel workers declared a general strike.

On the 5th a deputation of the Sailors' Council and members of both Socialist parties waited on the Governor and demanded:

1. The release of all men under arrest and political prisoners.
2. Complete freedom of speech and press.
3. No censoring of letters.

[1] Cf. *Von Kiel bis Berlin*, Erich Kuttner, Redakteur des *Vorwärts*.

[2] According to one account the demonstrators took this alarm for the signal for the execution of their comrades.

4. Suitable treatment of the men by their superiors.

5. Unpunished return of all comrades on board and in barracks.

6. The fleet not to go out in any circumstances.

7. All precautionary measures involving bloodshed to be discontinued.

8. Withdrawal of all troops not belonging to the garrison.

9. All measures for the protection of private property will immediately be taken by the Sailors' Council.

10. No superior officers except on duty.

11. Unlimited personal liberty for each man from the end of one turn of duty to the beginning of the next.

12. Officers who declare their agreement with the measures of the existing Sailors' Council will be welcomed, but not others.

13. Every member of the Sailors' Council to be released from duty.

14. In future no measures to be taken without the concurrence of the Sailors' Council.

The Governor declared that these demands, some of which were political, exceeded his competence, and asked the sailors to await the arrival of Noske and Haussmann, who would come as representatives of the Government; meanwhile the arrested men were released. The Government representatives arrived in the evening, and accepted the fourteen demands, though nothing was said of a fifteenth which had been added—for the abdication of the Emperor. On the 5th of November Kiel was completely in the hands of the Council, who on the same day sent delegates to Lübeck and Hamburg, and soon after to Wilhelmshaven, Oldenburg, Hanover, Cologne, Magdeburg, Brunswick, Leipzig and Dresden—in fact, all North-Western and Central Germany. Everywhere they easily took control, and there was little disorder. At Hamburg Dittmann did attempt to give things a violent turn, denouncing the official Socialists as traitors to the proletariate and the 'popular' government as a bloody joke; but by the 9th of November the *Vertrauensmänner*[1] in the various industries were working for co-operation between the two Socialist parties.

46. *The Revolution in Bavaria.* So far the revolutionary movement had been outwards from Kiel; now it was to begin independently from the other end of the Empire. The hard-

[1] Men of confidence, mandatories.

ships and failures of the war had not decreased Bavarian dislike of Prussia, and it had been for some time obvious that that State was determined on an immediate end of the war, and anxious to sacrifice the Hohenzollerns for that purpose. On the 23rd October, after his release from prison, Kurt Eisner was cheered not only when he demanded the abolition of monarchy, but even when he spoke of the justice and necessity of returning Alsace-Lorraine to France. On the 3rd November the Independent Socialists held a demonstration in favour of peace, obtained the release of those persons still imprisoned for the January strikes, and raised shouts for the republic; on the 5th there was a much bigger demonstration, in opposition to the Pan-German agitation for the continuance of the war; and another demonstration, to demand the abdication of the Emperor, was arranged for the 7th; it was attended by 150,000 persons. Some soldiers raised the cry 'To the barracks', and the crowd obeyed the suggestion. The men in barracks had been forbidden to leave them, but they streamed out, many of them with arms; men under arrest were freed. Railway stations, post and telegraph offices, the headquarters of the military commands, ministries, and newspaper offices were seized. Workmen's and Soldiers' Councils were chosen, and on the 8th the first meeting of the Workmen's and Soldiers' Council took place, in the House of Deputies, under the presidency of Eisner, who announced that a Peasants' Council was to be formed and that practically the whole garrison had come over. The next morning appeared the first republican proclamation, and great merriment was caused by the flight of the King, who as late as the 7th had been taking his walk as usual. The success of the Munich revolution was crowned by the, at least temporarily, complete fusion of the two Socialist parties; all branches of administration continued to function, and the peasants promised to see to the feeding of the towns. Kuttner asserts that the Bavarian Revolution was purely spontaneous, and there is no evidence to connect it with the Kiel movement; the success of both must have been responsible for many towns going over to the republic on the 8th, including Bielefeld, Halle, Chemnitz, Dresden, Leipzig, Zwickau, and several towns in Rhenish Westphalia.

47. *The Emperor's acceptance of Responsible Government, 3rd November.* Having seen the beginning and the spreading of

the revolution in the extreme north and extreme south, it is time to return to Berlin, which was left just after the resignation of Ludendorff and the dispatch of the 4th German Note. On the 1st November the general offensive was renewed on the Western front; on the 2nd the Turkish armistice terms, on the 3rd the Austro-Hungarian, were published in the German press; on the same day was published also the Emperor's letter to Prince Max accepting the constitutional reforms and promising co-operation in the new system. The state of siege was relaxed, but not sufficiently to satisfy *Vorwärts*. On the 31st October the Prussian Herrenhaus passed a resolution of loyalty to the monarch, but already, or certainly a day or two after, it was clear that the Socialists would insist on abdication, if necessary by a threat to leave the Government. On the 31st the Emperor departed for G.H.Q., on the advice of various authorities. According to Kuttner, General von Linsingen (commanding in the Mark) was preparing to put in operation the plans worked out in 1916 for suppressing a revolution.

48. *Russian influence on the German Revolution.* It may be well here to insert what is known of Russian co-operation in the German November Revolution. On the 30th October *Germania* complained of the political activities of subordinate members of the Russian Legation, the *Frankfurter Zeitung* reported that Russian diplomatists were actually speaking at Socialist meetings, and the *Deutsche Tageszeitung* asserted that Joffe himself was taking part. Four days later the *Berliner Tageblatt* spoke of the distribution in Berlin of a leaflet inciting soldiers to disobedience; it could not believe that the Independents had anything to do with this, which was as bad as Pan-German propaganda. On the 5th November it was officially announced that revolutionary pamphlets had been found in a Russian courier's baggage; the Government demanded guarantees against a repetition of such conduct, and meanwhile insisted on the recall of all diplomatic representatives, and the next day Joffe left Berlin. Later Joffe asserted that he had supplied hundreds of thousands of marks to Haase and Barth, and that the Independent Socialists had distributed propaganda provided by him. Haase and Barth denied it; Barth said that he had distributed arms, but that they did not come from Joffe. Joffe replied that Barth knew very well that the money

came indirectly from him. The Independent Cohn admitted that the 350,000 marks which he had received from Joffe on the night of 5th–6th November had been used for propaganda, though he had alleged before that they were for Russian prisoners of war.

49. *The Revolution in Berlin.* On the 6th November,[1] Berlin was in a state of the utmost tension; the news from Kiel was censored; Independent Socialist meetings fixed for the 7th were forbidden. The Majority Socialist Party Committee and Reichstag Party met and demanded:

1. An immediate armistice.
2. An amnesty for military offenders.
3. The democratization of the Government.
4. The immediate settlement of the Emperor question.

The Minister Drews went to G.H.Q. to discuss the question of abdication, but the Emperor refused on the ground that it would mean anarchy, an objection that was shared by the National Liberals and, to some extent, by the Centrists.[2] On the 7th the Social Democrats again formulated their demands:

1. Freedom of meetings at once.
2. Police and military to be warned not to be rash.
3. Prussian Government to be transformed at once.
4. Stronger Socialist influence in the Government.
5. The Emperor and the Crown Prince to renounce their rights by noon on the 8th.[3]

By this time the majority of every bourgeois party, except the Conservatives, was in favour of abdication. Prince Max offered his resignation, but the Emperor induced him to stay on till he had made up his mind.

It was on the 7th that Linsingen did a thing which showed that the old spirit of the Prussian officer was still alive: he

[1] On 5th November a meeting of Secretaries of State was informed by General Gröner that no improvement could be expected in the military situation, and that withdrawal to the frontier must be contemplated, but that he considered it possible to gain time for the negotiation, though he could not estimate how long; on the 6th Wilson's fourth Note arrived, and on the same day the Armistice Commission left Berlin. The Armistice conditions were presented on the 8th, accepted on the 10th, and came into force on the 11th.

[2] Moreover, as late as 3rd November, the Progressives were still inclined to think that the Emperor, having become democratic, might be allowed another chance.

[3] This was later extended to the 11th.

forbade the formation of Workers' and Soldiers' Councils: 'the revolution was there and a Prussian general—forbade it' (Kuttner). That night the trunk telephones and telegraphs were cut off; next day the railways were stopped, armed posts were placed at street corners, supported by artillery and armoured cars, and the Independent Socialist Däumig was arrested in the street. The population remained quiet, but when the evening came, and no news of abdication, it was clear that they would hold back no longer. In the evening the Social Democrats forced the Chancellor to insist on Linsingen's resignation [1] and to forbid the military to use arms. That day had seen also the resignation of the whole Prussian Ministry and the appointment of Vice-President Friedberg to form a new one.

On the 9th November there was a strike (which Kuttner describes as spontaneous) in most of the Berlin factories; at 10 o'clock it was officially declared by the Social Democrats, and then the rest of the workers came out. The regiments which had been considered most trustworthy went over to the Workers' and Soldiers' Council. At midday Scheidemann announced the abdication of the Emperor,[2] and at 2 p.m. from the steps of the Reichstag he announced the foundation of the Republic. The police offices and the Wolff Telegraph Bureau were seized, Prince Max resigned the chancellorship, and the Kaiser fled to Holland the same evening.

It is very difficult to understand the relations between the Official Socialists, the Independent Socialists, and the Spartacists on this decisive day.[3] In the morning there were discussions between Ebert, Scheidemann, David, and the Independents Ledebour, Vogtherr, and Dittmann. At 3 o'clock Ebert,[4] Scheidemann, and two representatives of the Workers'

[1] According to the very bourgeois Ferdinand Runkel, *Die Deutsche Revolution*, on the 8th Linsingen warned 'kaisertreu' troops to hold themselves in readiness.

[2] According to the same authority (Ferdinand Runkel, *Die Deutsche Revolution*) the Emperor's abdication was announced before the news of it had arrived from Spa.

[3] Cf. *Die Deutsche Revolution* in *Der Deutsche Geschichtskalender* series, ed. by Friedrich Purlitz.

[4] The Socialist Ministers had resigned earlier in the day, and Ebert had promised Prince Max (or, so the latter said afterwards) to do his best to keep things quiet till the Chancellor's return from a projected visit to G.H.Q. to obtain the Emperor's decision.

and Soldiers' Council announced to Prince Max that a Socialist government was necessary: he offered the chancellorship to Ebert, who accepted it and issued an appeal to all authorities and officials to continue in their functions. In the evening Liebknecht and Barth (who was at this time Spartacist) demanded that they should form the cabinet, with the co-operation of Haase and some other Independents for three days only: there should be no constituent assembly and all the functions of government should be performed by the Workmen's and Soldiers' Councils. At 8.30 p.m. the Social Democratic directorate replied to the demands of the Independents as follows: 'We accept your demand that Germany shall be a social republic: we cannot accept your demand for government by the "Vertrauensmänner" of the workers and soldiers, because it is not in accordance with our principles: we cannot agree to the dismissal of the bourgeois members of the Government because that would endanger the food supply: we consider the co-operation of the two Socialist wings necessary at least till the meeting of the constituent assembly: we agree to the proposal that the technical ministers shall be merely advisory: as for the suggestion of two equal leaders of the Cabinet, we are in favour of equality between all members of the Cabinet.'

At 10.30 p.m. Barth presided over the first meeting of the Workmen's and Soldiers' Council, in the Reichstag building: it was announced that the police were in the service of the new government, that the administrative services were to go on as before, and that the 'people's commissaries' would be supervised by members of the Workmen's and Soldiers' Council: warnings were issued against street demonstrations: it was agreed that factories and military units should elect delegates to the Workmen's and Soldiers' Council, at the rate of one for each thousand voters.

The soldiers insisted that the Socialist groups should unite, and threatened to set up a military dictatorship supporting the Majority Socialists if the Independents would not co-operate. The meeting ended by sanctioning a cabinet of six 'people's commissaries', three from each wing of the Socialist Party—Ebert, Scheidemann, Landsberg, Haase, Dittmann, Barth, and by electing an executive committee of the Workmen's and Soldiers' Council.

The day had passed off quietly except for some fighting round the Palace (on which Liebknecht had hoisted the red flag) and in the neighbourhood of the University. On the 10th the two Socialist parties agreed to co-operate on the basis of the previous night's discussion at the Workmen's and Soldiers' Council: it was arranged that the Government should contain none but Socialists; that the 'people's commissaries' should have equal powers; that technical ministers should be supervised by two Socialists, one from each wing; that no time limit should be set to the Independents' membership of the cabinet; that political power should reside in the Workmen's and Soldiers' Councils, which were to be assembled from the whole empire as soon as possible; and that the question of the constituent assembly should be settled after the consolidation of the gains of the revolution. Military command was taken over by a Soldiers' Council, and the G.O.C. in the Mark announced that he had given orders for the defence of the new *régime*. Work was to be resumed on the 12th.

On the 11th November the Workmen's and Soldiers' Council expressed its admiration of Russia and its intention of renewing relations with that country, and demanded immediate peace, any peace rather than the continuance of slaughter: on the same day the Armistice was signed.

50. *Conclusion.* The history of the last ten months of the German Empire is one of obscure and continually shifting currents: it is easy to see the difference between January and November, the time when on the whole confidence still reigned, when the Generals still looked forward to victory, when it was still true—and soon to be made more unmistakable by successes in the field—that the mass of the people supported the policy of its leaders: between that time and the time when the Government ceased to exist for want of support and of belief in itself, and when the war was ended by an ignominious surrender occasioned by the action of the Generals themselves. It is not so easy to trace the process by which these changes took place. A few conclusions, however, emerge pretty clearly: it was the Higher Command that insisted on the inception of the negotiations which led to the armistice, and it did so because of its view of the military situation: how far the weakness of that situation was caused by factors not directly belonging to it, factors moral and economic, cannot be precisely estimated, but there

is no evidence that it was a break-down at home which caused the break-down in the field, nor that the Generals' pessimistic view was ill-founded, or their later optimism justified. The Revolution was not a violent outbreak which paralysed the Government: it was rather the emergence of discontents bred by the Government's failures and rendered powerful only by its collapse. The German people had borne—the greater part of it gladly, part complainingly—an 'authority state' which was successful, it replaced an 'authority state' which failed and, since success is the essence of such a state, thereby ceased to exist. No doubt there was revolutionary agitation, more or less organized, by the Independent Socialists, by the Spartacists, and by the Russian Bolsheviks; but it does not seem to have been necessary. The six weeks before the signing of the Armistice show a gradual shifting of the German state further and further towards the Left; that shifting corresponded with the will of the mass of the people, but there was a point where it became obvious that they wished it to go no further. They had little sympathy with the Spartacists or the Bolshevists, and it was made clear that of the Independents it was not the men of violence that had their support but the more moderate men like Kautsky and Bernstein, whose ideal was one of gradual progress under democratic direction. The Revolution began with a naval revolt against slaughter after armistice negotiations had been begun: it spread because almost the whole population was conscious of defeat, anxious for peace and food, and convinced that its Government had failed and ought to be replaced.[1] No attempt was made to suppress it because the Government itself had no principle of existence, having abandoned its old principle and only half adopted the very principle of the Revolution itself. All the business of administration went on because the officials had no mind to do anything but administer, no essential loyalty to the old state, and no essential quarrel with the new: the change was in the transference of authority from the will to victory to the consciousness of defeat.

[1] Cf., e.g. Eisner's Note, 10th November, to Wilson asking for favourable treatment of the new *régime* and admitting that the old deserved no mercy.

CHAPTER III[1]

THE POLITICAL ASPECTS OF THE ARMISTICE NEGOTIATIONS

1. *Introductory.* In a previous chapter an account has been given of the military events which led up to the final defeat of Germany and her Allies. It was these events which, as a necessary result, brought about the request on the part of the German Government for cessation of hostilities, and the particular conditions on which the request for an armistice was granted, governed the whole of the succeeding peace negotiations, with which this work is mainly occupied. The Armistice conditions themselves were confined to military matters; they contained the terms on which the Allies agreed to cease hostilities, and these terms included the enforced retreat of the German armies beyond the Rhine, the occupation of a considerable amount of German territory by the Allies, the cession of a very large amount of military material and of a considerable portion of the German fleet. The object of this was to ensure that, with the cessation of hostilities, the military superiority of the Allies should be secured, all danger of a recommencement of the war avoided; in general, they were of such a nature as from the military point of view to place Germany completely under the power of the Allies.

But the negotiations which had preceded the actual drafting

[1] The chief authorities for this chapter are an official publication by the German Government entitled *Vorgeschichte des Waffenstillstands*, which contains the official communications which passed between the German Government and the Supreme Army Command, with many other official documents, and the minutes of many of the conferences and discussions. This is the apologia of the civil Government of Germany and was issued with the object of showing that it was not on them, but on the Supreme Army Command, that the responsibility for the final catastrophe rested. It is preceded by a summary which is in many details of a highly controversial character.

For the other side, we have Ludendorff's Memories and three small pamphlets, *Das Friedens- und Waffenstillstandsangebot*, in which he has controverted the conclusions maintained in the *Vorgeschichte des Waffenstillstands*.

Use has also been made of *Ein Jahr in der Reichskanzlei* on Count Hertling's Chancellorship. written by his son, Freiburg i. B., 1919.

On the Allied side we have no information.

of the Armistice conditions dealt with matters far beyond this; though they did not take the form of formal preliminaries of peace, they laid down in general principle the conditions with which the future Peace must comply. It is necessary, therefore, to recount in some detail the political aspects of the diplomatic discussions which occupied the whole of the month of October and their result; without this it is impossible to understand the nature of the problem with which the Paris Conference, when it met, was confronted.[1]

The request for an armistice was addressed to President Wilson on the 4th October. As we now know, it had long been apparent to those in authority that all hopes of a German victory were past, and that nothing but a speedy peace could avoid a catastrophe. The German Government committed the fatal blunder that they had not the courage to face the situation into which they had brought the country, and allowed week after week and month after month to pass by without taking the only steps by which it could be saved. The reason of this was that they knew that the confession of military defeat would necessarily entail a complete overthrow for the whole system of government at home; the system of authority which had been based on military successes must disappear when the army which had been made the centre of the whole structure of government was defeated in the field.

It may indeed be said that, ever since the failure of the first invasion of France and the check at the Marne, as soon as it became evident that the war would be a long one, the outlook for Germany had been dark; time fought against her. As the years went by the very successes that were gained confirmed this view, for even success brought ultimate victory no nearer. The defeat of Russia, while it averted the catastrophe in Germany, did not bring peace; the conquest of Rumania brought no change in the essential situation. The hopes raised by submarine warfare were disappointed. It was this which directly brought about the demand for 'a peace of reconciliation', a peace without annexations or indemnities. This programme was indeed, during July 1917, agreed to by a large majority in the Reichstag, and it brought about the fall of the Chancellor, Bethmann-Hollweg. But even then the military authorities refused to take the only means of carrying out this

[1] The legal aspect is more fully discussed in Vol. I, Chap. IX, q.v.

programme, a complete and full renunciation of any interference with the full independence and integrity of Belgium. It was justly seen by the parties of opposition in Germany that in this way, and this way alone, would it be possible to gain strong support, if not among the governments, at least among the populations in the enemy countries, for an agreed peace. But the Emperor and his advisers refused to learn the lesson while there was yet time. A last ray of hope was given by the Russian Revolution, but this was used, not for developing proposals for peace in the only way in which they could have been successful, but as opening the way for a great offensive on the west, which was, in fact, a last despairing gamble. The offensive opened in March 1918; it had been carefully prepared; in it the last reserves were staked. It failed. This failure left Germany shorn of her last resources, and the reaction from the exaggerated hopes which had been raised was undermining the confidence and loyalty of the nation. The failure was apparent by the beginning of July; Herr Kühlmann, in a speech in the Reichstag, stated what indeed was the simple truth, that there was no hope of a military solution. The words created a great impression, and became the signal for a growing feeling of depression, which was not prevented by the fact that a week afterwards Kühlmann resigned.[1]

2. *The German View of the Situation, August–September 1918.* With the beginning of August, the Allies themselves began to take the offensive, and the advance of the English on the 8th was the critical day from which it was apparent to all the world that the situation was simply this, that the German offensive had been repelled, but that they were fighting a last despairing battle to maintain their position. Germany was now confronted with a possibility which they had always refused even to contemplate, defeat on the field of battle, not only a retreat but a *débâcle*. But even then, they delayed, procrastinated and hoped.

On the 14th August an important meeting took place

[1] It is not apparent whether in fact Kühlmann was only expressing his personal view, or whether, as was generally supposed, he was being used by the General Staff to give a warning. From Count Hertling's Memoirs, *Ein Jahr in der Reichskanzlei*, pp. 116-24, it appears that the Chancellor himself had at any rate not been consulted, and the most probable explanation is that Kühlmann, who was thoroughly dispirited and worn out, was guilty of what was a mere indiscretion. Cp. discussion of above in Chap. II, pp. 82-4.

at G. H. Q., which was attended by the Emperor and his chief military and civil advisers. The deductions derived from the discussion are important. To quote the official record: 'From the military point of view we are not in the position to break the war-will of our opponents, and are henceforward forced to take account of this military situation in the conduct of our policy. Diplomatic threads, with a view to an understanding with the enemy, should be spun at the right moment. Such a moment would offer itself after the next successes in the west. The Supreme Command explains that they would succeed in maintaining themselves on French soil and thereby eventually force our will on the enemy.'

Here then we get the first definite recognition that serious negotiations for peace must be undertaken, but always accompanied by the rider that somehow or other, at some time or other, some military success would be gained of such a kind that they might hope to make it appear that the beginning of negotiations was not the result of military defeat.

The particular form which it was contemplated that negotiations for peace should take, should be a request to one of the neutral Governments, either the King of Spain or the Queen of the Netherlands, to allow itself to be the channel through which discussion should begin. It was generally agreed that the Netherlands would be the better medium, for the simple reason that their proximity to Germany made intercourse easy.

The situation was, however, complicated by the situation of their allies. The condition of Austria was desperate, and the Austro-Hungarian Government had already repeatedly urged the German Government to use any means for bringing the war to an end. On the 14th and 15th August, a further discussion took place at G. H. Q., at which the Emperor Charles and Count Burian, the Austro-Hungarian Chancellor, were present. There was a clear difference of opinion between the two allies. The Austrians proposed that the necessary step should be taken at the earliest possible moment, and that it should take the form of a direct appeal to all belligerent Powers. On the other hand, the German view was: 'It is necessary to wait for a favourable moment; the present moment is too soon, on account of the obscure military situation. It would be better to wait until the establishment in a new line, or, alternatively, some kind of military success

produced a reaction in the enemy.' As regards the form of the step to be taken, an appeal to the mediation of the neutrals was preferable to a general public offer of peace, as suggested by the Austrians.

We may specify the point of view held at this time as follows: They no longer hoped by a successful offensive to break the will of the enemy, but on the other hand, they still professed to anticipate that a successful military defensive, combined with a continuation of the active submarine warfare, would paralyse the war-will of the enemy and so bring them to a condition in which they would be willing to discuss terms of peace which did not mean the defeat of Germany. From this they drew the political conclusion that a suitable moment must be chosen for opening diplomatic negotiations. Meanwhile, the Emperor laid stress on the necessity of home propaganda, with the object of an increase of confidence among the people: 'Fiery speeches must be made by private persons of high position.' As though speeches could be of any effect in view of the realities of the time.

The situation clearly implied a modification of war-aims; there was, however, at this time no formal discussion on the point; it looks as though the patriotic parties still shrank from facing the inevitable necessity of giving up their great schemes.

On the 21st August the whole situation was discussed by members of the Government with the party leaders, and there were fresh discussions at Spa on the 3rd September, this time with regard to war-aims. They turned specially on two points, the future of Belgium and of the border provinces of Russia, including Poland. As to Belgium, it seems to have been agreed that Germany must give up all claim to any annexation in Belgium, and they were inclined to adopt the formula that on other matters they would require nothing more than a guarantee that Belgium should not enter into any closer relations with other States than she did with Germany. With regard to the eastern frontier, there still seems to have been a unanimous opinion that Germany would be in the position to dominate a settlement there. The Polish question must be arranged with the Poles themselves before any discussion with the enemy, and the discussion still continued on the point whether German or Austrian influence should be predominant. There is not the slightest sign of any suggestion

that the Polish question would be settled in accordance with the general European requirements, still less that the establishment of an independent Kingdom of Poland would imply the surrender of any German territory. They still believed that they would be able to secure the close adherence of Poland to Germany, and they were occupied with the point that Lithuania should give the basis for German military influence in Russia. In fact, they expected 'an honourable Peace, which would be agreeable to us and give us security'.

This was the situation to which public expression was given by Payer in a speech at Stuttgart on the 13th September. It was a strong bid for 'a peace of understanding, without annexation, without indemnity'; a peace which, though it might exclude any actual extension of German territory, would still secure German influence, probably over Belgium, and certainly over Poland, Finland, and the Baltic Provinces; a peace which would include the conception of a League of Nations, but a League of Nations which was to be used for the liberation of countries hitherto subject to England by the insistence on the liberty of the seas.

During the last week in September the crisis and decision came. The defection of Bulgaria, the imminent collapse of Austria-Hungary, and, above all, the series of defeats on the western fronts, showed beyond the possibility of doubt that Germany no longer possessed the power of effective resistance. All the hopes they had so long cherished were dissipated and there was no course open to them except to sue for peace, and while doing so, to try to arrange that the terms should be the most favourable that could be negotiated.

On the 15th September the Austro-Hungarian Government had published their Note. After reviewing the general situation and referring to previous similar proposals which had emanated from Vienna, it culminated in a proposal to 'invite all belligerent States' to 'a confidential and non-binding discussion' at 'a place in a neutral country'. It is addressed not only to the belligerents, but also to the neutrals and to the Pope.[1] The proposal was that while the discussion proceeded, the operations of war would not be suspended. The proposal was not well received; Mr. Balfour made a discouraging reply, and imme-

[1] *v.* Vol. I, Appendix IV. In fact, the Note is undated; it was received on the 16th.

diately afterwards a definite rejection was received from President Wilson. The Austro-Hungarian Government answered by declaring that the peace offer remained open, but from this moment in fact all importance had departed from it, and the field was left open for the German Government.

Almost immediately afterwards this was followed by an even more serious event, the defection of Bulgaria. On the 26th a message was received that Bulgaria proposed to make a separate peace. This was confirmed on the following day. The first hopes which had been entertained that the situation might be saved by strengthening the German army in Bulgaria, were shown to be quite useless. The Armistice was signed on the 29th September, and on the 2nd October the Army Command recognized that 'we must renounce every hope of continuing to keep Bulgaria on our side'.

This was the turning point; it was now apparent that the hopes which they had continued for so long to nourish were empty, and there stood before them nothing but the prospect of irremediable defeat.

3. *German Decision to request peace from President Wilson, 29th September.* Under these circumstances, they naturally turned to the previous declarations made by President Wilson, who, in his public statements as to war-aims, had put forward a programme which it was hoped might assure to Germany some mitigation of the more extreme terms which would undoubtedly be imposed, were the enemies of Germany to exert to the full the power which fell to them owing to their victory in the war. Accordingly, on the 29th September, a general agreement was arrived at that the request for peace should take the form of a direct appeal to President Wilson, requesting him to take in hand the restoration of peace, and, with this object, to propose to all belligerent parties the dispatch of delegates with full powers to Washington, it being understood that the Fourteen Points of his speech of the 8th January 1918 would be the basis of the negotiations.

Side by side with this determination there arose an internal political crisis. In view of the state of public opinion in Germany itself, the long-growing dissatisfaction with the subordination of the civil authority to the military power, and in view also of what was known as the opinion among the enemy, it was clear that this proposal, if it was to be effective, must be made

by a government which directly represented the majority parties of the Reichstag, and must be accompanied by far-going concessions as to those points in the German constitution which had for so long been at issue between the Government on the one side and the Liberal and Socialistic parties on the other. As a result of discussions which took place in Berlin between the party leaders, the Emperor on the 1st October accepted Hertling's resignation, and added to the letter in which he did so the following paragraph:

'I desire that the German people should co-operate more effectively than heretofore in determining the destiny of the Fatherland. It is, therefore, my will that men who are supported by the confidence of the people should, to a large extent, participate in the rights and duties of the Government. I request you to conclude your work by carrying on affairs and making a beginning with the measures determined by me until I find a successor for you. I await your proposals for this.'

It was at first expected that he would be succeeded by Payer, member of one of the Liberal parties and Vice-Chancellor, but it was felt that it was necessary to have in this crisis a man who would serve as a symbol of union, and for this purpose there was chosen Prince Max of Baden, the heir to the Grand-duke and the representative of one of the most popular and liberal of the dynasties. He at once assumed office and set about the task of forming his administration.

4. *Intervention of Ludendorff and Hindenburg, 1st–3rd October.* Before he had succeeded in doing so he was, however, confronted by a fresh and most serious factor. On the afternoon of the 1st October, the following telegram was received from Lersner, the Government's representative at G.H.Q.:

'General Ludendorff has just asked Freiherr von Girenau and myself in the presence of General Heye to communicate to Your Excellency his urgent request that our request for peace should be issued at once. To-day the soldiers hold their ground; it is impossible to foresee what may happen to-morrow.'

This was followed by a telegram from Hindenburg himself, dispatched at 2 o'clock in the afternoon to Payer:

If it is certain that Prince Max von Baden forms a Government by 7 or 8 o'clock this evening, then I may agree with postponement till to-morrow morning. On the other hand, should the formation of the Government be in any way doubtful, I consider the issue of the declaration to the foreign governments to-night required.'

In view of the previous attitude taken by the General Staff, this message naturally raised consternation in Berlin.

Prince Max was put into a most difficult position. It would obviously render his task an almost impossible one if his very first act was to send out a request for peace and an immediate armistice under these conditions. Serious as the situation on the western front was, nothing had yet happened to cause them to anticipate that it was so desperate as it now appeared to be. The following picture of a scene which took place at Spa graphically recalls the position: [1]

'The next morning my father (Count Hertling) was discussing with the Emperor the question of his successor as Chancellor; the Emperor could not yet come to a decision in favour of Prince Max of Baden. During the conversation Ludendorff again came into the room unannounced, and immediately asked in a tone of great excitement: "Has the new Government not been formed yet?" to which the Emperor answered rather roughly: "I am not a wizard!" (*Ich kann doch nicht zaubern*). On this Ludendorff said: "But the Government must be formed immediately, for the offer of peace must be made to-day." The Emperor: "You ought to have told me that a fortnight ago."

Further correspondence took place, but the General Staff maintained their position. On the 2nd October Prince Max still opposed the demand and wished to wait at least a week in order to consolidate the new Government and avoid creating the impression that, in making the proposals for peace, they were acting under the pressure of a military catastrophe. On the 2nd October Hindenburg and Ludendorff came to Berlin and Prince Max addressed to them the definite question: 'Is the Supreme Army Command aware that the opening of peace negotiations under the pressure of the military situation may lead to the loss of German colonies and German territory, especially of Alsace-Lorraine and of the purely Polish districts in the Eastern Provinces?' Hindenburg maintained his position that the Supreme Army Command must insist on the immediate dispatch of the request for peace. 'The enemy on its side is constantly bringing into the battle new and fresh reserves. The German Army still stands in a firm position and has successfully repelled two attacks. But the situation is growing worse daily, and can force the Supreme Army Command to serious decisions. Under the circumstances, it is enjoined to break off the battle in order to spare the German people and their Allies useless sacrifices. Every day of delay will cost thousands of brave soldiers their lives.'

[1] *Ein Jahr in der Reichskanzlei*, by Karl Graf von Hertling, p. 183.

5. *The Peace Note and its Consequences.*[1] Against this all representations and protests of the Chancellor were of course unavailing, and on the 4th there was dispatched to the Swiss Government for presentation to President Wilson a Note, which was the public and irrevocable record of the defeat of Germany. It runs as follows:

'The German Government requests the President of the United States of America to take in hand the restoration of peace, acquaint all belligerent States with this request, and invite them to send plenipotentiaries for the purpose of opening negotiations. The German Government accepts the programme set forth by the President of the United States in his message to Congress of the 8th January 1918, and in his later pronouncements, especially his speech of the 27th September, as a basis for peace negotiations.

'With a view to avoiding further bloodshed, the German Government requests the immediate conclusion of an armistice on land and water and in the air.'

On the same day an almost similar Note was dispatched by the Austro-Hungarian Government through the Swedish Government.

The answer to Germany came on the 8th.[2] It raised three points. The first was:

'Does the Imperial Chancellor mean that the Imperial German Government accepts the terms laid down by the President in his address to the Congress of the United States on January 8th last, and in subsequent addresses, and that its object in entering into discussions would be only to agree upon the practical details of their application?'

The second dealt with the suggestion of an armistice; the President said that 'he would not feel at liberty to propose a cessation of arms to the Governments with which the Government of the United States is associated against the Central Powers so long as the armies of those Powers are upon their soil'. In the third, he raised the question of the internal constitution of Germany, stating that 'he is justified in asking whether the Imperial Chancellor is speaking merely for the constituted authorities of the Empire who have so far conducted the war'.

Of these three points, the second was of the most immediate importance, for it had been the hope of the German authorities

[1] The political aspect is only alluded to here. The whole matter and the legal aspects are more fully given in Vol. I, Chap. IX, q.v. The Appendices III and IV give relevant speeches and documents.

[2] *v.* Appendix IV, Vol. I, for full texts.

that they would be able to arrange terms of armistice of such a nature that it would enable them to begin hostilities again, supposing the negotiations for peace broke down, on conditions which would be at least as favourable as those when hostilities ceased; they would indeed, unless special guarantees were required, be more favourable, because the German Army, which was exhausted, would have had an opportunity for recovery. The demand that they should evacuate the occupied territory was the first indication that such a condition would not be complied with. None the less, there was general agreement between the civil government and the military authorities as to the terms of the answer.

The first point, at any rate, could create no difficulty. They had accepted the terms laid down by President Wilson in his address of the 8th January and in his subsequent addresses as the foundation for a permanent 'peace of justice'. Consequently the object of the proposed discussions would be only 'to come to an understanding upon practical details of the application of these terms'. They added, however, that they assumed that 'the Governments of the Powers associated with the Government of the United States also adopt the position taken by President Wilson in his public declarations'. It was, in fact, the whole object of the German Government to get this formal agreement from the other enemy States.

As to the second point, they 'declared themselves ready, in agreement with the Austro-Hungarian Government . . . to comply with the proposals of the President in regard to evacuation'. They suggested, however, that a Mixed Commission should be appointed to concert the necessary arrangements.

As to the third point, they pointed out that the present German Government had been formed by negotiations and in agreement with the great majority of the Reichstag, and that the Chancellor, who spoke in the name of the German Government and of the German people, was supported in all his actions by the will of the majority of the Reichstag.

The next answer of the President of the 14th October made clear the real situation for the first time. After noting the unqualified acceptance of his peace terms, he passes on to the two other points, and in regard to both of them he expresses himself in language of unprecedented directness, and there is a very noticeable accentuation of the demands.

As to the armistice, he refused the proposal for an Allied Commission to discuss the terms, explaining first that 'the process of evacuation and the conditions of an armistice are matters which must be left to the judgment and advice of the military advisers of the Government of the United States and the Allied Governments'; they are, therefore, not to be agreed, but dictated terms, and he proceeds to say that 'no arrangement can be accepted . . . which does not provide absolutely satisfactory safeguards and guarantees of the maintenance of the present military supremacy of the armies of the United States and of the Allies in the field'. There is then to be no hope that the terms would be such as to enable Germany to take up arms again; it must be not a temporary cessation of hostilities, but surrender.

He then refers to the methods in which Germany is conducting the operations and makes it a condition that the German forces should cease 'the illegal and inhuman practices which they still persist in'. There is special reference to the conduct of the submarine war and an undisguised demand that the cessation of the unlimited submarine warfare should be a condition preliminary to an armistice. This meant that the Germans should give up before the armistice the weapon on which they now chiefly depended.

Lastly, he turns to the question of the Government of Germany. Referring to a statement in his address of the 4th July 1918, that the object of the war is 'the destruction of every arbitrary Power that can separately, secretly, or of its single choice disturb the peace of the world', he points out 'that the power which has hitherto controlled the German nation is of the sort here described. It is within the choice of the German nation to alter it.' Such alteration is a condition precedent to peace. 'The whole process of peace will, in his judgment, depend upon the definiteness and satisfactory character of the guarantees which can be given in this fundamental matter.'

6. *The Germans decide to accept Wilson's Terms.* The German nation was thereby confronted with the demand for conditions which meant a complete surrender, both naval and military, and at the same time, with a request which could scarcely be interpreted otherwise than as one for the overthrow of the monarchical system and the abdication of the Emperor.

The German Government have published the record of the

prolonged discussions which took place between the army leaders and the civil authorities. In them the whole military situation was explored. The Chancellor, with whom the final decision rested, had to determine whether he would be justified in refusing the only terms that would be offered, in the hope that the German Army would eventually be in a stronger position than it was at the moment. As he said: 'If all the measures are adopted which Your Excellency has proposed, if the front holds for the next two months, is Your Excellency of the opinion that in the course of the next year a position may be created which is better than that in which we at this moment find ourselves? . . . Can we end the war next year under better conditions than at present?' This, of course, was the one thing that mattered. It was no use continuing the struggle if it was predetermined that at the expiration of so many months, after there had been an additional loss of life and loss of the little reserve strength which the German nation had, they would only find themselves in a situation, from the military point of view, worse than that by which they were then confronted. In these discussions Ludendorff and his colleagues were on the defensive. We see the effort always to find some ray of hope, some justification for refusing to accept the terms offered, some justification for a final appeal to the German nation to struggle on for a few months longer, and always, it is clear, that they were unable to find any. Wherever they turned, there was really no hope. Bulgaria had surrendered, Austria-Hungary had appealed for a separate peace. It was necessary to maintain the garrison in the Ukraine, for if it were withdrawn the road would be open to a Bolshevik advance, and, in addition, the food from the Ukraine was absolutely essential to the continued existence of the nation. From here, therefore, no reinforcements could come. A levy *en masse* had been suggested, but Ludendorff refused to consider it, and rightly, for as he pointed out the levy *en masse* had already in fact been used. The whole German nation was already engaged in the war, and it was only a matter of arrangement whether the services of every man and woman should be used at the front, on the lines of communication, or in production at home. The Western front was dependent entirely upon itself, but what was the position there? The whole reserves of the German Army had been completely eaten up. They had for the whole front

only 17 reserve divisions; the numbers in the battalions in the divisions had fallen from 1,000 to a little over 500, and of these 17, only two were fresh; the others were either withdrawn from the line because of their exhaustion, or were being reconstituted.[1] Against them they had the British Army, the divisions of which were being kept up almost to full strength, the French, and the Americans, who already had over a million men in the field and who anticipated another million during the next few months. Supplies were deficient, ammunition was failing, and, above all, they were without any defence against the tanks which were being brought into action in increasing numbers. The German Army was in retreat along the whole line and it required little for the retreat to become the greatest military catastrophe of which history has any record. The railway communication to Germany, divided as it was by the mass of the Ardennes, went either to the north at Liége, or to the south by Trier. On the northern route there were only two main lines available, and the army would have to pass through a comparatively narrow gap not above 60 miles in breadth; through this would have to move the hundreds of thousands of men who were enlined from the sea to Verdun. There was indeed an alternative route, but the Americans were advancing rapidly upon it, and it could be foreseen that within a few days they would occupy the railway line and sever the connexion. If this once happened, the whole forces of the German Army would be driven into a narrow gap. Under the best circumstances an orderly retreat would have been almost impossible, but it was no longer possible to depend upon the cohesion of the soldiers or their discipline. The spirit of disillusionment had spread from the home to the army and back again from the army to the home. The secret propaganda, which for months had been carried on by the Independent Socialists and the Spartacists, was doing its work; the men were conscious of defeat; among many of them confidence in the leadership was gone, and we have abundant evidence how great was the apprehension caused by the incipient signs of disorder and even of mutiny. To impose upon an army in this state the task of retreat under such conditions, before a confident and advancing foe, would have been a senseless and unpardonable waste of life.

[1] According, at least, to the figures of a French official pamphlet.

The situation was one tragic beyond description; all those who took part in these discussions, acute as the differences between them might be, were united in this, that they were filled with the deepest love of their country and they knew that they were sharing in the ruin of all those great hopes with which the German nation had been inspired, not only since the war began, but for the last two generations. And they knew that all they could aspire to do was to avert some of the effects of the impending catastrophe.

7. *Ludendorff's resignation: The German Note of the 20th October.* The decision, however, was not arrived at without a fundamental difference between Ludendorff and the Civil Government. Ludendorff would have wished at whatever risk to refuse to accept these terms; he was overruled and resigned ultimately on the 26th, and thus disappeared from the scene the man who, above all others, was responsible, on the one hand, for the immense energy and courage with which the war had been waged, on the other, for the fatal blindness which had allowed all serious proposals for peace to be postponed until it was too late. Hindenburg remained in office, and was to add to the great services he had already done to his country the last melancholy duty of carrying out the military requirements of the Armistice.

The Note, which was dispatched on the 20th October, began by accepting the conditions as to the Armistice; it left it to the President to create an opportunity to settle the details, trusting that he would approve no demand irreconcilable with the honour of the German people and to paving the way to a peace of justice.

While protesting against the charge of illegal and inhuman practices, whether on land or on the sea, the German Government stated that, in order to avoid everything which might impede the efforts to secure peace, orders had been sent out to all submarine commanders 'precluding the torpedoing of passenger ships'. In fact this had been done, and every effort had been made to prevent the recurrence of any incident that would create a feeling of opposition to the continuation of the negotiations. This we may take as the act which above all others shows the reality of the surrender. By this the Germans had given up one of the chief weapons of warfare without asking for any similar concession from their enemies.

It was a concession that could only be made by a Power conscious of defeat and one which the army commanders strenuously opposed. On the third point the Note at some length explains the changes which were taking place in the German Constitution and declares that 'the permanence of the new system is, however, guaranteed not only by constitutional safeguards, but also by the unshakeable determination of the German people, whose vast majority stands behind these reforms and demands their energetic continuance'.

With this answer in his hands, the President was now able to proceed to the next step. He had received from the Germans those complete assurances which he desired and was now in a position to approach the Allies. On the 23rd October two fresh Notes were issued, one to Germany and one to the representatives of the leading Entente Powers. In the Note to Germany he puts on record the result of the previous discussion:

'Having received the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in his Address to the Congress of the United States on January 8th, 1918, and the principles of settlement enunciated in his subsequent Addresses, particularly the Address of September 27th, and that it is ready to discuss the details of their application;

'And that this wish and purpose emanate, not from those who have hitherto dictated German policy and conducted the present war on Germany's behalf, but from Ministers who speak for the majority of the Reichstag and for an overwhelming majority of German people;

'And having received also the explicit promise of the present German Government that the humane rules of civilized warfare will be observed both on land and sea by the German armed forces,

'The President of the United States feels that he cannot decline to take up with the Governments with which the Government of the United States is associated the question of an armistice.'

He then repeated the statement that the only armistice he would feel justified in submitting for consideration is one 'which would leave the United States and the Powers associated with her in a position to enforce any arrangements which would be entered into and to make a renewal of hostilities on the part of Germany impossible'. He proceeded to explain that he had transmitted the correspondence to the Governments with which the Government of the United States is associated as a belligerent

'with the suggestion that, if those Governments are disposed to effect

peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such an armistice as will fully protect the interests of the peoples involved, and ensure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government has agreed, provided they deem such an armistice possible from the military point of view.'

In conclusion, he recurred again to the question of the internal government of Germany, this time in even stronger and more explicit language than he had previously used. The principle of a Government responsible to the German people has, he pointed out, not yet been fully worked out; there is no evidence that guarantees exist or are in contemplation that the alterations of principle and of practice partially agreed upon will be permanent. The heart of the present difficulty has not been reached; the German people have no means of commanding the acquiescence of the military authorities of the Empire in the popular will; the power of the King of Prussia to control the policy of the Empire is unimpaired. This is the first time in which the name of the Emperor has been mentioned; the conclusion to be drawn from these words was obvious, and, he concluded, if the Government of the United States 'must deal with the military masters and the monarchical autocrats of Germany now, or if it is likely to have to deal with them later in regard to the international obligations of the German Empire, it must demand not peace negotiations, but surrender'. This was a clear indication that the whole character of the peace would depend upon whether the constitutional changes were carried to a conclusion by the abdication of the Emperor and the overthrow of the monarchical system, and it seemed to imply that if this were done, then Germany might look for terms much more lenient than would otherwise be imposed.

At the same time the interchange of Notes was communicated to the Allied and Associated Powers, and they were asked for 'an expression of opinion as to their willingness and readiness to acquiesce and take part in the course of action with regard to an armistice suggested in this correspondence'.

8. '*The Wilsonian Principles.*' Hitherto we have had to deal with these matters purely from the point of view of Germany. We must now consider the action and policy of the Allies. From the German side we have full information. The

discussions between the Allies have not been divulged. We know nothing of the secret correspondence which took place between the American Government and the European Powers, and we have not been admitted into their confidence as to the discussions which no doubt took place on the problem now presented to them. Should they accept the proposal for an armistice on the conditions that the terms of peace were to be in accordance with the Fourteen Points and the other statements made by the President? What precisely was implied in accepting these conditions is discussed fully elsewhere.

The whole series of pronouncements may, as he himself said, be summed up in a single sentence: 'What we seek is the reign of law based upon the consent of the government and sustained by the organized opinion of mankind.' A great ideal, a great hope, a great aspiration; one which was the worthy result of the exchange of opinions which had taken place during the last four years, and one which, if it was attained, might well justify mankind in saying that even the loss and destruction occasioned by the war had not been in vain.

To this or any similar programme the German Government, while victory was still apparently within its grasp, had refused their assent, but conditions of peace which victors might reject, would be very welcome to the vanquished, and if peace could be secured on these terms, though Germany would indeed have lost that predominant position in Europe and the world for which she had so long striven, defeat would be deprived of half its bitterness and she would be able to begin a new era of the world on an equality with—perhaps we may even venture to say in a condition of superiority to—those who had been her enemies.

9. *Allied Attitude as a Whole.* The practical question was whether the Allies would accept these proposals or whether they would determine to refuse the Armistice, to continue the war until they had, as they undoubtedly could if they wished, by the defeat and destruction of the German armies, brought about an unconditional surrender.

There could be little doubt as to the decision; it was indeed within the power of the Allies to press on the course of victory which they had begun, but to take this course would have been the useless squandering of innumerable human lives. It would have meant a fighting advance through Belgium, the continua-

tion of the ravage and destruction which had already laid waste large areas in the north of France. On what ground could this have been justified? On the other hand, there were two clauses which could not be accepted in the way in which they had been originally expressed. It was clearly quite impossible for the British nation to accept the clause as to the freedom of the seas. No doubt in the future, if a powerful and effective League of Nations was established, if it showed itself capable of imposing its decisions upon the world, and if it did succeed in bringing about a reign of universal peace, then the conditions of sea warfare which the experience of generations has shown were essential to the maintenance of the British Empire, would cease to be of any practical importance; to accept the principle of these restrictions beforehand, would have been to give up an essential defensive weapon, and this was a surrender which no nation could make voluntarily, least of all at the conclusion of a successful war. The other point was the restrictions imposed by Article 5 on the pecuniary demands which might be made of Germany. The President spoke merely of restoration of the devastated areas; his words, if strictly interpreted, would exclude demanding from the Germans recompense for personal injury and damage done to civilians; they would exclude also any recompense to Great Britain for the loss involved in the destruction to merchant shipping by the submarines or loss caused by Zeppelin raids on London and other towns. Even if it were agreed not to have any indemnity for the war as a whole, there was clearly no reason for freeing the Germans from obligations to make good damage of this nature.

10. *The Allied Answer of the 5th November.* As a result, the answer of the European Governments was communicated to the President as follows:

'The Allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government.

'Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's Address to Congress of January 8, 1918, and the principles of settlement enunciated in his subsequent Addresses. They must point out, however, that Clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve

to themselves complete freedom on this subject when they enter the Peace Conference.

'Further, in the conditions of peace laid down in his Address to Congress of January 8, 1918, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies, and their property by the aggression of Germany by land, by sea, and from the air.'

This answer was on the 5th November communicated by Mr. Lansing to Germany in a Note, in which he says:

'I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such an armistice as would fully protect the interest of the peoples involved, and ensure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.'

The words of this Note are of the highest importance, for in them it is clearly expressed that the Allied and Associated Powers are willing to conclude an armistice on the terms embodied in the Note. This was the last diplomatic Note between the parties, before the Germans got into touch with Marshal Foch. Austria-Hungary remained. The Fourteen Points contained a clause (Article 10):

'The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.'

This implied the maintenance of the integrity of Austria-Hungary with large internal autonomy. Since this had been said, events had moved far and rapidly. The United States had, in a statement by Mr. Lansing on the 28th June, pledged themselves to the position that 'all branches of the Slav race should be completely freed from German and Austrian rule'. Nay, more, on the 3rd September the United States had formally recognized the Czecho-Slovak National Council as a belligerent Government clothed with proper authority to direct the military and political affairs of the Czecho-Slovaks;

thus recognizing Czecho-Slovakia itself as an independent and allied State. This was clearly inconsistent with the grant of any mere autonomy to the territories included in the Austro-Hungarian Monarchy. It implied in fact nothing less than that the Monarchy, as it was known and had hitherto existed, should cease to exist. The President's reply to the Austrian Note on the 18th October, after explaining this, intimated that he was 'no longer at liberty to accept a mere "autonomy" of these peoples as a basis of peace, but is obliged to insist that they, and not he, shall be the judges of what action on the part of the Austro-Hungarian Government will satisfy their aspirations and their conceptions of their rights and destiny as members of the family of nations'.

Meanwhile, in consequence of the defeat by the Anglo-Italian Army, a state of revolution broke out throughout the Monarchy[1]; the representatives of the different nationalities seceded from the Reichsrat at Vienna; the Hungarian Government declared its independence and, in fact, the Monarchy was actually in the process of dissolution. A last attempt was made by the Government to assert its existence. In a Note of the 27th, they expressed agreement with the principles laid down in the Note of the 18th, and asked that negotiations for an armistice and a peace should be immediately begun. So far as this concerned peace, it was impossible that the suggestion could be accepted; the principles adopted made it clear that peace must be conducted not with the Government of the Monarchy, but with the Government of the States which were already arising out of the dissolution of the Monarchy which had in fact begun. Only one thing therefore remained, a cessation of hostilities; the army, the last, as it had always been the most effective bond of union, must cease resistance. But in the case of Austria-Hungary, the armistice which was in fact, as elsewhere described, concluded on the 3rd November, was unconditional. The Allies would enter into discussion as to the future arrangements to be made with an entirely free hand.

11. *Collapse of the Ottoman Empire.* The same is true of Turkey. The Turkish Government had also applied for an armistice; the request was granted, but here also the armistice which was concluded on the 30th October between the military

[1] See Vol. IV. For text of Austro-Hungarian Armistice v. *infra*, Appx. V.

commanders, neither in its terms nor in the conditions by which it was accompanied, in any way prejudiced the eventual terms of peace. The Turkish armies ceased the hopeless struggle; Mesopotamia, Palestine, Syria, were already occupied by the British troops, and by this their eventual separation from the Empire was in fact determined. The armistice required the complete demobilization of the Turkish Army and gave the Allies the right not only to continue the occupation of such Turkish territory as they already held, but to occupy such strategic points as might be necessary for their security. The Dardanelles and the Bosphorus were to be opened so that the way was made clear to Constantinople, and it was the clear intention that the Allies, when in occupation of the capital of the Empire, should, after mature consideration, themselves determine what arrangements they desired to make for the future government of the Empire. On this there was no obligation to consult the Turkish Government, or in fact to recognize the continued existence of that Government.

We have in this chapter traced the stages in the political development which accompanied and were caused by the great events which were taking place at the same time both on the field of battle and within the different countries. The negotiations began on the 4th October, they were, in fact, completed by the final exchange of Notes on the 5th November; it only remained that the terms of the Armistice should be communicated by General Foch as the Military Representative of the Allies to the German High Command. But before this stage had been reached, the revolution which had long been preparing broke out not only in Austria but also in Germany, and when the time came for the acceptance of the Armistice there was no longer a king of Prussia or a German Emperor, and Germany defeated abroad was divided at home. The events narrated in the preceding chapters will show how and why that catastrophe became complete.

PART II:
EUROPE IN DISSOLUTION

CHAPTER IV

MATERIAL EFFECTS OF THE WAR UPON NEUTRALS AND BELLIGERENTS, 1918

1. *Total Casualties among Belligerents.* Of all the evils due to fifty-one months of war the loss of human life is that which most impresses the imagination. According to the best returns available the number of men reported as killed or died of wounds was 6,886,000. But this figure excludes Serbian and Rumanian losses, of which no exact particulars are available; nor does it take into account the missing. Considering that the returns give, under the head of 'Missing and Prisoners', 2,500,000 Russian and over 2,000,000 Austro-Hungarian soldiers, it is probable that the actual deaths exceeded the official estimates by at least a million. We thus arrive at a total of nearly eight million lives lost in the war, or as a direct consequence of the war. We have then to allow for casualties in the revolutions of Russia and Finland; for mortality due to privations in the occupied territories such as North France, Russian Poland, Galicia, and Serbia; and for the toll which the 'hunger blockade' levied on the urban centres of Germany and Austria-Hungary. Add to these items the indeterminate number of wounded men who survived only as wrecks of themselves; take further into account the injury inflicted on the vital powers of combatants and non-combatants by prolonged nervous and physical strain; and it becomes obvious that the casualty sheets, appalling as they are, give a most imperfect idea of the drain of life and energy which the war entailed.

Still, it is worth while to study the casualty sheets, for they show the principal tax which the war laid upon the flower of national manhood in the belligerent countries.

At the head of the list comes Russia, whose killed were

estimated at 1,700,000, a figure which, as already explained, is far from adequate; but Russia's population was over 180 millions. Germany, with a population of 68 millions had 1,600,000 deaths recorded and 100,000 missing; her total losses amounted nearly to the average increase of her population for two normal years before the war. The losses of France were 1,071,000 killed and 314,000 missing out of a population of 40 millions; and, unlike Germany, she had no reason to expect that the wastage among her men of military age would be soon repaired. Since the beginning of the century the annual increase of the French population had been slight; and during the war there was a regular excess of deaths over births, amounting on the average to a quarter of a million per annum. The losses of the British Empire were 872,000 killed, and of those reported missing about 80,000 were presumed to be dead. The losses of Austria-Hungary, returned at 687,000, were, like the Russian losses, heavier than the official figure showed. Italy lost 465,000 men, and the United States 53,000.

When we remember that the wave of influenza, which swept over Asia, Europe, and America in the latter half of 1918, was responsible for six million deaths in India alone, it is obvious that the most destructive of modern wars has, in comparison with such epidemics, an insignificant effect on the numbers of the human race. The comparison must, however, be qualified by three considerations. First, the European War bore most hardly upon communities much inferior in fecundity to the agricultural population of Asia; so much inferior indeed, that their increase or even (as in the case of France) the maintenance of their numbers is only due to the most scientific precautions against disease. The communities in question are, owing to their high standard of hygiene, relatively immune from the more destructive epidemics, and had not in living memory been exposed to such an abnormal drain upon their manhood as that caused by the Great War. Secondly, a small shrinkage in the male population of the great industrial States, such as Germany or France or Great Britain, has a more serious effect upon the general prosperity of the world than a relatively large shrinkage in countries which are industrially undeveloped. Thirdly, the mortality due to the war could be entirely stopped by human action, while that due to an epidemic is always in large measure beyond the range of human control.

2. *Financial Expenditure of Belligerents and its effects.* A great disgust of bloodshed was the most potent reason which made both the neutral and the belligerent nations anxious for the restoration of peace. Next in importance came the fear of a *débâcle* of the whole economic and political fabric of Western civilization. There were special causes to account for the Bolshevik spirit in the northern provinces of European Russia. But it was far from improbable that the contagion of Bolshevism would spread westward, if the war continued much longer. If Germany and Austria-Hungary became seriously infected, who could tell where the spirit of social revolution would stop? Even the neutrals had cause for apprehension, for they too had their labour troubles arising from the war. To remove this danger it was not merely essential that hostilities should cease. A long period of armed peace and unstable equilibrium would be as costly as the war, and even more productive of the revolutionary spirit.

Apart from this danger, the economic situation of nearly all the belligerents had for a long time been developing on lines which gave the most serious cause for anxiety. Millions of men had been put into the field; millions more had been diverted from their normal work to the production of military supplies and equipment, and to services of various sorts behind the lines. Little new wealth was being produced by the European belligerents, but their expenditure and their war debts grew at an alarming pace, as world prices moved steadily upwards, as the foreign exchanges moved against the spending countries, and as recourse was necessary to more and more costly methods of destruction and defence. Great Britain's expenditure may serve as an illustration. The daily cost of the war to Great Britain was, up to March 1915, about £1,500,000. For the financial year 1915–16 it was £3,890,000; for 1916–17 it was £5,510,000; for 1917–18 it was £6,557,000.

The results of this progressively increasing expenditure were summarized in 1918 by the Federal Reserve Board of the United States, than which no more competent authority can be cited. The Board estimated the aggregate war expenditure of the belligerents to the 31st May 1918 at 35,000 millions sterling. It prophesied that the total of 40,000 millions would be reached by the end of the year; and it is improbable that the assumptions on which this prophecy was founded were materially

falsified by the conclusions of the Armistice in November. No great economies could be effected by any of the belligerents until the final peace was well in sight. British expenditure for the financial year ending the 31st March 1919 was substantially the same as for the previous year.

As to the distribution of the financial burden among the several belligerents, it must suffice in this short survey to give a few round figures. Great Britain had shouldered before 1917 a considerable share of the war expenditure of her European Allies, and had incurred vast expenses in improvising a huge land army. Her debt, which on the 1st August 1914 stood at 708 millions sterling, had increased by the 31st March 1919 to 7,435 millions, in which total were included loans of 1,739 millions to the Allies and the self-governing dominions. The United States, who only floated their first war loan in May 1917, had borrowed by the end of 1918 about 16,000 million dollars. In the financial year ending in June 1918 they had expended 8,966 million dollars, and their revenue from 'ordinary receipts' had exceeded 4,000 millions, as compared with 779 millions in 1916. Like Great Britain, the United States found the burden of war expenditure much increased by the necessity of assisting European Allies. By July 1918 the American advances to Allies (excluding bankers' loans) exceeded £1,124,000,000. Large as these figures seem, the liabilities of the continental Powers were heavier in proportion to their resources; and unlike those of Great Britain and the United States, they were met almost entirely by borrowing. The French national debt, which at the outbreak of the war was 34,188 million francs, had increased by the end of 1918 to 147,472 millions. The debt of the German Empire, which before the war was about 5,000 millions of marks, was estimated in 1919 at 160,600 millions. The war loans floated by Austria and Hungary amounted to 42,500 millions of kronen; a further sum of over 30,000 millions was raised by borrowing (in the form of notes) from the banks in Austria-Hungary; and there were considerable loans from Germany. The financial position of the Central Empires was worse than that of their opponents, and not merely because they ended the war in a state of political revolution. The German Government had gambled on the hope of a large war indemnity and had concealed the true financial position from its subjects by issuing

'skeleton' budgets which bore no relation to the facts. The statesmen of the Dual Monarchy had deliberately inflated the paper currency whenever they judged it inexpedient to float a loan, and had done their best to follow the ostrich-like policy of their chief ally. But the finances of France and Italy gave cause for serious misgivings; and the position of the United Kingdom, though considered relatively sound, is best indicated by the fact that the sum required for the service of the National Debt was £270,000,000 in the year ending the 31st March 1919. This sum, which was much larger than the national revenue had been before the war, included no provision for redeeming the debt.

The enormous expenditure based upon this borrowing had produced an illusive appearance of commercial and industrial activity, and even of general prosperity, in most of the belligerent countries. Wages and profits were high in those trades which were engaged on Government contracts. There was no lack of employment for such male labour as could be spared from the armies; and everywhere this dwindling body was diluted in a greater or less degree with female employees—or even, as in Germany, with prisoners of war. Factories which had lost their normal markets were hastily adapted to the production of military material. Speculation was rife, even where it was restricted by emergency laws, and huge fortunes were made and lost on the stock exchanges. Never had the expenditure of the more thoughtless sections of every social class been more profuse; and extravagance was on the whole most general in those communities whose real prosperity was most undermined by the war. Indeed extravagance was often the result of despair. Men spent because it seemed useless to save; they did their utmost to enjoy the present because they saw no hope for the future. The main facts in the economic situation were everywhere the same: a progressive inflation of currency and a progressive diminution in the supplies of articles of use and luxury. In all the belligerent countries there arose sooner or later a scarcity of foodstuffs, of coal, of raw materials. The belligerents who produced these commodities were short of labour; those who imported them were short of shipping, and were further limited in their foreign purchases by difficulties of exchange. For, although the foreign trade of certain of the belligerents appeared to be in a flourishing condition, their

exports consisted largely in military supplies, and the raw materials of such supplies, which they sold to their associates. In the final stages of the war none of the European allies was able to export largely to any neutral market. Nearly all the surplus coal of Great Britain was required for France and Italy. The iron and steel manufacturers, the wool spinners and weavers of Great Britain were working for the Allied Armies. Her cotton trade was hampered by the want of raw materials; and even if the cotton had been forthcoming, it would have been difficult to find tonnage for the supply of Manchester's principal markets, which lay in the Far East. When, therefore, it was necessary to buy in a neutral country on any considerable scale, the belligerents were commonly unable to pay for goods with goods. They paid in their own currency, which naturally depreciated as their purchases progressed. From this general calamity Japan and the United States were alone exempt. They were in the fortunate position of being able to produce and to export far more than they required from abroad. Had it not been for the loans advanced by American bankers and the American Treasury to the European Allies, the exchange would have gone against the latter more severely in New York than in any neutral money market. But since the value of their currencies was artificially 'pegged up' in New York the true position of their foreign trade was to some extent disguised. Germany and Austria-Hungary had no ally like the United States to break their financial downfall, and it is instructive to observe how the currencies of the Central Empires depreciated in the only neutral markets to which they had free access—those of Scandinavia, the Netherlands, and Switzerland. It might have been expected that Germany at least, after the blockade had cut off the more distant outlets of her exports, would have flooded the contiguous neutrals with supplies of such goods as coal, iron and steel, potash, cement, dyes, and salt, which she could produce without the assistance of raw materials imported from non-European countries. She had every inducement to do this. Not only was it politically important to her that these neutrals should be made as independent as possible of the Associated Powers; all of them produced supplies of which she stood in urgent need, and for which it was most desirable that she should pay in goods. Yet in the later stages of the war she never succeeded in providing these Powers with coal and steel

to the extent of their requirements, although they were prepared to pay fantastic prices; and in consequence the value of the mark steadily declined on all their bourses.

3. *Effects on Neutrals, e.g. The Argentine, Brazil, Persia.* After what has been said of the belligerents, it will be readily understood that few, if any, of the neutral powers, even those farthest removed from the theatre of war, were other than anxious for the return of peace. Some of them were fortunate enough to possess foodstuffs and raw materials of which the Associated Powers stood in need. The planters of Java and Cuba reaped a golden harvest owing to the exclusion of German and Austrian beet-sugar from the world market. The nitrate officinas of Chile, so far as they were not financed with enemy capital, benefited by the limitless demand for high explosives made with nitric acid. The grain merchants of the Argentine made enormous sales to the Allies, particularly towards the end of the war, when it was difficult to transport grain from more remote markets such as Australia. But even in these cases the gain was not unmixed with loss. All the neutrals had bought largely from Germany before the war, and had found her one of the best markets for their produce. Whatever consolations the present might yield, they could not look forward with indifference to the permanent annihilation of German trade; nor could they feel any confidence that, if the war were unduly prolonged, the credits which they had given to Germany's opponents would be a sound investment. Meanwhile the prosperity of these neutrals was at best one-sided. They were deprived of the supplies of new capital which they had regularly drawn from the great industrial powers before the war. They also lost their most desirable class of immigrants. Their exports of some descriptions were abnormal; but other goods accumulated on their hands, either because Germany was the main market, or because the Associated Powers, in order to economize tonnage, had refused shipping facilities. Thus the warehouses of the Dutch East Indies were full to overflowing with copra and other oleaginous produce; and Brazil was perpetually harassed by the problem of financing her unexportable coffee. Those who were making money out of the war found it difficult to purchase some of the most necessary supplies. In 1918 neither England nor the United States could supply the South American States with more than a small proportion of the coal which they required; Brazil, for example,

received little more than a quarter of her normal imports of coal, and the Argentine railways were driven to experiment in the use of grain as fuel. Both in South America and in Asia there was an acute unsatisfied demand for the staple manufactures of the great industrial powers. For every industrial power of any consequence was involved in the war; and the trade of those who still had something to export was being slowly strangled by the dearth of shipping.

We may illustrate the general condition of the outlying neutrals by the case of Persia, a State which seemed less likely than most to suffer by the paralysis of international commerce. During the war Persia found a good market for her exports of opium and petroleum, and her trade in the latter article increased considerably. But her imports, and also other exports which affected more nearly the general prosperity of her population, were adversely affected. The closing of the Dardanelles in 1914 cut off the northern provinces, which were the most flourishing in Persia, from their best route of commercial communication with Western Europe. The collapse of Russia deprived them of their chief customer for raw cotton and other agricultural produce; it also closed the source from which they had obtained their supplies of sugar and cotton piece-goods. The imports of Persia for 1918 were, in quantity, 30 per cent. less than those for 1914; and this reduced quantity was obtained at greatly enhanced prices. Imports of cotton piece-goods fell by 46 per cent., imports of tea and sugar by 66 per cent.; and Persia was obliged by high prices and the difficulty of communicating with foreign markets to curtail severely all but her most indispensable purchases. European goods could only be supplied to her through Mesopotamia or India; and in either case the cost of land transport was excessive owing to the conditions created by the war.

4. *The Problem of Marine Transport.* Let us now pass to the problem of marine transport, which in 1918 was the most urgent problem arising out of the war. In July 1914 the world's merchant fleet (sailing ships included) amounted to about 49 million tons (gross). By the end of 1917 the losses of merchant tonnage from enemy action and marine risks amounted to 11,827,000 tons, of which 7,079,000 tons were British owned. By the 31st October 1918 the losses had risen to 15,007,000 tons, of which 9,002,000 tons were British. The effective supply of

shipping was further reduced by the inactivity of about 4 million tons of German and Austro-Hungarian ships, and a smaller but still considerable quantity of neutral tonnage. Against the losses were to be set new constructions, especially by Great Britain, the United States, and Japan, which by the end of 1918 exceeded 12 million tons gross, making good 80 per cent. of the losses of Allies and neutrals combined. But, of the tonnage controlled by the Allies, a large portion was employed in purely military services, such as patrol-work and the transport of troops and their supplies. The practical efficiency of the rest was diminished by a variety of causes, among which may be more particularly mentioned the cumbrous but necessary system of convoys, and the congestion of Allied seaports. By a series of agreements with the maritime neutrals the Allies had secured for themselves almost a monopoly of merchant shipping; and, if they had not done so, it would have been impossible for them to continue the war. But one effect of this monopoly was that neutral trade, even in the most remote waters of the world, was severely subordinated to the military and economic needs of the Allies. When we look back on the autumn of 1918, after an interval of twelve months, it is probable that the most critical phase of the shipping question was already at an end. The naval authorities of the Allies were confident of their ability to deal with the submarine in future. The American programme of shipbuilding was already far advanced; and, though greatly reduced after the Armistice, it was still so productive that in June 1919 the total of the world's steam tonnage was actually higher by 2 million tons than it had been in June 1914. We now realize that the Allies would hardly have been defeated by the tonnage problem, however long the war had lasted. But the fact remains that, until peace was restored, the general commerce of the world was doomed to suffer from a chronic shortage of ships available for normal trade.

5. *Sufferings in Devastated and Occupied Areas, e.g. Serbia, Galicia.* While the conditions of daily life deteriorated, under the stress of these general evils, in almost every corner of the civilized world, and even in countries which were only half civilized, the full measure of the suffering engendered by the war was only to be appreciated by those familiar with the conditions of continental Europe. Even here there were different degrees of suffering. The European neutrals were less tormented

than the belligerents; the Allied Powers were fortunate by comparison with the blockaded Central Empires; the worst fate of all was that of such territories as Belgium, North-East France, Serbia, Rumania, and Russian Poland, which involuntarily shared the privations of the Central Empires and were furthermore exploited to the utmost for the good of their temporary masters. Some evils, however, were common to the whole continent. Bread, meat, potatoes, and all the common articles of food were scarce except among the agricultural population; they were doled out in rations of varying degrees of inadequacy, and could only be sold at tolerable prices by means of governmental action, which sometimes took the form of subsidies, but more commonly worked by requisitioning and scales of maximum prices. Supplies of coal, wood, and petroleum were insufficient, even in the producing countries; either because the sources of supply had been damaged in the course of military operations, or through scarcity of labour, or finally owing to difficulties of transport. The railways, which were the main arteries of internal trade and distribution in every continental state, were overburdened with military traffic; and, what was worse, the efficiency of their rolling stock and permanent ways deteriorated steadily for want of men and materials to effect the necessary repairs. At the time of the Armistice it was the opinion of experts that the chief problem of reconstruction in continental Europe was presented by the railways, and that the damage due to direct military action was the smallest part of this problem. Even Germany with her unrivalled network of internal waterways had not been able to avoid this common evil; and her enormous captures of railway rolling stock in Russia and Belgium proved altogether insufficient to make good the wastage on her national system. A third general feature was the paralysis of the industries which catered for civilian needs. There was, for example, a general suspension of housebuilding, even in neutral countries. It was impossible to make good the ordinary wastage due to wear and tear; and the problem of rebuilding in devastated territories such as Galicia and Poland had simply to be left unsolved. Textile factories, unless engaged in producing for the armies or in working up substitute materials of domestic origin, reduced their output or even came to a standstill for want of wool, jute, and cotton. The shortage of raw materials was great even

in those countries which were not subjected to blockade restrictions; it often happened that tonnage could not be spared by the Allies to assist their own manufacturers. The evils of the industrial situation were, however, exemplified in the most striking fashion by the occupied territories and by the Central Empires, in which the shortage of raw materials was even more desperate than the shortage of food.

The condition of the devastated areas, as they appeared at the time of the Armistice, may be illustrated by the cases of Serbia and Galicia. In Serbia it was found, after the Austro-Hungarian retreat, that nearly all factories and industrial establishments had been rendered useless. The saw-mills, the cement-works, the brick-kilns had been deliberately wrecked. The farms had been stripped of 80 per cent. of their livestock, and in many cases of all carts and agricultural implements. Even the houses in some districts had been stripped of furniture and fittings. It was necessary to import by rail all the materials required for reconstruction, but the railways had been made useless for a long time to come by the destruction of bridges, stations, sidings, and rolling stock. Austrian Galicia was still much as it had been left by the Russians after their great retreat. Elaborate statistics of damage had been collected by Austrian officials, and some serious efforts had been made to resume the production of oil. But in the autumn of 1918 many of the Galician peasants were still living in extemporized hovels and dug-outs, without proper food or clothing, without even seed to sow in their fields. It was estimated that 124,000 dwelling-houses and 220,000 farm buildings had been destroyed in Austrian Galicia and the Bukovina. The last Austrian Budget before the Armistice provided for the expenditure of 615 million kronen to build houses and to reconstruct industry and agriculture in these provinces. Work of the same kind, but on an infinitely greater scale, awaited the resumption of peace in the war zone of Northern France, where the destruction was so complete that the advisability of attempting to rebuild many towns which had once been prosperous was held to be an open question. Here, and in Belgium, in Northern Italy and in Russian Poland, it was a question of restoring ruined industries almost from the foundations. All stocks of raw materials had disappeared; the machinery, when not removed, had been deliberately destroyed. Nothing remained but the bare walls

of the factory, the hungry unemployed, and manufacturers whose capital consisted of their own brains and some amount of depreciated currency. What would be the cost of reconstructing such businesses, whether they could be reconstructed at all, were questions that only time and experiment could solve. But it was essential that the experiment should be made quickly, if it was to have any chance of success, before the skilled population which had been the best asset of the ruined industries was starved or dispersed or fatally demoralized.

6. *Effects of the War on the European Neutral States.* But it is superfluous to enlarge upon the too obvious necessities of the devastated and occupied areas of the Continent. We may now turn to consider the case of those European neutrals who are sometimes supposed to have reaped immense advantages from the war. A survey of their condition in 1918 will convince any unprejudiced reader that, however greatly particular classes and interests in Holland, Switzerland, and Scandinavia may have enriched themselves by the war, these countries were, as a whole, suffering severely by the long continuance of hostilities. Apparent prosperity was purchased at the cost of a severe and general rise in the cost of living, a scarcity of essential commodities, the stagnation or decline of important trades; and all these neutrals were obliged to recognize that, so long as the war continued, their vital interests depended on events which they were, for the most part, unable to control or influence.

7. *Holland.* Before the war the prosperity of Holland was based on the transit trade which passed through Rotterdam, on the colonial trade with the Dutch East Indies, and on her exports of agricultural produce. The transit trade, being chiefly German trade, came suddenly to an end on the outbreak of war. The colonial trade was slower to decline, but in the year 1918 it had fallen to negligible dimensions. These two blows were fatal to the prosperity of Rotterdam; even in 1917 the traffic of the port was only 10 per cent. of the total of 1913. There remained only the export trade in agricultural produce and in a few native manufactures (such as margarine) to which the war had given a temporary stimulus. Depending upon both groups of belligerents for necessary supplies and facilities—on the Associated Powers for cereals, fodder-stuffs, and fertilizers, on Germany for coal, iron, and potash—Holland was obliged to divide between them her surplus of agricultural produce in

agreed proportions, and to allow her importers to give the most stringent undertakings and guarantees that the goods which they received from one group would not be used for the advantage of the other. Thanks to this policy of balance and exchange, the country managed to maintain its more important industries (apart from those dependent on the transit trade) at a tolerable level until the United States entered the war in 1917. But she was then confronted, like the other northern neutrals, with the demand that she should drastically reduce her exports to Germany, on pain of being deprived of all shipping facilities and of practically all the supplies controlled by the Associated Powers. Against this pressure Holland held out until the Armistice was signed; partly, no doubt, from a fear that, if she accepted the proposal of the Associated Powers, the Germans would invade her territory and take by force what they were not allowed to buy; but much more from a well-grounded belief that neither England nor America could supply her with the coal and other German products which she received in compensation for her exports to Germany.

One consequence of the line taken by the Dutch Government was that practically no grain was imported into Holland during 1918, and that the national food-supply remained throughout the year in a precarious position. Bread cards had been instituted in February 1917 on the basis of a normal weekly ration of 2,800 grm. per head per week. But this relatively generous allowance was soon reduced, and by the end of the year the standard ration of 2,800 grm. had to suffice for eleven days. Early in 1918 the Minister of Agriculture announced that, if no grain were imported, the existing ration could not be guaranteed beyond the beginning of April; and at the end of March, as the hope of a compromise with the Associated Powers seemed more remote than ever, the ration was reduced to 1,400 grm. a week, in the hope that existing stocks would thus be made to last until the new harvest. The farmers and the peasants, who numbered 60 per cent. of the population, were able for the most part to ensure their own supplies of foodstuffs in defiance of rationing and requisitioning orders; and, although the Government was obliged, after the spring of 1918, to prohibit exports of food to Germany, the loss of the German market was to some extent balanced by the high prices obtained from the Dutch consumer. Throughout it was the towns which suffered.

They were strictly rationed in meat and in fats. In July the daily ration of butter or margarine was reduced to 25 grm., and a further reduction to 100 grm. a week was foreshadowed. In the last week of October the weekly ration of meat was 200 grm., of cheese 200 grm., of coffee 7 grm. Potatoes (usually of bad quality) were the only foodstuff of which the supply was fairly generous; the weekly ration at this date was 4 kilos. In ordinary times the population might not have experienced any great hardship from being compelled to live upon domestic produce, but the maritime embargo put an end to the imports of nitrates and fodder-stuffs which were essential to the Dutch system of intensive farming. In spite of the inducements given to farmers to extend the arable area, the yield of the chief crops was below the average; and the shortage of fodder-stuffs led to wholesale slaughtering of dairy cattle in the autumn of 1917.

Another consequence was enforced idleness of those national industries which depended upon foreign raw materials. The margarine trade which had worked for the account of, and with materials supplied by, Great Britain, collapsed sharply because Great Britain was no longer dependent on it; and no supplies were forthcoming from other sources. Towards the end of 1917 the cotton-spinning mills, which employed about 26,000 hands, were only able to work sixteen hours a week; and by the New Year most of these mills had closed for want of raw cotton. The cotton-weavers were similarly brought to a standstill because England would no longer supply them with her yarns, of which they had been accustomed to consume 40,000 tons per annum. The shipping yards appeared to be exceptionally fortunate, in that their iron and steel could be obtained from Germany. But in 1917 and 1918 the conditions which Germany attached to deliveries of iron and steel were so severe, and the prices exacted were so high, that many shipbuilders preferred to wait until British materials should be available.

The systematic fashion in which Germany exploited the necessities of Holland was for the Dutch a most galling feature of the situation. The more tenaciously Holland clung to an attitude of economic neutrality, the more confident the Germans became that their coal and iron were indispensable to her. Up to the end of March 1918 it was the German practice, besides charging heavy prices for coal, to claim extensive 'compensa-

tion' in the form of licences to export from Holland fixed quantities of pork, butter, cheese, milk, poultry, eggs, potatoes, and beet-sugar. After March the Dutch Government could no longer undertake to permit these exports on the old scale, and Germany recognized that a renewal of the old agreement was impracticable. None the less she prolonged the negotiations for a new coal agreement up to the end of July, and in those four months suspended her deliveries of coal, hoping by this pressure to extract more favourable terms. The price which she eventually forced the Dutch to promise was 90 guilders (double the price paid before the 31st March) and a commercial credit of 30 guilders for every ton of coal. A final settlement as to iron and steel, potash, dyes, and cement was deferred until the autumn, when the statistics of the Dutch crops and harvests would be available as a basis for discussing compensation. But in the meantime iron, which in the German market cost 120 guilders a ton, was sold in Holland through an official German bureau for 400 guilders a ton and a commercial credit of some magnitude on every truck-load delivered.

These commercial arrangements with Germany were a confession of Holland's economic weakness and threw a heavy strain upon her industries. It is, however, probable that patriotic Dutchmen realized more acutely their country's military and political weakness when England and the United States combined, in March 1918, to requisition the whole of the Dutch shipping which lay in their respective ports. This step, justified by an appeal to the belligerent right of *angary*, was taken by the English and American Governments after the Dutch Government had deliberately refused to approve a chartering arrangement with the owners. Undoubtedly the refusal was due to fear of Germany; nor had the shipowners any cause to complain of the terms which they received for the requisitioned tonnage. The ships were to be returned at the end of the war, and any which had been lost would be replaced as soon as possible. But the Dutch Cabinet argued, with some reason, that more respect was shown for the rights of the individual shipowners than for the sovereign rights of Holland. There was another aspect of the question which was forcibly stated by the American Government in a published dispatch. For the past twelve months Great Britain and the United States had seen large numbers of Dutch vessels lying idle in their ports at a

time when every ton of shipping was urgently required; and it had become apparent that these vessels would not be employed without compulsion in any services that the Associated Powers could facilitate. It was natural under these conditions that the Powers should appeal to their belligerent rights. With this point of view the States-General were disposed to agree, especially when the Associated Powers offered Holland 100,000 tons of grain as a solatium. But the Dutch Cabinet felt the humiliation deeply, and it is probable that their resentment was shared by many of the politicians who urged them to accept the inevitable with a good grace.

For Holland the economic situation was materially eased by the Armistice. Late in November an agreement was concluded under which the Associated Powers undertook to facilitate, within fixed limits, Dutch imports of wheat and rice, oils and fats, fertilizers, and maize for a period of twelve months. But, as a matter of course, this undertaking was accompanied by severe restrictions on Dutch exports to Germany, to be maintained until the conclusion of peace. And it was difficult after the Armistice to obtain any coal from Germany. In November only 44,000 tons reached Holland out of the 120,000 which were due; and at the end of the month the German Government signified that they were unable to make further deliveries for the present. England promised to supply 60,000 tons as a stop-gap, but could not fulfil her promise as promptly as the situation required. It seemed for a time as though Holland would be forced to depend entirely on her own coal-mines, which produced only about 50 per cent. of her normal requirements. Matters improved in January 1919 with the resumption, on a small scale, of the German deliveries, and the prospect of larger supplies from Belgium. But before Holland's supplies of coal—and of a hundred other necessary articles—could be assured it was necessary that conditions of order and peaceful industry should be restored in neighbouring countries. On the political settlement at Paris would depend the future of her colonial trade and of her agriculture, the two most solid of her assets. Some Dutch interests had made money out of the war, and Dutch losses of shipping had been comparatively light. But it would be years, if not generations, before Holland recovered her old importance as an *entrepôt* for the import and export trade of Central Europe. For the present she found herself in a difficult

financial position. Her national expenditure for 1918 was more than double that of 1913, and exceeded the revenue by more than 300 million guilders; a deficit of 130 millions was anticipated in the budget for 1919. Her national debt had risen from 1,100 to 1,850 millions during the war.

8. *Denmark.* The situation of the other European neutrals showed similar disquieting features. Denmark was the most fortunate. She had not suffered such political humiliation as Holland. Her food supplies had not been vitally impaired by the great embargo; through the years 1917 and 1918 she continued to supply Germany and Great Britain with agricultural produce, in 1918 she was even able to assist Norway and Sweden with quantities of grain. In proportion to her own needs she had been better supplied with coal than any other neutral; as the deliveries from England had fallen off, those from Germany had increased, and the enhanced cost of coal was balanced by the higher prices which she obtained for her butter, bacon, and surplus livestock. Thanks to the abundance of her native supplies, and to her careful regulation of prices, she had averted the worst forms of distress. It was calculated that the cost of living of the ordinary working-class household in Denmark had only risen by 66 per cent. up to the beginning of 1918, whereas the percentage of increase in Sweden was 92 per cent., and in Norway, the least well administered of the Scandinavian States, it was 130 per cent. Yet even in Denmark there was widespread suffering. In July 1918 a law was passed granting State subsidies to the Communes in augmentation of their special funds for the reduction of prices and the relief of the poor. The expenditure from central and local sources which this law sanctioned amounted roughly to £1 per head of the population. The commune of Copenhagen budgeted for the expenditure of 37,000,000 kronen in war relief during the period 1st July 1918 to 31st March 1919. This was no doubt, to some extent, a policy of State-relief in aid of wages. But a large part of the relief expenditure was necessitated by unemployment. Owing to the embargo a number of industries were deprived of raw materials, others were crippled by the high price of coal and the difficulty of obtaining iron on any terms from Germany. In the winter of 1917–18 there were over 40,000 unemployed in Denmark, and it was estimated that the dependants of these workmen numbered 110,000. In June 1918

the numbers of the unemployed had fallen to 25,000, but the winter of 1918–19 raised the total to 66,000, representing a total of distressed persons not far short of 250,000 in a population of about 3,000,000 souls. One of the worst features in the situation at this date was the difficulty of inducing the unemployed to accept work when it could be found for them. In its anxiety to keep Denmark free of Bolshevism the Danish Government had sanctioned an unduly generous system of relief which, when once put in practice, was not easy to reform. The problem became less acute in 1919, but it was necessary to extend the system of exceptional relief over the winter of 1919–20. Large fortunes had been made in Denmark during the war, by the farmers, by the shipowners, by the owners of war factories, and by the speculators who made a profession of contraband trade with Germany. But these gains had been greatest in the early years of the war, and they had been very unequally distributed among the population. The profits derived from the export of agricultural produce, which were the most widely diffused, were to some extent counterbalanced by the serious reduction in the livestock of the country which became necessary when the embargo cut off supplies of fodder-stuffs and fertilizers. The farmers in disposing of their cattle and horses to Germany had been selling their industrial capital.

9. *Norway.* In Norway there had been the same unequal distribution of gains and losses without the same systematic effort to diminish inequality by taxation and relief. Colossal profits had been made by the shipping industry in the years 1914–17. Although its gross losses from submarine activity amounted to 50 per cent. of the mercantile tonnage which it possessed at the beginning of the war, the net losses were only about 28 per cent., since the Norwegian owners had made extensive purchases of shipping in 1915 and 1916; and this adverse balance was considerably reduced in a few months after the Armistice. The fishing industry and the manufacturers of fish products had enjoyed abnormal prosperity owing to a steady demand from Germany and the purchase of the greater part of the catch in two successive seasons by Great Britain. The manufacturers of carbide, of synthetic nitrates, and of other electro-chemical products, the producers of zinc and aluminium, the match trade and the wood-pulp trade also made large profits which, in some cases, continued to accrue throughout the war. The abnormal pros-

perity of such trades was reflected in the figures of the national revenue: the new taxes of the 1917–18 budget, which were estimated to yield 58½ million kronen, actually produced 132 millions. But the cost of living increased in a higher proportion than elsewhere in Scandinavia; it was even estimated by a statistical expert that the percentage increase between July 1914 and November 1918 was greater in Norway than in England—160 per cent. as against 122 per cent. Norwegian wages, it is true, rose sharply in 1917 and 1918, and they were supplemented to some extent, in the case of the poorer classes, by the action of the Communes in distributing certain necessities of life at artificially low prices. But even so the standard of life deteriorated among the manual workers, and the recipients of fixed incomes. They spent more than of old on food of an inferior quality and reduced quantity; they spent less on other necessities and decencies. In 1918, with the increasing shortage of raw materials due to the embargo, employment became irregular in certain industries, especially in those producing textiles, wood-pulp, and canned fish. The Government, which had deferred all experiments in rationing until the eleventh hour and had relied mainly upon an imposing but ineffective system of maximum prices to alleviate the effects of scarcity, was obliged at the end of 1917 to disclose the full seriousness of the food situation. The rationing of sugar commenced in November 1917; cards for bread, flour, farinaceous foodstuffs, and coffee came into force on the 13th January 1918, and the sugar ration was simultaneously reduced by one-half. The basic ration of bread was fixed at 200 grm. a day, that of coffee at 250 grm. a month, that of sugar at 250 grm. a week. A warning was issued by the Rationing Director that no increase of the bread ration could be expected before November. In April rationing schemes were issued for milk and potatoes; the basic ration of milk was fixed at ¼ of a litre per day, and that of potatoes at 2 kg. per week. The shortage of potatoes was a disaster second only to that of bread, these being the two staple articles of diet among the working classes. The new system of rationing, at first welcomed by public opinion, was soon denounced as intolerably severe, and in the towns there was a considerable ferment which resulted in the formation of Workmen's and Soldiers' Councils, and in demands that labour should be diverted from the manufacture of luxuries and

war material to the production of food, that the army should be reduced, and that military training should be abolished. There were even threats of a general strike unless the Government took steps to reduce the high cost of living. Though these proposals emanated from a minority, and the unions were still controlled by moderate leaders, there was sufficient inflammable material in the country to alarm the Government. The rations of workmen were increased and the Storting voted 1,000,000 kronen for the relief of the unemployed, but it was known that, unless supplies of grain and flour could be obtained from abroad, there would be no bread ration from the end of August until the new harvest became available in November. Fortunately this danger was averted. On the 30th April 1918, Dr. Nansen signed at Washington an economic agreement under which Norway obtained leave to import fixed quantities of food, fodder-stuffs, fertilizers, and other goods on condition of rigidly restricting her exports to the Central Powers. But these supplies had still to be purchased and transported from overseas, and they would not in any case remove the necessity for rationing. In August steps were taken to control the new crop of potatoes, and in September a scheme for controlling butter (on the basis of a weekly ration of 50 grm.) was brought into force. The bread and coffee rations were slightly increased in November, but it was not until the spring of 1919 that the authorities began to speak of unrationed bread as a possibility of the near future.

The state of Norwegian industry remained precarious long after the signing of the American agreement. The cotton mills, for example, received no raw cotton at all until September, and up to the end of 1918 had secured of raw cotton less than one-fourth, and of cotton yarns about one-third, of the quantities received in 1916. The fish-catch of 1918 was very poor, as the stimulus of the British purchasing contract no longer existed. Shipping profits had declined, and in nearly all branches of trade business was slack and hours of labour were reduced. For the financial year 1918–19 the Government appropriated 101 million kronen to purposes of relief, and actually expended 111 millions; for 1919–20 the necessary grants under this head were estimated at nearly 39 millions. Under the pressure of such burdens the national budgets increased rapidly; in 1917–18 the expenditure was 446 million kronen as compared with 142 millions for 1913–14; and the estimates for 1918–19 (which

appear to have been exceeded) were 625 millions. The national debt, which stood at 363 million kronen before the war, was more than 570 millions by the end of 1918–19.

10. *Sweden.* A Swedish observer remarked in 1918 that the whole body of his countrymen had become lethargic and indifferent to external events, principally from lack of food. The war had borne more hardly upon the masses in Sweden than in most neutral countries, because the relations of Sweden with the Allies had been strained from an early period in the war. The Swedish Government had objected to giving the guarantees, in respect of goods imported from overseas, which had been obtained from Denmark and Holland and Switzerland; and, although some Swedish manufactures were of importance to the Allies, the country had no such lever to use in economic negotiations as the Danes possessed in their agricultural produce and the Norwegians in their merchant shipping. The army, the official classes, and the aristocracy had been stiffened in their resistance to Allied demands by the fear of Russia and the conviction that close friendship with Germany ought to be the sheet anchor of national policy. To this conviction the Government made great sacrifices, consenting, for example, to become dependent on German supplies of coal, which were inferior in quality and involved heavy demands for compensation; and also rejecting the offer of the Allies to facilitate regular importations of grain and fodder. Even in 1916 Swedish imports of grain and flour and colonial goods were altogether insufficient, and the embargo of 1917 led to an acute food crisis. The bread ration was 260 grm. a day, the butter ration 50 grm. a week, the coffee ration 200 grm. a month. There were also rations for pulse, milk, pork, and coffee. Often the rations were not forthcoming; substitutes for tea, coffee, and cocoa were in general use; meat was irregularly obtainable, and then only in small quantities. In the free market tea realized 50 kronen and coffee 30 kronen a kg.; butter was 12 kronen a kg., and potatoes 30 kronen per 100 kg. The cost of living, which had increased, up to the end of 1916, by about 40 per cent., rose by another 50 per cent. in 1917; and the prices of food, boots, and clothing increased in a still higher ratio. It was true that, in Sweden, as in most other neutral countries, the agricultural population was much less affected by the food shortage than were the towns. But the town

population was 28 per cent. of the whole; and, owing to the passive resistance which the farmers offered to the requisitioning of their grain, it was found, at the end of 1917, that the bread ration of the towns could not be maintained at the existing level for more than four or five months unless considerable imports of wheat and rye were forthcoming. The economic situation led to the overthrow, in the autumn of 1917, of the Coalition Ministry which had governed Sweden from the beginning of the war. A new Liberal Cabinet came into power and at once proceeded to negotiate with the Associated Powers.

These negotiations were eventually successful. On the 29th May 1918 a comprehensive agreement was signed, by which the European Allies undertook to facilitate Swedish imports in accordance with a fixed scale of rations; while Sweden in return agreed to restrict her exports (particularly those of iron ore) to the Central Powers, and to allow 400,000 tons of Swedish shipping to be chartered for Allied Services. The Agreement was received with very general satisfaction in Sweden, in spite of some complaints as to the magnitude of the concessions demanded by the Allies. During the summer supplies began to arrive under the Agreement, and in the autumn it was found possible to increase the bread ration. But still the public were warned that they must not expect an increase in the ration of fats, and that there would be a continued scarcity of meat other than pork. Prices did not fall with the increase of general supplies; it was officially calculated that at the end of 1918 the general cost of living was 167 per cent. higher than in July 1914.

Industry, moreover, still languished in most of its branches. The winter of 1917–18 had been a period of general depression. Even the iron trade, the largest and usually the most flourishing of all, showed a decline of production as compared with 1917, which had been considered a bad year. By January 1918 stocks of cotton were practically exhausted; the jute mills had been without raw material since the preceding May; no wool had been imported in 1917, and the wool-spinners were dependent on native wool of inferior quality and insufficient quantity. The foreign markets of the timber trade, the match factories, and the pulp factories were in great measure cut off by the submarine campaign and the import restrictions of the Allies; the boot factories were without leather, and the margarine

factories were without oils and fats. The want of raw materials was slowly repaired. Cotton and copper began to arrive in the autumn of 1918; in the winter were received small quantities of wool, jute, and tanning materials; but even at the end of March 1919 the only industries which were adequately supplied were the cotton and the electrical trades. For the year 1918 exports were even worse than in 1917; there was a sharp decline in the exports of iron ore, iron, and electrical machines. In the winter of 1918–19 the problem of unemployment was serious.

11. *Switzerland.* The position of Switzerland, surrounded on all sides by the belligerents, and obliged to import through their territories everything that she needed, was singularly precarious. Like Denmark and Holland she had protected herself by allocating her available exports in roughly equal proportions between the two groups of belligerents. She had always been dependent upon Germany for coal, and, owing to her geographical position, could not hope to obtain much from other quarters during the war. Even if the difficulty of price could have been surmounted, the available railway systems could not have hauled 200,000 tons of coal a month from French or Italian ports to Switzerland. For grain, fodder, and fertilizers she was absolutely dependent on the goodwill of the Associated Powers. Their consent was necessary before a single truckload of overseas goods could reach the Swiss frontier; and in 1918 it was only by their help that Switzerland could procure the tonnage necessary for bringing her supplies to Europe. Alone of the European neutrals she was destitute of shipping. For that reason, and through her poverty in natural resources, Switzerland had comparatively little to offer in compensation for the assistance of the belligerents, except the products of her electro-chemical and engineering trades, chocolate, condensed milk, cheese, and livestock. Her great assets were her unimpeachable neutrality, and a strategical position so strong that neither group of the belligerents could afford to see her thrown into the arms of the other. But, as the crisis of shipping and railway transport developed in 1918, so the anxieties of Switzerland increased. The difficulty of finding a market for her manufactures, other than munitions and food-supplies, still further complicated the economic position. Her three best customers were Germany, the United Kingdom, and

France; and all were anxious, for financial reasons, to exclude unnecessary imports.

In 1918 the supplies and the foreign trade of Switzerland were protected by a whole series of agreements. Her imports of cereals, fodder, and sugar were regulated by an agreement with the United States which assured her rations of these articles from the 1st October 1917 to the 30th September 1918. A shipping agreement with Germany, signed on the 24th April 1918, promised safe-conducts to ships bringing these rations to Cette and other neutral ports; and in August 1918 the safe-conduct was extended to cover the principal raw and subsidiary materials required by Swiss industry. But Switzerland was expected to hire the necessary tonnage in the neutral shipping markets; and this became an impossible condition as the Allies gradually brought under their own control the greater part of Swedish, Dutch, and Danish shipping. Hence the actual imports of Switzerland were much smaller than her treaty rations. At length, on the 22nd January 1919, more than two months after the signing of the Armistice, the Associated Powers signed an agreement by which they guaranteed shipping for the carriage of 70,000 tons of Swiss supplies a month. The Swiss-American agreement had left Switzerland dependent on Germany for coal and iron; and in May 1918 Switzerland concluded an agreement by which she undertook to supply Germany with dairy produce, chocolate, and cattle in compensation for 200,000 tons of coal and 19,000 tons of iron a month. Already for three years the imports of Switzerland from overseas had been controlled, in the interest of the Allied Powers, by a special Swiss trust (the *Société suisse de Surveillance économique*), and similar arrangements of a less elaborate character had been created to control imports from Germany. But in July 1918 a new organization, the *Schweizerische Treuhandstelle*, was created by the Federal Government to enforce the more rigid conditions which were now imposed by Germany. The general foreign trade of Switzerland was protected by further compacts: a transit agreement with Germany which gave facilities for trade between Switzerland and the Northern Neutrals; and financial agreements with France and England by which these countries, in return for commercial credits and other advantages, undertook to permit the import into their territories of limited quantities of Swiss luxury goods.

In spite of all these precautions, Switzerland suffered severely in 1918 from scarcity and high prices. The shortage of fodder-stuff entailed a reduction of her cattle-herds; but she was still obliged to continue her exports of fresh milk, condensed milk, and cheese to the belligerents, and in October 1918 a rationing system was introduced for milk. In August it was officially stated that for the coming winter the daily ration of bread would be 225 grm., and that of potatoes only 100 grm. The quantity of meat available for distribution in 1917 had been 38 per cent. below normal, and it was estimated in August 1918 that the position would be considerably worse in the near future; the weekly ration would be less than 500 grm. per head, and could only be maintained by heavy inroads upon the depleted livestock of the country. As for prices, those of cereals stood, in the early part of 1918, at 200 per cent. above the figures of 1914; the increase in the price of beef was 150 per cent., of pork nearly 300 per cent., of lard 200 per cent., of household coal more than 400 per cent. The coal situation had already been serious in 1917, when the average monthly consumption of the country was 222,000 tons. From May 1918 the supplies promised by Germany were only 80,000 tons a month, and drastic restrictions were imposed on the consumption of fuel, gas, and electricity both in industry and in private households. At the Armistice the German deliveries of coal abruptly ceased, leaving Switzerland with stocks in hand for two and a half months on the existing basis of consumption. It was expected that unless new sources of supply could be promptly arranged, there would be a general cessation of work in Swiss factories which depended on coal and electricity for their power.

In conclusion we must glance at the condition of the Central Empires, which had borne the full weight of the maritime blockade, in addition to the strain of a military effort second only to that of France.

12. *Effects of War on Belligerents, e.g. Germany.* During the war the German population declined by about 2,700,000 souls, and in 1918 was estimated at 65,000,000, whereas, but for the war, it would probably have exceeded 73,000,000. The shrinkage was due partly to a progressive fall in the birth-rate, which began in 1915, partly to an abnormal mortality among the civilian population. These two causes were hardly less important than the losses in the field. The explanation assigned for

the increase of civilian mortality was malnutrition, to which were attributed 260,000 deaths in 1917 and 294,000 in 1918. A proportion of these deaths was due to hunger oedema, a species of dropsy first noticed in 1916, which specially affected the old, the overworked, and the inmates of institutions in which no food was supplied outside the usual rations. But the effect of poor diet was less to encourage special epidemics than to weaken the individual's power of resistance to ordinary diseases, such as tuberculosis and influenza. There was reason to fear that the vitality of the rising generation had been permanently impaired, at least among the poorer classes in the towns.

The pinch of hunger had been felt in Germany since Easter 1916, when the meat ration was severely curtailed owing to the shortage of all kinds of livestock. In the following autumn, bread and potatoes became the staple foods of the rationed classes, and the caloric value of the official rations during the winter of 1916–17 was never more than one-third of the normal. Frequently it was less, for the potato crop of 1916 was poor, and swede-turnips (*kohl-rabi*), which were much inferior in nutritive value, were commonly substituted for potatoes. It was in this winter that the civilian death-rate showed the first sharp rise; now also began a decline in the general standard of physical efficiency, which was reflected in the reduced output of mines and industrial establishments, and in a heavier drain on the funds of sickness insurance societies. The rations of meat and bread were augmented in 1917, and henceforth it was possible to sustain life on the rationed foods; but the poor never had the opportunity of recovering the strength which they had lost in the '*kohl-rabi* winter'.

At least half the population always obtained more food than the official schedules of rations would indicate. In defiance of all rationing and requisitioning orders the agricultural classes maintained their old scale of food consumption and sold surreptitiously, at fantastic prices, from 25 to 33 per cent. of the more portable foodstuffs which they produced. The wealthier townsfolk spent recklessly on illicit purchases of food. Supplementary rations were granted to heavy manual workers, to young children, to nursing and expectant mothers. But in 1917 and 1918 all important foodstuffs were controlled. The law-abiding and the poor had no means of adding considerably to their rations. Such people in Berlin, during the spring and early summer of

1918, were expected to live for a week on 4 lb. of bread, 7½ lb. of potatoes, ½ lb. of meat (not always obtainable), and ½ lb. of sugar with minute portions of fish, butter, margarine, cheese, and jam. In July and August the Berlin ration of bread was slightly, and that of potatoes materially, reduced. At Hamburg the rations were worse than at Berlin, owing to a local scarcity of potatoes. Everywhere the meat ration was precarious during this summer; cattle were so starved as to be hardly worth slaughtering. In August it was decided that one week in every three should be meatless; in September still severer restrictions on the consumption of meat were officially predicted.

By comparison with the food shortage all other economic difficulties were generally regarded as insignificant. Yet these difficulties were appalling. The grandiose schemes of industrial reconstruction, which had been so much canvassed in 1916 and 1917, rested on the assumption of a victorious peace—a peace which would bring to Germany annexations, indemnities, a new harmony of labour and capital, a new zeal for work, a new outburst of inventive genius. But in fact Germany was to commence the new era with diminished territories, with a colossal war debt, with indefinite liabilities for reparation to her enemies, and with a labour crisis of the most acute description. To keep her industrial population alive, to set her peace industries in motion, she required immense imports of foodstuffs and raw materials. It was not easy to see how she could pay for these imports either with goods or with services. She was evidently to lose most of her merchant shipping. Her coal and iron trades were so crippled by difficulties of labour and transport, and by the actual or prospective loss of some important mine-fields, that they could barely satisfy the more urgent needs of the home market. Her stocks of manufactured goods were practically exhausted.

13. *Austria-Hungary.* In the Dual Monarchy there was also a food crisis which was aggravated by official incompetence and corruption, and by the total absence of national solidarity. The Austrian Government was slow to introduce a control of foodstuffs. It received the minimum of assistance from Hungary, and it was never strong enough to keep illicit trade and local selfishness within tolerable limits. So Cracow was allowed to starve in the early summer of 1918, while the peasants of Western Galicia sold their produce to speculators from Vienna and Buda-

pest; and the Czech farmers of Northern Bohemia deliberately refused to supply the German colonists of the adjacent mining districts. The outlying provinces, such as Tyrol, Dalmatia, and Istria, were badly supplied with bread-corn and other necessaries, though their local produce was systematically requisitioned for the army and Vienna. Even in Vienna it was barely possible to live on the official rations, especially in June and July 1918 when the bread ration was reduced by one-half owing to the expense of the bread subsidy. At that time the daily allowance of solid food to a resident in Vienna was 3 oz. of bread and flour, 1 oz. of meat, ¼ oz. of fat, 2½ oz. of potatoes, ¾ oz. of jam. In August the bread ration was restored to the old level, but meat became practically unobtainable on ration cards. In September the supply of milk to adults was suspended. In October the fat ration was reduced to two-thirds of an ounce per week. In Prague and other Bohemian towns the bread ration was the same as in Vienna, but meat, flour, potatoes, and milk were even scarcer. From the middle of March to the beginning of May Cracow was without bread and flour, and almost without fat; when bread was again forthcoming, potatoes disappeared.

Scarcity was aggravated by the high prices due to an inflated paper currency. For the working classes, minor officials, and poorer professional people it had become impossible to save or to retain savings, and often it was a question of choosing between food and the bare decencies of life. Food prices, indeed, were regulated, but the controlled articles were often not to be bought at the legal price. Fine flour, which should have been sold at 1·20 kr. per kilogram, actually fetched 24 kr.; the best meat was surreptitiously offered at 42 kr. when the legal price was 12 kr. A reel of cotton cost 40 to 80 kr., a cheap shirt at least 120 kr., a ready-made suit of clothes 800 kr. Yet the manufacture of paper money continued without intermission. Each new drain on the public purse was met by another issue of bank-notes, which led automatically to a further rise of prices.

In other respects also the economic position of Austria-Hungary was worse than that of Germany. The krone was almost incredibly depreciated on the few foreign exchanges where it was still quoted. Such Austro-Hungarian industries as were fortunate enough to rely on raw materials of domestic origin were in the grip of a transport crisis and a coal crisis. The transport crisis was caused by a shortage of rolling-stock. Owing

to the scarcity of lubricants and the use of inferior substitutes for copper, 30 per cent. of the railway engines on the Austrian and Hungarian systems were constantly under repair. The coal crisis arose from the fact that, although more hands were employed in the mines in 1918 than in 1914 the output had diminished by over 20 per cent.—a fatal deficit when no supplies could be got from Germany. In September only the scantiest supplies were reaching Prague and Vienna, and numbers of factories ceased work for want of coal. The most ominous aspect of the shortage was that it originated in disaffection among the Czech miners. The industries of German Austria, which had hitherto been supported by the co-operation of German, Slav, and Magyar, were now threatened with extinction by the violence of racial hatred. Hungary might stand alone in virtue of her great agricultural resources. Czecho-Slovakia could perhaps count on a prosperous future as an independent industrial state; but for the German provinces the disruption of the monarchy spelled industrial ruin.

[The following table shows the pre-war value of the various currencies mentioned above in terms of English currency:

Austria-Hungary	Krone	10*d.*
Denmark, Sweden, Norway	Krone	1/1½
France	Franc	= 9·5*d.*
Netherlands	Guilder	= 1/7·8
United States	Dollar	= 4/1·32

The following table shows the English equivalents of certain metric weights and measures:

1 gramme = 15·4323 grains (7,000 grains = 1 lb.).
1 kilogram = 2·2046 lb.
1 litre = 0·8799 quart.]

CHAPTER V

THE PUBLIC AND OFFICIAL WAR-AIMS OF THE BELLIGERENTS

1. *General.* The political war-aims of the different Powers, more especially in the first years of the war, were stated only in the most general terms. Statesmen had not the time, nor always the desire, to particularize, to apply hard theories to fluid facts, or to draft precise clauses for a peace treaty which seemed distant and of which the basis could not wholly be foreseen. Moreover, statesmen are usually persons whose motives and policies cannot be defined in an epigram or compressed into a phrase. 'The alchemy that could condense Thiers or Bismarck . . . into a formula is a lost art. History does not work with bottled essences but with active combinations; compromise is the soul, if not the whole, of politics.' In this war statesmen were driven by events, for events were so compelling, and changes of fortune so swift, that even the greatest leaders were thrown this way and that by conflicting currents of opinion and circumstance. The war was greater than any man or any government or any country; there were times when none could tell whither the world was tending or what would be the issue. Hence it is that in the early stages of the war neither side was willing to draw up too full a confession of faith, nor to state its minimum demands. Another reason is that both the Entente and the Central Powers were bound by secret agreements, without reference to which the public and avowed aims of the belligerents cannot be understood.[1] Finally and most important, the issues of the struggle, the sufferings and the sacrifice produced great principles of which few had dreamed at the beginning.

2. *German war-aims up to the Peace Proposals, December 1916–January 1917.* The public war-aims of Germany need not be dealt with at any length. From the Kaiser and Crown Prince downward all German statesmen were prolific in utterances

[1] This chapter deals with official war-aims in so far as they were public, or have subsequently been published.

and communiqués to the public, but these had practically no reference to their secret aims or agreements. The Kaiser's 'marginalia', for instance, make it impossible to suppose that he really looked on the war as one of self-defence as he so loudly avowed. Secret agreements did really hamper the public utterances of Entente statesmen, but Germany's statesmen felt no difficulty in making speeches entirely at variance with their secret objects. Hence while the speeches of Entente statesmen need supplement or comment, those of Germans require interpretation or flat contradiction. Publicity with the German Government was simply a means of deception, and was in the end recognized to be such by all impartial observers. The German assertions that they desired to respect the freedom of small States, to restrain militarism, and to establish international covenanted peace simply could not be believed as long as the German General Staff held power, and it was obvious to all that it did so at the end of 1916, when the German Government formally announced its desire to make peace proposals. As it happens, we know what the basis of these proposals was, for Ludendorff describes them in his Memories.[1] France was to restore the occupied parts of Alsace, but Germany was to insist on the economic and strategic rectification of her French frontier,[2] and on financial compensation. Germany would restore Belgium 'subject to definite guarantees for Germany's safety, which would be negotiated with the Belgian Government'. Germany and Poland (which had been declared independent of Russia on the 5th November 1916) were to have frontiers secured strategically and economically against Russia. It was not simply proposed that the German Colonies should be restored, but that there should be 'a Restoration of Colonies on the basis of an agreement securing to Germany colonial possessions corresponding to her population *and her economic interests*'. There was to be an indemnity to German concerns or to private persons injured by the war and, as has been said before, financial compensation from France. There was to be renunciation of

[1] *War Memories*, i, p. 320. They were adopted, on the 29th January 1917, by the Kaiser at a meeting at which Hindenburg, Ludendorff, Bethmann-Hollweg, and Zimmermann were present.

[2] Economic rectification meant apparently that the Briey iron mines and the Longwy steel mines were to be occupied or controlled. *v.* Michaelis to Count Czernin, 17th August 1917, *v. In the World War*, p. 158.

all exclusive economic measures or preferences calculated to interfere with normal trade, and the 'freedom of the seas' was to be guaranteed.

'These', says Ludendorff significantly, 'are the only German conditions which ever reached the enemy from our side with any co-operation on my part.'[1] It is therefore of interest to examine them. The terms are obviously based on the principle of securing complete strategic security, though even this does not account for the contemplated increase to the Colonial possessions of Germany. More ominous still sound the economic rectifications of the French frontier, and the conditions as to indemnity and financial compensation. In short, the peace was to be a military one of the old type, consisting purely of strategic and economic advantages, of financial indemnities which were all on one side, and of the creation or restoration of dummy independent states like Belgium or Poland, where these were necessary to secure further advantages to Germany. As there is no proposal for reduction of armaments it seems to follow that such a peace would have left intact the armed menace of Germany's military power, and indeed endowed it with increased prestige. Moreover, and this is one of the most important facts in the whole war, neither Germany nor German Austria had any down-trodden brethren to free or lost German territories to redeem.[2] If Germany retained her existing boundaries she retained the power of oppressing Danes in Schleswig, Poles in Posen and Silesia, and pro-French sympathizers in Alsace-Lorraine. Further, Ludendorff's strategic rectifications in France and in connexion with Poland would have brought even more alien subjects under German rule. Even the maintenance of the *status quo*, quite apart from any strategic rectifications proposed, enabled Germany to continue her work of denationalizing her Slav or Danish or pro-French subjects. Because of this very fact, after war had once been declared, the Entente Allies could not rest content with the *status quo*, while Germany could have done. For that

[1] Even Ludendorff was not all-powerful in Germany, and in particular at Brest-Litovsk the negotiations followed a course of which he disapproved. But, generally, from the end of 1916 until his fall, Ludendorff was more powerful than any other individual, not excluding the Kaiser. His influence on the peace negotiations in 1916 and in August 1917 was particularly marked.

[2] Bulgaria, with 'Macedonia and the Dobruja' as her war-aims, was the only one of the Central Powers which could put up any claim of this sort, and in neither area was their claim undisputed.

condition permitted Germany to extend beyond her true ethnic limits, and prevented France, Italy, Rumania, and Serbia from doing so.

3. *Entente War-aims, 1914–15.* The Entente war-aims in the first years of the war were stated in brief and general terms by Mr. Asquith on the 9th November 1914. 'We shall never sheathe the sword which we have not lightly drawn until Belgium[1] recovers in full measure all and more than all that she has sacrificed, until France is adequately secured against the menace of aggression, until the rights of the smaller nationalities of Europe are placed upon an unassailable foundation, and until the military domination of Prussia is wholly and finally destroyed.' M. Viviani, then Prime Minister of France, while endorsing these views on the 22nd December 1914, made a very significant addition. 'France will lay down arms only . . . when the provinces torn from her have been rejoined to her for ever.' French official opinion followed him in insisting on the fact that Alsace-Lorraine be ceded without a plebiscite. Italian statesmen, after Italy had entered the war in May 1915,[2] put forward large claims in the name of *Italia Irredenta* and of strategic security, always specifically naming Trieste and the Trentino. They also added demands for the territorial restoration, not only of Belgium and Serbia, but also of Montenegro. Russian official statesmen announced the creation of an autonomous and united kingdom of Poland, including Posnania and Galicia, and expressed in general the feelings of Pan-Slavism.[3]

4. *Entente Secret Agreements, 1915–17.* Such were the avowed Entente aims, up to the 12th December 1916, when the Germans made peace proposals, in reply to which, at the suggestion of President Wilson, the Allied Powers joined in a common statement of general demands. The Entente secret agreements, which were subsequently published by the

[1] In a subsequent speech Mr. Asquith said, 'and I will add Serbia'. The points mentioned in this speech of 9th November 1914 are more fully dealt with in a previous speech of 25th September 1914.

[2] War was not declared against Germany until 27th August 1916, over a year after Italy's declaration of war against Austria-Hungary.

[3] e. g. M. Sazonoff in the Duma, 8th August 1914: 'It was clear that, if we drew back, it would be the beginning, not only of the abnegation of Russia's historical *rôle* as the protector of the Balkan people, but the recognition that the will of Austria, and behind her that of Germany, is law in Europe.' The same day the Tsar used similar expressions to a deputation of the Duma.

Bolsheviks, must be taken as supplementary to and explanatory of these public utterances. The most important of these secret agreements were those affecting Russia and Italy. Negotiations with the Russian Government as to Constantinople were conducted by Memoranda and an agreement was reached before the end of March 1915 between Russia on the one side and England and France on the other.[1] At the end of the war European Turkey, east of the Enos–Midia line, the city of Constantinople, the Asiatic Bosphorus, the Dardanelles and certain islands were to be annexed by Russia, subject to her consenting to Constantinople becoming a free port for the transit of goods not going into or coming out of Russia, and to her permitting the free transit of merchant ships through the Straits. The Russian Government agreed also to the recognition of certain rights of England and France in Asiatic Turkey, which were reserved for further precise definition,[2] and, with some reservations, to the putting of the sacred Mussulman places and Arabia under independent Mussulman rule and the enlargement of England's sphere of influence in Persia. Thus, for the first time in history, Russia had gained the consent of England to occupy Constantinople, possession of which had been the goal of every Russian Tsar since Peter the Great. The public announcement of this fact was made just before the fall of Tsardom, but too late to save it.

The Treaty of London was signed on the 26th April 1915, between Great Britain, France, Russia, and Italy. 'Under the treaty of peace' Italy was to receive the Trentino and the Southern Tyrol up to the Brenner, which included over 250,000 Germans. She also gained Trieste, the whole Istrian peninsula and a frontier running from just south of Tarvis to the heights just west of Fiume. This last city, as is well known, was not given to Italy by this treaty. By these arrangements great numbers of Slovenes were placed under Italian rule. In addition, Italy was to receive nearly one-half of Dalmatia including Sebenico, which, like every other Dalmatian town and district except Zara, contained a great predominance of Jugo-Slavs over Italians. As regards Albania, the town of

[1] Italy signified her adhesion to this agreement after joining in the war.

[2] These were further defined by later instruments such as the Sykes-Picot agreement in 1916 and the agreement at St. Jean de Maurienne in 1917. The quotations from the Secret Treaties are taken from the *Manchester Guardian*, except the Treaty of London, the text of which was published 30th April 1920.

Valona with a small hinterland was to be received in absolute property by Italy, which was also to control 'a small autonomous neutralized state' in Central Albania and to conduct the foreign relations of Albania. Italy was not, however, to 'oppose' the possible desire of France, Great Britain, and Russia to distribute among Montenegro, Serbia, and Greece the northern and southern parts of Albania (Art. 7). Italy was also to receive the twelve Greek islands known as the Dodekanese, which she already occupied and which contained an almost exclusively Greek population (Art. 8). Finally, by Article 9, 'France, Great Britain, and Russia recognize that Italy is interested in the maintenance of the balance of power in the Mediterranean', and her right, in case of a partition of Turkey, to a 'just share' in the basin of the Mediterranean, especially as regards the province of Adalia. By Article 13 Italy was also to receive 'compensation' if France and Great Britain extended their colonial possessions in Africa at the expense of Germany. Even setting the uncivilized races aside these arrangements obviously violated ethnic justice and were based on almost purely strategic principles, while the phrases 'balance of power' and 'compensation', which all the Allies subsequently repudiated, are specifically mentioned with approval. It is, however, necessary to distinguish carefully between the arrangements for occupying Albania and Asia Minor, which were of the nature of mandatory commissions over uncivilized races, and those for annexing the Southern Tyrol, the eastern half of the Istrian peninsula, and Western Dalmatia, which involved the inclusion in Italy of great numbers of German or Slav peasants, who, if consulted, would certainly have opposed such annexations.[1]

5. *Allied Answer to German peace proposals and to President Wilson, December 1916–January 1917.* The difficulties and embarrassments produced by these secret agreements were clearly seen when President Wilson requested both belligerents to state their detailed aims. The Allies answered as follows on

[1] Other secret agreements were: (1) A secret Treaty of 8th August 1916 with Rumania, handing over to her the Bukovina, Transylvania, and the whole Banat, which involved Rumania obtaining hundreds of thousands of non-Rumans (*v.* map). This Treaty was abrogated by Rumania signing a separate Treaty with Germany in 1918. (2) A secret agreement with Japan of which the details are obscure, by which she acquired the right to control the Shantung peninsula. *v.* President Wilson's answer after speech of 4th September 1919, and Mr. Lansing's evidence before the Senate of 12th August.

the 10th January 1917. They demanded in the territorial sense, 'The restitution of provinces formerly torn from the Allies by force or against the wish of their inhabitants; the liberation of the Italians, as also of the Slavs, Roumanes, and Czecho-Slovaks from foreign domination, the setting free of the populations subject to the bloody tyranny of the Turks; and the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization' (par. 8). These generalities are somewhat vague; the first sentence appears to cover such cases as Alsace-Lorraine,[1] the Trentino, and Bosnia-Herzegovina, but it is carefully not stated that it does. In the next sentence 'liberation' is used in two different senses. 'Liberation' of the Italians obviously meant annexation to Italy. 'Liberation' of the Slavs, 'Roumanes', and Czecho-Slovaks could apparently be interpreted to mean some kind of autonomy inside Austria-Hungary, for Lord Robert Cecil stated in the House of Commons on the 24th August 1917, that we were 'not pledged to the form of liberation'. Thus these statements indicated no attempt or resolve to break up Austria-Hungary. On the other hand the phrases used as regards Turkey in Europe, combined with the secret agreements as regards Asia Minor, did practically commit the Allies to breaking up the Turkish Empire,[2] and these were largely necessitated by the Russian attitude. It was also due to the latter that the Allies were obliged to announce their belief that the Tsar really meant to give independence to Poland.[3] On the other hand the Allies collectively declared their whole-hearted adhesion to the League of Nations (par. 2) as proposed by President Wilson, and formulated their more general aims as follows: 'The restoration of Belgium, Serbia, and Montenegro, with the compensations due to them; the evacuation of the invaded territories in France, in Russia, in Rumania, with just reparation; the re-organization of

[1] Mr. Balfour in a dispatch of 16th January 1917 to Washington wrote of the restoration of Alsace-Lorraine to France, and of *Italia Irredenta* to Italy, as indicated in the Allied demands of 10th January 1917.

[2] *v.* Mr. Balfour's dispatch 16th January 1917: 'Evidently the interests of peace and the claims of nationality alike require that Turkish rule over alien races shall, if possible, be brought to an end.'

[3] Par. 9 of Allied Note of 10th January 1917: 'The intentions of His Majesty the Emperor of Russia in regard to Poland have been clearly indicated by the manifesto he has just addressed to his armies' (in which he declared his intention of creating a 'free' and undivided Poland). The term 'Slavs', when used in connexion with 'Roumanes' and Czecho-Slovaks, apparently was not intended to include Poles.

Europe, guaranteed by a stable *régime* and based at once on respect for nationalities and on the right to full security and liberty of economic development possessed by all peoples, small and great, and at the same time upon territorial conventions and international settlements so as to guarantee land and sea frontiers against unjustified attack' (par. 9). This final statement of Allied aims at the beginning of 1917 was comprehensive, but offered itself to criticism in some directions as 'imperialistic' in character. It was, however, very significant that the German Government would publicly state no territorial claims at all, and left the world in obscurity even on so crucial a matter as Belgium. The Allied war-aims were moreover soon obscured in importance by the initiation of the German submarine campaign and the consequent entry of America into the war.

6. *The views of President Wilson, 1914–22nd January 1917.* The utterances of President Wilson have a unique significance, not only because they were taken as the legal basis of the Peace negotiations, but because they form a definite and coherent body of political doctrine. This doctrine, though developed and expanded in view of the tremendous changes produced by the war, was not formed or even altered by them. His ideas, like those of no other great statesman of the war, are capable of being worked out as a complete political philosophy. A peculiar interest, therefore, attaches to his pre-war speeches, for they contain the germs of his political faith and were not influenced by the terrifying portents of to-day. The tenets in themselves were few and simple, but their consequences, when developed by the war, were such as to produce the most far-reaching results. It is not possible or necessary to discuss how far these tenets were accepted by the American people as a whole, for, as the utterances of their legal representative at a supreme moment of world history, they will always retain their value.

The fundamental principles of the President's philosophy are that there is no difference between private and international morality, that tyranny should be resisted within a nation just as aggression should be resisted from without, that morality, not expediency, is the sole guide in politics, and that 'we will never condone iniquity because it is most convenient to do so'. To force as the rule either of domestic or international policy he was sternly opposed. 'The new things

in the world are the things that are divorced from force. . . . (they are) the moral compulsions of the human conscience' (5th June 1914). In these ideas there was nothing new. Burke or Canning or Gladstone would have denounced the doctrine that force was right, would have agreed that questions of policy or diplomacy should 'be shot through with the principles of life', that political morality did not change with climate or continent, that nations, like individuals, should be free, and that the sanctions of policy depended ultimately upon the public opinion of the world.[1] But they would not have derived these doctrines from the Declaration of Independence, from the writings of Hamilton, or from the speeches of Jefferson.

7. *American origin of his political philosophy.* Herein lay the peculiarity of the President's philosophy. He had read and re-read with a student's care and an evangelist's ardour the writings and the speeches of the great men who formed the Republic and built up the splendid fabric of her political philosophy.[2] He read them, as he openly avowed, not only as memories of the past but as lessons for the future, and in order to shape the existing policy of his country in the light of their ideas as modified by the infinitely more complex forces of to-day. In European eyes the peculiarity was that he conceived all his principles of public policy upon American lines, but believed that these contained all the doctrines necessary to the salvation of the world as a whole. The Virginia Bill of Rights supplied him with the cogent doctrine that 'a people has a right to do anything they please with their own country and their own government', and that it could change that government not once but as often as it pleases.[3] This was the creed of freemen on which the Con-

[1] Cf. Wilson's speech of 30th June 1915: 'I think the sentence in American history that I myself am proudest of is that in the introductory sentences of the Declaration of Independence, where the writers say that a due respect for the opinion of mankind demands that they state the reasons for what they are about to do.'

[2] Cf. Lord Acton, *Historical Essays and Studies* (1907), p. 492: 'In the little band of true political theorists, composed of Harrington and Locke, Rousseau and Jefferson, Hamilton and Mill, the rank of Siéyès is very far from being the lowest.' Two of these, it will be noticed, are Americans, and Lord Acton also expresses his opinion (p. 124) that 'they (the Americans) are our equals in political philosophy' and 'surpass us as writers . . . on the art of government'.

[3] 25th October 1913. This Bill of Rights doctrine he derived remotely

stitution, the independence, and the existence of the United States was based. It was associated with a principle of equal importance; the United States held that all their citizens were equal and therefore could not contemplate annexation or the permanent control of subject races. It was natural for President Wilson to say, when speaking of Latin America before the war: 'I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest' (27th October 1913). The Monroe doctrine was merely an extension of this idea. The United States, having renounced all territorial aims on the American continents for themselves, felt justified in imposing a similar self-denying ordinance upon others. It was the duty of the United States to protect liberty throughout the New World against all aggression from without. 'From the first . . . we have set America aside as a whole for the uses of independent nations and political freemen' (7th December 1915). 'America means something that is bigger than the United States, and we stand here with the glorious power of this country ready to swing it out into the field of action whenever liberty and independence and political integrity are threatened anywhere in the Western Hemisphere' (13th June 1916). He spoke thus when the shadow of war was already darkening, but many of his pre-war utterances show that this guarantee of material protection to the New World had always been part of his conceptions, as indeed of most other recent American Presidents. His policy to the other States of the American continent is further of interest as showing the extent to which he believed in moral suasion as the rule of international fair-dealing. The policy towards Mexico, for example, as explained by the President himself,[1] was to leave her to work out her own salvation on the lines of the Virginia Bill of Rights. The United States would never step in to administer Mexico permanently, for that would prevent Mexico from acquiring political education and responsibilities by her own blunders. One thing is significant. The President refused to recognize Huerta as legal ruler of Mexico partly because his hands were

'from Runnymede, when men said: "We will not have masters, we will be a people and we will seek our own liberty"' (5th June 1914).

[1] Interview of 23rd May 1914, quoted in James Brown Scott's *President Wilson's Foreign Policy: Messages, Addresses, Papers*, New York, 1918, pp. 383–91.

stained with blood, partly because he aimed at a military despotism, a thing abhorrent to the free and constitutional nations of the Western Hemisphere. The President's normal conceptions of relations to the other American States are illustrated by his address to the Pan-American Scientific Congress at Washington of the 6th January 1916. He advocated the States of America 'uniting in guaranteeing to each other absolute political independence and territorial integrity'.[1] He alluded to the adhesion made by practically all American States to treaties binding them to investigate their mutual disputes and to settle them by arbitration, and stated that the whole arrangement was based 'so far as the stronger States are concerned, upon the handsome principle of self-restraint and respect for the rights of everybody . . . upon the principles of absolute political equality among the States, equality of right, not equality of indulgence. . . . No man can turn away from these things without turning away from the hope of the world. These are things for which the world has hoped and waited with prayerful heart.' It is impossible to read these words without seeing an anticipation of the League of Nations in this proposed covenant of the American States,[2] just as the President's refusal to recognize military despotism as legal in Mexico, and his distinction between Huerta and the Mexican people, foreshadow his subsequent denunciation of the Kaiser and his disavowal of any desire to quarrel with the German people.

Woodrow Wilson, then, had a theory of international relations which he had already partially applied in the New World and which he believed would ultimately win its way by sheer moral force in the Old. In America these ideas had a field cleared from hampering traditions, prejudices, and difficulties. America, therefore, had a message for the world. The United States, said he on the 13th June 1916, 'have not the distinction of being masters of the world, but the distinction of carrying certain lights for the world that the world has never so distinctly seen before, certain guiding lights of liberty and principle

[1] Article 10 of the League of Nations (*v.* Appx. III, Vol. III) runs on practically identical lines.

[2] The arbitration treaties here referred to were between various American States and the United States. They contained no qualifying clauses about not submitting vital questions concerning national honour to arbitration but were terminable after a period of years.

and justice'. Compounded as she was of virile stocks from the Old World, mediating the blood and the traditions of Europe, America had a supreme opportunity for understanding and advocating those 'moral inspirations which lie at the basis of all freedom'. There was no difference between the American views and those of earnest and aspiring men all over the world, except that the United States was more free to advocate them. A practical beginning had already been made in the first years of his administration in the thirty odd treaties of arbitration concluded between the United States and the other Powers, to which practically every great nation, with the significant exception of Germany, had acceded. The spiritual and moral influences of these principles could be expected ultimately to gain universal acceptance. Speaking almost at the very moment that the Kaiser at Potsdam decided on the war, the President showed his vision of the future in words that subsequent events made at once ironical and prophetic. 'My dream is that as the years go on and the world knows more and more of America it will also drink at these fountains of youth and renewal . . . that the world will never fear America unless it (the world) feels that it is engaged in some enterprise which is inconsistent with the rights of humanity. . . . To what other nation in the world can all eyes look for an instant sympathy that thrills the whole body politic when men anywhere are fighting for their rights? *I do not know that there will ever be a declaration of independence and of grievances for mankind, but I believe that, if any such document is ever drawn, it will be drawn in the spirit of the American Declaration of Independence*' (Speech on 4th July 1914).

8. *President Wilson's attitude during the War, 1914–16.* A month after this utterance the war began. The President had no doubt of America's attitude, and he had indeed already defined it by anticipation. The military policy of the United States had always been defensive, and the New World had not been attacked. The warning of Washington against 'entangling alliances' had held good before the war. 'We cannot form alliances with those who are not going our way . . . we need not and we should not form alliances with any nation in the world' (16th May 1914). It held good after it. By her mixed blood, by her exclusive position, the United States was fitted to mediate between the nations of Europe and not to

take sides in the quarrel. It was not even her right to judge them, for 'no nation is fit to sit in judgment upon any other nation' (20th April 1915). It was America's duty to remain neutral in 'thought, word, and deed', and hope that the truth of her principles would ultimately be made clear to the Old World, not by force but by their evident value.[1] Moreover, the chief service that could be rendered to humanity was to check the extension of the war into new fields. These considerations led the United States to neutrality 'not only by their separate life but also by a clear perception of international duty'. Even so late as the 27th May 1916 the President said of the war, 'with its causes and objects we are not concerned'.

With the beginning of the year 1916 the President had none the less begun to realize the unprecedented character of the war. 'The world will never be the same again. . . . The change may be for weal or it may be for woe, but it will be fundamental and tremendous' (29th January 1916). He later pointed out, the United States 'are participants whether we would or not in the life of the world' (27th May). In the earlier speech he used the significant phrase: 'Peace is not always within the choice of the nation.' He had already stated on the 7th December 1915, that 'We (Americans) regard war merely as a means of asserting the rights of a people against aggression', and the disputes with Germany on the submarine question in 1916 made it clear that he thought intervention possible, and led to his formal threat to sever diplomatic relations on the 18th April. The German Government, thus brought to book, gave way in substance on the 4th May, but without allaying entirely the suspicions of the President. He uttered a further grave warning on the 30th May 1916. 'We are ready to fight for our rights when those rights are coincident with the rights of man and humanity.' Thus he realized that neutrality was becoming harder, and seemed to be moving towards the view that force might be necessary to protect those common interests of humanity which every nation ought to defend and which one nation at least was endangering. In a speech of the 27th May 1916 he spoke even more clearly. He said that the peace that was to be concluded after the war

[1] This was the thought underlying the much-discussed sentence of the 10th May 1915: 'There is such a thing as a man being too proud to fight. There is such a thing as a nation being so right that it does not need to convince others by force that it is right.'

must have an aspect of permanency unknown before, that secret diplomacy must go, that 'the nations of the world must in some way band themselves together to see that right prevails as against any sort of selfish aggression'. 'There must be a common agreement for a common object and . . . at the heart of that common object must lie the inviolable rights of peoples and of mankind.' Three days later he asserted that the world had so changed that Washington's formula of 'entangling alliances' no longer made him afraid, and thus his own warnings against alliances no longer held good. 'I shall never myself consent to an entangling alliance, but I would gladly assent to a disentangling alliance—an alliance which would disentangle the peoples of the world from these combinations in which they seek their own separate and private interests and unite the people of the world to preserve the peace of the world upon a basis of common right and justice. There is liberty there, not limitation. There is freedom, not entanglement. There is the achievement of the highest things for which the United States has declared its principle.' This did not mean that the President here contemplated war as a possibility, it only meant that he would strive to make peace permanent when it came by imposing new moral obligations on all nations, moral obligations which the United States had already accepted herself and embodied in the 'disentangling alliance' which had already made some progress between the United States and all the Latin American Republics.

9. *The President's suggestions to the Belligerents, 22nd January 1917.* It was with these principles in his mind that the President took action, when the German Government made its famous appeal 'to enter forthwith into peace negotiations' on the 12th December 1916, which was addressed to all neutral Powers and to the Vatican.[1] On the 18th December the President addressed suggestions to the various belligerent Governments asking them to consider terms of peace, though he disclaimed having been prompted to this step by the overtures of the Central Powers. He stated that he was merely taking 'soundings', not offering peace or even proposing

[1] Under Article 3 of the Hague Convention President Wilson had previously informed the Belligerents on the 5th August 1914, that 'I should welcome the opportunity to act in the interest of European peace either now or at any other time'. Wilson's suggestions were dated the 18th, and presented the 20th December.

mediation. He asked all nations then at war to state their views as to the terms of a possible peace and as to arrangements which would satisfactorily act as a guarantee against its renewal or the kindling of any similar conflict in future. He pointed out that the objects of the war, as 'stated' by the belligerent Governments on each side, were 'virtually the same'. They were: that smaller nations should in the future be as secure and free as the great states now at war, that great states should have security in the future, and that each, while likely to be jealous of rival leagues and of the balance of power, would unite to form a League of Nations, 'to ensure peace and justice throughout the world'. That, however, could only be after the war. He concluded by asking the authoritative spokesmen to state the precise objects for which they had been waging war as they had previously stated them only in general terms.

To these communications the Central Powers replied merely that they were ready to meet their antagonists in conference to discuss terms of peace, while, as above mentioned, the Entente Powers 'replied much more definitely and have stated in general terms indeed, but with sufficient definiteness to imply details, the arrangements, guarantees and acts of reparation which they deem to be the indispensable conditions of a satisfactory settlement'. While thus recounting the history of this negotiation to Congress on the 22nd January 1917, the President seized the opportunity to formulate the American attitude. He disclaimed any voice in the actual terms of peace, but claimed the right to 'have a voice in determining whether they (the terms) shall be made lasting or not by the guarantees of a universal covenant'. No covenant of co-operative peace could be lasting without the co-operation of the peoples of the New World, and if that were so, the New World had a right to state its views before it was too late. Peace could not be permanent if there was a 'new balance of power', only if there was 'a community of power, not organized rivalries but an organized common peace'. Belligerents on both sides had given assurances as to this, but it was necessary to state plainly what these assurances implied. The peace must be a 'peace without victory', for only a 'peace between equals can last', and alone provides the right state of mind. Similarly there must be equality of rights between nations

great and small, for 'mankind is looking now for freedom of life, not equipoises of power'.

The President then proceeded, with implicit reference to the Virginia Bill of Rights, to say that 'No peace can last, or ought to last, which does not recognize and accept the principle that Governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property'. He instanced Poland as an example, stating that statesmen everywhere were agreed that she should be 'united, independent, and autonomous', and stated that security of life, worship, industrial and social development, should be henceforth guaranteed to all peoples living hitherto under Governments 'devoted to a faith and purpose hostile to their own'.

He then laid down the broad principles that every nation 'should be assured a direct outlet to the great highways of the sea' and 'free access to the open paths of the world's commerce'. In addition, the 'freedom of the seas is the *sine qua non* of peace, equality, and co-operation'. This was closely connected with the problem of limiting naval armaments and must be combined with an effort to reduce military ones. For 'the question of armaments, whether on land or sea, is the most immediately and intensely practical question connected with the future fortunes of nations and mankind'.

In asserting that, upon such terms, the United States would join the other nations in guaranteeing the peace of the world, the President said: 'I speak with the greater boldness and confidence because it is clear to every man who can think that there is in this promise no breach in either our traditions or our policy as a nation, but a fulfilment, rather, of all that we have professed and striven for. I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world.' Each nation, great or small, should be left free to pursue its path unhindered. There should be a union of all nations, for 'there is no entangling alliance in a concert of power'; there should be freedom of the seas, for which the United States had stood at international conferences; there should be moderation of armaments. 'These', he concluded, 'are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward-looking men and women everywhere,

of every modern nation, of every enlightened community. They are the principles of mankind and must prevail.'

10. *The President's Declaration of War, February–April 1917.* This address is of the greatest importance because it sums up in ringing sentences the whole past policy, purpose, and aim of the President, and shows how he deduced his principles wholly from American sources, but none the less viewed America and Europe as bound in a spiritual partnership, and working to a common goal. He was never again to enjoy the same freedom of utterance or to possess the same commanding detachment of view. When he spoke on the 22nd January the United States were still at peace. A fortnight before that date the German Government had secretly decided on a ruthless submarine campaign,[1] and on the 31st January they made known their intention to the world. On the 3rd February the President announced to Congress that he had severed diplomatic relations with Germany, and on the 2nd April he recommended Congress to declare war against her, to which Congress assented on the 4th and 5th. The most important immediate effect of this declaration was to dispose at once of the view which had been so frequently advanced, that victory was impossible for either side, and that peace would result from their mutual exhaustion. Ludendorff's words, written after Wilson's failure to produce peace in January, are even more applicable to the situation after America's entry into the war in April. 'The war had to continue and to be decided by force of arms. It was to be victory or defeat.' According to Ludendorff this result was due to 'the will of the Entente', but in fact it was the first effect of the ruthless submarine campaign.

The attitude assumed by President Wilson, even after he had entered the war, was never the same as that of the Allies. This was partly because the United States were not bound by the secret Treaties,[2] partly because they formed no party to the Quadruple (soon to be the Triple) Alliance, partly because they looked at the war from a different angle. The

[1] The decision was approved on the 9th January by the Kaiser. *v.* Ludendorff's *War Memories*, English translation, vol. i, p. 317.

[2] The President always refused to recognize the Treaty of London (26th April 1915), but apparently accepted some of the other secret agreements. See answer *re* Shantung after his speech of 4th September. Such expressions as 'the Allies and the United States' and 'the Allied and Associated Powers' indicate the position of the United States.

consequences of the President's principles were also extremely far-reaching because they were definite and concise, and their propagandist value to the Allied cause in awakening opposition to the Government in Germany, and still more in Austria-Hungary, was quite incalculable. According to Admiral Tirpitz, the prestige of the President was established on the Continent after the Note to Germany of the 20th April 1916. It continued to increase after the message of the 22nd January 1917, until it culminated in the 'Fourteen Points', the 'Five Particulars', and the correspondence preceding the Armistice.

11. *Entente War-aims as modified by the fall of Tsardom, March 1917.* The year 1917 was so full of great events that it tested, at once and to the full, the value of the war aims and ideals of the different Powers. In March Tsardom fell and a Revolutionary Government arose which lost no time in repudiating imperialistic aims and stating that 'Free Russia does not aim at dominating other nations, at depriving them of their national patrimony, or at occupying by force foreign territories; but that its object is to establish a durable peace on the basis of the rights of nations to decide their own destiny' (10th April). These sentences contained immense possibilities, they led to the abandonment of the Russian demand for Constantinople, and ultimately to the profound changes implied in the formulae of 'self-determination, no annexations, no indemnities'. For the moment the most important effect was upon the freedom of Poland, on which the utterances of Tsardom had never been convincing. The American President had already attracted universal attention by his demand for a 'united, independent, and autonomous Poland'. The new Russian Government endorsed his words: 'In the name of the higher principles of equity, it (Russia) has removed the chains which weighed upon the Polish people.' With this phrase Poland's servitude was finally ended. Before the end of October the Russian Foreign Minister announced that the British and French Governments had given a pledge to the effect that an 'independent and indivisible Poland constitutes one of the conditions of a solid and just peace', to which the Italian Government also publicly agreed. Before the end of the year a separate Polish army had been organized in Russia and a Polish legion of volunteers and deserters had been assembled in France, at the moment when the Polish Legion

in Austria was being disbanded, and this practical expression of Polish national feeling was ultimately of great importance. Thus the embarrassment produced by the old Russian attitude as regards Poland and Constantinople had been entirely removed before the end of 1917.[1] In addition, the attitude of Rumania in signing an armistice preparatory to separate peace negotiations released the Allies from their obligation to carry out the most ethnically unjust of all the secret agreements made during the war. It was just at this moment that publication of the Entente secret agreements by the Bolsheviks did almost as much injury to their cause as their liberation from Russian and Rumanian obligations had done good.

12. *The Austro-German peace offensive in 1917.* Apart from America's entry into the war and the Russian Revolution, the most striking feature of 1917 was the peace offensive of Austria-Hungary. Secret negotiations began with France in March, in April pressure was put on Germany, and, when Ludendorff finally closed this negotiation, Count Czernin had recourse to the German Reichstag through various agencies.[2] The Reichstag Resolution, which was passed by 214 votes to 116, on the 19th July, demanded 'a peace of understanding' with which 'forced acquisitions of territory and political, economic, or financial oppressions are inconsistent'. Bethmann-Hollweg resigned and his successor Michaelis attempted to evade this Resolution, but, after a passage of arms in the Reichstag, he was forced to do lip-service to it. How little his public professions really represented his views is shown by his private letter of the 17th August to Count Czernin,[3] in which he outlined certain strategic and economic concessions for Germany as the conditions of peace. There was no suggestion in this letter of

[1] In its last moments, the Tsarist Government had agreed with the French Government, in return for a free hand in Poland, to guarantee the restoration of Alsace-Lorraine to France, to the inclusion within French territory of the whole coal district of the Saar valley, and to the constitution of a neutral and autonomous state on the left bank of the Rhine which was to be occupied with French troops. This arrangement was not, however, apparently endorsed by the other Allies (*v.* Mr. Balfour, House of Commons, 19th December 1917), and may be considered to have lapsed after the fall of Tsardom. It reappeared in a different form at the time of the Peace Conference (*v.* Vol. II, Chap. II, Pt. I, 1, § 4).

[2] Czernin, *In the World War*, English translation, pp. 143–58; Ludendorff, *War Memories*, ii, pp. 440–4. Czernin suggested the surrender of Alsace-Lorraine by Germany and the addition of Galicia to Poland, which should be under German control. Czernin wished Austria-Hungary to get some sort of control over Rumania.

[3] Count Czernin, *In the World War*, pp. 157–9.

desire to limit armaments or to join the League of Nations or to respect the rights of small nations. Yet it was on these lines that he now replied to the Pope, who had addressed a Note to the Belligerents recommending Peace on the 1st August. On the 19th September Michaelis replied publicly to the Pope, enthusiastically welcoming 'the simultaneous and reciprocal limitation of armaments' and 'the institution of compulsory arbitration in international disputes'. On the 11th September, at a Crown Council at Berlin, Ludendorff omitted all reference to either point and laid down the following terms as 'military necessities'.[1] On the west he demanded a rectification of the frontier at the expense of France so as to throw a protective belt round the iron mines of Lorraine, economic union with Belgium and in effect political control over her, and the annexation of Luxemburg. On the east he demanded an extension of the German frontier near the coal-fields of Upper Silesia and Danzig and Thorn, plus power to conscript the inhabitants of Lithuania and Courland, and economic control over the kingdom of Poland, which was not to go to Austria. He adds grimly: 'The discussions on war-aims between the Imperial Chancellor and G.H.Q. were purely academic. Every one knew that the terms of peace would be decided by the way the war ended, and by nothing else, and that we should have to make up our minds according to circumstances.' On the 9th October, Kühlmann, the German Secretary for Foreign Affairs, referred to the Pope's intervention publicly as follows: 'It is an absolutely erroneous conception of German policy to think that we play high or low, become conciliatory or stubborn according to the results of individual military enterprises. This is absolutely false.' Thus Kühlmann publicly denied the war-aims of Germany to be what Ludendorff affirmed in secret that they must be and were. Michaelis combined these two different voices: in public he assured the Pope and the Reichstag that he disclaimed annexations; in private he forced Czernin to accept them. These contradictions could not long be concealed, and they had their effect in disheartening both public and rulers. Russia was soon to be the victim, but, paradoxically enough, the victim was to drag down the oppressor. For it was the Brest-Litovsk

[1] *War Memories*, ii, pp. 516–22. Michaelis's demands in his letter of 17th August to Czernin are practically the same as these.

negotiations, that orgy of strategic and economic aggression, which first taught an astonished world the inner meaning of a 'German peace'. The lessons had their effect in Germany too, even though Brest-Litovsk was approved by the Reichstag. For even there the truth of a saying of Mr. Lloyd George was to be proved, 'National honour is a real thing and the nation that disregards it is doomed'.

13. *President Wilson's commentary on the Austro-German Peace Offensive.* During the summer President Wilson delivered several speeches on war-aims and policies, dealing chiefly with the danger to the Allied Powers of accepting peace at the moment. He ascribed the eagerness for peace which he saw manifested from Berlin and Vienna to the fact that the German Government could not go further and dared not draw back. 'The military masters under whom Germany is bleeding see very clearly to what point Fate has brought them. If they fall back or are forced back an inch, their power both abroad and at home will fall to pieces like a house of cards. It is their power at home they are thinking about now more than their power abroad. It is that power which is trembling under their very feet; and deep fear has entered their hearts. They have but one chance to perpetuate their military power or even their controlling political influence. If they can secure peace now with the immense advantages still in their hands which they have up to this point apparently gained, they will have justified themselves before the German people: they will have gained by force what they promised to gain by it.... If they fail, their people will thrust them aside; a Government accountable to the people themselves will be set up in Germany.... If they succeed, they are safe and Germany and the world are undone; if they fail, Germany is saved and the world will be at peace. If they succeed, America will fall within the menace. We and all the rest of the world must remain armed, as they will remain, and must make ready for the next step in their aggression; if they fail, the world may unite for peace and Germany may be of the union' (14th June 1917). This merciless analysis of Germany's motives, this separation between her Government and people, was carried yet further in the President's reply to the Peace Appeal of the Pope on the 27th August 1917.[1]

[1] President Wilson replied, apparently, because the Treaty of London, Article 15, pledged Great Britain, Russia, and France to support Italy if she

'The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment, controlled by an irresponsible Government. . . . This power is not the German people. It is the ruthless master of the German people. . . . Can peace be based upon a restitution of its power or upon any word of honour it could pledge in a treaty of settlement and accommodation? . . . We cannot take the word of the present rulers of Germany as a guarantee of anything that is to endure, unless explicitly supported by such conclusive evidence of the will and purpose of the German people themselves as the other peoples of the world would be justified in accepting. Without such guarantees treaties of settlement, agreements for disarmament covenants to set up arbitration in the place of force, territorial adjustments, reconstitutions of small nations, if made with the German Government, no man, no nation, could now depend on.' The style of this address was new in diplomacy, the attempt to separate people and government had always been considered dangerous, yet the overwhelming moral force of the appeal drove its message home. Ludendorff, in commenting on the President's attempt to interfere in the internal affairs of Germany, says it aroused protest in the Reichstag. But, as he sorrowfully admits, 'even thus we could not muster the strength to repudiate his action with the righteous indignation it deserved'.[1]

14. *President Wilson recommends a Declaration of War on Austria-Hungary, 4th December 1917.* On the 4th December President Wilson addressed Congress recommending a Declaration of War on Austria-Hungary. 'Austria-Hungary is for the time being not her own mistress, but simply the vassal of the German Government. We must face the facts as they are and act upon them without sentiment in this stern business. The Government of Austria-Hungary is not acting upon its own initiative, or in response to the wishes and feelings of its own peoples, but as the instrument of another nation. We must meet its force with our own, and regard the Central Powers as but one.' He disclaimed at present declaring war against Bulgaria and Turkey, as they were mere tools and 'do not yet

opposed the representatives of the Holy See taking part in any negotiations for the conclusion of peace.

[1] *War Memories*, ii, p. 523; *v.* Wilson's speech 4th December 1917, quoted *infra*, p. 200.

stand in the direct path of our necessary action '. As ultimate aims he stated that the peace 'must deliver the peoples of Austria-Hungary, the peoples of the Balkans, and the peoples of Turkey, alike in Europe and in Asia, from the impudent and alien dominion of the Prussian military and commercial autocracy '. He stated clearly, however, that he did not wish to 'impair or to rearrange the Austro-Hungarian Empire ', but simply to see 'that their affairs are left in their own hands, in all matters, great or small '. At the end of this year, after endless negotiations for peace, Austria-Hungary had been cheered by the great victory at Caporetto over her hated enemy Italy, but this immediate declaration of war by President Wilson altered the whole situation. None the less by this time Austria-Hungary was fettered too fast to Germany to be moved. As Count Czernin subsequently confessed of his negotiations in the year 1917[1]: 'The future will show what superhuman efforts we have made to induce Germany to give way. That all proved fruitless was not the fault of the German people, . . . but that of the leaders of the German military party, which had attained such enormous power in the country.' In this passage, though not in all his speech, the Austro-Hungarian Foreign Minister seems to be repeating the very words of the American President.

15. *Opening of the Brest-Litovsk Negotiations.* The month of December 1917 saw the opening of peace negotiations between Russia and the Central Powers, and the opening of that extraordinary Conference at Brest-Litovsk which was to have so far-reaching an echo among industrial workers. Its main effects are analysed elsewhere but some of them must be mentioned here. It brought two things well into the sunlight: first, that a 'German peace' meant aggressions and rectifications on a scale hitherto deemed incredible, and next, that the working man all over the world, and not only he, but all classes of every belligerent nation, desired to know what were now the war-aims of the Entente. Relieved as they were from the burden of Russian Tsardom, clarified and purified by sacrifice and suffering, it was now not only possible but essential to

[1] *v.* his speech of 11th December 1918, in *In the World War*, pp. 325–36. In this speech Czernin acquitted the German Kaiser of responsibility for the failure of negotiations, apparently on the ground that he was a mere tool of the militarists.

state these ideals with the plainness and fullness that the world demanded. For it was intolerable to democratic states that men should be dying daily by thousands for causes and for objects which they did not understand.

16. *Mr. Lloyd George's statement of British War-aims, 5th January 1918.* Of none of the Entente Powers were the war-aims less clearly defined than in the case of Great Britain. Even on subjects of capital importance their statesmen did not always seem agreed. Thus Mr. Bonar Law had spoken as if the German Colonies were to remain English, and General Smuts had hinted at some kind of international control.[1] Mr. Bonar Law had suggested as late as the 12th December 1917, that an economic League might be formed against Germany; other ministers had seemed to deprecate this project. Sir Edward Carson had spoken contemptuously, and General Smuts enthusiastically, of the League of Nations. To put an end to these flagrant anomalies, a systematic outline of war-aims was authoritatively given by Mr. Lloyd George on the 5th January 1918.

By way of marking the importance of the occasion the British Prime Minister had consulted beforehand the leaders of Labour and the two most eminent Parliamentary leaders, who were not in the Ministry, Viscount Grey and Mr. Asquith, as well as certain overseas representatives. He claimed 'national agreement as to the character and purpose of our war-aims and peace conditions' and stated that he was speaking for 'the nation and the Empire as a whole'.

Lloyd George first explained what the British Empire was *not* fighting to do. He declared that the British were not aiming at the 'break-up of the German peoples or the disintegration of their State or country'. He even disclaimed fighting merely to 'alter or destroy the Imperial Constitution of Germany', though he considered military autocracy 'a dangerous anachronism', and thought the adoption of democratic institutions by Germany would make it easier to negotiate peace. As regards Alsace-Lorraine 'We mean to stand by the French democracy to the death in the demand they make for a reconsideration of the great wrong of 1871, when, without any regard to the wishes of the population, two French provinces were

[1] *v.* Speech of Mr. Bonar Law, 4th August 1916; *v.* Speeches of General Smuts, 15th and 22nd May 1917.

torn from the side of France. . . . This sore has poisoned the peace of Europe for half a century.'

Lloyd George then denied that we were fighting to 'destroy Austria-Hungary', but stated that 'the consent of the governed must be the basis of any territorial settlement in this war'. As with President Wilson, the 'break-up of Austria-Hungary is no part of our war-aims', but 'genuine self-government on true democratic principles' must be 'granted to those Austro-Hungarian nationalities who have long desired it'. This principle, however, led to complete emancipation in the case of at least one race, for 'we regard as vital the satisfaction of the legitimate claims of the Italians for union with those of their own race and tongue'. It is more difficult to say what was meant by the further statement: 'We also mean to press that justice be done to men of Rumanian blood and speech in their legitimate aspirations.' This cannot mean independence, and probably implies autonomy or home rule, such as would also be extended to those Czecho-Slovaks and Yugo-Slavs who remained under Hungary and Austria.

As Mr. Lloyd George used the principle of national self-determination it told in favour of, as well as against, the Central Powers, and that not only in the case of Austria-Hungary. Thus we are not fighting 'to deprive Turkey of its capital (Constantinople) or of the rich and renowned lands of Thrace, which are predominantly Turkish in race'.[1] This was a notable recantation from the Allied reply of the 10th January 1917, which announced 'the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization'. As regards the subject lands of Turkey (Arabia, Armenia, Mesopotamia, and Palestine), these were entitled to 'a recognition of their separate national conditions', and the previous (secret) agreements were not to prevent a free discussion between the Allies as to their future, as the Russian collapse had changed all the conditions.[2]

[1] He stipulated, however, that the passage between the Mediterranean and the Black Sea should be 'internationalised and neutralised'.

[2] Mr. Balfour stated in the Commons on the 20th June 1918 that 'the (secret) treaties were made in obedience to motives which would have moved any Government in power at the time to make the same or a similar arrangement'. He added that they were 'no obstacle to peace' and that the Allies would listen to 'reasonable suggestions' now.

Cf. Mr. Asquith at Paisley on the 5th February 1920, *Manchester Guardian*, 6th February:

'They had fathered upon him and his colleagues some treaties which did

As regards Russia, he said that she could only be saved by her own people. He stated, however, that 'an independent Poland, comprising all those genuinely Polish elements who desire to form part of it, is an urgent necessity for the stability of Western Europe'.

Passing to the German Colonies, he declared they would be 'held at the disposal of a Conference whose decision must have primary regard to the wishes and interests of the native inhabitants of such Colonies'. The governing consideration should be 'to prevent their exploitation for the benefit of European capitalists or Governments'. Native chiefs and councils were 'competent to consult and speak for their tribes and members'. 'The general principle of national self-determination is, therefore, as applicable in their cases as in those of other occupied European territories.'

Dealing with more general topics, the British Prime Minister demanded 'the complete restoration, political, territorial, and economic, of Belgium, and such reparation as can be made for the devastation of its towns and provinces'. Next, 'the restoration of Serbia, Montenegro, and the occupied parts of France, Italy, and Rumania'. He insisted on 'reparation' but disclaimed a demand for a war indemnity or an attempt 'to shift the cost of warlike operations from one belligerent to another, which may, or may not, be defensible'.

not exist at all except in their imagination, and those which did exist—namely, the arrangements made with Italy and Rumania—were made not before the war, not at the time he was inviting the people to wage war for self-determination, but in one case two years and in the other nine months after we had entered the war. They were arrangements which he was perfectly prepared to vindicate and justify, and for the vital object of bringing first Italy, and then Rumania, on to the side of the Allies. At the time the treaty with Italy was made the French and ourselves were fighting for our lives on the western front. Russia, after a very valiant start, had had a setback. . . .

'The Italian treaty, for which not only he and the British Government but France and Russia were equally responsible, represented the terms upon which Italy was prepared to join forces. It involved undoubtedly the acquisition by Italy, if we were successful, of some not inconsiderable accessions of territory. But it was then a most complex and difficult question, just as now the Conference in Paris was finding it difficult to disentangle the problems of nationality upon the two sides of the Adriatic and the adjacent countries to the north.

'It was an almost hopeless task, and he was perfectly prepared to justify, under all the circumstances of the case, every one of the conditions as being justified by ethnological, historical, or strategic considerations. Personally, he would be only too glad for that secret treaty to go before the League of Nations to be subjected to the most minute and, if necessary, suspicious scrutiny by the impartial representatives of all the nations in it.'

As regards reparation for injuries done in violation of international law, he instanced specially the outrages on British seamen. He also indicated that the control of raw materials would be a difficulty after the peace and 'that those countries which have control . . . will desire to help themselves and their friends first'. He finally emphasized three conditions as essential to permanent peace: (1) re-establishment of the sanctity of treaties; (2) a territorial settlement based on the right of self-determination or the consent of the governed; (3) the creation of some international organization 'to limit the burden of armaments and diminish the probability of war'.

This statement of Entente war-aims was the most comprehensive, as well as the most authoritative, made by any European statesman previous to the Armistice. It contained a working out of the principle of self-determination so logical as to rank Kaffirs and Turks with Italians or Slavs. It represented Entente war-aims as freed from the burden imposed on them by Russian autocracy. It made it possible for Austria-Hungary to remain relatively intact, and for Turkey to preserve Constantinople, and thus opened the way for separate negotiation with these two Powers. On one point alone was it meagre. The League of Nations, both as regards limitation of armaments and arbitration, was indeed adopted, but without much definiteness and without conspicuous enthusiasm. This may have been due to the fact that Clemenceau, the new Premier of France, had declared on the 18th November 1917 that he desired victory before the League of Nations. He had also stated that he did not think the League essential to the War, and he could not consent to Germany becoming a member after the War, for her signature would be valueless.

17. *President Wilson's 'Fourteen Points', 8th January 1918.* A few days after Mr. Lloyd George had spoken, the American President delivered on the 8th January what was to prove the most important of all speeches on war-aims. It contained the 'Fourteen Points', which may be grouped for our purposes in the following way:

(*a*) *Territorial.* Belgium to be evacuated and restored (*Point* 7). All French territory to be freed 'and the invaded portions restored'; 'the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine . . . should be righted,

in order that peace may once more be made secure in the interest of all' (*Point* 8). A readjustment of the frontiers of Italy 'along clearly recognizable lines of nationality' (*Point* 9). 'The freest opportunity of autonomous development to the peoples of Austria-Hungary, which it was not intended to destroy' (*Point* 10). Evacuation and restoration of Rumania, Serbia, and Montenegro. Access to the sea to be given to Serbia. Relations of the several Balkan States to be determined and international guarantees of their political and economic independence and territorial integrity to be entered into (*Point* 11). 'Secure sovereignty' to be assured to the Turkish parts of the present Ottoman Empire, 'undoubted security of life and an absolutely unmolested opportunity of autonomous development' to other nationalities now under Turkish rule. The commercial freedom of the Dardanelles to be internationally guaranteed (*Point* 12). Poland to include indisputably Polish populations, and to have 'free and secure' access to the sea and to have her independence and integrity guaranteed by international covenant (*Point* 13). All Russian territory to be evacuated and settlement on the lines of her own choice and of a welcome into the League of Nations. 'The treatment accorded to Russia by her sister nations in the months to come will be the acid test of their goodwill' (*Point* 6). 'A free, open-minded, and absolutely impartial adjustment of all colonial claims . . . the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined' (*Point* 5).

(*b*) *Freedom of the Seas and of Economic conditions.* 'Absolute freedom of navigation upon the seas . . . except as the seas may be closed in whole or in part by international action for the enforcement of international covenants' (*Point* 2). 'The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance' (*Point* 3).

(*c*) *Reparation, etc.* Statements to the effect that all invaded and occupied territories must be restored (*Points* 8 *and* 11).

(*d*) *League of Nations.* 'A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike' (*Point* 14).

'Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety' (*Point* 4). 'Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind' (*Point* 1).

The President differed little from the Prime Minister in his territorial demands. It is true that he demanded international guarantees for the economic independence and territorial integrity of the Balkan States and of Poland, but these were only special extensions of the universal territorial guarantee implicit in the League of Nations. His treatment of Austria-Hungary was identical with that of the Prime Minister, but his handling of the Turkish problem was not incompatible with the preservation of Ottoman sovereignty over the autonomous nationalities. He went further than the Prime Minister in stating that access to the sea was necessary for Poland and Serbia and insisted also on the 'freedom of the seas'. His attitude on freedom of economic conditions differed somewhat from that of the Prime Minister, and he was less insistent on reparation. As regards 'open covenants' the President had the support of Clemenceau, though the British Prime Minister had not mentioned it. On the other hand, the President's advocacy of the League of Nations was enthusiastic and determined, and formed the broad base of his edifice, while in that of the Prime Minister it seemed rather an accessory than an essential. It was perhaps the most significant and vital of all Wilson's services that he never ceased to urge that the constitution of the League of Nations must be a part, and in a sense the most essential part, of the peace settlement itself.

18. *German Attitude towards the 'Fourteen Points' and to Lloyd George's speech of the 5th January.* The attitude of the Central Powers towards these two great speeches by the representatives of Anglo-Saxondom was speedily defined by Count Czernin and the German Chancellor. It does not seem worth while to analyse their replies and their qualified acceptance of the 'Fourteen Points', for by this time both were in the grip of Ludendorff and they remained so until the Hindenburg line and German militarism were shattered together. Until that date the speeches of the civilians in Germany were simply intended to conceal the existing situation. If any of them dared to take any other line, as in the case of Kühlmann, he

was promptly removed. The facts were not known to the world at the time, and therefore, in spite of the acquisitions made by Germany at Brest-Litovsk, there was some excuse for some of the British and American public thinking that such speeches offered the basis for negotiation.[1] As they are known to us to-day by the admissions of Ludendorff and Count Czernin, it is unnecessary for us to spend any time on them. The key-note was secretly given by Ludendorff in council with Czernin and Hertling. 'If Germany makes peace without profit, then Germany has lost the war' (5th February 1918).[2]

19. *President Wilson's further speeches, 11th February–27th September 1918.* On the 11th February the President laid down Four Principles as essential to a permanent peace:

Principle 1. 'Each part of the final settlement must be based on the essential justice of that particular case.'

Principle 2. 'Peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now for ever discredited, of the Balance of Power'; but that

Principle 3. 'Every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival states'; and

Principle 4. 'All well-defined national elements shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism.'

He had prefaced these four principles by some very significant phrases: 'There shall be no annexations, no contributions, no punitive damages. . . . "Self-determination" is not a mere phrase. It is an imperative principle of action which statesmen will henceforth ignore at their peril.' On the 4th July, speaking

[1] As e.g. Lord Lansdowne in his letter of the 5th March 1918. It was unfortunate that the Supreme War Council at Versailles issued a statement on the 4th February stating that they could not accept the professions of Hertling and Czernin and had decided on the vigorous prosecution of the war. This suggested the quite misleading impression that soldiers were dictating Allied policy.

[2] Count Czernin, *In the World War*, p. 247. It is characteristic that Hertling dared not openly oppose Ludendorff on this, but whispered across the table to Czernin, 'Leave him alone; we two will manage it together without him'.

by the tomb of Washington, he outlined Four Objects, of which the second and fourth were similar to those of the 11th February. The first declared for the destruction or reduction to virtual impotence of every arbitrary power, and the fourth was a demand for the League of Nations, which he summarized in the following fashion: 'What we seek is the reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind.'

In the last of his great speeches before the Armistice, delivered on the 27th September, the President stated Five Particulars as the basis of peace which were necessitated by the fact that 'there will be some parties to the peace whose promises have proved untrustworthy'. Of these particulars the first, second, and fifth had already been outlined in previous utterances. The third stated 'there can be no leagues or alliances or special covenants and understandings within the general and common family of the League of Nations'. The fourth, 'and more specifically, there can be no special selfish economic combinations within the League, and no employment of any form of economic boycott or exclusion, except as the power of economic penalty by exclusion from the markets of the world may be vested in the League of Nations itself as a means of discipline and control'. He added that the United States was 'prepared to assume its full share of responsibility for the maintenance of the common covenants and understandings upon which peace must henceforth rest'. Then, recalling once more that Washington's immortal warning was against 'entangling', not 'disentangling', alliances, he said, 'we recognize and accept the duty of a new day' and 'hope for a general alliance which will avoid entanglements and clear the air of the world for common understandings and the maintenance of common rights. . . . National purposes have fallen more and more into the background, and the common purpose of enlightened mankind has taken their place'. Thus under the stress and strain of war Europe and the world had come round to accept American principles. For, if peace was to be permanent, the world must be regenerated as a commonwealth of independent nations composed of free citizens able to choose their own governments. There was now no difference to exist between America and Europe, and just as the American War of Independence had inaugurated a revolution in govern-

ment in the New World, this war was to inaugurate a revolution not only in the Old World but in all the world. America and Europe were not only to be one in sympathy but to be bound together by a charter of freedom which would show that there was to be no difference between American principles and those of mankind. That this was the underlying idea of the President is certain, for not only does he explicitly state this in his above-quoted address of the 22nd January 1917, but on his return from Europe he spoke thus on the 6th September 1919. 'I discovered that what we called American principles had penetrated to the heart and understanding not only of the great peoples of Europe, but to the hearts and understandings of the great men who were representing the peoples of Europe. . . . I can fancy those men of the first generation that so thoughtfully set this great Government up, the generation of Washington, Hamilton, Jefferson, and the Adamses—I can fancy their looking on with a sort of enraptured amazement that the American spirit should have made conquest of the world.'

20. *Political effect of the President's Speeches.* With the President's address of the 27th September was terminated that remarkable series of political speeches, which began with the 'Fourteen Points', and which subsequently became the legal basis of the Armistice. It is, however, important to point out that the President himself stated that the 'Fourteen Points' were 'only her own (i. e. America's) *provisional* sketch of principles and the way in which they should be applied' (11th February 1918). Nor does this end the matter. Immediately after the speech of the 4th July Mr. Lloyd George made a public utterance to the effect that the Kaiser 'can have peace to-morrow' if he will accept the President's terms. That experienced diplomat Lord Lansdowne[1] at once intervened to point out that the President's speech of the 4th July was not 'an outline of peace terms but a very nobly-worded description of the things for which the associated peoples of the world were fighting', and that these premises, even if accepted, 'would place us at the beginning, and not at the end, of a very complicated negotiation'. The political effect of the President's speeches did not, however, depend on whether or not the 'Fourteen Points' or

[1] Letter of 31st July. Lord Lansdowne was at this date considered by some to be a pacifist, and his opinion did not, therefore, carry the weight these particular observations certainly deserved.

the Four Objects or the Five Particulars offered an adequate basis for negotiation or could be taken as the draft clauses of a Treaty. These utterances rang through the world as no speeches had rung since the days of Canning, and the effect produced on the autocrats and peoples of Europe was not dissimilar. As Czernin wrote, 'In the eyes of millions of people this programme opened up a world of hope'.[1]

21. *The President's attitude towards Smaller Nationalities, February–November 1918.* In two directions the President's utterances were of such fundamental importance as to deserve still further examination. One of the most important points of the President's programme was the uplifting of the smaller nationalities. This idea was not new, for the sympathy with Serbia and Belgium had been universal in England and France. But the circumstances of America's origin made her naturally the hope of small nations who longed to be free and great, and the voice that came over the water was listened to with eagerness and joy. Rumania was cheered, at the moment just before she was forced to sign an armistice in December 1917, by a message from the President to the effect that, whatever happened, the United States would ultimately restore that independence of which Germans and Bolsheviks were depriving her. This whole attitude was of great importance towards the beginning of 1918, when the original belligerents were feeling the strain of the War, and when peace was continually on the lips and in the minds of men. It was in this light that this ardent championship of the rights of small states acquired new importance as the lesser nationalities gradually emerged from the wreck of Russian, Turkish, and Austro-Hungarian Empires. It was towards the latter that the President's attitude showed the most marked change, and it appears to have been much influenced by the Congress of Oppressed Nationalities held at Rome in the second week of April 1918. At the beginning of June the President formally announced that the United States had followed these proceedings with great interest and that 'the national aspirations of Czecho-

[1] Czernin, *In the World War*, p. 189. The late Mr. Roosevelt did not think Americans were among these millions. 'It is sheer nonsense to maintain that the American army is fighting for his (the President's) fourteen points. There is not one American in a thousand who has ever heard of them. The American army is fighting Germany, and the American people want Germany smashed.' *The Times*, 5th December 1918.

Slovaks and Yugo-Slavs for liberty have the lively sympathy of this Government' (29th May). This declaration was immediately endorsed by the three Entente Powers (3rd June). It was a very significant one, and when German and Austrian sympathizers and officials sought to construe the President's utterance as a mere declaration in favour of autonomy he issued a new statement (28th June) that the position of the United States Government was that 'all branches of the Slav race should be completely freed from German and Austrian rule'. This was very important, for the independence of Czecho-Slovakia meant the break-up of Austria-Hungary. On the 3rd September the President went even further and recognized the Czecho-Slovak National Council as a belligerent Government.[1] When on the 18th October he answered the Austrian Note requesting an armistice, he quoted the above-mentioned declarations and stated that they had been made since the 'Fourteen Points' and prevented his negotiating with Austria-Hungary on the basis of the 'mere autonomy' of these peoples in accordance with Point 10[2] of the 'Fourteen Points'. 'The President is therefore no longer at liberty . . . he is obliged to insist that they (Czecho-Slovaks and Yugo-Slavs) and not he shall be the judges of what action on the part of the Austro-Hungarian Government will satisfy their aspirations.' The independence of Poland with implied access to the sea had already been asserted by the President as far back as the 22nd January 1917, it had been explicitly reaffirmed as the Thirteenth Point, and this had been publicly endorsed by the other Allies. The general effect of the President's utterances, first by his sympathetic reference to Polish independence in 1917, and next by his efforts on behalf of Yugo-Slavs and Czecho-Slovaks, in 1918, had been greatly to assist those elements of liberty and revolution which sought and ultimately achieved the break-up of Austria-Hungary.[3] By giving voice to their aspirations he did more also in another way. 'If you

[1] This body had originally been formed of Czecho-Slovak exiles and had for head Masaryk, the first President, and as secretary Beneš, the first Foreign Minister of the Republic.

[2] *Point* 10. 'The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.'

[3] This attitude was the more significant in view of the fact that negotiations were proceeding between France and Austria-Hungary so late as February 1918. *v.* French and Austrian official statements, Ap. 4, 6, 8, 1918.

could catch some of these voices that speak of the utter longing of oppressed and helpless peoples all over the world; and hear something like the battle hymn of the Republic, hear the feet of the great hosts of liberty going to set them free, to set their minds free, to set their lives free, to set their children free, then you would know what comes into the hearts of those who are trying to contribute all the brains and power they have to this great enterprise of liberty' (18th May 1918).

22. *The President's attitude towards the German Government, 1918.* In regard to the German Government the President's avowed policy differed from that of the Entente. This difference can be well illustrated by contrasting his utterances with those of other Allied leaders. Mr. Lloyd George said on the 5th January 1918, 'Nor did we enter this war merely to alter or destroy the Imperial Constitution of Germany. . . . Our point of view is that the adoption of a really democratic constitution by Germany would be the most convincing evidence that in her the old spirit of military domination had indeed died . . . and would make it much easier to conclude a broad democratic peace with her. But after all that is a question for the German people to decide.' Mr. Wilson's attitude was very different. He claimed indeed, 'We intend no wrong against the German Empire, no interference with her internal affairs' (4th December 1917). But he held fast to a political theory which in effect led him very far. The people were under God, the origin of all just power, and therefore the German Government, like all military autocracies, was an illegitimate one. It was not however to be interfered with in peace time, except by the operation of the moral influences of liberty,[1] but in war time it was to be swept from the earth by the armed forces of freedom. 'We wanted', said he on the 6th September 1919, 'to destroy autocracy everywhere in the world.' While Great Britain spoke of destroying militarism, the President spoke of destroying autocracy, or at least of reducing it to virtual impotence. The German Government was one which feared its people and therefore, just as Washington drove tyranny from America, it was for another President, following in his steps in the light of a larger day, to drive it from Europe. A strong stand was

[1] Except when a new one arose, as that of Huerta in Mexico, which the President refused to recognize, as 'based upon intrigue and assassination', 2nd September 1916.

indeed needed, for in May and June a peace atmosphere was spreading on both sides. On the 17th May 1918 General Smuts said, 'We will not have a peace secured merely by the unaided efforts of armies in this war'; on the 24th June Kühlmann said, 'An absolute end can hardly be expected through purely military decisions alone, without any diplomatic negotiations'. Both statesmen seemed to hint at an informal conference. This was not the language then used by the President. He spoke on the 18th May, 'We are not to be diverted from the grim purpose of winning the war by any insincere approaches upon the subject of peace'. 'There must now be settled once for all what was settled for America in the great age upon whose inspiration we draw to-day' (4th July 1918). 'Force, righteous force', was to 'cast every selfish dominion down in the dust' (6th April). The German Government was tyrannical not only inside Germany but because of its widespread domination and influence outside it, it was a 'power to which the world has afforded no parallel and in the face of which political freedom must wither and perish'. Without guarantees of the will of the German people treaties of settlement with the German Government 'no man, no nation could now depend on'. In his view Germany's statesmen, and still more the Reichstag majority, desired 'justice' and 'not dominion' but the military leaders had cowed or deceived them.[1] The German people must recognize that 'we cannot accept the word of those who forced this war upon us. . . . They have convinced us that they are without honour and do not intend justice' (27th September 1918). These tremendous denunciations, such as had never been heard in European Chanceries, found an echo in Germany itself. For they made clear the stern alternative. The Kaiser and Junkerdom stood between the German people and the realization of permanent peace. The President had often proclaimed this in public, and there came a time when he stated it in the course of negotiation with the German Government. In his reply of the 8th October 1918 to the German overture for an armistice, the President asked the Imperial Chancellor 'whether he . . . is speaking merely for the constituted

[1] This view is supported by Czernin, *In the World War*, p. 156, 'Certainly the great majority in Germany, counting them per head, supported the (Reichstag) resolution.' Cp. on this point *supra*, Chap. II, § 4 sq.

authorities of the Empire who have so far conducted the war '. The Chancellor in reply claimed to speak for the great majority of the Reichstag, and 'in the name of the German Government and of the German people'. In response to a query as to whether the German Government accepted the President's speech of the 4th July in which he demanded the abolition of arbitrary power, the German Note of the 20th October stated that there had been 'a fundamental change' in Germany and that the responsibility of the Government had been established. The President answered stiffly on the 23rd October that if the Government of the United States 'must deal with the military masters and the monarchical autocrats of Germany now . . . it must demand not peace negotiations but surrender '. On the 27th the German Government replied by saying that a People's Government would conduct the peace negotiations and have the military power subject to it. On the 9th November the Supreme War-Lord fled to Holland.

A discussion between two countries which ended in the acceptance of a new constitutional theory by one party and the subsequent flight of its ruler, is a perhaps unique result of a correspondence dealing primarily with negotiations for an armistice. Yet it was the logical deduction from the doctrines and ideas of the President, and from the public effect of his war-aims. For, once the armed struggle began, his theories led straight to the conclusion that all governments must rest on the choice of the people and, more important still, that peoples must be given the opportunity of that choice if they desired it. Hence the true importance of the Covenant of Nations consisted in the fact that it would stabilize and make permanent the new democracies. The war had thrown down all military autocracies, the peace would prevent them from ever rising again. The war had brought new nationalities to life, the Covenant would safeguard their future. This perhaps was the most important of all the principles enunciated by the President, for it was the most far-reaching in its effects. Guarantees for democracy[1] meant guarantees of territorial

[1] There is a distinct analogy between this theory of guaranteed democracy in the world and the form of republicanism guaranteed to each State of the Union by Article 4, Section 4, of the American Constitution. What the United States were willing to guarantee to their component States under the Constitution, the League of Nations is to guarantee to nations under the

integrity and independence for each nation; and these constituted an obligation which involved the whole world, Old or New, in the Concert of Power. There was, and there could be, no limited liability in affairs of such importance, and the Covenant meant the Monroe doctrine applied to the world.[1] It was on these principles that the President ended the war, and it was these principles which he sought subsequently to embody in the Covenant. 'It is our inestimable privilege to concert with men out of every nation what shall make not only the liberties of America secure but the liberties of every other people as well' (4th July 1918). 'I hold the doctrine of Article X (of the Covenant) to be the essence of Americanism' (Letter of 9th March 1919).

23. *Conclusion.* The war-aims of Germany were adapted to the occasion and the moment, and varied with the event and the audience and with military failure or success. Hence within ten months they passed from the aggressions of Brest-Litovsk to the acceptance of the 'Fourteen Points'. The war-aims of the Entente were affected by secret agreements based upon the conclusion of alliances essential to the defeat of Germany. But these institutions and their history did not prevent them from subscribing in general to the 'Fourteen Points'. Indeed, the principles of Mazzini, of the Rights of Man, and of Magna Carta bear a strong resemblance to them and, as nations always conform to their historic instincts, the stress and strain of war eventually induced the Entente nations to adopt as principles those principles of political liberty which they had originally learnt from their own institutions. Like other Powers, the United States entered the war because their vital interests were at stake. But, unlike other Powers, the United States had a ruler who had pondered much on political philosophy and had had time to reflect upon international policies during the War, and to think them out in relation to American political ideals. Hence the 'Fourteen Points' and the 'Five Particulars' had a clearness of outline and

Covenant. The only difference is that in the latter case 'democracy' means not only republicanism but constitutional government generally.

[1] The President made this quite clear in two instances. Speaking of Poland on the 4th September 1919, he stated this was a State which could not exist independently without international guarantees. Speaking of militarist autocracy on the 6th September 1919, he says, 'We don't want to see anything like that done again, because we know that democracy will only have to destroy that form of government'.

a breadth of vision such as the political speeches of no other war leader could possess. The ultimate importance of these speeches was not propagandist or political, though their effect in each case was great. It lay in the fact that they became the basis of the Armistice and of the Peace Settlement. The fact has sometimes been questioned, but the truth can be settled in decisive fashion. In their reply to the German observations on the Conditions of Peace, the Allies specifically made that claim. They referred to the President's speech of the 8th January 1918 and the 'principles of settlement enunciated in his subsequent addresses' as 'the agreed basis of the peace',[1] and quoted in a special memorandum of several pages the governing passages of these speeches, which they claimed to have followed in the Peace Settlement. The actual last words of the reply were a quotation from the President's speech of the 27th September 1918. Both German and Entente Governments had therefore adopted the 'Fourteen Points', the only difference between them was one of interpretation. The President's principles had conquered Europe and the Covenant of Nations remains as the most striking monument to his efforts. What still remains to be seen is whether political life can be the same for the New World as for the Old, and whether the Wilsonian principles can conquer America.

[1] White Paper, Misc. No. 4, 1919. Covering Letter, p. 7. Reply, pp. 8–9.

CHAPTER VI: PART I

THE WAR-AIMS OF LABOUR

1. *Pre-war Attitude of International Labour.* The attitude of Labour Organizations towards the political issues of the war was the natural result of their pre-war policy. Although that policy was, in a broad sense, the same for the Labour Organizations of the different countries, it is possible to distinguish the purely international policy from the action of the separate Labour Organizations in the several countries. Joint action of an international character was the aim of the policy expressed at many international Socialist Congresses, and at the Congress of 1907 this policy was expressed in a resolution as follows: 'If war threatens to break out it is the duty of the working class in the countries concerned and of their Parliamentary representatives, with the help of the International Socialist Bureau as a means of co-ordinating their action, to use every effort to prevent war by all the means which seem to them most appropriate, having regard to the sharpness of the class war and to the general political situation. Should war none the less break out, their duty is to intervene to bring it promptly to an end and with all their energies to use the political and economic crisis created by the war to rouse the populace from its slumbers and to hasten the fall of capitalist domination.'

This was the policy of the pre-war *Internationale* on which were represented the political labour groups of twenty-eight countries; and it is to be presumed that the resolution represented the official policy of the constituent groups in regard to war and the danger of war. In November 1912 a special Congress had been held at Basle to protest that there should be no participation of the Great Powers in the Balkan War; and another Congress, at which it was proposed to discuss methods of stopping wars, was to have been held in Vienna in August 1914. When, however, war was declared on the 28th July by Austria against Serbia, the governing body of the *Internationale*, the Socialist Bureau, met at Brussels, decided

to hold the Congress in Paris on the 9th August and issued a statement to the effect that they had heard declarations from representatives of all nations threatened by a world war describing the political situation in their respective countries. The Bureau urged the workers to demonstrate against war, and it indicated that the German and French workers would bring pressure to bear on their Governments 'in order that Germany may secure in Austria a moderating action and in order that France may obtain from Russia an undertaking that she will not engage in the conflict'.

The pressure of Labour organizations on the governments of the several countries was, however, never exerted and other forces moved rapidly towards war. Jean Jaurès was murdered in Paris on the 31st July; and thus not only the French but the whole Labour movement was deprived of a keen intelligence and a lofty imagination. The visit of a German socialist to Paris on the 1st August proved useless for affecting the situation, and the *Internationale* for all practical purposes disappeared when the different national sections for various reasons decided to support their governments. From this point, therefore, the policy of Labour Organizations may best be understood by reference to the several nationalities.

2. *War Attitude of British Labour, 1914–16.* The British section of the *Internationale* issued a protest against war on the 1st August, and on the 2nd August an anti-war meeting was held in Trafalgar Square, under the auspices of the same group, at which a resolution against war was carried, specially protesting against 'any step being taken by the Government of this country to support Russia either directly or in consequence of any understanding with France'. On the 3rd August the German advance on Belgium and Sir Edward Grey's speech changed the attitude of most of the labour representatives in the House and the general feeling of labour in the country. When war was declared by Great Britain, the Executive Committee of the Labour Party urged concentration upon relief work and later joined the recruiting campaign (29th August). This was a first step towards definite support of the Government, and the next was the entry of Mr. Henderson into the Coalition Government with the approval of a joint meeting of the Labour members of Parliament and the Executive of the Labour Party. The British Socialist Party also decided to

support the war; but the Independent Labour Party issued a manifesto of opposition on the 13th August and continued throughout to oppose the Government's policy.

On the industrial side Labour supported the Government. The Parliamentary Committee of the Trade Union Congress issued a manifesto expressing pride at the assistance given by labour to the war, and on the 15th October a joint manifesto was published signed by representatives of various labour organizations and by most labour members of Parliament, declaring support of the war to be necessary for the safety of democracy. Clearly, then, practically the whole of organized labour accepted the view taken of the international situation by the Government and there was no distinctively labour policy in regard to the aims to be pursued in the conduct of the war.

Throughout 1915 the Labour Party and the Trade Unions continued to support the Government in its external policy, although difficulties increased in regard to the munitions industries, and there was some support given to those sections of labour which opposed the war, because of discontent at the Government's industrial policy. There was still, however, no alternative war policy.

3. *Changes introduced by the Russian Revolution.* At the end of 1916 Mr. Henderson was made a member of the War Cabinet in Mr. Lloyd George's new Government. Mr. Barnes was made Minister of Pensions, and Mr. Hodge, Minister of Labour. Officially, therefore, Labour was in complete agreement with the Government's war policy; but the whole situation was changed by the Russian Revolution and the unexpected length of the war. The success of the Russian workers in overthrowing the Tsar's power gave confidence to the workers in other countries. Suggestions began to be popular in labour organizations that the Government was incapable of taking steps towards peace and there seemed to be no possibility of a conclusive victory. Therefore, the British Labour Organizations tended to support a Stockholm Conference; Mr. Henderson resigned from the War Cabinet (11th August 1917) and a new and definite labour policy in regard to war-aims began to be formulated by various labour groups. A national conference of the Labour Party and the Trade Union Congress was held on the 28th December 1917, at which a memorandum on war-

aims was approved, and thus labour had a definitely expressed policy of its own in regard to the ending of the war. From this time no member of the Government could be any longer recognized as representative of the opinion of organized labour.

The situation in Great Britain at the end of 1917 is also indicated by the action taken by the leaders of what had come to be known as the Shop Stewards' movement.[1] Official trade unionism was unable to oppose the Government's industrial policy; but discontent was growing, and the unofficial Shop Stewards' Committees, particularly in the engineering trade, became the exponents of the policy of 'peace by negotiation'. The difficulty was made still greater when it became necessary for the Government to seek for more men for the army in the early months of 1918. The 'man-power controversy', as it was then called, brought out opposition in the industrial sphere. The official ballot of the Amalgamated Society of Engineers, announced on the 20th February 1917, gave 121,017 against, and only 27,570 for the Government proposals; and at various conferences of Shop Stewards, for instance, on the 25th January 1918 and the 9th March 1918, the discussion turned upon the possibility of trade-union action to secure an early peace. Some district committees of trade unions proposed that the Government should adopt the war-aims of the Labour Party, particulars of which are given below, before making any further call upon the man-power of the nation. Thus opposition, suspicion of the aims of the Government and an alternative policy were being developed, when the opening of the German offensive on the 21st March 1918 enabled the Government to escape effective criticism and to pursue its own policy.

The German offensive having been exhausted, criticism of the Government's policy became vigorous again when the Allied Powers were seen to be in the ascendant. No one yet expected a speedy and sudden end to hostilities. The Labour Party and even the official trade union organization, therefore, were all the more eager to press upon public attention the statement of generous war-aims and the adoption of steps towards negotiation. It was now appreciated by the whole of organized labour that even domestic and industrial

[1] This was an organization of trade unionists based not on the craft to which a man belongs, but upon the 'shop' or section in which a man works; and the stewards, the representatives of the 'shop', became rivals of the official trade-union secretaries.

grievances, which were more easily understood by the rank and file, could not be redressed so long as the war continued. The British Labour movement took the lead in promoting the expression of an inter-ally labour policy for the conclusion of the war; and although the inevitable entanglements of war-time foreign negotiations were perhaps hardly appreciated by the majority of organized labour, suspicion was widespread that the European Governments were not working towards the aims which labour had welcomed when President Wilson had given them expression. The terms of the Armistice, however, satisfied British labour and opposition to the Government died down.

4. *France.* In France, after the conference of the International Bureau at Brussels, a manifesto was issued to the workers urging them to efforts for preserving peace; and when negotiations with Germany failed, a deputation of Socialist Deputies went to the Premier to urge a manifestation of the desire for peace on the part of France. The general opinion of the party in this crisis was not adverse to the Government and two Socialists were permitted by the Party to enter the new Coalition Ministry of National Defence. M. Albert Thomas afterwards became Minister of Munitions, thus binding the Socialist Party even more closely to the war policy of the Government.

A division of opinion, however, eventually developed which was due partly to the sufferings of the working-classes in the war, but partly to suspicion of the motives of the various Governments which succeeded one another without perceptibly bringing nearer the possibility of peace. Exactly the same process of change from support to criticism of the administration went on in the Confédération Générale du Travail (C.G.T.). Despite its strong 'class' and anti-nationalist pre-war policy, there was a general agreement of its members that France was the victim of aggression and therefore the Syndicats strongly supported the war, until a division between groups developed which at length turned the anti-war minority into an acknowledged majority at the Congress of July 1918. Food prices, the immense casualties, the length of the war and the stern repressions of any industrial movement all compelled the organized workers to distrust the Government. The C.G.T., however, was more closely allied during the war than ever before to the

Socialist Party, and therefore the changes in French labour opinion and policy can be adequately rendered by reference to the history of the Socialist Party.

5. *The French Socialists go into Opposition, 1917–18.* The division of opinion which first showed itself in the early part of 1917 was due very largely to the policy of the French Government in regard to Russia. Suspicions began to be aroused that the purposes of the Allies in the war were not what they had been or at least not what they were generally believed to have been at the beginning. In April 1917 a deputation of Socialists sent to Russia reported against the French Government's policy; and, although the Executive of the Party voted against the Stockholm proposal, the minority on that occasion were able at a meeting of the Federation of the Seine to show that Socialist opinion was moving against the Government. The Prime Minister, M. Ribot, was particularly opposed when he spoke in slighting terms in the Chamber of the League of Nations as a programme for peace. The opposition to the Russian and Stockholm programmes of labour led to M. Thomas's announcement that he would resign from the Government; but the Party decided that he should remain. Meantime a long statement of the Labour attitude towards the war was drawn up by the Socialist Party, emphasizing the need for fighting but expressing suspicion of certain tendencies. The statement declared for a plebiscite in Alsace and Lorraine. For some time the Party tried to affect French policy. M. Ribot resigned and M. Painlevé, with M. Ribot as Foreign Minister, was Premier until M. Ribot resigned; and in November 1917 the Painlevé Ministry fell.

Labour organizations, both in the Chamber and outside had become strongly critical of the Government. The Socialist Party was divided in regard to voting war credits and participating in the Government, as the October Conference at Bordeaux showed, the minority being more and more clearly opposed to the tendency of the Allied policy at this time. M. Clemenceau, who succeeded M. Painlevé, made the Socialist opposition certain and unequivocal both by his action in the industrial sphere, and by his open disregard of the aims publicly expressed by the representatives of organized labour.

A definite protest was made in January 1918 by the Socialist Party against the declaration of the Allied Governments

at the Versailles Conference: and from the 18th February the Socialist Party worked in close connexion with the British Labour Party in its statement of war-aims. This statement was understood in France at least to be in opposition to Governmental policy, as M. Clemenceau showed in his attack on the Socialist Party in the Chamber on the 15th March. In France as in Great Britain the German offensive led to a subduing of labour criticism; but when the Allies once again were seen to be secure, opposition broke out. In the use of force for suppressing the great munition strike, which occurred at St. Etienne, the Government did not increase the friendship of Labour organizations; and in July at the first full congress of the C.G.T. held during the war, the mood of the trade unionists was clearly shown to be adverse to the Government's policy. In September, French representatives were present at the Inter-Allied Labour Conference in London, and in October those who had been in the minority in the Socialist Party definitely gained control of the situation. Both sections, however, strongly supported the idea of the League of Nations; and the Left Wing, now in control, was strongly internationalist. Thus at the Armistice French Labour looked to President Wilson, but was in open opposition to its own Government and thoroughly suspicious of the real aims of the Allies.

6. *Italy.* The Italian Socialist Party resigned from the *Internationale* when war broke out and attempted during the first part of the war to be 'neutralist'. The official members of the Party in the Chamber supported Italy's non-intervention; and yet the German Socialists who came to Italy in 1914 and 1915 were by no means welcomed by their Italian comrades. In September 1914 there was a meeting of Italian and Swiss Socialists at Lugano at which both parties agreed to work for the neutrality of their Governments, and in 1915 the Italian Socialists began the organization of the Zimmerwald Conference. The Confederazione Generale di Lavoro was also officially neutralist. There was, however, an unofficial minority both in the Socialist and in the trade union organization which strongly supported Italian intervention; and Bissolati,[1] a Socialist, entered the Coalition Cabinet in 1915, just before war was declared on Austria. This group was assisted by

[1] Bissolati had some important ideas on the subject of justice to the Yugo-Slavs which he openly expressed; he resigned office at the end of 1918.

a nationalist group of Irredentists who were also Socialists; and among the trade unions a pro-war policy resulted in the formation of the Unione Italiana di Lavoro. The various pro-war groups sent representatives to the Inter-Allied Labour Conference in London in September 1918, and voted in favour of the war-aims there proposed; but even in this group the movement had been increasingly away from the policy of the Allied Governments, and at the close of the war nearly the whole of organized labour in Italy was not only in opposition to their own Government but dissociated from the Socialist and Labour parties of other Allied countries and looking to Moscow and the third *Internationale.*

7. *Russian Labour Movements.* In Russia the influence of the organized workers was such that although the opponents and critics of war policy in the various other belligerent countries looked to the Revolution for inspiring phrases, Russia itself, when the Peace Conference met, was cut off from the rest of Europe. The Revolution of March 1917 was recognized by all the most intelligent leaders of the labour movement in all countries as involving a violent break with Governmental policy at least in the East. The publication of hitherto secret treaties shook the confidence of some labour groups in Allied countries, and the Russian phrases 'self-determination', 'no annexations', and 'no punitive indemnities', were so attractive to many that even the German military *régime* seemed for a time to be finding a use for idealism. Confusion and general distress, and the hopeless failure of a military offensive, produced the second Revolution on the 7th November 1917, and left the Bolsheviks in control. The temptation was too strong for the German militarists, and the peace negotiations begun at Brest-Litovsk on the 22nd December seemed to show to Labour in all countries that there could be no genuine conversion of the military mind except by force of arms. So it came about that Russia herself was not an effective force at the Peace Conference, although throughout the closing stages of the war the influence of new schemes and policies of labour organizations in Russia undoubtedly affected the situation both in Central Europe and in the Allied nations.[1]

The neutral countries also played a part in the making of the situation which existed when hostilities ceased. Lack of

[1] The Bolshevik attitude is treated more fully in Chapter VI, Pt. II, q.v.

food and raw materials had affected labour in Scandinavia, Holland, and Switzerland: labour organizations were unable in those countries to maintain the traditional opposition to war; but the most direct influence of neutral labour was in the international sphere, and it may therefore be discussed under the heading of international action.

8. *German Labour Organizations.* The policy of the German labour organizations had not such a direct bearing on the terms of peace as had that of Allied labour organizations; but the actual position of the German labour organizations at the Armistice was perhaps one of the chief causes of the entire destruction of all German power. The Peace Conference is remarkable as compared with other such Conferences in that one party to the proposed Treaty was not represented at the Conference and the terms were, therefore, entirely designed by the Allied and Associated Powers; but this was due largely to the fact that Revolution had destroyed the Governments of the Central Powers. The final overthrow of the military power was in great part due to the distrust shown by German labour organizations.

At the very beginning of the war the Social Democratic Party in the Reichstag voted war credits, with only four abstentions, on the ground that the Fatherland must be defended. A 'Burgfriede' was declared between the Government and the Socialists. There was, however, strong opposition by a small group, which became more public in June 1915 when the Pan-Germans began to popularize war-aims involving annexations. The Majority Socialists published war-aims on the 25th August 1915, which besides the *status quo* appeared only to include commercial advantages for Germany and vague terms such as the Freedom of the Seas and International Arbitration.

By December 1915 the division in the party was obvious, and the Minority group was organized definitely in opposition to the German Government; but the opposition was weakened by disagreement between its members. As in the Allied countries, there was a very general growth of suspicion; and although the leaders of the minority had many different views and policies, their support came from a very widespread public feeling that the policy of the Government aimed at annexations, and that the war was one of conquest and not of self-defence.

As in the Allied countries, industrial groups were drawn

into the controversy of the political labour groups; but in Germany the trade union leaders were more and more inclined to support the Government on the ground that the existing order conferred benefits. The rank and file, however, in so far as it was not distracted by army service or military control, appears to have been increasingly distrustful and feeling ran high when, on Labour Day, 1916, Karl Liebknecht was arrested and condemned to two and a half years' penal servitude.

9. *Growth of the 'Minority' Socialists, 1916–18.* In the summer of 1916 the general discontent and suspicion drove the Majority Socialists to take a more critical attitude towards the Government and it was no longer possible for the Government entirely to suppress discussion of war-aims by the 'Minority'. In October, however, *Vorwärts*, which had been a 'Minority' organ, was suppressed for ten days and afterwards reappeared as a 'Majority' organ more amenable to pressure from the Military High Command. The Conference of the Party (21st September), however, and peace meetings (1st October) at Frankfurt drove the 'Majority' to declare for the *status quo* rather than annexations or advantages as their chief war-aim. The 'Majority' also strongly approved of the Government's offer of peace in December 1916, and the greater part of the labour organizations appear to have been considerably surprised that the Allies thought the terms of the offer unsatisfactory.

The whole of the year 1917 in the German Labour organization was dominated by the Russian situation. The March Revolution caused great hopes and strengthened the anti-governmental tendencies. The Majority issued, in reference to a Stockholm conference, a new declaration of war-aims, again suggesting the *status quo* with regard to German territory, but desiring independence for Ireland, Egypt, India, Morocco, Finland, and Tripoli. The 'Minority', on the other hand, expressed themselves as desirous of disarmament and arbitration, together with a redrawing of the map of Europe on the basis of nationality. The views of the 'Minority', however, had little influence on German policy, more especially as the Russian Revolution, from which so much had been hoped, seemed to be ending in confusion. The Government refused the now general demand for a clear statement of war-aims; the new Chancellor, Michaelis, confused all the issues

in his self-contradictory speeches of July; and at the close of the year the annexationist parties seemed to be in complete control of the situation. The general confidence in the Government and the military command was being slowly undermined by economic distress and postponement of any end to the struggle; but criticism was dumb during the successful offensive.

The whole concentrated and suppressed distrust burst out when the Allied offensive began in the summer of 1918; and the labour organizations were able to take advantage of the situation and to assume control in the autumn. By that time, however, their statement of war-aims was obsolete and the world situation had left their controversies almost entirely domestic in importance.

10. *International Labour Policy, 1914–17.* We may now turn from the separate actions of the labour organizations in the different countries to the joint action by which international labour policy was eventually revived. The International Socialist Bureau was transferred in October 1914 from Brussels to The Hague; but, as it has already been pointed out, action could be taken during the war at first only by the national sections of the labour movement each in isolation.

In February 1915 there was a Conference in London of labour organizations in the Allied countries, at which it was agreed that the war must be carried on until Germany was defeated. In April 1915 a similar Conference of Socialists of Germany, Austria, and Hungary was held in Vienna; and although the attitude expressed towards the war was indefinite, general resolutions as to war-aims were passed, including disarmament and self-determination. In September 1915, at Zimmerwald, an anti-war Conference of Socialists was held; but although those present were of different nationalities, there were no official representatives of any belligerent country except Italy.[1] The Conference was quite ineffective even in the labour movement; but a second Conference of the same groups was held at Kienthal on the 24th April 1915, at which it is interesting to note that Lenin was present to represent Russian Socialists. Discontent was expressed at the inaction of the official Socialist Bureau at The Hague; but again no

[1] The manifesto signed by those present called on the Socialists of all countries to renew the class-war in order to end the war of the nations. At the later Kienthal Conference the suggestion was made to found a new *Internationale* and to repudiate the official Socialist Bureau.

definite results were attained. It was evident that the time had not yet come for international action by labour.

In April 1917 an invitation was issued by the Dutch and Scandinavian labour organizations to an international conference at Stockholm, to which city the Socialist Bureau was removed. The political influence of M. Branting was of international importance, especially as he was known to be favourable to the Allies by contrast with the Conservative Party in Sweden. His support of the Stockholm project gave him an international position in regard to war-aims. The Russian Revolutionary Council of Soldiers and Workers supported the Stockholm plan, and discussions began in all the belligerent countries as to the wisdom of a meeting of labour representatives from enemy countries while the war still continued. There was still strong opposition, especially in France, among the workers to any conference with German Socialists, who were felt to be deeply committed to the policy of a militarist Government; but despair of any conclusion to the war was driving the people to look about for some new method of approach to a settlement. By the autumn of 1917 in all belligerent countries organized labour was inclined to feel that the Governments could do nothing and that labour itself must make the first move towards peace. It was agreed that the conference at Stockholm could not be regarded as in any sense official or as involving binding agreements between labour organizations in enemy countries; but the mere proposal of a Conference roused strong feeling, especially in Allied countries, and the Governments decided to oppose the suggestion. The next move began in England.

11. *The International Labour Conference of London, 20th February 1918.* The British Trade Union Congress at Blackpool (in September 1917) resolved that an Inter-Allied Conference of Labour Organizations should be held; and a joint Conference of the Labour Party and the Trade Union Congress, held in London on the 28th December 1917, approved a memorandum on war-aims, which was made the basis of an invitation to the labour and socialist groups of all the Allied countries. A preliminary meeting took place in Paris on the 15th, 16th, and 17th February, and the full Conference assembled in London on the 20th February 1918. Most of the Allied countries were represented, and there were delegations representing the Czecho-Slovak Socialists of America, Polish groups, and the

South Slavs. The Bolsheviks refused to be represented and also refused passports to other Russian parties; no reply was received from Rumania. A telegram, indicating partial agreement, was received from Mr. Gompers in America.

12. *Terms of the British Labour Memorandum on War-aims.* After certain preliminary motions on the part of the Italian and other groups, the Conference approved and adopted the British memorandum on war-aims, which begins by reasserting the declaration of the Conference held on the 14th February 1915, and proceeds to a reasoned statement of the purposes and policies for the sake of which Labour organizations supported the war. The memorandum accepts President Wilson's phrase 'to make the world safe for Democracy' as the first reason for 'supporting the continuance of the struggle'. It sets out a scheme for a League of Nations, the reference of all disputes to arbitration, 'the frank abandonment of every form of Imperialism', and it asserts, practically in Wilson's phrases, that 'every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned and not as a part of any mere adjustment or compromise of claims among rival States'. In detail the memorandum proposes as war-aims: (1) the restoration of Belgium and reparation by Germany for wrong done to Belgium; (2) a plebiscite for Alsace-Lorraine; (3) the evacuation of Serbia, Montenegro, Rumania, and Albania, and reorganization of the Balkan peoples under an International Commission; (4) an indefinite proposal with regard to Italian Adriatic problems; (5) the reconstitution of Poland; (6) a 'free state under international guarantee' for the Jews in Palestine; (7) administration of Armenia, Mesopotamia, and Arabia by a Commission under the League of Nations, and 'neutralization' of the Dardanelles; (8) not the dismemberment of Austria-Hungary but national independence, if demanded by the 'Czecho-Slovaks and the Yugo-Slavs'; (9) in colonies and dependencies either 'administrative autonomy' or 'progressive participation in local government'. Further, 'the return of colonies to those who possessed them before the war or the exchanges or compensations which might be effected ought not to be an obstacle to the making of peace', and it was proposed that a system of control under the League of Nations ought to be established for 'the colonies of all belligerents in tropical Africa'. The

memorandum then proceeds to suggest freedom of trade, the open door, the international improvement of factory conditions, and the international control and allocation of exportable surpluses of foodstuffs and raw materials in order to prevent famine and unemployment. As regards accusations of acts of cruelty and violence, an international Court of Claims and Accusations is suggested.

The Conference also decided that it would be useful to call an International Conference of Labour and Socialist organizations in a neutral country, at which all the organizations represented should be those which declared their war-aims to be in conformity with the principles 'No annexations or punitive indemnities and the right of all peoples to self-determination'. It was plainly agreed that representatives from the parties of the Central Powers should meet the Allied representatives. Further, it was resolved that a Labour representative should attend the Peace Conference, and that there should be a special Labour and Socialist Conference sitting concurrently with the official conference.

This memorandum was communicated to the Socialist parties of the enemy countries and favourable replies were received from the Austrian Social Democratic Party and the German 'Minority' Socialists. The German 'Majority' Socialists replied on the lines of their memorandum for Stockholm in June 1917.[1]

13. *International Labour at the Period of the Armistice.* A fourth Inter-Allied Conference of Labour and Socialist groups met in London on the 17th September 1918, at which the American Federation of Labour was represented. The Conference resolved unanimously that the Allied Governments should issue a joint statement of their war-aims, thereby making it understood that, in the view of organized labour, the Governments had not yet definitely stated their terms. It had, indeed, been continually suggested that the aims of the Governments were not based upon any principles but changed with the military situation. The 'Fourteen Points' of President Wilson were accepted in a resolution of the London Conference, and some discussion resulted from the attempt of the American delegation to press for a resolution against conferences with

[1] *i.e.* the *status quo* for Germany and independence for Ireland, Egypt, India, Morocco, Finland, and Tripoli.

labour representatives from enemy countries. The American policy, however, was rejected by the Conference.

The whole international situation was transformed by the complete collapse of the Empires of Germany and Austria. Republics, dominated by organized labour, were set up in Germany on the 9th November 1918, and in Austria on the 12th November. Hostilities had ceased on the western fronts. Peace seemed to be near, and in the minds of the majority foreign policy gave place to the re-settlement of domestic conditions. The interval between the Armistice and the opening of the Peace Conference at Paris on the 18th January 1919 was not used by labour organizations for the formulation or the advocacy of any definite programme of international policy, although preparations were made for the renewal of the Socialist *Internationale*. An International Labour and Socialist Conference was held at Berne from 26th January to 10th February 1920, at which resolutions in regard to the peace were proposed; but the separation between the Governments and the labour organizations of the various Allied countries was not bridged, and the attention paid by the workers to the problems of demobilization, unemployment, and the securing of their industrial position almost entirely absorbed the thought of organized labour, thus leaving labour organizations without direct power in international politics while the Peace Conference was being held.

14. *Summary*. The position of labour organizations during a great war is obviously difficult and even equivocal. They stand in their expressed programmes opposed to the system within which war and the preparation for war are constituent elements; but they have to work in the world as it is. The history of their action during the war has shown that the real issues involved in the contact of sovereign governments were not fully appreciated by the majority of organized workers in any country before the war; but the tendency to a new conception of foreign policy became clearer as the war continued, and organized labour was able to indicate its nature, if not to enforce its application. Thus it came about that when war first broke out Labour organizations, in spite of their pre-war tendencies, supported the governments of all belligerent countries, that after two years' war experience new divisions appeared in the Labour groups, and that the majority of organized

labour in every belligerent country, except perhaps the United States, was in opposition to the Governments at the close of hostilities. A few of those who were, before the war, connected with labour organizations remained to the end supporters of the governmental policy; but when the drafting of the Peace Treaty had to be considered there were practically no official representatives of labour in any of the Allied Governments.[1]

[1] Count E. Vandervelde in Belgium and Mr. Barnes in Great Britain were the only Plenipotentiaries representative of Labour, though Mr. Gompers (U.S.A.) was attached to the American Delegation and acted as President of the Commission for International Legislation on Labour.

CHAPTER VI: PART II

THE BOLSHEVIK ATTITUDE AT BREST-LITOVSK AND ITS EFFECTS

1. *Bolshevik Negotiations for Peace, November 1917, and German Acceptance of them.* By the time of the Bolshevik *coup d'état*, the 6th and 7th November 1917, the break-up of Russian society and of the army had already proceeded far. There was a general desire for peace. Under the Bolsheviks the disintegration proceeded yet more rapidly, and they at once proclaimed the attainment of 'a just and democratic peace' as one of the first aims of their policy. Accordingly on the 20th and 28th November Lenin proposed to all belligerents that they should conclude an armistice and negotiate for a general peace, and on the 29th the Central Powers accepted the invitation. Local armistice *pourparlers* were already taking place in the East, but official negotiations were started at Brest-Litovsk on the 3rd December, which resulted in the signature of an armistice on the 15th. The Rumanians, placed in a hopeless position by Russian action, were compelled to follow suit, and signed an armistice on the 9th December at Focsani. The Brest Armistice followed the general lines laid down by Ludendorff as early as the summer of 1917: 'they were based on the desire to come to an understanding with Russia, for the needs of the War demanded peace in the East.' There was no surrender of arms, no cession of territory, and no neutral zone. The Russians succeeded in inserting a clause aimed against the moving of German troops from one part of the front to another, but they were clearly not in a position to enforce it, and the clause was so worded as to present no real obstacle to German troop movements. By Article 9 negotiations were to be started as soon as possible, and these duly began on the 22nd December at Brest-Litovsk.

In the meantime, an important Conference was held on the 18th December at German General Headquarters, under the presidency of the Kaiser.[1] He agreed to Germany acquiring a

[1] *v.* Ludendorff, *War Memories*, ii. 544–5 sqq.

large protective belt on the Prussian–Polish frontier, and he also approved Hertling's agreement to a personal union of Courland and Lithuania to Prussia or Germany, provided that the Federal Princes consented. It was decided to propose, but not to demand, the evacuation by the Russians of Esthonia and Livonia, with a view to allowing these countries to exercise the right of self-determination. There were, however, no joint conferences between the Germans and their allies prior to the arrival of the delegations at Brest, and this fact was subsequently recognized by the German military authorities to have been a considerable drawback.

2. *Attitude of Germany, Austria-Hungary, and the Bolsheviks at the Conference.* The main positions of the three chief Powers concerned were relatively simple and did not fundamentally change. The Germans were immediately concerned to arrive at an early settlement which would enable them to withdraw the maximum number of troops from the East for the Western offensive, which had by then been decided upon.[1] In addition, they intended to make the territories which they occupied, and particularly the Baltic States, closely dependent upon Germany, while they imperatively required the material resources of South Russia in order to ease the internal situation. Looking further ahead, they wished to establish such relations with Russia as would assure their permanent economic and financial predominance over her. At the same time, German politicians feared the effect of revolutionary ideas and of President Wilson's principles and were anxious to disguise their designs by elaborate lip-service. The Austrian position has been clearly summed up by Czernin: 'Peace at the earliest moment is necessary for our own salvation, and we cannot obtain peace unless the Germans get to Paris,—and they cannot get to Paris unless their Eastern front is free. That is the circle complete.' In the negotiations with the Bolsheviks the Austrians played an altogether secondary part, but during January the disastrous condition of the Austrian food supplies brought to the forefront the necessity for an immediate 'bread-peace' with the Ukraine. The Russians were primarily concerned with setting forth their principles of a peace settlement in such a manner as would react at once upon the proletariat of all the belligerents and would thus lead to the outbreak of

[1] See Vol. I, Chap. I, § 19.

the World Revolution, which would replace the Imperialists' War by the Class War, which was the first essential of their political doctrines. They went to Brest-Litovsk 'relying solely upon the revolutionary succour of the working classes of the other belligerent countries—above all, of Germany and Austria-Hungary'. This, the most important aspect of their attitude, was at the time partially obscured by the fact that their ideas were then little known and were only beginning to be translated into practice, and by the prominent position which they gave to the question of self-determination. This was readily interpreted by large circles of foreign opinion in the sense of national self-determination, rather than in the sense of class-determination, which was the real standpoint from which the Bolsheviks approached the question of nationality.

3. *Opening of the Negotiations at Brest-Litovsk.* The negotiations began on the 22nd December and consisted of a series of four separate sessions, at which all the chief plenipotentiaries were present.[1] In the intervening periods important consultations with their respective Governments took place, while certain special committees and the bulk of the delegations continued detailed work at Brest. The Bolshevik insistence on 'no secret diplomacy' gave the negotiations an entirely novel aspect from the start. They had begun the publication of the secret treaties in the last week of November, and they now began to issue a series of daily reports on the proceedings at Brest, supplemented by wireless invectives from Krylenko, the Bolshevik Commander-in-Chief, and from Tsarskoe Selo. The German Government were forced to follow suit and to issue their own account of the sittings. These were in the main records of the speeches made, for only occasionally was procedure by written documents adopted, although Trotsky was anxious thus to pin the Germans down. The general effect was one of a discussion before the world, in which the standpoint of each side was necessarily reflected in the versions reported of the proceedings.

The conference opened in a significant manner, for, far from the Bolsheviks being presented with bases for the conclusion of peace, Joffe, on the request of Kühlmann, read a statement setting out the Russian principles of a general peace. These comprised: evacuation of occupied territories and no 'forcible

[1] These were Joffe and Trotsky for the Bolsheviks, Kühlmann and General Hoffmann for Germany, and Czernin for Austria-Hungary.

appropriations', complete political independence of nations deprived of it during the War, self-determination for nationalities not hitherto independent, no war indemnities or economic boycotts, and the settlement of colonial questions in accordance with the above principles. Owing to disputes among themselves the answer of the Central Powers was delayed until Christmas Day; it was then delivered by Czernin and it accepted the principles of no forcible annexations and of no war indemnities, but not that of a free plebiscite for national groups not hitherto independent, and the whole was carefully bound up with the acceptance by the Allies of the offer of general peace, which was decided on at that session. Czernin's declaration was, however, received by the world in general as indicating a renunciation of occupied territories and some surprising concessions to the Russian standpoint. The Allies were given until the 4th January to answer the general peace offer, but meanwhile negotiations affecting Russia specially were to continue. No direct answer was given by the Allies, but on the 5th January, Lloyd George made an important speech on war-aims, while on the 8th President Wilson laid down the Fourteen Points; the sixth of these demanded German evacuation of Russia and free opportunity for the self-development of Russia, with Allied aid.

4. *Differences between Kühlmann and Ludendorff produced by Trotsky's Attitude.* The immediate result of the Christmas Day reply was to call forth violent protests from German General Headquarters against the weak concessions to the Russians on the question of self-determination, and the sittings of the 26th and 27th December revealed to the Russian delegates that the Germans had no intention of giving way on the question of the occupied territories. After much difficulty, on the 28th it was decided to form a committee to work out details for the eventual evacuation of Poland, Courland, and Lithuania, and for a subsequent plebiscite; but in this document there also appeared the vital argument that the existent representative bodies in the occupied territories had already exercised the right of self-determination, and that a plebiscite would only be of a confirmatory nature. This answer of the 28th swept aside the apparent concessions of the Christmas Day reply, and the Russian delegation, in extreme dejection, returned to Petrograd for instructions, while on the German side the acute divergence of opinion between Kühlmann and Ludendorff had to be patched up by a personal conference, which took

place on the 2nd January at Berlin in the presence of the Kaiser. Ludendorff again urged the absolute necessity for hurrying on the negotiations in connexion with plans for the Western offensive; the suggestion of Kühlmann himself that Ludendorff should come to Brest was finally not accepted, nor were any definite instructions in the sense required given to Kühlmann, and Ludendorff was only prevented by Hindenburg from resigning. The quarrel hinged on the desire to have the peace recognized as due solely to military success and not to adroit diplomacy, but, when put in the form of responsibility for the peace terms, Hertling's contention was incontrovertible that he, as Chancellor, was solely responsible. Hertling had expressly approved Czernin's Christmas Day reply, and Czernin had aided Kühlmann by speaking of separate Austrian negotiations with the Bolsheviks. From the Russian point of view the importance of this division of German opinion lay in the opportunity it afforded for protracting the negotiations and for placing the Germans in the unfavourable light desired. This opportunity was fully taken by Trotsky, at the time Commissary for Foreign Affairs, who arrived at Brest on the 7th January. He had already been active in enunciating the Bolshevik determination to conclude no peace that was not 'just and democratic', and in exposing the *rôle* of the Germans as protective liberators. During the adjournment the Bolsheviks had proposed the removal of the negotiations to Stockholm and in the same message had denounced the proposals put forward by the Central Powers on the 28th December as contrary to the principles of self-determination. Consequently the Central Powers were considerably relieved at the reappearance of the Russian delegation at Brest, and on the 9th January they presented Trotsky with a virtual ultimatum insisting on the continuance of the negotiations at Brest. This was accepted by him on the next day. Although he had been forced to abandon the Stockholm project, the anxiety of the Germans had been evident, and he made good use of the ensuing week in conducting elaborate discussions with Kühlmann as to self-determination. It is impossible to examine here the speeches on this question, but the two essential points were: 'What constitutes a nation?' and, 'How is self-determination to be realized in practice?'. On neither was any agreement reached; the Germans maintained that part of a nation (e.g. some of the

Poles), and not merely the whole of a nation, could have the right of self-determination; the Russians allowed that the Ukrainians were in process of establishing themselves as an independent nation, but asserted that this was entirely an internal Russian affair; the Germans refused to permit the creation of a 'vacuum' by withdrawing from the occupied territories; the Russians insisted that no free choice was possible while foreign troops were in occupation, and denied the representative character of the *bourgeois* institutions set up by the Germans. Later both sides modified their positions to some extent, but it was impossible to overcome the root difficulty of arranging for any kind of real choice on the part of the inhabitants concerned so long as German troops were still in their country. It is difficult to estimate Kühlmann's motives for initiating these lengthy debates on political philosophy and political science, for he exposed himself to a number of humiliating verbal rebuffs and did not make any great headway towards a peace treaty with the Bolsheviks. Trotsky is perhaps near the mark when he states that Kühlmann hoped to come to a tacit understanding with the Bolsheviks whereby German annexations could be cloaked behind democratic formulae. But a further reason of great importance influenced Kühlmann in spinning out the negotiations.

5. *The Ukrainian Treaty of 9th February 1918.* Throughout the discussions the Bolsheviks were in a strong position, for from the first they had not hesitated to apply the right of self-determination to the various nations of the former Russian Empire; but in so doing they exposed themselves to attack from a most dangerous quarter. Discussions with a separate Ukrainian delegation had been proceeding since the 4th January. The position in the Ukraine was exceedingly complex; a semi-independent, Social-Revolutionary government had been established in Kieff and had been partially recognized by the Bolsheviks, who were at the moment negotiating with it for the cessation of help to Korniloff and Kaledin. In consequence, the Bolsheviks on the 10th January permitted the Ukrainians to participate as an independent delegation in the Brest Conference. The Ukrainians at once made recognition of their independence the principal condition among their exaggerated demands on the Central Powers. The latter seized upon the Ukrainians as an invaluable means of baffling Trotsky, who recognized their presence as 'a great trump card in Kühlmann's

hands'. Besides the public sittings, a number of private interviews took place between the Ukrainians, the Germans and the Austrians, and these were facilitated by Czernin falling conveniently ill in the middle of January. The Ukrainians, backed by General Hoffmann, succeeded in excluding any Polish representatives who would have summarily refused the Ukrainian demand for the district of Kholm;[1] but they were induced to give way over their initial claim for the incorporation of Eastern Galicia in their new State. The negotiations as to supplies of grain were making some advance, when on the 15th January Czernin received the first despairing appeal with regard to the Austrian food situation. On the 17th he received the news of the serious strikes that had broken out in Vienna, and on the 21st he returned there. 'The Ukrainians no longer treat with us: *they dictate!*' The food position was of such seriousness that all the subsequent endeavours of Czernin were concentrated on achieving the earliest possible peace with the Ukraine in return for supplies, even at the price of disastrously embittering relations with the Poles over Kholm and Ruthenian autonomy.

The Austrian strike movement was succeeded in the last days of January by still bigger strikes in Germany. These took place against the wishes of the majority of the German labour leaders, and seemed to presage important results for the Bolshevik endeavours at Brest and elsewhere. Trotsky had left Brest on the 18th January in order to place before the third Congress of Soviets the position with regard to peace. At this Congress

[1] The Kholm district lies mainly between the rivers Bug and Wieprz, in the south-east of Russian Poland. It formed part of Poland from the middle of the fourteenth century until 1912, when the Russian Government, despite violent Polish protests, formed it into a separate Government, under Russian law and directly governed from Petrograd. The population has for centuries been in part Polish and in part Ukrainian; among the latter the Uniate Church was from the first strong. There is little past evidence of any strong racial hostility in the district. The frontier, as drawn by the Treaty of the 9th February, ran farther west than that of 1912, thus including a greater number of Poles. The approximate proportions of the two nationalities in the district before the war were: Poles 335,153, Ukrainians 287,236, according to the language census of 1897. The religious census, revised by Dziewulski in 1906, gives the following percentages: Catholics 46·01, Greek Orthodox 35·7, Jews 14·2, Protestants 3·9. It seems certain, however, that the religious census does not correspond to the racial one, *i.e.* there are Catholic Ukrainians. It is probable that the Poles in 1906 numbered about 400,000, and that the Ukrainians actually exceeded this total. The line of national demarcation runs roughly as follows: south through or near Janów and Lomazy to Uscinów, thence south-east to Jaroslawiec, and south to Jarczów.

Trotsky admitted that the Government might be compelled to sign a peace of annexation, but at the final vote he and the majority successfully opposed any capitulation, and, as against Lenin and the minority, urged 'a Holy Guerrilla War', rather than abandon the principles that had been so loudly proclaimed before the world. Trotsky returned to Brest on the 28th January with instructions to maintain a strong policy in accordance with the Left Social-Revolutionary formula of a peace only on true, democratic grounds. He was naturally elated at the internal condition of Austria, and the news of the German strikes added another feather to his cap. He had brought with him a new delegation from the Ukraine representing the Bolsheviks, who had by that time made great progress in conquering the weak authority of the Kieff Social-Revolutionary Government, and he refused to allow Czernin to deal solely with the Kieff delegation, on the ground that the change in the Ukrainian situation had now made it entirely unrepresentative. This was essentially the case, and prompt action was necessary on the part of the Central Powers if there was to be any Government left in the Ukraine with which to make peace. During the 4th and 5th February Kühlmann and Czernin were conferring in Berlin with the political and military leaders, and they returned with the aim of concluding peace immediately with the Ukraine and of then forcing Trotsky to come to terms. The Treaty with the Ukraine was signed on the 9th February; three days later Kieff was finally captured by the Bolsheviks, almost the whole of the Ukraine was overrun by them, and the Kieff Government, having fled to Jitomir, invited the assistance of the Germans and Austrians in driving them out. Still the Central Powers, having the Treaty and the invitation, had beaten the Bolsheviks by a short head.

The main purpose of the Treaty was to hand over the material resources of the Ukraine to the Central Powers, but the economic and financial articles were so drafted that, besides immediate assistance, lasting predominance was to be maintained. A number of special agreements as to grain had to be made during the ensuing months at Kieff, and the carrying out of their conditions depended almost entirely upon the energy and organization of the German and Austrian occupying authorities; but the net result was a most important contribution to German resources and an absolutely invaluable increase of Austrian food

supplies. In return, the independence of the Ukraine was implicitly recognized, although its frontiers were entirely uncertain, except on the west. Here the district of Kholm was included in the Ukraine and the frontier then followed the old Austro-Russian boundary, but a subsequent annex rendered the annexation of Kholm subject to the investigation of a special commission composed of all the parties concerned.

6. *The Russian Treaty signed 3rd March; its main provisions.* On the very day on which the Ukrainian Treaty was signed, the Bolsheviks issued a wireless message calling on the German army to refuse obedience to the Kaiser. At the request of Hindenburg, Kühlmann was at once instructed to present an ultimatum demanding a settlement on German lines. On the 10th February Trotsky declared the state of war to be at an end, but he refused to sign the Treaty. He considered it possible that the *moral* of the German troops in the east, and German public opinion behind them, would prevent any further German advance. In this he was fatally wrong. German General Headquarters had already been pressing Hertling to denounce the Armistice, and at the decisive conference of Homburg, the 13th February, Ludendorff succeeded in gaining his object. The Armistice was declared to have lapsed automatically and hostilities recommenced on the 18th February. There was no resistance from the few remaining Russian troops; enormous quantities of stores were seized; great tracts of additional territory were occupied, the final line of occupation being approximately Narva–Pskov–Polotsk–Orsha–Mogilev; south of this the Germans continued to drive the Bolsheviks out of the Ukraine, and by May were in occupation of all its nine provinces and much of the territory of the Don Cossacks. In the early morning of the 24th February the Council of People's Commissaries decided to accept the German peace terms; a new delegation left for Brest on the same day, and on the 3rd March the Treaty was signed. This comprised nine documents; it is doubtful whether the Russian signatories had even read them all.

By the political treaty Russian sovereignty was renounced over Poland, Lithuania, and Courland, and their future fate was to be decided by Germany and Austria-Hungary in agreement with the inhabitants. Finland and the Aaland Islands were to be evacuated (the Bolsheviks had already recognized Finnish independence). A German 'police force' was to remain in

Esthonia and Livonia 'until security is guaranteed by their own national institutions and until public order is restored'. The evacuation of the remainder of the occupied territories was to take place after the complete demobilization of the Russian army and after the conclusion of a general peace. The Bolsheviks were to recognize the Ukraine Treaty of the 9th February, and to conclude peace immediately with the Ukraine. In the Caucasus, the districts of Kars, Ardahan and Batum were ceded to Turkey. Thus the dismemberment of the Russian Empire was rendered as complete as the Germans at that time could hope for. The economic and financial articles followed the same general lines as Germany's other Eastern treaties and were designed to make Russia a commercial preserve for the Central Powers. The Russo-German commercial treaty of 1904, which was most unfavourable to Russia and had been imposed on the Ukraine a month previously, served, with suitable modifications, as the basis for the regulation of economic matters; most-favoured-nation treatment was guaranteed till 1925; the usual special precautions were inserted to safeguard a commercial *Mittel-Europa*, and, in general, all Russian imports and exports were regulated in such a manner as to ensure German predominance. The ground covered by the series of treaties was immense, and no details were overlooked; on such relatively minor matters as the cost of maintaining prisoners of war and merchant shipping the Central Powers were just as insistent as on the immediate resumption of the payment to their nationals of the Russian State Debt. Finally, it should be noticed that special protection was provided for Germans in Russia, and they were expressly excepted from the nationalizing and expropriatory decrees of the Bolsheviks; this was also extended to the numerous German colonists (about 2,000,000), who were to a large extent relieved of their allegiance to Russia.

7. *Reception of the Treaty in Russia and in Western Europe.* It was this article that was picked out by the Left Social-Revolutionaries for particular attack, on the grounds that it was tantamount to a partial restoration of private property in land and that it provided opportunity for the re-establishment of a *bourgeoisie*. This party had, after initial wavering, hitherto co-operated with the Bolsheviks, but throughout the Brest negotiations they had strongly held to the position that, if a satisfactory peace could not be obtained, war must be continued.

Their conception of such a war was of an anarchical kind, 'an insurrection of the people', in conformity with their terrorist traditions. Trotsky had, in the main, supported this policy; but on the 8th March he resigned his post as Commissary for Foreign Affairs, took no part in the peace struggles of the ensuing days, and henceforth devoted himself to the creation of a Red Army. The fourth Congress of Soviets opened at Moscow on the 14th March, and after heated discussion the Treaty was ratified on the 16th, thanks to the influence of Lenin, who succeeded in winning over a majority of the Bolsheviks, while the Left Social-Revolutionary party broke with him and no longer co-operated with the Bolsheviks. The opposition to Lenin had a very strong case in laying stress on the ruinous, territorial losses to be suffered by Russia, on the rupture of the economic life of Great Russia, which would be caused especially by the loss of the grain and coal of the Ukraine, and on the moral blow to revolutionary prestige, if such terms were accepted. This last point was, perhaps, of special significance in Western Europe. During the beginning of the Brest negotiations the attitude of the Bolsheviks to the Germans had evoked considerable admiration in certain sections of public opinion in Allied and neutral countries. This became much tempered when it became apparent that what was being said at Brest differed much from what was being done in Russia, particularly after the Constituent Assembly was dissolved. Trotsky's ineffective *beau geste* of the 10th February and its consequences showed conclusively that, despite the many diplomatic successes of the Bolsheviks at Brest, 'General Hoffmann's boot was the only serious reality,' and the acceptance of the Treaty, amounting to a complete withdrawal of the loud-sounding Bolshevik protestations of December, was taken by Western public opinion as an ignominious and shameful capitulation.

At the same time, it is difficult not to admit that Lenin's policy of 'the breathing space' was the only practical possibility in the circumstances—largely, but not wholly, due to the Bolsheviks themselves. 'Their knees are on our chest and our position is hopeless.' Russia was exhausted and absolutely disorganized. To continue the War with Allied assistance would, according to Lenin, be merely to assist the victory of one group of Imperialists over the other group at the expense of the yet further ruin of Russia; left to themselves, the out-

come would be an indecisive prolongation of the struggle, which would become more and more favourable to the revolution of the war-wearied masses. Nor had the Allies, in a situation of desperate intricacy and uncertainty, been able to come forward with any clear Russian policy, save that of keeping Russia in the War. Lenin, of course, stoutly denied that he had betrayed anything or anybody; for his obligations were not to the Allied Imperialists, but to the 'labouring masses' of the surrendered territories, and he had done everything possible to save them and to shatter German Imperialism—except that he had refused to continue the War in conjunction with the Allies. The impression caused in the West by his refusal to do this was naturally immense and was necessarily intensified during the vital strain following on the German offensive of the 21st March. In justice to the Bolsheviks it must be conceded that they made no attempt to conceal the nature of the Brest Treaty. Lenin stigmatized it thus: 'We were compelled to sign a "Tilsit" peace. We must not deceive ourselves. We must have courage to face the unadorned, bitter truth. We must size it up in full, to the very bottom, the abyss of defeat, partition, enslavement, and humiliation into which we have been thrown. The clearer we understand this, the firmer, the more hardened and inflexible will become our will for liberation, our desire to arise anew from enslavement to independence, our firm determination to see at all costs that Russia shall cease to be poor and weak, that she may become truly powerful and prosperous.' At the end of the same speech, the counterpart to this nationalist appeal is essential: 'We are for the "defence of our fatherland", but the war for the fatherland towards which we are moving is a war for a socialist fatherland, for Socialism, as a part of the universal army of Socialism.' Ludendorff was correct in summing up the Brest conditions as being 'aimed at the Bolsheviks, whose propaganda made a chronic state of warfare against them inevitable'.

8. *German Treaties signed with Finland (7th March) and with Rumania (7th May).* For the moment, however, the Germans had achieved a great victory. Further, the utter collapse of Russia under the Bolsheviks allowed them to settle with Finland and Rumania almost exactly as they pleased. Finland signed a treaty on the 7th March, by which German control over Finnish commerce, industry, and finance was ensured; even

recognition of Finnish independence was rendered largely illusory by the stipulation that no territorial changes were to be made without consultation with Germany, and still more so by the acceptance of the White Finns' appeal for German help against the successful Red Finns. Like the Baltic States, Finland came in all respects under the sway of Germany, even to the point of exchanging its republican form of government for a German monarch. Rumania was far more difficult, for, although the chaos in Russia placed Rumania in an ever-increasingly hopeless position, acute disputes between the members of the Quadruple Alliance prolonged the negotiations for several months. A preliminary peace was signed at Buftea on the 5th March, but the final peace was not signed till the 7th May, at Bucharest. The voluminous treaties constituting it are perhaps the most damning evidence available of what a victorious Germany would have been. Even more than the other German treaties, those of Bucharest provided indirectly for enormous war indemnities; Rumanian oil and grain were virtually ceded to the Central Powers; her sovereignty was reduced to a farce; evacuation was only to take place 'at times later to be agreed upon'; all the Dobruja and all the crests of the Carpathians were to be given up. The whole amounted to a permanent servitude of Rumania.

9. *Results of the Treaties during the summer of 1918.* Yet, although in Rumania, Poland, and the Baltic countries, the Germans, as a result of their military ascendancy and of their consequent treaties, had imposed themselves successfully as masters, the Russian problem in all its huge complexity was beyond their powers. Much, indeed, was done in the Ukraine, and something during the summer in the Caucasus; but German attention was mainly directed towards producing economic results, and their vague, political designs were subordinated to this end. The Bolsheviks, between the Germans on the one side and the Allies and the 'counter-revolutionaries' on the other, tried to make the most of their position with a view to re-organization, and particularly in the army, where with German aid they achieved notable results. Their actions in Russia were almost uniformly favourable to the Germans, with whom they signed important supplementary treaties as late as the 27th August. The Bolsheviks guaranteed to oppose to the full the Allied forces in North Russia, and they definitely renounced sovereignty over

PART III:

CONFERENCE PRELIMINARIES:

ORGANIZATION AND EXECUTIVE WORKING

CHAPTER VII

THE ORGANIZATION OF THE CONFERENCE

PART I: PREPARATIONS AND PERSONNEL

1. *The Conference a Dynamic and not a Static Body.* So great a piece of machinery as the Conference of Paris was not, and could not have been, created in a day. It was constructed largely out of the experimental organizations which in the course of the War the Allied and Associated Powers had erected to direct their policy and co-ordinate their strategy. There had also been in all countries more or less specific preparation for the work of peace, which had produced organizations for the purpose. When the expected moment at last arrived, these vast pieces of machinery were brought together at a common centre, and an attempt was made to fashion them into a common instrument. Such a task was in itself a stupendous undertaking, and involved the interests and passions of a host of officials both professional and amateur. It is not surprising, therefore, that the task was never really completed. Much of the machinery elaborately organized during the War was never fitted into the Conference engine, and substitutes had to be improvised for the needs of the moment. Only experience could show how the machine would work, and experience is a ruthless taskmaster. The Conference was dominated by personalities whom the events of the War had made the directing minds of organizations far greater than any that had ever previously existed. They were none of them men who could be fettered by a system; they used and 'scrapped' their materials ruthlessly, and thus continually changed the Conference machine to suit the needs of

the moment and of the situation. It is impossible to describe the Conference as a static body. It should rather be regarded as a living organism whose cells were constantly changing, and at times it assumed confessedly strange and distorted forms at the imperious will of masters, who in their turn were in the grip of the great forces of public opinion.

2. *Previous Preparations made by Subordinates and not concerted.* All the States at war knew that a moment must come when diplomacy must re-state the facts as they had been established by arms. But none knew how or when the moment would come, until the final struggle was almost over. Such preparations as were made in the several States before the Conference were thus necessarily of a very general character, and their exact value at the critical moment could not be foreseen. The nature of the peace would be governed by the military situation when the War ceased. On this great fact would depend all else, and no one scheme could therefore be drawn up which could be put into force when peace came. Two other considerations also militated against the value of such preliminary work. The heads of the Governments and their most responsible advisers had not yet the leisure themselves to direct it, yet without their supervision much of it must be useless since it could only have value if used by them or those in close touch with them. Moreover, schemes of organization for the Conference needed to be drawn up by the Allies in concert, for only the close co-operation of the several Governments could have elaborated any scheme which would have stood the test of practice. But such co-operation was impossible under the conditions of the World War. The Inter-Allied machine that had been so slowly and so painfully constructed had been a machine for war. The principal statesmen had no leisure to work out the organization of a Conference of Peace, and, if they had had leisure, they would have shrunk from raising problems which might have divided them in the face of a still unbeaten enemy.

3. *Nature and Value of these Preparations.* The preparations for the Conference then were made for the most part by subordinate departments, without the direction of the heads of States, without Inter-Allied consultation and co-operation, and with only a vague idea of how the schemes would be applied in practice. Their influence on the Conference must not, however, be under-estimated. Their labours had produced an enormous

amount of material for the use of the men of action, and, though much of this work was wasted, much proved to be of the greatest value. The elaborate plans that were drawn up by the officials of France, the United States, and Great Britain were not without influence at a later date even on the details of organization, and ideas appeared at the Conference which could be traced back to laborious pens working at a time when the Germans seemed almost invincible, and when few could foresee that the *disjecta membra* of four Empires would provide the materials on which the statesmen of the Allied Powers were to work.

In all countries during the War the value of specialized knowledge had in time been fully recognized. Even in History, Geography, and Political Science, subjects on which statesmen often claim that they are adequately equipped, the value of expert knowledge was eventually universally admitted, and the diplomatic, military, and economic organizations gradually obtained the services of men who, with more or less truth, could claim to be specially fitted to advise those who had to grapple with the great problems of the reconstruction of the world.

4. *French Preparations.* It was only natural that in France the services of academic knowledge and technical skill should be recognized at an early date, and a Committee of Historians and Publicists was set up to survey the problems of settlement. Each Government Department was also in touch with experts who placed their knowledge at the disposal of the departmental chiefs, and in some cases became departmental chiefs themselves. Adequate co-ordination and co-operation was, however, lacking. Each Department made its plans on its own initiative. There was no general scheme. The Quai d'Orsai was not in close touch with the Ministry of Commerce, or with the French General Staff on this subject, and the group of men who surrounded the Premier—who in the long run would alone count, if a peace by victory were attained—were not themselves sufficiently in command of a joint organization which could express the ideals and interests of France. The result was that there was no fully matured plan ready when the Armistice came. The military conditions of the Armistice were laid down by the Commander-in-Chief; its political basis was, as is narrated elsewhere, supplied by the President of the United States; but nothing was signed or sealed as to the conditions and organization of the Conference. A plan had

to be improvised in great haste, and improvised it was with all that scientific skill and the supreme mastery of historical and diplomatic facts for which Frenchmen are distinguished. But it bore the marks of its origin. Each Department had set forth its demands in detail, and the total result was rather overwhelming, while the scheme of organization prepared by the officials of the Quai d'Orsai, though ingenious and scientific, lacked reality, since it had not been made in consultation with the men who would have to work it, had not attempted to use the existing organizations, and had not been discussed with, and adapted to, the need of France's Allies. This fact was unfortunate, since Paris was the seat of the Conference, and the French had the greatest opportunity of devising a scheme for Conference organization. Fortunately for France, she possessed among her principal statesmen several who were specially endowed with both the skill and knowledge to conduct the affairs of a Conference. Alone of those representing the Great Powers, her Plenipotentiaries had themselves sufficient knowledge of principles and facts to conduct discussions without relying too greatly upon 'experts' and hasty coaching. The French Plenipotentiaries were in that sense less dependent on their subordinates than those of any other Great Power.

5. *The Preparations of the United States.* In the United States an elaborate organization had long been in existence, whose sole function was to prepare for the coming Peace Settlement. Dating from before America's entry into the War, it rapidly increased in size and importance after she became a belligerent. Under the general control of Colonel House it enlisted the services of many of the most distinguished academic figures in the United States, as well as of brilliant journalists, lawyers, and business men. Elaborate researches were made into the Geography, Ethnography, and Economic conditions of Europe and the Middle East. Elaborate maps were prepared showing the result of these researches, and the whole mass of evidence was continually overhauled and restated in the light of new facts. Specialists from different parts of the United States were employed to draw up memoranda, and to supply statistics on subjects which would probably come before the Peace Conference.[1] The worth of all such preparatory

[1] In addition there was a committee of historical, economic, and ethnological experts, which was under the control of Professor Coolidge at Vienna,

research was great. The weak side of the organization lay in its divorce from the practical side of the conduct of the War, the officials could not always use the material, and the academic experts had not always enough knowledge of current events. There was therefore much wasted labour, as well as much material of special and peculiar value. The internal organization of the machine was also defective. Its separate parts were not sufficiently co-ordinated, and its members too often worked in water-tight compartments. In spite of the brilliance of its personnel and the immense amount of material which it accumulated, these defects were to prove a serious handicap to its usefulness at the Conference. Nevertheless, the conception was a great one, and it contributed much towards the final settlement.

6. *British Preparations.* At London also there was a good deal of preliminary study of the Conference. In 1917 the Foreign Office set up an elaborate organization to prepare plans, and to study and obtain information on the subjects likely to be discussed. Special offices were opened, where not only was the plan of an organization drawn up and a special clerical staff was trained, but also an editorial staff was established to prepare handbooks on the Geography, History, and Economic conditions of every part of the world likely to come under discussion. An attempt was made to associate other government departments in the scheme—the Geographical Section of the General Staff supplied the maps; a special section of the Admiralty Staff the geographical description; and the War Trade Intelligence Department the economic sections. The General Staff had also prepared elaborate materials for drawing the military and strategic frontiers, and had produced a mass of material which ultimately proved of much practical use. In this way a real centre of Conference preparations was made, but unfortunately consultation with other departments stopped at these sections. There was no real consultation amongst those who were actually responsible for affairs, and this preparation was not controlled or encouraged by the War Cabinet which decided policy, and which handled the Inter-Allied Conferences during

and which travelled about most of Eastern Europe in the winter of 1918 and spring of 1919, studying the actual economic conditions and the wishes of the inhabitants of territories likely to be in dispute. Some of the information thus supplied was of great value as being more recent than any other.

the War. Hence the Foreign Office had all this time been working under considerable disadvantages. There was a divorce between action and theory; much of the work done was found to be superfluous; while the elaborate plans of organization could only be partially put into action when the Conference came into being. Such a result, however regrettable, was perhaps inevitable in the existing organization of the Government, but the value of much of the work done was gradually realized as the Conference progressed.

7. *The Preparations of Other Countries.* In other countries less elaborate plans were made, and were concerned almost entirely with the special interests of the countries concerned rather than with all the aspects of a general peace settlement. But the Italians, as well as the Yugo-Slavs, Czecho-Slovaks, Rumanians, and other smaller nations all organized elaborate Departments of Propaganda during the War, in which their various technical experts were employed. All these in a sense were preparing a case for the Conference, and each nation thus brought to Paris a mass of statistics and memoranda to substantiate its claims. Most of this was purely *ex parte* pleading, but it at least secured that every side of the case would be buttressed by all the arguments that the ingenuity and industry of its supporters could produce, while many of the briefs were prepared by historians, geographers, and economists of international reputation.

8. *Place of the Conference.* Peace suddenly arrived, and with disconcerting speed, while these plans were being elaborated by a thousand pens in hundreds of busy offices. The Armistices were indeed the last documents signed without reference to the Allied peace staffs. For the time had now arrived to turn theory into practice, to summon a Conference to settle the fate of the world, and to make the business of concluding Peace the first charge on the energies of the heads of the States. The first question was to determine the place of the Conference. There were many who would have preferred the Conference to meet in some neutral spot, and of all those suggested, Geneva seemed most suitable. Those who were thinking of Geneva, however, regarded the Conference as a place where victors and vanquished were to meet for long discussion, with neutrals also taking an active part in the settlement of affairs, in which they had a tremendous interest. They forgot that the enemy States

had as yet signed away no frontiers, and that the enmities between peoples (which no change of Government could assuage) persisted to a far greater degree than after any previous war. In the minds of the Allied Powers the enemy must be kept clear of the Conference until the details of the Peace were settled, and the terms must then be imposed on them by the overwhelming military preponderance of the Allies. Such was especially the view of the French statesmen, and France which had suffered so much had great claims on the consideration of her Allies. For such a Conference Paris was the natural place of assembly. At Versailles was already established the Supreme War Council of the Allies, and Paris, which had been made by circumstances the principal centre for the direction of the War, was also therefore the most suitable place for a Conference, which, it was soon to be seen, was to be largely an extension of the Inter-Allied Supreme Council. Thus, though Brussels was mentioned by a few, Paris—twice threatened by the enemy—now became the centre of a world that had risen in arms against him.

9. *Date of the Opening.* As to the date of the opening of the Conference there was no settled plan, though no one disputed the urgent necessity of a speedy conclusion. But several circumstances prevented the rapid setting up of the Conference machinery which some desired. The President of the United States must appear in person, and he could not arrive before the middle of December. Once arrived he must have a breathing-space to get into touch with the principal Allied statesmen, and survey, as it were, at close quarters a scene he had hitherto only viewed from afar. When he actually did arrive he found the British people in the throes of a general election, which the Coalition Government had decided was necessary to give it the authority to conduct the Peace negotiations, and to bridge the transition between War and Peace. Until that election was over the composition of the Government which would represent the British people at Paris was in theory uncertain. In spite of other obvious difficulties the nucleus of a Conference organization was, however, established by the middle of December. Had there been any one with power to act, much preliminary Inter-Allied negotiations could have then begun. So centralized were, however, the three principal governments in the hands of their three heads that nothing could be decided till these three met, and, owing largely to political exigencies, the British Premier

was unable to meet his colleagues until the 12th of January. Over two months therefore elapsed between the Armistice and the Conference.

10. *Advantages and Disadvantages of Delay.* This interval was not, however, altogether wasted. It enabled informal exchanges of views to take place between President Wilson and the French, British, and Italian Governments, and it gave an opportunity to the staffs of experts to hasten the conclusion of labours which Peace had found painfully in arrears. In both France and England some co-ordination began between government departments which had hitherto worked without consultation. The researches and preparations of subordinate departments could also be reviewed by those persons in close relations to the heads of the States, and thus brought into some sort of harmony with the ideas of those who were to be Plenipotentiaries. Some attempt could be made to reduce the mass of information which had been gathered together into a form suitable for the necessities of democratic statesmen. Smaller nations, also, whose countries up till the time of Peace had been under the sway of the enemy, had time to constitute Governments and to appoint representatives who should stand for something more than a political clique. For Poland, for Czecho-Slovakia, for the new Yugo-Slav State, and for Rumania the interval was of great importance, and it might well be claimed that the Conference as a whole gained rather than lost by this enforced delay, however dearly Europe had to pay for every month that extended the interval before a firm and lasting peace could be signed.

11. *Character of the Delegations.* Meanwhile there gradually assembled at Paris the host of Delegates and Officials who were to constitute the Conference. The characteristic that struck most observers was their number.[1] Castlereagh took with him to Vienna a staff of 14. The British Delegation at Paris numbered nearly 200, with as many clerks and typists. The Americans had almost as many. The French could, of course, rely on their government departments. The Italians were little less numerous. Smaller countries had as many as 50 or 60

[1] The total number of delegates (excluding Plenipotentiaries) given in the French official *Composition et Fonctionnement*, dated 1st April 1919, which is far from complete, amounted to 1,037. There were also 70 Plenipotentiaries, or 104 with substitutes. Many 'experts', etc., from the various countries also visited Paris to bring information or to advise on some special subject.

Delegates. The British occupied five hotels, other countries were housed in proportion, and once the fashion had been set, every nation had to fly its flag from a similar institution. The Delegations included a great variety of men, professional and amateur. Of professional Diplomatists there were singularly few. During the War the Foreign Ministers of all the principal Allied Countries had found their power divided between the heads of the Governments with their special secretariats, the soldiers, and other government departments. This development was fully reflected in the Delegations, and, though the Foreign Offices and professional diplomatists of the principal countries were naturally much in evidence, they were subordinate to a number of other influences which had attained to power during the War. This was an important fact in shaping the whole character of the Conference, for it meant that form and precedent would play an insignificant part. Soldiers were present in great force. During the War they had been the principal advisers of the statesmen in the great Inter-Allied Conferences at Versailles and elsewhere, at which the main lines of policy were decided. Insensibly they had claimed a greater and greater share in deciding not only strategy but policy. Though at Versailles there was a Supreme War Council in permanent session, the principal Allied Powers were also represented at Paris by some of their greatest soldiers, each with a powerful and efficient staff trained and tested by war. In the British and French Delegations these influences were especially strong.

12. *The 'Experts'*. There were present also a large number of 'experts' on territorial and economic questions. Many of these were 'experts' only in name. They had made themselves familiar during the War with the subjects on which they acted as advisers. This was especially the case with the American and British Delegations, and much of the knowledge which they paraded was necessarily somewhat superficial.[1] At the same time many of them were men who had experience of great affairs during the War, and in all there was a breadth of outlook as well as an absence of that pedantry which can often be observed in specialists. The British and American Delegations were both especially strong in financial and economic

[1] For example, at the opening of the Conference, none of the British experts on one country had ever been in that country.

questions.[1] The French were more fully informed on territorial points; the Italians confined themselves more rigorously to points in which they were specially interested. The 'experts' of the smaller nations were simply advocates of national claims, though some of them were men of high distinction.

13. *The Plenipotentiaries.* Controlling the policies of each Delegation were the Plenipotentiaries[2] of which each of the great Powers had five, while the smaller Powers had anything between one and three. In most cases the head of the State was present, and acted as chief Plenipotentiary. M. Clemenceau was by nature and experience not likely to share his power with any one, and neither the Foreign Minister, M Pichon, nor the brilliant M. Tardieu ever challenged the supremacy of their chief. President Wilson by virtue of his office stood above all other American Plenipotentiaries, and the others were only his advisers, though in his absences their powers were considerable, Mr. Lansing and Colonel House acting as his principal seconds. Similarly the British Prime Minister assumed absolute control of British policy, Mr. Balfour acting for him in his absence, but remaining completely subordinate during the greater part of the time. The British Dominions were each represented by its Premier, who played a double *rôle*, for he had also a position in the British Empire Delegation, which met frequently to discuss the broad lines of policy. India was in a similar position. She was represented by her Parliamentary spokesmen, the Secretary of State and Lord Sinha, with the co-operation of the Maharaja of Bikanir. Italian policy perhaps owed more in some respects to the experience of Signor Sonnino than to the direction of the Prime Minister himself, but Signor Orlando was by the course of events forced into a position akin to his colleagues. The Japanese Delegation, which acted throughout with great self-restraint, was led by the Marquis Saïonji and Baron Makino.

Among the Smaller Powers the interests of Belgium were entrusted to M. Hymans, the Foreign Minister, though his chief M. Delacroix and King Albert himself visited Paris on occasion. He was distinguished by the courage and eloquence with which he defended the rights of the Smaller Powers. Poland, whose

[1] e.g. other delegations attached much importance to the views of Professor Shotwell and D. H. Miller of U.S.A. Delegation.

[2] For a full list see Vol. III, Appendix III, and Vol. I, App. VI.

policy was at first in the hands of the leader of the National Democrats, M. Dmowski, was later under the control of the Prime Minister, M. Paderewski, himself, who was undoubtedly more representative of the New Poland. The Yugo-Slavs had a very strong panel, which included besides M. Pashitch the Serbian ex-Premier, Dr. Trumbitch, Dr. Smodlaka, and Dr. Zholger, representing both Croats and Slovenes as well as Serbs. Rumania was also under the control of its Premier, M. Bratianu, amongst whose colleagues M. Misu stood out especially. Czecho-Slovakia was also represented by its Premier, M. Kramař, and its young Foreign Minister, M. Beneš, while Greece possessed the most distinguished of all the statesmen of the Smaller Powers in M. Venizelos, who had also with him his Foreign Minister, M. Politis. The new kingdom of the Hedjaz was fittingly represented by the dignified and skilful Emir Feisul. Other nations played a subordinate part. But it must be remembered that besides those officially recognized as States and entitled to take part in the Conference with Plenipotentiaries, there were numerous other claimants represented who laid their views before the Conference as opportunity afforded. Of these none was more ably led than the Zionist Jews by Dr. Weizmann and M. Sokoloff. The claims of the Armenians were in the experienced hands of Boghos Nubar Pasha. The Esthonians, the Lithuanians, the Letts put forward the claims of the Baltic Provinces to independence, and there were also present the Ruthenians, the Georgians, and many other subject nationalities of the former Russian Empire. The Syrians and Lebanese were also represented. Even the claims of the Egyptians, Irish, Aaland Islanders, Schleswigers were asserted and the representatives of the last two were officially recognized.[1] The question of the position of Russia was to occupy much of the attention of the Great Powers, but though during the whole period of the Conference a Committee of Russian statesmen representing practically all anti-Bolshevik elements was functioning in Paris, none of their number were allowed to present a case officially to the Conference until after the Treaty with Germany was signed.

[1] Even so distant a 'nationality' as the Koreans of Siberia attempted to obtain representation. These were represented by two delegates, who started on the 5th February but, as their mode of travelling was chiefly on foot, they only reached Archangel in July, and Paris in December. They accordingly decided to wait for the League of Nations as the Conference had practically ended.

PART II: SECTION I

FIRST STAGE. THE 'COUNCIL OF TEN'

1. *A French Memorandum the Basis of Discussion.* The Conference of Paris began on Sunday, the 12th January 1919, with an informal meeting of the Heads of the four Great Powers and their Foreign Ministers. It purported to be merely a 'conversation' between these statesmen. It was in reality a continuation of the Supreme War Council, which had been formed during the War, and in fact when its military advisers were present it assumed that name from the first, while its methods of organization and its Secretariat were simply a continuation of those employed by that body. To this Council (to which Japanese representatives were added on the 13th January) was submitted a French Memorandum, attributed by the press to M. Berthelot, which presented a comprehensive scheme for the procedure of the Conference. From the discussions on this document grew the first organization of the Conference which persisted till the middle of March. The document in its first form was typically French, being precise and comprehensive, and based upon principle. The final decisions, however, were the result of a very frank exchange of views. Though considerable agreement was obtained, there was much compromise, so that a scheme was eventually agreed to which left many difficult points to be decided later, and was consequently illogical and incomplete.

2. *What Powers to be represented and number of Plenipotentiaries.* The first question was to decide what Powers were to be represented at the Conference, and what number of Plenipotentiaries were to be allowed to each. It was finally determined to admit all those who had declared war on, or had broken off relations with Germany, though the neutrals were to be allowed to take part in discussions which affected their special interests. Some difficulty was caused in regulating the exact status of Serbia and Montenegro, but the question of recognizing the new State of Yugo-Slavia was shelved.[1] The Hedjaz was also forgotten for a moment.

More difficult was it to assign the number of Plenipotentiaries

[1] It was finally recognized on the 2nd June by France and Great Britain; the United States had already accorded recognition in January.

to each State. The usual diplomatic rule was adopted that all decisions must be unanimous, and, as the decisions of the Conference would not depend upon votes, the exact allotment was less important than it might have otherwise been. But as the number allotted affected the status of the Powers, the question of sentiment came in, and the decision was therefore a delicate one, and necessitated much discussion. The five Great Powers were given five Plenipotentiaries each; Serbia and Belgium, and—to the general surprise—Brazil, three each; China, Greece, Hedjaz, Poland, Portugal, Rumania, Siam, and Czecho-Slovakia, two each; and the other South American Republics, one each. Most striking of all was the fact that the British Dominions and India were given separate representation—a fact of great importance in the history of the British Empire, and one which not unnaturally roused considerable feeling outside it. All Powers were permitted to use the panel system in the selection of their Plenipotentiaries. The exclusions were not less notable: neither Russia nor her subject races (except Poland) found a place. The neutrals were not given representation on the same footing as the Allied States, but were to be summoned when required.

The position of the enemy States had at this time not even been considered. The Conference was, and was officially termed, a Preliminary Peace Conference, by which it was implied that it was for the purpose of producing agreement among the Allied Powers. The exact form of negotiation with the enemy could be considered later when it was seen how these discussions worked out. Yet it was apparent from the outset that, if the Allied Powers were agreed, their enemies, now rendered completely defenceless, would be given little opportunity to initiate discussions which might divide their opponents.

3. *Form of the Conference.* More important than this question, which was fairly easily settled, was that of the exact form of the Conference, and in particular of the relations between the Great Powers and their smaller Allies. It was the same question as had been raised at the opening of the Congress of Vienna, and it was solved, in substance though not in form, in the same way. The full Conference was to consist of the Plenipotentiaries of all the Powers, Great and Small.[1] But

[1] The term 'Great Powers' first appears in official discussions at the Congress of Vienna. Consult Vol. III, Appendix IV, for organization of Conference.

from the first the Great Powers decided to keep the decisions of the main questions in their own hands,[1] and not to submit them to the General Conference until they had first settled them amongst themselves. For this purpose they kept as the main organ of the Conference the 'Council of Ten', which, as has been stated, was simply an extension of the Supreme War Council. M. Clemenceau was President of this body, and he was also formally elected President of the General Conference at its first sitting. To the 'Council of Ten', which in theory was simply to conduct 'conversations', was given the right to decide what questions should be referred to the larger Conference. It could reserve for itself all questions which it thought needed preliminary treatment. The rights of the five Great Powers were also safeguarded by a rule that they should be represented on all Committees or Commissions set up, the Smaller Powers being only represented when questions affecting them were under discussion.

4. *Supremacy of Great Powers recognized in Council of Ten.* This decision, which established the legal right of the Great Powers, was no doubt inevitable. It was a recognition at the outset of the fact that legal power must correspond to actual power, and the concession of a seat in the larger Conference to the Small Powers, and the promise that their voices should be heard when their interests were affected, satisfied them for the moment, though some grumbling was heard. As events turned out, the Great Powers kept matters in their own hands to a much greater extent than was at that time anticipated, and the bulk of the Treaty was made by them alone, and only presented to their smaller allies when the time for signature came. The first meeting of the Plenary Conference was held on the 18th January, but its business was almost entirely formal. At the second various Commissions were appointed, but these also were merely a formal ratification of the decision of the Great Powers. An attempt of the Small Powers to assert their rights was nipped in the bud at the second meeting.[2] The natural result was that the Plenary Conference played only a formal part in the organization. It held only six meetings before the Treaty with Germany

[1] They soon called themselves The Principal Allied and Associated Powers, and by this term maintained their privileged position in the actual Treaty.

[2] M. Clemenceau alluded quite frankly to the fact that the Great Powers, whose authority was supported by 12,000,000 soldiers, must control the Conference.

was signed, and the only one of real interest and effect was that in which the Covenant was debated. The Small Powers henceforth had to be content to state their case before the tribunal of the Great Powers, except that they had a partial representation on some of the Commissions set up, as will be seen below.

The 'Council of Ten'[1] then, as it was informally called, consisting of the Heads of Government and Foreign Ministers of America, Great Britain, France, and Italy, together with two representatives of Japan, formed the real Conference of Paris until the middle of March, when the 'Council of Four' was substituted for it. From the first it acted as a Cabinet and not as a Legislature. It was secret, informal, and adaptable. Its model was the Supreme War Council, which in its turn had been modelled on the British War Cabinet. Its Secretariat was also the Secretariat of the whole Conference, and this body, which played a very important part, must be described at more length.

5. *The Secretariat of the Peace Conference.* The Secretariat of the Peace Conference expressed the methods and ideals of the statesmen who had brought the War to a victorious conclusion. The co-ordination of Allied effort in war is notoriously the most difficult task which any statesmen can undertake. National jealousies and misunderstandings must occur, while differences of language add to the difficulties of space and time. These defects, so fatal to many coalitions, had been felt by the Allies during the War, and were one cause of its long duration. One cause of ultimate success was the establishment of the Inter-Allied Council, which had frequent meetings, and of a Secretariat which could see that the decisions of the leaders were translated into action. To both Mr. Lloyd George and M. Clemenceau, men like Sir Maurice Hankey were necessities without which much of their imagination and energy would have been idly expended. There was thus gradually built up a system of recording meetings and decisions, and of circulating information and memoranda which enabled the statesmen to handle, with some sort of efficiency, the thousand complicated problems that pressed for decision in the course of a world war.

This system was the model on which the Secretariat of the Conference was built. M. Dutasta was Principal Secretary-General, but Sir Maurice Hankey played a *rôle* that in many

[1] Its exact title was for long a matter of dispute, and the phrase the 'Big Ten' was in current use.

respects was even more important, especially after he became unofficial secretary to the 'Four'. The other three Secretary-Generals, Mr. Grew, Count Aldrovandi, and M. Saburi, were mainly content to follow the lead of their colleagues. The principal duty of the Secretariat was to record discussions and decisions of the informal 'Conversations' in M. Pichon's rooms, which were the real deciding factor in the Conference during the first period. Through them also were submitted the documents and memoranda which one country wished to circulate to its Allies. They controlled, at the orders of their chiefs, the agenda of the meetings, and this important task, which needed much delicacy, was one on which many results depended. Too much stress cannot be laid on the system of reports or abstracts of the 'Conversations' which recorded and circulated discussions as well as decisions. These were made by a very efficient staff of Assistant Secretaries largely drawn from the Versailles War Council, and were at one period given a large circulation amongst the principal Allied Delegations. They enabled the large number of technical delegates to follow the ideas of the Supreme Chiefs, and on occasion to correct their misconceptions, and to offer advice on problems before the Conference. Unfortunately, the system also tended to delay and to irrelevant discussion. The 'Conversations' tended to become too much a debating assembly. When the 'Council of Four' was instituted later, the system of recording the conversations was abandoned. But it was soon found to be a necessity for the transaction of business, and was quickly re-instated, in a modified form.

To the meetings of the 'Council of Ten' were also summoned the technical delegates of the Great Powers. For each subject on the agenda, whether financial, economic, territorial, or military, experts attended who had got up the case before the meeting, and who could give information and advice to the Plenipotentiaries. These technical delegates were for the most part silent; their views were only given to the meeting through the mouths of the Plenipotentiaries. But on many occasions it was found necessary for them to intervene in the debate, and by permission they could state their case themselves. The selection of these delegates by the Secretaries-General put considerable power into their hands. The duty was sometimes not an enviable one, since the Plenipotentiaries would often raise a subject for discussion at very short notice, for which

maps and other information had to be obtained under great pressure of time.

6. *Programme of the Conference.* Once the form of the Conference was agreed upon, the most important problem was to determine the questions to be considered, and the order in which they were to be taken. At the outset the mind of none of the principal statesmen was clear on this point. They were obviously feeling their way. The French scheme, which had submitted a tabulated list of eighteen groups of subjects on which decision was necessary, was at once brushed aside. President Wilson had a smaller list and the first place on it was occupied by the question of the League of Nations. Mr. Lloyd George wished to include as one of the urgent subjects the Responsibilities of the Authors of the War, and the punishment of those guilty of offences against the Law of Nations. In the minds of others it was imperative to dispose first of those questions the settlement of which would allow demobilization to take place. There was also the question of providing immediate employment for both the Plenary Conference and for the large body of experts of the different Powers. The obvious mode of procedure was to appoint a number of technical committees to report on the various subjects of the details of which the statesmen must be to a large extent ignorant. But it was soon apparent in the discussion that many subjects which affected the vital interests of the Great Powers could only be approached gradually, and could not be handed over to subordinates without some terms of reference being given, for which preliminary discussions amongst the principal statesmen themselves were needed. Moreover, the formation of a large number of committees would make it impossible for the statesmen to control their discussions, and difficult for the Smaller Powers to supply a sufficient number of delegates. In these circumstances it was suggested that the Smaller Powers be asked to submit their case in writing, especially on territorial questions, for the consideration of the Great Powers. In the end this difficult subject, like so many others, was solved by a compromise which allowed matters to wait on events. Only a few committees were immediately set up, and these were appointed in the Plenary Session of the Conference. They included the important League of Nations Commission; others were shortly added on the Responsibility for the War, on Reparation, and on the International Régime for Ports, Water-

ways, and Railways. On these Commissions, as they were universally called, the Great Powers were allowed two-thirds of the representation, and each appointed two or three delegates. The Small Powers had to be content with five or six delegates between them, the appointment of whom sometimes caused some trouble. At this stage many were under the impression that the Plenary Conference of all the Powers would consider the reports of these Commissions, but it will be seen they were eventually dealt with in quite a different way.[1] Meanwhile, the Smaller Powers were asked to draw up their claims in writing on the territorial questions, but no decision was made as to how these were to be discussed. They were also soon called upon to state their claims orally before the Council of Ten, which resulted, as will be seen later, in the institution of further Commissions.[2]

7. *The Question of an Official Language.* A further preliminary question which caused some difficulty was that of the language to be used as the official tongue of the Conference. French, since it had replaced Latin in the seventeenth century, had always been the recognized language for all Conferences, and it had been used in the Hague Conferences at which extra-European Powers had been present. In the Supreme War Council French and English held equal place, French being the official language at meetings held in France, English at the less frequent ones held in England. The French claimed that, though all the documents might be drawn up in French and English for the Conference of Paris, and conversations proceed in either tongue, yet that the French text of the Treaty should be treated as the final authoritative one in case of dispute. The Anglo-Saxon Powers refused to allow this, pointing out that English was the official tongue not only of the British Empire and the United States, but also of the Pacific Powers. They claimed, therefore, full equality for the English text of documents, and it was pointed out that this was an essential consideration in a Treaty which had to be ratified by the American Senate. The Italians were prepared to acquiesce in French as the official language, but if English were given equal claims, they asserted

[1] See Vol. I, Appendix VI. With the exception of the League of Nations Commission and the Military, Naval, and Air Committees, the most important were dealt with by the 'Council of Four' themselves, a few only being handled by the 'Council of Ten'.

[2] See Vol. I, Appendix VI. These were the five Territorial Commissions on which only the Great Powers were represented.

the right of Italian also to rank equally. No agreement could be formally reached at this time. In the discussions at both the 'Conversations', the Plenary Conference, and the Commissions, both French and English were freely used, interpreters being supplied. It is stated in the Treaty with Germany 'that French and English texts are both authentic', and owing to circumstances no Italian version was prepared. The Anglo-Saxon Powers may be said, therefore, to have gained their point. But it should be noted that Italian texts were prepared of the Austrian and Bulgarian treaties, and in these Treaties the French text is superior to all others.[1] The Germans, of course, used their own tongue when the time came to negotiate, but there was no German text of the Treaty. On the whole great prestige was gained for the English tongue, one of the smaller causes of which, perhaps, was that while M. Clemenceau had an excellent knowledge of English, neither President Wilson nor Mr. Lloyd George could express themselves in French.

8. *Publicity of Proceedings.* Most difficult of all these early decisions, perhaps, was that of the question of publicity of the proceedings. An army of pressmen had come to Paris, and the attention of the whole world was concentrated on the Conference. Its decisions affected every nation, and the news of its proceedings was eagerly awaited at every quarter of the globe. Further, it was asserted that by the acceptance of President Wilson's first point, 'Open Covenants openly arrived at', the Allied Powers had committed themselves on this question, and it was claimed that only by giving publicity to the proceedings of the Conference could a settlement be arrived at which would satisfy the expectations of the peoples. The removal of the press censorship had already taken place—in theory at least—in England and America, though it was maintained in France, and the press representatives at Paris were not unnaturally anxious to have access to information which should provide them with news with which to satisfy their employers. Such claims naturally weighed with statesmen who depended

[1] Extract from passage following Art. 381 in the Austrian Treaty: 'The present Treaty, in French, in English, and in Italian shall be ratified. In case of divergence the French text shall prevail except in Parts I (Covenant of the League of Nations) and XIII (Labour), where the English and French versions shall be of equal force.' (*v.* p. 114 in Blue Book CMD. 400. 1919.)

for their position on public opinion. But from the first there was no intention of allowing the press access to the really intimate discussions of the 'Council of Ten'. It was pointed out that the Council was a Cabinet, and not a Parliament of Nations, and that even among the most democratic peoples such discussions had always been held in secret. It was claimed that the final decisions must come about by a general agreement among many Powers with diverse interests, and that to discuss differences in the press would be to inflame public opinion, and thus to render impossible those compromises which are the only solution of deadlocks.[1] Such was the defence published on the 17th January when it was announced that while the press would be admitted to the big Plenary Sessions,[2] the informal sittings would be held in secret, and that only official *communiqués* concerning them would be issued. It must be confessed that these last were of the baldest description, but special departments were also organized by each Delegation, which transmitted to the press such information as their Plenipotentiaries allowed them to communicate. It was soon found, however, that many of the most intimate discussions of the 'Council of Ten' could not be kept secret. Accounts containing the *ipsissima verba* of the Plenipotentiaries appeared in more than one newspaper, and though attempts were made to check the leakage, they were practically without avail. The large number of people admitted to the conversations in one capacity or another, and the extended circulation given to the papers of the Council, made it certain that news of important discussions would leak out. Further, when the Territorial Commissions were appointed, the progress of their discussions was very accurately reported in the press, and was known immediately to the Small Powers concerned. By this means the public were kept aware of much of the most secret things in the Conference, but of course they could not know how much was really authentic, and the Plenipotentiaries were not committed to statements which thus appeared, as they would have been to more official ones. The tempers of the chief statesmen were none the less

[1] It must be confessed that one or two official statements to the press, which revealed differences between the Allies, tended greatly to increase the difficulties of successful settlement of the points in dispute. To this extent, therefore, the official defence seems justified.

[2] From the sixth sitting, at which the German Treaty was presented, the press were, however, excluded.

severely tried at this stage, but later on, after the 'Council of Four' was instituted, secrecy was much more successfully maintained.[1] This fact undoubtedly caused some of the attacks on the Conference procedure which began at a later date.

9. *Plenary Sessions.* The First of the 18th January accepted these arrangements with few protests. The Second, on the 25th, appointed the Commissions on the League of Nations, on Reparations, etc., not without some further protests, in which Belgium and Canada joined. The Delegates of the Smaller Nations on these Commissions were elected by the Smaller Nations at a special sitting.[2] After this second meeting the Plenary Conference practically ceased to function, except for purely formal purposes, the only serious discussion being that on the Covenant of the League of Nations.[3]

10. *The Time of the 'Council of Ten' taken up by Executive Matters.* The 'Council of Ten' meanwhile found that it was greatly occupied with executive matters. The Armistice with Germany had to be renewed, the questions of Russia and Poland were urgent, and numerous other matters of first-rate importance were constantly arising. It cannot be too strongly stressed that during all the time the Conference sat, it acted as the executive Government of a Europe and Asia torn by war, threatened by revolution, and almost deprived of the necessities of life. Though one very successful piece of machinery was set up in the case of the Supreme Economic Council, political and military problems were constantly arising which could only be settled by the action of the Heads of the States themselves. This fact was one of the great causes of delay in the work of the Conference, and, if the principal statesmen admittedly showed an inability or reluctance to allow their subordinates to deal with these matters, we must remember their peculiar situation, surrounded as they were by the leaders of all the European States who were continually demanding counsel, aid, and protection.

11. *Slow Progress.* In such circumstances only slow progress could be made. At the end of January and the beginning of February the 'Council of Ten' discussed the future of the German Colonies, and definite progress was marked by the adoption of

[1] Yet the *Frankfurter Zeitung* of 21st June 1919 contained an account of a session of the Council of Four, which was striking in its verisimilitude.

[2] On one occasion, when the South American States combined to secure a majority of seats allotted to the Smaller Powers, the Great Powers intervened and nominated those whom they considered most suitable.

[3] For List of Plenary Sessions *v.* Vol. I, Appendix VI.

the 'Mandate' principle, one of the great decisions of the Conference which was intimately connected with the establishment of the League of Nations. It should be noted that the representatives of the Dominions, as well as of Portugal, Belgium and China, were admitted to plead their claims before the Council. The actual allocation of the German colonies was not, however, at this time decided. Further Commissions were also set up on Economic questions, Financial questions and International Labour Legislation, but none of the Commissions, whose terms of reference were of the vaguest, made much progress, except that on the League of Nations, under President Wilson himself, and the very efficient one on Labour.

12. *Small Nations appear before the 'Council of Ten'.* In February a further step was taken, which led to further developments. Just as the Small Powers who had claims on the Colonies had been admitted to plead their claims before the 'Council of Ten', so the other small nations were now received, in order to lay their claims before the Great Powers.[1] It must be admitted that these statements, though interesting, were in one sense a waste of time. The Small States had already been asked to draw up their claims in writing, and these statements were merely a repetition of arguments which could be more easily studied in print. The examination by the statesmen of the Great Powers was perfunctory, and without point, as the claims admitted were immediately referred to Commissions of the Great Powers for report. At the same time the dignity of the Small Powers was flattered, and a vent, as it were, provided for their energies. But the procedure was not a considered one, and is a good example of how the Conference was allowed to drift into a course of action which dissipated its energies and aggrayated the slowness of proceedings. The really effective result was the appointment of the Territorial Commissions of the Great Powers to report on these territorial questions. These were five in number: Czecho-Slovak and Polish affairs each having a separate Commission, while Rumanian and Yugo-Slav, Greek and Albanian, Belgian and Danish, were referred to three others.

[1] The dates were as follows: The Rumanians, Feb. 1; the Greeks, Feb. 3, 4; the Czecho-Slovaks, Feb. 5; the Hedjaz, Feb. 6; the Belgians, Feb. 11; the Syrians, Feb. 13; the Druses, Feb. 15; the Serbs and Croats and Slovenes, Jan. 31, Feb. 18; the Danes, Feb. 21; the Albanians, Feb. 24, the Armenians, Feb. 26; the Zionists, Feb. 27; the Montenegrins, March 5.

13. *Weaknesses in Organization of the Territorial Commissions.* These Commissions were to do very important work, but it should be noted at the outset that there were grave defects in the manner in which they were set up, which seriously affected the quality of their output. In the first place they were not appointed as part of a considered scheme for dealing with the whole of the territorial questions before the Conference. They were constructed *ad hoc* to deal with the territorial claims presented to the Conference by some of the smaller Nations. Some unfortunate anomalies thus appeared at the outset. The Greek Commission, for example, was primarily appointed to consider Greek claims in Europe, but it dealt also with Greek claims in Asia Minor—a subject very different in its character. More serious was the fact that the Plenipotentiaries reserved to themselves the treatment of all subjects in which the Great Powers themselves were vitally interested. Not only French claims on the Left Bank of the Rhine, but also Italy's claims on the Tyrol and the Dalmatian Coast, and the whole of the settlement of the Middle East as well as Constantinople, were withdrawn from the competence of the Commissions, and the effect on the discussion of both Yugo-Slav and Greek pretensions was little short of disastrous. The principal statesmen had in fact refused to apply the lesson that had been learnt by some Delegates, that the whole settlement was one, and that each decision depended in a sense on all the rest. Some attempt was made to remedy this defect by appointing on the 27th February a 'Central Commission on Territorial Questions',[1] to co-ordinate the work of the other Commissions and to discuss points not referred to them. This Commission was a strong one, but it had no power over the reserved questions above referred to, and it did little or nothing to see that the whole settlement was a just one. Some co-ordination was, however, obtained by the fact that the Powers were represented by the same Delegate on more than one Commission, and that the Commissions occasionally sat in joint session.

14. *Personnel of the Commissions.* The personnel of these important Commissions deserves some special mention. The French were able to rely on their Plenipotentiaries to supply their senior member, and M. Tardieu and M. Jules Cambon

[1] Its members were M. Tardieu, Sir Eyre Crowe, Dr. S. E. Mezes, the Marquis Salvago Raggi, and M. Otchiai. For further details *v.* Vol. III, App. IV.

between them were able to represent France on all. The Americans appointed academic experts, who had made a prolonged study of the points involved, and showed moreover great practical ability. The British Empire employed either its Colonial Premiers or its Foreign Office officials, especially Sir Eyre Crowe, who played a distinguished part. There were not, however, many of the British officials who possessed special knowledge of the subjects studied, and the result cannot be described as satisfactory. Fortunately, as the work of the Commissions developed the services of other experts of the British Delegation were made available by means of specially appointed sub-committees. By these means some grave defects were corrected, though errors had already been committed which could not be retrieved. The Italian experts had excellent information on regions intimately connected with Italy, but were not so well equipped for detailed discussion on more remote regions. The Japanese, here and elsewhere, played mainly a watching part.

The Protocols of the Commissions were freely circulated amongst the Delegations. By this means the economic and communications sections, as well as the strategic experts, could gather the lines of argument and intervene with advice. The work of the excellent French Geographical Section was supplemented by the admirable maps turned out by the improvised American and British Geographical Sections. For the first time both the Plenipotentiaries and professional diplomatists were able to avail themselves of first-class maps, explained by really competent instructors. In this important work the French and British General Staffs played the principal rôle.

15. *Progress of their Work.* Meanwhile the important Commissions which dealt with Reparation, International Waterways, International Labour, etc., whose work is recorded elsewhere, were gradually organizing sub-committees for detailed questions. Practically no professional diplomatists found a place on these Commissions, but on these also the British made considerable use of the Colonial Premiers as their first representatives, though the bulk consisted of special experts. The Smaller Powers were able to nominate men of high distinction on those Commissions on which they had representation, and, where the interests of the Great Powers allowed it, to contribute greatly to the solution of the problems involved. Gradually, as the

Commissions set up their organization, the whole body of Delegates was drawn into the machine in one capacity or another, and an enormous series of notes, memoranda, and statistical material was circulated from one department to another. At the same time it was gradually becoming apparent that the Conference must function while it was in session as the executive of the world, and the Delegates and Plenipotentiaries were continually interrupted in their consideration of permanent settlement by being forced to consider questions which required immediate action. For some of these immediate problems, special committees were set up, such as that on Teschen, and another to deal with current Polish Affairs, but on the whole these questions were dealt with by the 'Council of Ten' itself, with some assistance from the Council of Military Representatives at Versailles. It was fortunate, indeed, that the Supreme Economic Council under the chairmanship of Lord Robert Cecil gained every day in reputation, and that the vigorous and capable Mr. Hoover was thus able to direct his work of relief in a way which would have been impossible had reference had to be made to higher authority.

One of the principal functions of the 'Council of Ten' during this time was to provide for several renewals of the Armistice with Germany. Out of these discussions arose the important considerations of the Military, Naval, and Air Restrictions to be imposed upon Germany, the decisions on which (as will be seen) affected the Conference profoundly. As is narrated elsewhere, the Military terms grew up out of an attempt to impose more stringent conditions upon Germany. For this purpose Military, Naval, and Air Commissions were set up, after preliminary discussions, in the 'Council of Ten'.[1] Composed of soldiers and sailors, these Commissions, though faced with a formidable task, were ready to report at an earlier date than the other Commissions, except that on the League of Nations. The first draft of this last Commission, which had worked with great energy, was able to be discussed by the Plenary Conference on the 14th February, but the criticisms then expressed necessitated a revision of this draft. President Wilson then returned to America, leaving, as he said, full powers to Mr. Lansing and Colonel House in his absence. Mr. Lloyd George also returned, to cope with the growing labour difficulties in England. In their absence the proposals for dis-

[1] Only the principal Allied and Associated Powers were represented on these Commissions.

arming the Germans came up before the 'Council of Ten'. At the same time a situation arose which necessitated the consideration of the shape of the Treaties themselves.

16. *The Idea of a Preliminary Peace with Germany arises.* Hitherto affairs affecting Germany, Austria, Hungary, Bulgaria, and Turkey had all been considered together. But in the eyes at any rate of the French, British, and Americans, it was Germany which had loomed largest, and the menace of the overthrow of all stable government on the East of the Rhine made a speedy peace with her seem all the more important. Meanwhile public opinion was looking for results. No decisions of importance were as yet announced, and though the growth of the scheme of a League of Nations was a supreme accomplishment, yet some thought of it as beginning at the wrong end. In face of the insistent demands of the Western democracies, the need of a settlement which would permit of an almost complete demobilization of the Allied Armies grew more and more urgent. As it was, the demobilization of the American, British, and Dominion forces was proceeding at such a pace that French statesmen and soldiers grew anxious, lest sufficient superiority over the enemy should not remain to make all idea of a refusal of the Allied Peace Terms out of the question.

Towards the end of February there thus grew up the idea of a Preliminary Peace with Germany, which should settle the main items in dispute with her, and in particular impose on her almost complete disarmament. But to the Americans the idea of more than one Treaty with Germany gave the greatest uneasiness. There was also the question of the place of the Covenant of the League of Nations in the Treaty. Its advocates could never consent to its being relegated to a subsequent Treaty and it was soon to be seen that its completion was a necessary condition of the completion of all the rest. These arguments were anxiously debated by the Allied statesmen at the end of February and the beginning of March. The idea of presenting only the Military Terms to Germany, whether as an Armistice or as a Preliminary Peace, was soon seen to be impossible. It was determined therefore to include in this German Treaty at least the principal demands to be made on her, especially her territorial cessions. These decisions were taken in the absence of the three principal statesmen, M. Clemenceau being wounded by an assassin on the 19th February, Mr. Lloyd George

being absent till the 5th March, and President Wilson till the 14th March. But orders were sent out on the 23rd February by the ministers acting in their absence to all the Commissions to report by the 8th March. On the return of the principal Plenipotentiaries the discussion was renewed, and a decision was gradually reached. Those mainly interested in a settlement with Austria and Hungary were naturally somewhat alarmed at a turn of events which postponed the satisfaction of their own claims. But the necessity of a speedy settlement with Germany was apparent to all. The German Treaty was therefore from this moment given precedence. But in spite of many protests in the press, another decision of cardinal importance was also made. The Treaty with Germany was also to include the Covenant of the League of Nations. The importance of the decision cannot be over-estimated. It ensured the acceptance of the Covenant by the Paris Conference, and by making it an integral part of the Treaty it allowed many compromises to be made in the Treaty itself, which were based on the acceptance by the world of the idea of a powerful and practical League of Nations.

17. *Slow Progress of the Conference increases necessity for New Organization.* It was hoped that, by concentrating on Germany, the conclusion of one Treaty at least had been drawn nearer, but much remained to be done. The reports of the Commissions were now being received, but they had yet to be considered by the principal statesmen, and as their subordinates had worked without supervision or direction of their chiefs, it was quite uncertain if their recommendations could be accepted. Thus the only parts of the Treaty which were ready for signature were the Military, Naval, and Air Terms, which were finally passed by the 'Council of Ten' on the 17th March. What might happen to the reports of others was seen when that of the Polish Commission was submitted to the 'Council of Ten' on the 20th March. Though unanimous, some of its main conclusions were rejected, and it was referred back for amendment. The publicity which this drastic action obtained in the press did not contribute to the harmony of the Conference. When it is remembered that none of the important territorial questions had yet been decided, that the whole financial and economic settlement was yet in the hands of the Commissions, and that it had already been whispered that Italy's vital interests in Fiume and elsewhere must

be settled before she would sign a treaty with Germany, it can be imagined that the case for those who wished a radical change to be made in the procedure of the Conference was a strong one.

18. *Results in the Establishment of the 'Council of Four'.* This movement, which had been strongest amongst the nearest advisers of the British Prime Minister, gathered force in the middle of March. It was felt that the 'Council of Ten' was too large a body to deal quickly and effectively with all the important problems pressing for settlement. Moreover, it had been found impossible to keep secret its decisions. The full details of the Military, Naval, and Air Terms had appeared in the press, and other matters even more delicate. The time was now approaching when formal decisions must be reached on questions on which it was known the principal statesmen were not yet in agreement. Secrecy was considered an essential condition for the construction of those compromises by which alone amity could be preserved. The presence of the British Prime Minister in Paris was considered so urgent that on the 17th March his three colleagues addressed to him an open letter expressing this view, and he was doubtless able to make his own terms as to the conditions of his stay. It was thus gradually decided to substitute a Council of the Heads of the four European Great Powers for the larger 'Council of Ten', and the report of the Polish Commission was the last subject discussed officially by that body. Before this matter was settled, the informal meetings of the 'Four' had commenced, and as the new idea gathered strength the old organization was completely dropped. On the 25th March it was announced in the press that informal discussions of the chief delegates would be substituted for the previous procedure. The growing impatience of public opinion at what was considered the unjustifiable delay in the completion of the Treaty undoubtedly contributed to this result. Both the British and French legislatures were showing signs of great restiveness. On the 24th March a petition was signed by 100 members of the British Parliament, asking for an opportunity to discuss Germany's capacity to pay, and on the 25th M. Franklin-Bouillon made a violent attack on M. Clemenceau in the Chamber of Deputies. Speedy and secret decisions appeared to the principal Plenipotentiaries to be essential to the maintenance of their position.

PART II : SECTION II

SECOND STAGE. THE 'COUNCIL OF FOUR'. THE 'COUNCIL OF FIVE'. THE NEGOTIATIONS WITH THE ENEMY.

1. *First Meeting of the 'Council of Four'.* It was under such circumstances that there began the meetings of what was soon called the 'Council of Four'. M. Clemenceau, Mr. Lloyd George, President Wilson, and Signor Orlando from the comparative comfort of the arm-chairs at the Hôtel Bischoffen, Mr. Lloyd George's flat, or M. Clemenceau's office, discussed the big problems of the settlement. An official interpreter was at first the only outsider admitted, as a concession to Signor Orlando's ignorance of English. The Secretariat was relegated to an ante-room, and the technical experts as a rule merely entered the room for a moment to elucidate a point or to give the required information. Even now, however, the 'Council of Four' could not devote its whole attention to the permanent settlement. On the 21st March a Bolshevik Revolution had broken out in Hungary, and on the 5th April Bavaria adopted a Communist *régime.* Discussions on the Saar Valley and on Reparations had to be sandwiched in amongst other matters. Further, it was soon apparent that Italy would demand satisfaction not only in the Tyrol, but also in Dalmatia and especially in Fiume, as the price of her signature. In these circumstances it was not surprising that no decisions could be announced, and it was further found that the absence of a Secretary from the room prevented that recording of agreements on paper which is necessary to the transaction of business. At one moment it appeared as if the 'Council of Four', in spite of its informality, would be no better instrument to construct a speedy peace than the 'Council of Ten'.

2. *More formal Procedure adopted.* Fortunately, these disadvantages were found out in time. The informal appointment of Sir Maurice Hankey as Secretary to the Council of Four enabled changes in the procedure to be made, which resulted in much greater efficiency. Minutes, such as had been taken of the 'Council of Ten', were introduced, and though their circulation was severely limited, the decisions arrived at were drafted with sufficient care, and on them the text of the Treaty could be founded. The experts were used more expeditiously and

suitably, and were sometimes present in considerable numbers and during most of the sessions, and their advice was assimilated by the Four. Informal Inter-Allied Committees were formed, such as that on the Saar Valley *régime*, which took their instructions direct from the chief Plenipotentiaries, and worked out the details of their plans.

3. *Advantages and Disadvantages of this Procedure.* Almost all the principal decisions of the Conference, so far as the Treaty with Germany was concerned, were in fact made by the 'Council of Four', which, as was revealed by the subsequent withdrawal of Signor Orlando, was in many respects a 'Council of Three'. Such a procedure had many obvious advantages It made possible a frank decision between the Chiefs of the three States which between them controlled an overwhelming preponderance of the military, naval, and economic resources of the world. It enabled compromises to be more easily arranged, and ensured almost complete secrecy in discussing the difficult questions on which the British Empire, France, and the United States were not yet in agreement. It was not impossible for three men to master the main principles of the whole settlement, and in any case they had to be responsible for the decisions. By centralizing all discussions in one small private room, they ensured that they should themselves absolutely control the making of the Treaty. The preliminary work of the Delegations might be said to have been done when the Commissions had reported. If more advice was wanted it could be obtained; meanwhile, it was essential that the three men whom the peoples looked to as responsible for the settlement should themselves make it.

All this was true, but the disadvantages of such a procedure were many. It threw greatly increased power into the hands of those who formed the personal staffs of the chief statesmen. Neither the Chiefs nor their immediate following could be fully informed as to the many questions on which decisions were made, yet advice was sought from subordinate officials and irresponsible sources, which would have been of greater value if checked by the machinery already established in Paris. The recommendations of the Commissions were often altered and adjusted without reference to those who had made them, with the result that confusion necessarily followed. Nor was the intensified secrecy established an unmixed blessing. The press, deprived of its sources of information, became more violent as

it became less omniscient, and public opinion, from which the statesmen might perhaps have learnt much, if it had been wisely consulted, was confused and irritated. The Small Powers were also almost entirely excluded from participation in these decisions, in many of which they were vitally concerned. The influence of these great defects is seen in every page of the Treaty itself, and still more in the discussions which followed upon its signature.

Yet it must be remembered that the state of Europe was such that speedy decisions were now of paramount importance. The difficulty of working efficiently the great Inter-Allied machine had been clearly demonstrated in the previous period. No means had been found of controlling the work of the Commissions while it was in progress. The principal statesmen not unnaturally shrank from a procedure which might leave them at the mercy of their own officials. The plan which they followed was in fact a natural result of the temperaments of President Wilson, Mr. Lloyd George, and M. Clemenceau. Each had been accustomed to work in a loose informal organization, on which their own wills could be clearly stamped. And none can deny that the procedure which they adopted showed them to be endowed with such courage, energy, and power of concentration as few statesmen have possessed.

4. *The Drafting Commission.* In this procedure one Commission played an important part. A Drafting Commission had already rendered great assistance to the other Commissions by turning the substance of their decisions into legal phraseology.[1] Not only were the decisions thus rendered more clear, but the articles of the Treaty were prepared as the work of the Commissions proceeded. No other Commission surpassed this one in energy and powers of work, and its freedom from legal pedantry can be seen in the simple language in which the Treaties are drawn up. It was now able to render the greatest assistance to the 'Council of Four' by clothing often loosely-worded decisions in concise and explicit phrases, which could be inserted directly into the Treaty. In some cases it may be said to have gone further in interpretation than was perhaps intended, but it is difficult to see how the Treaties could have

[1] Its members were: Dr. J. B. Scott (United States of America), Mr. C. J. B. Hurst (British Empire), M. Fromageot (France), Signor Ricci Busatti (Italy), M. H. Nagaoka (Japan).

been drawn up without the assistance of a body at once so assiduous, so expert, and so full of resource and initiative.

5. *The 'Council of Five'*. Meanwhile another machine had been created, which also played an important part. The Foreign Ministers excluded from the 'Council of Four' were formed into another body called the 'Council of Five',[1] for on this body Japan was represented. This body was able to relieve the 'Council of Four' of some of the minor problems which were pressing for settlement, especially those needing immediate action. It maintained the procedure of the old 'Council of Ten', and circulated formal minutes. As the Treaty approached completion it was a convenient route for the insertion of clauses which had been overlooked, while it was able to proceed with the discussion of the Austrian Treaty during the time that the principal statesmen were absorbed in the negotiation with Germany. It was, however, completely subordinate to the 'Council of Four', and for that reason lacked authority and initiative. Nevertheless, it was an important piece of machinery, not the least of its results being that it employed the energies of the Foreign Ministers and of a mass of subordinate officials. On one or two occasions it held joint sittings with the 'Council of Four', so that the old 'Council of Ten' was practically reconstructed, but these meetings were not a success.

6. *More rapid Progress of the Work produces a Crisis.* So rapidly did matters now proceed that on the 14th April an official *communiqué* was issued, to the effect that the Germans were invited to come to Versailles on the 25th April. At the same time the official decision that the Treaty with Germany would be signed first was made known. These announcements precipitated something like a crisis in the Conference. As the time for the final signature approached, all those who were specially interested in obtaining certain forms of settlement redoubled their efforts. Already on the 8th April 370 members of the British Parliament had sent a telegram demanding Mr. Lloyd George's adhesion to his election pledges. Public opinion indeed necessitated the return of the Prime Minister to England on the 14th April to speak in the House (16th). Though the exact terms of the decisions had on the whole been kept secret, sections of both the French and British press had begun to press for a vindictive peace. The French claim to the Left Bank of the Rhine was

[1] Often called amongst the Anglo-Saxon delegates 'The Second Eleven'.

voiced in many papers, an attack to which Marshal Foch's interview in the *Daily Mail* of the 19th April added some weight, and *The Times* continued its determined onslaught on Mr. Lloyd George.

7. *Italy leaves the Conference.* More serious was, however, the attitude of Italy. No sooner had the Germans, on the 21st, consented to send delegates on a specific date, than the Adriatic question, which had been discussed among the Four since the 14th April, became acute. On the 23rd President Wilson issued his open statement on Fiume, with the result that Signor Orlando left Paris, and the Italian Delegation withdrew from all participation in the Conference. But the Three continued their discussions, and the work of the Conference went on as before. Indeed, the only apparent effect on the German Treaty was the insertion of a clause that ratification by three of the Principal Allied Powers should be sufficient to bring it into force —a decision which in another connexion was to be of great importance at a later date. There were other threatening questions, but one great work was accomplished at this time. On the 28th April, in the Fifth Plenary Session, the Covenant of the League of Nations was adopted by the Allied Powers, and the text announced to the world. Two days later Count Brockdorff-Rantzau and the main body of the German delegates arrived at Versailles.

8. *The German Delegation.* When it was first announced to the German Government that discussion of the principles of the Treaty would not be permitted, they had proposed to dispense with the Plenipotentiaries and staff, and merely send secretaries to receive the document and bring it to the German Government. The Allied refusal to consider this procedure, which was accompanied with the announcement of military preparations in the Army of Occupation, induced them to revert to their original plan, and a full and very competent staff appeared at Versailles. Count Brockdorff-Rantzau was himself a trained diplomatist, and he was accompanied by a body of delegates which adequately represented the technical skill of the German people. The presence of numerous officials of the old *régime*, as well as a number of distinguished academic experts, ensured that the Germans would take full advantage of every opportunity afforded them of expostulation or criticism. The delegates were accompanied, too, by a number of press correspondents,

and it was clear that the Germans hoped that the weapon of publicity could be used by them with advantage. These points had been, however, thoroughly considered by the Allied statesmen. The Germans were treated with the courtesy, but also with the rigour which it is customary to show in transacting business with enemies. They were allowed unrestricted intercourse with their own country, but they were given no opportunity of meeting the Delegations assembled at Paris. Their movements were controlled by military officers, and except for the one or two formal occasions on which they met the Allies, they had no intercourse whatever with their enemies. There was, indeed, much justice in their plea that their work could have been done just as efficiently in their own country as in the carefully guarded hotels at Versailles.

9. *The Presentation of the Treaty to the Small Powers.* On the 7th May the Peace Treaty was handed over to Count Brockdorff-Rantzau, who met the assembled Allied Plenipotentiaries with a speech, of which the defiant tone caused much surprise. The delay had, however, been utilized to settle many important points. The Japanese succeeded in establishing their claims to Shantung, and thus avoided the necessity of following the Italian example. The Belgians were less successful in their claims, in spite of a personal visit from King Albert, but acquiesced in the decision of the Four. The other Powers had little time to register protest. The full text of the Treaty was not presented to the Plenary Conference until the day before it was presented to the Germans.[1] Though no formal vote was taken, their assent was obtained, but much indignation was expressed at the almost total exclusion of the Small Powers, including the British Dominions, from the final decisions. They had, it is true, been represented on the Commissions which had drafted the Economic and Financial Clauses, and those dealing with Reparations. But the reports of these Commissions had been altered at will by the 'Council of Four', and their criticisms on these alterations had not been invited. In the circumstances, however, they had no alternative but to acquiesce, but the Session was notable for a protest by the Chinese, and one by

[1] On the same day as the Treaty was handed over to the Germans two important decisions were announced, the distribution of the Mandates of the German Colonies and the important Treaty between France, Great Britain, and the United States, which was intended to give special protection to France.

Marshal Foch. If the Small Powers were given the full Treaty only at the last moment, the public were denied the full text altogether. A comprehensive summary was indeed issued, but the full text was kept secret in the Allied countries. The protests raised in the Allied press were made the sharper by the fact that the Germans not only published the Treaty in their own country and language, but issued an English version.

10. *Procedure of Discussion with the Germans.* Over seven weeks had yet to elapse, however, before the Treaty with Germany was signed. It had been announced by M. Clemenceau at the public handing over of the Treaty that the Germans must make their representations in writing on the details of the clauses, that a period of three weeks would be allowed for the purpose, and that no oral discussions whatever would be permitted. This last decision was dictated possibly as much by the difficulty of organizing such discussions as by the fear that the Allies would fail to show a united front to the enemy. The Italians had returned to the Conference on the 5th May, Signor Orlando resuming his seat at the 'Council of Four' (6th), and whatever differences there had been amongst the Allies they were united in their resolve to impose a peace on Germany. The Germans adapted themselves, under protest, to the procedure laid down, and began to issue a steady stream of notes and memoranda on the different aspects of the Treaty. They could not, of course, be prevented from publishing their notes in Germany, and many of them were also published in Entente countries, with the answers of the Allied Powers, so that something like public discussion took place. Preliminary answers were drafted by the personal staff of the 'Council of Four', after such consultation with the members of the Delegation as the Plenipotentiaries saw fit to make. These were, however, only preliminary. The Germans secured a further interval of seven days in which to make their reply, and Count Brockdorff-Rantzau consulted his Government at Spa on the 23rd May. The final German Counter-proposals, which were not handed over till the 30th May, amounted to 443 pages, dealing in detail with the various parts of the Treaty, the whole being summarized in a covering note which was a passionate plea against the whole responsibility of the War being thrown upon the German people, and an elaborate exposition of the impossibility of carrying out the terms of the Treaty. To deal

with this voluminous document ten Inter-Allied Committees were set up, consisting of the principal experts on the various subjects. Meanwhile a vigorous campaign was prosecuted in portions of the French and English press against any alteration in the original terms. The final decisions were not taken by the Allied statesmen without much deliberation, and their reply was not handed over until the 16th June.

11. *The Final Stages.* The final result of all the discussions was to leave the Treaty substantially intact, though important concessions were made. On the whole the machinery of the Conference worked well in these discussions. Opportunity was given to the body of delegates to exercise their influence upon the answer, and the final decisions were only made by the 'Council of Four' after the observations of their staff had been duly weighed. Mr. Lloyd George entered into the final discussions after several meetings of the British Empire Delegation, which were attended by many of his colleagues from the British Cabinet, as well as by all the Plenipotentiaries of the Dominions, and by his military and naval advisers. A covering letter was drawn up by a Committee composed of M. Tardieu, Mr. Hudson (U.S.A.), Mr. Philip Kerr, Count Vannutelli-Rey, and M. Saburi. It was an open secret that the wording of this vigorous rejoinder was mainly due to the British member of the Committee.

Only a week was allowed to the Germans to accept or refuse the Treaty thus modified. Ominous preparations were made in the Allied Armies on the Rhine, and, though for some time the issue appeared to be in doubt, and involved the resignation of both Count Brockdorff-Rantzau and the German Government, there was really no alternative before the German people. After a vain effort to secure eleventh-hour concessions, the Weimar Assembly authorized the new Government to sign, and on the 28th June the final scene took place at Versailles.

12. *The Significance of the Signature.* The Treaty thus drawn up was signed by all the Powers, Great and Small, with the single exception of the Chinese, whose empty places were a protest against the Shantung settlement. That such a result was possible is in itself a tribute to the capacity and resolution of the principal statesmen. Though the Treaty with Germany comprised only part of the problems which had to be solved, yet it was felt by all that the main task of creating definite peace had been accomplished, and, as a matter of fact, the other instruments

signed on the same day, as well as the discussions with the Austrians, which were already far advanced, denoted that much progress had already been made towards the whole settlement. Many, no doubt, like General Smuts, felt that the Treaty had disappointed the expectations of the peoples. That many of its clauses were either unjust or injudicious is true. But with all its imperfections it yet marked the beginning of a new era. Not only did the Treaty contain the Covenant of the League of Nations, but the text of the Treaty itself bore testimony to the conviction that only through some form of international co-operation could the problems which had confronted the Conference be solved. The most hopeful aspect of the Treaty was the fact that much in it was provisional, and depended on future decisions of the Powers. The recognition that all the problems of the world could not be solved in one place and at one time was surely the most sensible decision that emanated from the Paris Conference.

13. *Discussions with Austria begun.* Meanwhile, the discussions with Germany had not absorbed the whole time of the Conference since the 17th May. On the 14th May the Austrians arrived at St. Germain, Dr. Renner acting as their chief Plenipotentiary. The hopes of those who expected to be able to complete the Austrian Treaty at once were, however, illusory. By adapting the German Treaty to the case of Austria, very rapid progress had been made in the drafting of the Treaty (a method of procedure which still further enhanced the importance of the Drafting Commission); but the Italian Delegation had returned and resumed its functions at the beginning of May, and it was found that the agreement of the Four Powers on the disputed points was hard to obtain. The reports of the Territorial Commissions on the frontiers of Austria had been referred to the 'Council of Five', and had been approved by the date on which the Austrians arrived. But opportunity was taken of re-opening delicate questions, and the 'Council of Four', preoccupied with the German problem, had not the energy to force a settlement. It was thus not till the 2nd June that the Treaty was presented to the Austrian Delegation, and even then the principal military and territorial terms were lacking.

This further delay was due to a revolt of the Small Powers against the dictation of the Great. In the German Treaty only Poland had been directly affected. In the Austrian Treaty

several Small Powers were vitally interested. In these circumstances the claim of the Small Powers to a period of delay for a consideration of the proposed frontiers could not be refused. Unfortunately this delay proved to be of longer duration than had been anticipated. Mr. Lloyd George and President Wilson had departed immediately after the signing of the German Treaty, and with their departure the Conference lost both authority and driving power. The new 'Council', a compromise between the 'Council of Ten' and the 'Council of Four', being deprived of the services of Sir Maurice Hankey, proved a far less capable instrument than its predecessors. The necessity of a speedy peace with Austria was not so patent as in the case of Germany. In these circumstances the final presentation of the Treaty made slow progress, and the Austrians had leisure to compile an enormous mass of written notes, memoranda, and protests which added to the embarrassments of the delegates. The final stages and the negotiations with Bulgaria, Hungary, and Turkey will be described in later volumes of this work.[1]

14. *The 'New States' Treaties.* The interval between the presentation of the Treaty to the Germans and its final signature produced, however, other important results besides the negotiations with the Austrians. Chief of these was the Treaty drafted for Poland, which protected the cultural and religious rights of the minorities in the New States. This procedure, which had important precedents in the Treaty of Berlin, was no doubt mainly designed to protect the Jews of Eastern Europe. But it also applied to the enemy minorities transferred to the new States, and was an important recognition of the right of the new International Council to act as the protector of the weak. As will be seen in a later volume, the attempt to apply the same procedure to Rumania, Greece, and Yugo-Slavia caused great difficulties at a later stage.

15. *General Considerations.* With the signing of the Treaty with Germany on the 28th June, the Conference concluded its principal work. Henceforward it still had tasks of great importance and difficulty, but it entered on a new phase with the departure of the 'Big Three'. It will be at once realized that

[1] To the general surprise a Turkish 'Delegation' was actually summoned to Paris and stated its views before a revived 'Council of Ten' on the 17th June. The only result was to provoke a caustic rejoinder, and the Delegation left Paris again on the 28th June.

it is as yet impossible to form a complete picture of the Conference, or to pass judgment on its work, for that will be the task of the next generation. The Conference depended on many secret and subterranean influences which cannot as yet be revealed, and much that appears to-day as almost inexplicable will be shown by future historians to depend on causes of which we are almost entirely unaware. Nevertheless, some attempt to sum up its main characteristics in however tentative a fashion is necessary, since it is only by attempting to realize how the statesmen failed to satisfy completely the hopes which were held by the peoples at the outset of the Conference, that any progress can be made towards remedying their shortcomings. If the record of secret conferences, discarded expedients, and unsatisfying compromises appears to read strangely in the light of much that was promised in the years of the war, this comparative failure is due to causes of which some can be discerned, and therefore prevented from producing similar results in the future.

In the first place, it is necessary to remember that this Conference, like all others that preceded it, was limited by events that had occurred during the war, and were perhaps necessary to the winning of it. Like their predecessors at the Congress of Vienna, the principal statesmen were bound by agreements—written and unwritten—which they had made amongst themselves during the course of a long and fluctuating struggle. It was indeed asserted by many that the acceptance of the Fourteen Points abrogated *ipso facto* all the previous secret agreements of the Allies. Such was indeed the position taken up by President Wilson, who had not been a party to them. But this point of view could not be wholly accepted by his Allies, for they would have been then charged with disregarding the sanctity of written engagements, which had formed one of the chief justifications of the war against Germany. The result was a compromise; but the actual existence of the Treaties in itself prevented an open discussion of all the problems at the Conference, and it was one cause why the principal statesmen insisted on reserving for their own personal discussion so many of the disputed points. Another difficulty was the necessity of securing unanimity of decision among the Great Powers, which caused much delay and was fruitful in producing at times most undesirable compromises.[1]

[1] It is well known that the most rapid and smooth period of the Con-

Even more important influence was exerted on the course of the discussion by the fact that the Powers had played very different parts in the struggle against the Central Empires. The fact that French soil had been the arena of the conflict, and that so much French blood had been shed to achieve victory, counted enormously in all the discussions at the Conference. If the entry of the United States into the struggle had decided the issue of the War, her sacrifices had been much less than those of the principal European combatants. It was only natural, therefore, that these latter should feel that they ought to have a deciding voice in many questions in which they disagreed with her. Moreover, questions of reparation and security touched them more nearly than they touched a State from the New World, and they could perhaps claim to be more intimately acquainted than their American Ally with most of the problems of the settlement. The psychological effect of considerations like these, which were at times openly stated, cannot be over-estimated.

Had the Fourteen Points been a more precise document, it might have provided in itself a framework for the organization of the Conference. But it asserted only general principles, leaving entirely vague the practical methods by which they were to be carried out. This fact, together with the equally obvious consideration that the Allied Powers had made no concerted preparations for the great task before them, made it certain that the organization of the Conference would be hastily improvised and liable to be constructed to suit the needs of the moment rather than the permanent necessities of the world. The result was that the Allies were forced to have recourse to the one instrument which had been proved in practice to meet their needs, and the Conference organization was therefore an adaptation of the Supreme War Council. The procedure of the Supreme War Council may be traced to that set up by Sir Maurice Hankey for the British War Cabinet. That it was an advance on all previous methods by which great political decisions have been taken, few will deny, and the proof is that the records of the Conference of Paris will show far more of the

ference was that during which the Italians were absent from it. This result was due mainly to the fact that Three statesmen were much more likely to agree in decisions than Four. Where unanimity was essential to all decisions the effect of the opposition of one might be virtually to veto all business.

actual work of the Conference than those of any previous assembly. Even in its latest stages there was a far more systematic attempt to formulate the discussions and decisions of the statesmen on matters of immense delicacy and importance than had ever before been made. But, while this machinery was very suitable to the rapid and secret action which is necessary for the conduct of war, it may be questioned if it was so well adapted to devise a settlement based on principles laid down in the Fourteen Points. The attempt to utilize it to cope with the enormous number of problems which confronted the statesmen at Paris by the creation of the Commissions ended in failure. No control was exercised by the Central body over the Commissions while they were engaged in their work, and the experts who sat on them were therefore not expressing the ideas of their chiefs, who often ultimately refused to be bound by their conclusions.[1] The result was that much of the work of the Commissions was wasted, that the compromises of the Council of Four were substituted for their conclusions, and that the latter were often made in haste and without reference to those most able to give an important judgment. This failure of the principal statesmen to make adequate use of the body of expert knowledge assembled at Paris is one of the main causes why parts of the settlement are not only unjust but unworkable.

Against these palpable defects must be set the great work of the Conference in turning the Treaty of Peace into an instrument for creating the League of Nations. While the discussions which followed the Treaty showed the great dangers which lay in this form of procedure, yet it can probably be safely asserted that it was the only way that the League could have been made part of the Peace Settlement. To have produced unanimity on this point amongst the twenty-six States who signed the German Treaty would almost certainly have been impossible, unless the signature had been made the only way to enjoy the benefits of the peace. So many vested interests were challenged by the League, and so many new forces had been liberated in Europe, which were antagonistic to it, that unless the League had been made a part of the peace it might have been postponed for a generation.

Even more important was the fact that the Treaties them-

[1] The principle was at one time enunciated that, if a Commission was unanimous in its report, the Four would not interfere. This was not, however, uniformly adhered to in practice.

selves were made to centre round the idea of the League to so great an extent that without it they become plainly unworkable. It may be asserted with truth that this result was not in the mind of any responsible statesmen when the Conference opened. It was, as is explained elsewhere, the natural result of the discussions at Paris, though it owed much also to the strenuous advocacy of President Wilson. But the recognition thus secured that the problems raised at Paris can only be solved by a form of permanent international organization is perhaps the greatest result of the Conference. Had the Paris organization been more scientific and less easily adapted to the moods of the moment, such a result might have been impossible.

The supremacy of the Great Powers was open and avowed at the Conference, and has been the subject of bitter criticism on the part of the Small Powers and their advocates both during and subsequent to the Conference. It may, however, be doubted if any advantage would have been gained by giving the Small Powers a greater share in the actual decisions. The Small Powers were described at the Conference as the 'Powers with limited interests', and the phrase was not inapt. With one or two exceptions they did not look beyond what they conceived to be their own limited interests, and so bitter were their disputes amongst themselves, that only the coercion of the Great Powers, which was indeed freely applied, could have produced satisfactory results. More serious were the complaints of the Small Powers that on many vital points they were not even given an opportunity to state their views and much less were they allowed to enforce them. The procedure of the 'Council of Four' deprived them of any real knowledge of what was going on, and drove them to intrigue and to agitation. More tact and sympathy on the part of the principal statesmen might have avoided many difficulties, but the Small Powers eventually had no confidence that they would be treated in a manner such as Allies had a right to expect. That their own often extravagant demands played a part in this result cannot be denied, but these were in part a reflex of the manner in which they were handled.

Another aspect that will long be open to question is whether the Conference would have been more successful had the whole course of the discussions been more open to the criticism of an informed public opinion. Though in the first stages of the Conference a great deal of truth leaked out, this was not so in the later stages, and from first to last the public had no certainty

that the information which was given them in the press was not merely the opinion of journalists. They could not distinguish between the true and the false reports circulated, and this was just what the principal statesmen desired, since it prevented them from being committed before their peoples until the moment for signature had come. Public opinion was thus at the mercy of the sensational journalist who could direct attention to the aspect of the Treaty which it was desired to attack. Had fuller official information been allowed to the peoples, it is possible that some errors might have been avoided. Nor is it easy to see why some of the decisions were not published at an earlier date, or why at first the public received only a summary and not the full text of the Treaty as signed. While there was much to be said for the concealment of the processes by which decisions among Allies were reached, it is not easy to understand, and still less to defend, the suppression of those decisions when finally concluded and even after they had been communicated to the enemy. At the same time it must be confessed that in no country did the press take a very wide view of affairs, or show itself very sensible of its responsibilities, and on the whole in each country it was the advocates of extreme national interests who showed the greatest vigour in making their voice heard.

At any rate, those who believe that the Treaties do not represent the real wishes of the peoples concerned, but only the prejudiced views of a few ill-informed and badly inspired men, have the consolation of knowing that much in the Treaties is obviously provisional. All that part that is penal is deliberately temporary in character, while for the first time there has been deliberately adopted the doctrine that the international settlement needs continual revision in the light of the changing circumstances of the world. Opportunity is thus now provided for the public opinion of the world to act upon the documents drawn up at Paris, and even at this early stage it is seen that some parts will not long survive the criticisms that have been directed upon them. The problem now is to ensure machinery both for the revision of the Treaties and the consideration of such matters as either proved too difficult to find any solution at Paris, or were deliberately ignored there. This machinery must respond to the informed opinion of the peoples of the world. That the statesmen of the Paris Conference have perhaps made such a process possible is their greatest claim to the gratitude of posterity.

CHAPTER VIII

EXECUTIVE WORKING OF THE CONFERENCE

PART I. POLITICAL AND MILITARY WORKING OF THE ARMISTICE COMMISSION AT SPA

1. *Constitution of the Allied Armistice Commission at Spa.* The terms of the Armistice were drawn up to prepare the ground for the peace deliberations, which were to be based upon the main principle of the prevention of future war. Though the terms were severe and were drawn up somewhat hastily, they were very complete and revealed few mistakes when put to the test of execution. An important feature was that the national pride of the Germans in their army was left untouched, and this fact facilitated the fulfilment of most of the conditions.

The members of the Allied Armistice Commission were all soldiers who had taken part in the War in France, Belgium, or Italy. The German Mission, however, contained a few civilians representing the German Foreign Office or financial and economic organizations. Of the Allied Missions the French was the largest, and their chief was appointed President of the International Armistice Commission, acting directly under the orders of the Marshal commanding the Allied Armies. The Italian Mission consisted of one officer only. Most of the discussions at the daily meetings took place between the French President and the German President; the other chiefs of Missions, however, also took part in the discussions whenever it was necessary.[1]

2. *Attitude of the various Allied Powers.* There was naturally some difference of attitude towards the Germans amongst the

[1] The following were the chief officers, Inter-Allied Armistice Commission:
President and French representative—General of Division P. Nudant.
American—Major-General C. D. Rhodes (15/11/18 to 27/12/18) and Brig.-General M. H. Barnum (27/12/18 to 7/7/19).
Belgian—General Major Hector Delobbe (15/11/18 to 7/7/19).
Italian—Colonel État majeur Vito Scimeca (15/11/18 to 3/9/19).
British—Lieut.-General Sir R. C. B. Haking (15/11/18 to 21/8/19).

NOTE.—The American representation on the Armistice Commission had closed down by the 10th September 1919.

members of the various Allied Missions. The French and Belgians had been living for forty years under the shadow of a German invasion, they had seen large portions of their countries devastated, and many of their women and children sacrificed to the devastation of war. They were also influenced by the possibility of Germany again becoming great and once more directing her vast hordes of soldiers westwards across the Rhine. The British and Americans could never quite get over the Anglo-Saxon feeling that it is difficult to hit a man when he is down. The result of this was that the American and British Missions were less vindictive, less suspicious, and more prepared to receive and consider German protests than either the French or the Belgians. This did not, however, in any way impair the most cordial relations between the members of the Allied Missions because each understood and respected the feelings of the other.

The French President was at all times most careful to prevent friction between the Allied Missions, and ready to receive suggestions, and, if necessary, represent to the Marshal Commanding the Allied Armies any criticism or disagreement brought forward by the chiefs of the other Allied Missions. He held a meeting of the chiefs of the other Allied Missions at his Headquarters every evening, when he read out the most important of the notes that were to be presented to the Germans at the Conference next day. The subject of these notes was discussed, and any suggestions made were duly considered and agreed upon or discarded. In this matter the Armistice Commission maintained its *rôle* of working as an Allied whole.

3. *German Attitude, the Withdrawal of German Troops, the Blockade, German Troops in the Baltic States.* It was apparent from the first that the Germans were prepared to carry out the terms they had accepted, so far as lay in their power, and so long as there was no way of escaping them. On many occasions they made urgent appeals against various decisions of the Allied and Associated Governments, and brought forward well-prepared arguments in support of these appeals. In fact, a brief statement of their chief protests will go far towards giving a description of the whole working of the Armistice Commission.

The Germans first endeavoured to obtain an extension of time to get their armies across the Rhine, and claimed that it was an impossible military operation to withdraw over three

million men in the depths of winter by few roads all converging on the limited number of Rhine bridges. The main argument they used was that, owing to the revolution, the loss of discipline and the spread of Bolshevism, the retreat of the army would turn into a disorganized rush for home, that food would not reach the soldiers, who would, in consequence, take it from the inhabitants, who, in their turn, would rise against them, whilst chaos and anarchy would supervene. The German retreat, favoured by exceptionally good weather for November and December, was, however, successfully carried out without any of the alarming results anticipated by the Germans, and with only one slight modification, made as much for the convenience of the Allies as the Germans. The retreat was, without doubt, a fine military performance, and its completion was due to the inherent discipline of the individual German soldier, who had not had time, or who had too much common sense, to assimilate readily the teachings of Bolshevism, and who was told that the German army was unbeaten, but that peace had been arranged. The writer talked to several German soldiers during the retreat, and they were firmly convinced of this idea. There is little doubt that the fear of the spread of Bolshevism in Germany was genuinely possessed by all members of the German Armistice Commission, and it was brought forward again and again as an argument in favour of ameliorating the conditions imposed by the Allies. Fortunately for the Germans, and probably for the Allies also, the German Bolshevist leaders were never men who carried weight with the populace, they mostly showed their thieving proclivities at too early a stage, and failed to obtain a sufficient criminal following amongst the law-abiding and well-disciplined German inhabitants.

The second great appeal of the Germans—the most emphatic of all—was to raise the blockade. Every possible argument: starving women and children; spread of Bolshevism owing to there being no raw material to keep the inhabitants employed, and especially the demobilized soldiers, at work in the factories, and the consequent unrest due to non-employment; the absence of food, especially fats; the great increase in mortality and in infantile diseases; and finally, the impossibility of paying any reparation until commerce was re-established. This appeal was received with more consideration by the Americans and British than by the French and Belgians. The two last-named were

fully alive to the fact that the Germans, if they had won the war, intended to cripple French and Belgian trade and had prepared the way by removing a large amount of machinery from France and Belgium into Germany and destroying a great deal more in the great French and Belgian centres of industry. No sympathy could be expected by the Germans from that quarter and, consequently, they pressed both the British and American Missions to plead their cause with the Allied and Associated Governments.

It is a curious fact that, when these appeals were being made, the Germans handed to each Mission a book written in English containing long accounts of supposed atrocities committed by British troops and by the British authorities in various wars in the past. The Germans appeared to fail to realize that the continued hostility of the British, and probably of the American people also, was largely kept alive by propaganda in the press of those countries, and that the issue of such a book would tend to increase rather than to diminish their unpopularity with all classes of Anglo-Saxons.

An argument which was frequently brought forward by the Germans in favour of mitigation of the terms of the Armistice was the instability of their Government, and, consequently, its limited power of carrying out some of the terms as interpreted by the Allies. This was particularly noticeable as regards the evacuation of Russia and the Baltic Provinces by the German troops who were occupying those countries. It is possible that the wording of the clause of the Armistice dealing with this subject might have been clearer. The German argument was that she was directed by the Allies to retain her troops in Russia to oppose Bolshevism, whilst the Allies by means of the blockade placed every possible impediment in her way as regards the supply of those troops. Further, that when in the early days she wanted to withdraw her troops the Allies would not permit it, and later when the Allies wished her to withdraw them her Government had insufficient power over them to enforce their orders. The actual result was that in spite of the most urgent written demands by the Allies, which demands were followed by threats, the Germans maintained troops in the Baltic Provinces actually fighting against the Lithuanians and Letts, who were recognized and supported by the Allied Governments, until December 1919, more than a year after the Armistice had been

concluded. It was only after the failure of the German troops against Riga towards the end of November, that the Germans found they were not able to maintain their position in the Baltic Provinces and then acceded to the demands of the Allied Mission sent out to superintend the evacuation, and commenced to withdraw. Whether this evacuation includes all the German-born soldiers who became civilians and took up land in the Baltic Provinces when they got into the country, it is too early to state. There is no doubt, however, that Germany, finding trade success and expansion of territory barred to her in the West, will use every means in her power to develop towards Russia in the East.[1]

Although the transfer of machinery, including agricultural machines, has not yet been completely carried out by Germany, there is little doubt that they had a large amount available, and it is probable that the demands of the Allies in this respect did not press upon them so heavily as the demands for locomotives and rolling stock, especially the former. The Germans, with their usual organizing powers and forethought, had made every preparation for a successful termination to the War, and, whilst demanding very high indemnities, they were prepared to gain further advantages by flooding the Allied countries with articles of German manufacture and thus providing ample opportunities for work and profit for their own people and the demobilized army.

4. *Procedure of the Commission: its relation to the Supreme Council.* During the first months of the Armistice a meeting of the whole International Commission was held daily at 10 a.m. in a large room on the ground floor of the Hôtel Brittanique at Spa. The German Mission occupied one side of a long table, the Allied Missions the other side. Most of the staffs on each side occupied chairs behind their own chiefs. Every Note that passed across the table was in the language of the Mission it emanated from, and everybody spoke in their own language, which was immediately interpreted into the other two languages.[2] A few very long Notes were handed across without being read, also many other Notes on minor matters, otherwise all Notes were read out in the language of origin and then translated. The meetings rarely lasted more than an hour, and sometimes only

[1] This subject is more fully discussed in Part III of this chapter.
[2] The three languages were English, French, and German.

a few minutes. Towards the summer, when the mass of the work of the Commission was completed, meetings were held about twice a week. It was considered desirable that several days should not be allowed to pass without a meeting in order that proper intercourse should be maintained between the Allied Missions, as a whole, and the Germans.

All important instructions and Notes from the Allied and Associated Governments were sent by them to the Marshal Commanding the Allied Forces, who took action in the matter by forwarding instructions to the President of the International Armistice Commission. The last-named officer delivered the Note as described above. It will be seen that the Armistice Commission had no power to initiate any decision, but it had full power by verbal statements at the meetings to elaborate, explain, or emphasize a subject which was being dealt with.

The attitude of the Germans at the daily meetings was always dignified and correct, even when the most severe decisions were imposed upon them, and it was rare that any heated controversy arose between the Germans and the chiefs of the Allied Missions. When the Allies decided to occupy a bridgehead at Strasbourg owing to the failure of the Germans to comply with certain conditions of the Armistice within the given time, the German President of the Mission resigned as a protest and was replaced by another German General. The resignation of the former was looked upon with regret by the Allied Missions because he had always carried out his difficult duties with dignity and ability. His successor, however, showed himself capable of continuing the work in a similar manner.

At the commencement of the Armistice there was some attempt on the part of the Germans to deal more sympathetically with one or other of the Allied Missions in turn than the others. This may have been done with the intention of setting one Allied Mission against the other. The relations between the Allied Missions were, however, so cordial that if the Germans ever held this idea they soon abandoned it. In addition to the daily conferences the staffs of the various Allied Missions were in constant touch with the staff of the German Mission. The various chiefs of the Allied Missions had on a few occasions individual meetings with the chief of the German Mission, on special matters referring to their own country. If any important subject was discussed at such a meeting the President of

the International Armistice Commission was informed so as to avoid any possible cause of friction. On the occasion of these meetings the extreme formality of the daily sitting was relaxed and both sides were able to speak more freely, with the result that the efficient working of the Armistice Commission was improved.

5. *Various Activities of the Commission.* Although naval matters were frequently referred to, and Notes on that subject were constantly passed across by the Germans, there was no naval representative amongst the Allied Missions, though there were two with the German Mission. These Notes on naval matters referred chiefly to the blockade and to the transfer of mercantile vessels from the Germans to the Allies. These Notes were at once transmitted to the chief of the Allied Naval Armistice Commission, who dealt by wireless direct with the German Admiral appointed for the purpose in Germany. The Germans made several requests that personal intercourse should be established to deal with all naval questions, stating that the system of communication by wireless was unsatisfactory; this request was not, however, granted.

The chiefs of the various Missions were never informed as to the policy of their various Governments on the points raised by the Germans. This was probably an advantage, because it left the chiefs of Missions a free hand to comment without bias on all transactions which took place and thus present to their higher authorities an independent view of each question which arose.

During the early weeks of the Armistice the most important matter from the British and American point of view was the repatriation of the prisoners of war interned in Germany. The German plea that they were unable to keep these prisoners in their camps, and that they were suffering because they had broken out and were wandering across the country to the Rhine, was never accepted by the Allies, and every effort was made to compel the Germans to feed, clothe, and repatriate these prisoners in comfort. Owing to the steps taken by the British and American higher authorities, and their constant pressure on the Germans through the Armistice Commission, the prisoners of war were repatriated with surprising rapidity and, with a few exceptions, in comparative comfort. Both the Dutch and the Belgian authorities and inhabitants showed exceptional kindness and zeal in facilitating the operation. In fact, we owe those countries a deep debt of gratitude for the manner in which they

looked after these soldiers. The French evacuation of their prisoners, though hampered to some extent by lack of sea transport, also worked rapidly and well. Owing, no doubt, to language and to blood relationship, the American and British Missions were at all times in the closest relations and agreement with each other. They held similar ideas and approached questions from the same Anglo-Saxon point of view. This statement does not mean that their relations with other Missions were any less cordial, but a common language was bound to draw them closer together.

The details of the work of the Armistice Commission were carried out by sub-commissions appointed to act under the Chief of each Mission, including the Germans. The most important of these sub-commissions were:

(1) For the repatriation of Allied prisoners of war.
(2) For the surrender by the Germans of certain arms, aeroplanes, etc.
(3) For the surrender of certain mercantile and agricultural machinery.
(4) For the surrender of certain locomotives and railway wagons.
(5) For certain financial and commercial questions.

These sub-commissions held meetings amongst themselves, including the German representatives, and reported daily to the chief of their own Mission on the progress made in the execution of the terms of the Armistice and any other matter in connexion with their particular branch of the work. The American and British chiefs of Missions forwarded the necessary reports on these subjects to their higher authorities, together with comments of their own in a daily report. These reports thus formed a complete record of all the transactions which took place between the Allies and the Germans throughout the whole period of the Armistice, and will form interesting reading in the future. After the Armistice had been in operation a few weeks no less than 45 copies of the British daily report were called for to be forwarded to various government, military, economic, and financial high officials.

6. *Winding up of the Commission.* During the summer of 1919 the greater part of the work of the Armistice Commission was completed, and it was possible by the end of August to

reduce the staff of the various Missions. By the end of August all the Generals who were chiefs of the various Allied Missions were recalled, except the French General who remained as President of the International Armistice Commission. At the end of June the Allied Armistice Commission moved from Spa to Cologne because the accommodation taken up by the various Missions at Spa was urgently required by the inhabitants, who had most generously placed their houses at the disposal of the Missions in most cases without payment. The German Mission moved from Spa to Dusseldorf and the daily meetings ceased, such work as remained being carried out by notes and by individual meetings. During the autumn and winter of 1919 the Missions were still further reduced, the British Mission consisting of two officers only, whilst the American Mission was completely withdrawn, the French Mission also being reduced.

It is out of the question in a brief review to describe the many details of the work of the Armistice Commission, but the Notes passed between the Allies and the Germans embraced a vast number of different subjects dealing with all quarters of the globe, and referring to many economic, financial, and commercial questions as well as to military matters. During the early months of the Armistice sometimes actually over 100 notes on different subjects were passed to and fro almost every day.

CHAPTER VIII

EXECUTIVE WORKING OF THE CONFERENCE

PART II

THE WORK OF THE SUPREME ECONOMIC COUNCIL

(Food Problems and Relief)

1. *Economic Organization during the War.* Inter-Allied economic organization during the war grew up by degrees in response to the ever-increasing difficulties of the supply and revictualling of the armies and civilian populations of the European Allies.

Stern necessity forced the Allies, as the progress of the war increased their material difficulties, to adopt a steadily developing measure of joint economic organization.

Three reasons especially compelled these combined efforts. Firstly, it was necessary to co-ordinate the purchases of the Allies so as to prevent unnecessary competition from forcing up prices to an unreasonable extent. Secondly, supplies of certain commodities were short and had to be allocated amongst the Allies in fair proportions, regard being paid to the effect on the successful prosecution of the war rather than to the material financial resources of particular Allies. Thirdly, it was vitally necessary so to organize supplies and shipping as to make the best possible use of the available tonnage.

The Royal Commission on Sugar Supplies, which had been formed in August 1914, began to buy also for the Allies early in 1916, and this was followed by the Wheat Executive—(October 1916)—through which all the Allies and several of the neutrals purchased their supplies of cereals. Other purchasing bodies developed as integral parts of British Departments; for example, wool, jute, and leather were bought by the Contracts Department of the War Office, and Australasian and South American meat by the Board of Trade.

Prior to the entry of the United States into the war, this organization was centralized mainly in the hands of the British

Government, owing to the fact that at this period the economic and financial strength of the Allies lay primarily in the resources of the British Empire. During this period, therefore, Inter-Allied control in the strict sense of the word did not exist. This situation changed in 1917, when the ravages of the submarine warfare and the need of tonnage for transport of American troops to Europe and of British and other troops to the Eastern theatres of war reduced enormously the amount of shipping available for the transport of supplies, both civil and military, and made necessary a careful examination of every demand for tonnage with a view to its reduction, and an elaborate organization so as to avoid any possibility of waste.

The financial and economic centre of gravity of the Allies' resistance passed largely from Great Britain to the United States, and this shifting was reflected especially during the last six or eight months of the year in a greater measure of real Inter-Allied control. A definite co-ordinating machinery so far as shipping was concerned was provided by the formation of the Allied Maritime Transport Council in March 1918, for the allocation of tonnage amongst the Allies. At the same time there were established a number of so-called Inter-Allied Executives and Programme Committees, whose function it was to draw up agreed programmes of imports for all the Allies within the limits laid down.

The Inter-Allied Council on Finance and War Purchases was created to deal with the finance of purchases by the European Allies in the United States. In addition to the Wheat Executive and the centralized sugar purchasing arrangements, the Meat and Fats Executive was set up in August 1917, for centralizing purchases of meat, fats, and a number of other foodstuffs. It conducted its purchases in New York through the Allied Provisions Export Committee, which contained representatives of all the Allies. The Sugar Commission also established for similar purposes an Inter-Allied Committee in Washington. The Inter-Allied Oilseeds Executive came into existence a short time afterwards and both concentrated purchases of oilseeds for all the Allies all over the world and organized shipments. On similar lines Inter-Allied committees and executives were started for nitrates, copper, petroleum, wool, etc.

The piece-meal formation of the varying forms of international co-operation, each of which was created to deal with

some specific problem—some executively and some only in an advisory capacity—resulted in a certain lack of co-ordination. The creation of the Inter-Allied Food Council in August 1918 supplied an important need in this respect so far as the various Food Executives were concerned, while the Inter-Allied Munitions Council fulfilled the same function with regard to a large number of articles required for munitions purposes. But a number of Programme Committees remained quite unrelated to one another, or to any higher authority except in so far as their requirements for tonnage ultimately brought them under the sway of the Allied Maritime Transport Council. Owing to the fact that during the later stages of the war by far the most important factor so far as supplies were concerned was the shortage of tonnage, the Allied Maritime Transport Council did in effect play the part to a considerable extent of a co-ordinating body, but its scope of action was in theory limited. It had no definite power, for example, to decide on questions of general policy which frequently arose, especially as regards raw materials for industry, except so far as it dictated a policy by refusing or allocating tonnage.

In the later stages of the war, finance was entirely subordinated to considerations of military policy and of the organization of shipping. This, however, had its disadvantages. Since nearly the whole burden in respect of tonnage fell on Great Britain and in respect of finance on the United States and Great Britain, symptoms began to develop of a sense of irresponsibility in respect of these matters on the part of some of the other Allies. The absence, moreover, of a single logical organization for final responsibility not only of policy in respect of shipping but in respect of all economic conditions began to be felt. It is probable that, if the war had continued much longer, the Inter-Allied organization for securing co-operation would have been straightened out and completed.

2. *The Economic State of Europe at the Time of the Signing of the Armistice.* The signing of the Armistice on the 11th November 1918 found the whole world unprepared for the cessation of hostilities. Extravagant hopes were entertained by the majority of people that the period of stringency would almost immediately come to an end, and there started very quickly an agitation in favour of the removal of those controls within the Allied countries on which the Inter-Allied organiza-

tion had been built up. Despite the opposition of organized labour, which in Great Britain was in favour of the retention of much of the existing Inter-Allied machinery with regard to food, the popular clamour for the abolition of controls was too strong to resist, and most of the war-time restrictions were removed. The enormous feeling of relief that the war had ended and the optimism produced by victory far more complete than most people had come to believe possible, blinded the eyes of the allied peoples to the true condition of the European continent and to the inevitable consequence at that stage of letting the economic affairs of Europe look after themselves.

It is indeed clear that the Inter-Allied organization outlined above was essentially a product of war conditions and was to a large extent unsuited to peace problems.

Finance and the need for economy, which had perforce to be submerged during the war under the pressure of graver considerations, began to insist on playing their proper part as war conditions receded. At the same time the immediate easing of the tonnage situation due to the cessation of submarine warfare, the abandonment of the convoy system and the drastic curtailment and ultimate abandonment of the munitions programme, lent added force to the demand from many quarters for the abandonment of Inter-Allied arrangements ostensibly based mainly on the shortage of tonnage. With the ceasing of control over tonnage the chance of the formulation of a uniform economic policy disappeared. It was indeed unfortunate that at the end of the war no central Inter-Allied organization had been created able to deal without challenge with broad questions of economic policy. For whilst in fact the Inter-Allied Executives were liquidating their commitments and busily destroying their organizations, the state of a large part of Europe was rapidly going from bad to worse. Four years of warfare had sapped the foundations of the economic life of Europe and had removed more of these organizations on which alone economic reconstruction could rapidly be attempted than was for some time suspected.

Many of the evil effects of the war were cumulative in their operation and did not appear at once. It is useful to summarize briefly the economic state of Europe at the end of 1918 and during the early part of 1919.

(*a*) *Food Conditions.* Hostilities ceased at the beginning of

the winter of 1918–19, when import had been reduced to a minimum in Allied countries and supplies of food were short throughout practically the whole of Europe, and the neutral as well as the belligerent states had suffered severely by the blockade of the Central Empires. It was possible, however, very soon after the Armistice to increase materially the supplies of food to the allied and neutral countries which had shipping at their disposal, and the danger of a really acute shortage of food was temporarily at any rate removed. In Central and Eastern Europe, however, conditions were very different; lack of fertilizers had brought about a great decrease in the yield of the soil; large areas of land had been the scene of hostilities, and cultivation was far below pre-war standards. In Poland, Rumania, and Yugo-Slavia, the occupying armies had eaten up all supplies of food; famine conditions prevailed over a large part of Eastern Europe; the winter was approaching and such slender stocks as remained from the last harvest must inevitably soon be exhausted completely. Shortage was especially felt in meat and fats owing to the necessity of using cereals for direct human consumption, and the lack of nearly all forms of concentrated feeding stuffs. Germany, herself, was in a position only slightly less serious than that of the countries to the east and south. It became apparent that without substantial supplies from outside it would be impossible for these countries to carry on till the harvest. The peril of a widespread extension of Bolshevism was very real, and was only to be averted by the timely provision of food.

(*b*) *Transport.* The general effect of the conditions which have just been described was to increase enormously the dependence of Europe upon supplies of food from overseas. Despite the alleviation in overseas transport, the pressure upon ships remained very great. For various reasons voyages were far slower than before the war and the decrease in the effective carrying capacity of the world's mercantile marine was in a greater ratio than the decline in the actual number of ships as shown by comparison between the volume of shipping before and after the war. It was a matter of great difficulty to carry the additional volume of foodstuffs required to meet the European food situation. On the continent of Europe itself, land transport was in an utterly chaotic condition. Everywhere the railway systems had broken down; an enormous mileage

of permanent way had been destroyed by military operations. Moreover, the confusion caused by the sudden defeat of the Central Empires disorganized transport throughout large parts of Europe with specially disastrous effects on the output and distribution of coal. The formation of new states full of separatist nationalist sentiment and jealous of each other, led to the enforcement of customs and transport regulations designed apparently merely to be harmful to the rapid interchange of commodities and traffic on which the recovery of internal transport depended. The reconstruction of the transport systems, therefore, throughout the European continent was a matter of the most urgent and vital necessity.

(*c*) *Production and Exchange.* During the war production had been directed towards maximum output for war purposes, while the supply of articles for normal peace consumption had decreased very greatly. Industrial machinery and mines had been destroyed in Belgium, and on a large scale in Northern France, Poland, and Italy. Raw material (except in the case of the United Kingdom) was exceedingly short and in many parts virtually non-existent.

During the war, moreover, millions of workers had been withdrawn from productive employment. The termination of the period of gigantic war effort on the part of the peoples of all the belligerent States brought about a deep and lasting reaction. Everywhere the workers were tired and in many countries they had been for long under-nourished. The reduction in hours and in the intensity of working which followed the Armistice soon led to a decrease in the output of labour over large parts of Europe, amounting to about 50 per cent. as compared with pre-war conditions. The result of the consequent enormous decrease in the output of industry, and the difficulty of converting machinery quickly from war to peace production, was that the new States in Eastern Europe in which food conditions, etc. were worst, were completely unable to help themselves, while the capacity of the other European countries to help them was very much reduced. It was necessary, therefore, in order to meet the pressing needs of German-Austria, Poland, the Baltic Provinces, Czecho-Slovakia, Rumania, and Yugo-Slavia, to provide food in the form of relief. These countries could not find the finance, and supplies were granted them mainly by the United States and Great Britain. In the case

of Germany no credits were granted, but sufficient food to tide her over the period before the new harvest was supplied in return for payments in gold.

(*d*) *Currency.* The financial necessities of all European belligerents had caused them to depreciate their currencies during the war. In some cases, revolution or the creation of new States left in circulation several currencies of doubtful value. This provided an additional handicap of great strength to the restarting of normal trade relations inside and especially outside the borders of the issuing country. Only by the increase of production and of transport by which trade could be rendered possible could the currencies be put straight. The difficulties already indicated, coupled with the inability of Governments to break themselves of the bad war habit of profligate creation of paper money in order to meet inflated expenditures, have tended as the months have passed to increase rather than to diminish the difficulties imposed by the chaotic conditions of the European currencies.

3. *Inter-Allied Organization during the Armistice.* It is doubtful whether any of the Allied Governments realized at the time of the Armistice the extent of the dislocation of the economic life of Europe. Two or three Ministers of the European Allies, whom circumstances had brought into closer relation with the economic situation, however, had a clearer appreciation of the situation than either the United States Government, which was naturally less able to appreciate what had happened, or their own colleagues.

In November 1918, immediately after the Armistice, proposals were put forward by representatives of the British, French, and Italian Governments that the existing organization of the Allied Maritime Transport Council with any necessary additions, should be converted into a general Economic Council with a view to maintaining the existing Inter-Allied co-operation in a modified form. This course would have had the great advantage that it would have enabled at once a comprehensive survey to have been made of the state of European countries before the dispersal of the war organization. The machinery might then have been adjusted with comparative ease to meet the situation which such a survey would at once have disclosed. The proposals, however, were not adopted.

In December 1918 the French Government, mainly under

the inspiration of Monsieur Clementel, who had taken a great part in the establishment of the Inter-Allied war organizations, made formal proposals to the British and American Governments. Whilst the *régime* of control in operation at the end of the war should give place to complete commercial liberty as soon as circumstances permitted, it was urged that, during the period of dangerous transition, concerted and uniform action and control should be maintained over fundamental foodstuffs, textile materials, leathers, certain minerals and metals, coal and wood. This control should have as a special object the desirability of assuring to the invaded and devastated districts of Europe proper food supplies and raw materials adequate to restart their industries on such terms as would enable them to compete fairly with other Allied and Neutral countries.

Great Britain accepted this policy late in December 1918 on condition of its acceptance by the United States. The American Government, however, took up the view that, with the cessation of hostilities, Inter-Allied organizations which had arisen out of war necessities should, as soon as possible, be discontinued and that the new problems of the Armistice period should be dealt with by new bodies. The American attitude proved decisive and, as has already been stated, the Governments of the different Allied countries under strong pressure from the trading classes in each country, proceeded to de-control supplies to a large extent within their own countries, and to liquidate most of the existing Inter-Allied machinery.

(*a*) *Supreme Council for Supply and Relief.* After a number of discussions held in London and Paris the Inter-Allied Supreme Council for Supply and Relief was established by the Supreme War Council largely at the instance of the American Government. It met for the first time on the 11th January 1919. The Council consisted of two representatives from the United States, the United Kingdom, France and Belgium, and one representative of the Allied High Command. Its object was 'to investigate and consider the requirements for relief in Europe and their relation to the general supply of allied and neutral countries, and to determine the general policy of European supply and the measures which shall be taken for its execution'.

Mr. Hoover, who had been during the war Director of

American Relief in Belgium, was appointed Director-General of Relief, to be assisted by a Permanent Committee of the Council with a Permanent Inter-Allied Secretariat. The Council was to collaborate to such extent as would be found necessary with experts of the existing Inter-Allied bodies. The Council devoted practically the whole of its attention to the investigation of the urgent problems of relief in Eastern Europe. It decided that all relief should be given in the name of the Allied Governments and should be administered through one body only. In accordance with the recommendations of the Permanent Committee, it was decided that Allied Missions should be sent to:

(*a*) Trieste, with branches at Prague, Vienna, Budapest, Belgrade and perhaps Agram (Zagreb), to represent the Associated Governments in the Adriatic;
(*b*) Bucharest, to represent the Associated Governments in Rumania;
(*c*) Constantinople, to represent the Associated Governments in Turkey and to co-operate with the Mission at Bucharest;
(*d*) Warsaw, to represent the Associated Governments in Poland.

Where there was an Allied army in occupation, it was agreed that the Military Authorities should be made responsible for the administration of relief.

The Supreme Council of Supply and Relief was thus set up as an additional body alongside the existing bodies and organizations dealing with shipping, food, blockade, munitions, etc. It had no organic connexion with them, and its action as a centralizing body in economic matters was consequently extremely limited in scope. Furthermore, it lacked the necessary authority and machinery for giving effect to its recommendations. It soon became clear that a central economic body must be constituted with wide terms of reference and with the ability to give effect to its decisions through existing Inter-Allied organizations.

(*b*) *The Supreme Economic Council.* (i) *Organization prior to the Signing of Peace on 28th June 1919.* On 8th February 1919 the Supreme Council passed the following resolution proposed by President Wilson:

'i. Under present conditions many questions not primarily of a military character which are arising daily and which are bound to become of increasing importance as the time passes, should be dealt with on behalf of the United States of America and the Allies by civilian representatives of these countries experienced in such questions as finance, food, blockade control, shipping, and raw materials.

'ii. To accomplish this there should be constituted at Paris a Supreme Economic Council to deal with such matters for the period of the Armistice. The Council shall absorb, or replace, such other existing Inter-Allied bodies and their powers as it may determine from time to time. The Economic Council shall consist of not more than five representatives of each interested Government.

'iii. There shall be added to the present International Permanent Armistice Commission two civilian representatives of each Government, who shall consult with the Allied High Command, but who may report direct to the Supreme Economic Council.'[1]

The powers of the Supreme Economic Council were further discussed by the Supreme Council at a meeting held on the 21st February, and it was then decided that measures of a transitory character should be referred to 'the Economic Council established on President Wilson's motion, while those of a permanent character should be considered by a special Economic Commission to be established later'. The functions of the Supreme Economic Council were defined as follows:

'To examine such economic measures as shall be taken during the period of reconstruction after the War so as to ensure (*a*) a due supply of materials and other commodities necessary for the restoration of devastated areas; (*b*) the economic restoration of the countries which have suffered most from the War; (*c*) the supply of neutral and ex-enemy countries without detriment to the supply of the needs of the Allied and Associated countries.'

The fundamental characteristic of the Supreme Economic Council was that by its constitution it had authority only to deal with problems arising during the Armistice period and which were of a transitory nature. Its place in the general organization of the Peace Conference was thus somewhat apart and divorced from the other bodies. It was responsible for the immediate executive work of handling the economic difficulties of Europe during the Armistice and reported direct to the Supreme Council of heads of States in the same manner

[1] These civilian representatives were, in fact, never appointed to the Armistice Commission. In practice, however, the Military representatives on the Armistice Commission who were in constant touch with the members of the Supreme Economic Council, referred to that Council all economic questions as they arose.

as the Council of Foreign Ministers, which was responsible for foreign policy and the Treaty, and the Inter-Allied General Headquarters which was responsible for military arrangements. But the Supreme Economic Council took no part in the drafting of the economic conditions of the Peace Treaties, which were drawn up by economic experts attached to the Peace Conference, nor was it ever consulted officially by the Peace Conference on any of the economic questions at issue.

Although created after the Armistice the Supreme Economic Council was composed solely of Allied States, so that as a step towards the wider form of internationalism it had no advantage except that it was born into a world in which hostilities had nominally ceased.

The Supreme Economic Council met for the first time on the 17th February 1919, and decided that it should co-ordinate the work of the Inter-Allied Maritime Transport Council, the Food Council with its Committee of Representatives in London, the various Programme Committees, the Supreme Blockade Council, the Supreme Council of Supply and Relief, etc., and thus centralize for the time being the economic policies of the Allied Governments. It was at first intended that these various organizations should report their decisions to the Supreme Economic Council while retaining for the most part their existing organization, but it was later decided that they should be resolved into separate sections of the Supreme Economic Council with their Headquarters at Paris, although the Inter-Allied Maritime Transport Council, which acted as the Shipping Section of the Supreme Economic Council, maintained its existing organization in London. The Food Section assumed the functions of the Permanent Committee of the Supreme Council of Supply and Relief and of the Inter-Allied Food Council, while the Committee of Representatives in London continued for a time to function there as a Sub-Committee of the Food Section; but it was later abolished. The Wheat Executive and the Meats and Fats Executive continued in London but reported from time to time to the Food Section. Sections were formed for the purpose of dealing with finance, communications, raw materials, shipping, etc. The following is a list of the Sections of the Council and the Chairman of each:

Food and Relief Section	Mr. Hoover, U.S.A.
Finance Section . .	Mr. Norman Davies, U.S.A.
Communications Section	General Mance, U.K.
Raw Materials Section .	M. Loucheur, France
Blockade Section . .	Mr. Vance McCormick, U.S.A.
Shipping Section (Allied Maritime Transport Executive) . .	Mr. Kemball Cooke, U.K.

The Supreme Blockade Council became the Blockade Section of the Supreme Economic Council, adopting the title of the Superior Blockade Council.

While it is true that the centralizing of these various inter-allied bodies in the Supreme Economic Council gave the appearance of the establishment of a well-defined co-ordinating organization for dealing with the economic necessities of Europe, in reality the effectiveness of this organization was enormously reduced by the concomitant disintegration of the controls, both national and international, which proceeded rapidly during the first half of 1919. The Inter-Allied Food Council, which had merged into the Food Section of the Supreme Economic Council, was a body shorn of most of the powers which it had enjoyed during the war period; the relaxation of tonnage control prevented the successful adoption of any definite policy in regard to the allocation of the supplies for European countries. It is a fact of great importance that the Supreme Economic Council possessed no executive powers except through the inter-allied organizations which it had absorbed. It never possessed independent funds which it could apply to any object, and its work in connexion with relief mainly consisted in the co-ordination so far as it was able of the expenditure of funds which various Allied Governments had voted for special and restricted purposes, with which it was very difficult for the Council to interfere directly.

The Council was composed of five delegates from each of the principal powers—the United States, France, Italy, and the British Empire. After a time Belgian delegates were added. In the case of the British Empire these were, with the exception of the principal delegate, chosen for each meeting according to the questions under discussion, from a panel of British Empire representatives. It was decided in principle that the meeting should be presided over in rotation by the Chief Representative of each of the Allies, viz. Lord Robert Cecil for Great Britain, Mr. Hoover for the United States, Monsieur Clementel for France, Signor Crespi for Italy. But in practice after the first two or

three meetings, in the first place by the courteous invitation of the Chief Representative of the Ally whose turn it was to preside and later by the tacit but cordial agreement of the whole Council, Lord Robert Cecil almost invariably presided at the meetings in Paris prior to the signature of the Peace. There was also a Permanent Inter-Allied Secretariat which prepared the agenda and agreed the minutes. In addition to the actual delegates, officials who were directly concerned by the business under discussion usually also attended.

Each of the Sections had a Permanent Chairman appointed from one or other of the Allies and a secretary. Meetings of the full Council were always held at the beginning of each week, and frequently more than one meeting was held during the week. The various Sections met later in the week and reported their recommendations for the information or approval of the Council at its meeting early the following week.

The British Empire Economic Committee was an important body so far as the British Delegation was concerned. It was composed of the British delegates on the Council and the representatives on the various Sections together with the chief officials in Paris of all Government Departments affected. It also included representatives of the Self-governing Dominions. It met once a week to consider the problems under discussion and to formulate the general lines of British policy with regard to them. The American Delegation had a similar Committee fulfilling somewhat similar functions.

The greater part of the detailed executive work on each subject was performed by the Sections. Where questions of general political policy were concerned, or if it was found impossible to get substantial agreement in the Supreme Economic Council, the matter was referred for final decision to the Council of Heads of States or to the Council of Foreign Ministers. Generally, however, within the limits of its wide terms of reference, final decisions on economic matters rested with the Supreme Economic Council.

The bulk of the work of the Supreme Economic Council and of its Sections prior to the signing of Peace with Germany related, firstly, to the relief of the famine-stricken countries in Eastern Europe and, secondly, to the revictualling of Germany in accordance with the terms of the Armistice. The practical work accomplished by the Supreme Economic Council

in both these principal directions is surveyed in some detail later.

The most difficult and the most contentious part of the work of the Supreme Economic Council arose out of the economic relations with Germany during the Armistice. For the purpose of co-ordinating the treatment of the various economic problems connected with the revictualling of Germany and the administration of the occupied territory and for relieving the Supreme Economic Council itself of much of the consequent detailed work, the Council constituted on the 14th April a special Sub-Committee on Germany, whose duty it was to co-ordinate the decisions taken by the different Sections with regard to Germany and to form a channel of communication on economic matters to and from the Germans.

At first the only direct communication with the German Government was through the Armistice Commission at Spa, but in March a German Finance Commission was established at Château Vilette, near Paris, and negotiations on finance matters were conducted there directly between the Finance Section of the Supreme Economic Council and the German Commission. In April the Supreme War Council approved a memorandum recommending the establishment of a German Commission at, or near, Paris, which should be able to decide on all questions arising out of the provision of foodstuffs to Germany and on immediate economic relations with Germany.

While a certain number of communications on economic matters continued to be made to and from the German Government through the Armistice Commission at Spa, and were transmitted by that body to the Sub-Committee on Germany for the decision of the Supreme Economic Council, the greater part of the economic negotiations with the Germans henceforth took place at Versailles, which became the headquarters of the German Economic Commission.

One of the most important functions of the Supreme Economic Council and one whose operation involved difficult and delicate questions, was to take over from the Inter-Allied High Command the control of economic affairs in the Occupied Territory of the Rhineland. This control had hitherto been exclusively military in its character. The Occupied Territory had been divided into four zones, occupied respectively by the Belgian, the British, the American, and the French Armies.

These zones had been arbitrarily defined without any relation to the social and the economic structure of the country, and it was inevitable that this should lead to administrative anomalies and to serious disturbance of economic life. While many of the problems dealt with by the Army Commands were primarily of a military nature, others were directly economic or affecting only the civil administration, which was chiefly in the hands of the Germans themselves. Moreover, a large number of Inter-Allied Commissions were dealing with specific economic questions on the left bank of the Rhine: for example, the Armistice Commission at Spa with various Sub-Commissions dealing with the execution of the terms of the Armistice in occupied territory; a number of bodies controlling transport; the Paris Left Bank Committee, mainly concerned with trade and blockade; a General Inter-Allied Economic Commission at Luxemburg, also interested in trade questions; and, finally, the Military Authorities themselves who were taking action each in respect of their own zone. The food supplies for the occupied territory were imported through the Rotterdam Food Commission acting under the Supreme Economic Council, while the actual transport and distribution was undertaken by the Army Commands.

It became clear that economic questions affecting the occupied territories would not be efficiently dealt with so long as so many competing authorities were concerned with them and they had no common policy. Nor could economic questions affecting the Left Bank of the Rhine be dissociated from the policy which was adopted with regard to unoccupied Germany. The Supreme Economic Council therefore recommended to the Supreme War Council on the 21st April that an Inter-Allied Commission, consisting of one Commissioner appointed by each Ally concerned with the administration of the occupied territories, should together with an Italian liaison officer be set up with full authority to co-ordinate the administration of the four Army Commands of all economic, industrial, and food questions in accordance with the policy laid down from time to time by the Supreme Economic Council; and that orders should be issued under the authority of the Supreme War Council to the Army Commands in the various areas that directions given by the Commissioners should be uniformly executed throughout the whole area. In accordance with this decision

the Inter-Allied Rhineland Commission was set up with Headquarters at Luxemburg and later at Coblentz.

The Council also devoted a considerable amount of attention to the general economic effects of the Allied blockade of Bolshevik Hungary and Bolshevik Russia. At the beginning of July it drew the attention of the Supreme War Council to the serious consequences to the economic life of the other states of South-Eastern Europe resulting from the complete cessation of trade and communications with Hungary, and it urged the necessity of the adoption of some policy which would speedily enable international transport across Hungary to be resumed, without necessarily involving the recognition of Béla Kun's Government.

With regard to the Russian problem, it recommended also early in July that credits from the Allied Governments should at once be made to those areas of Russia then under the jurisdiction of the 'Provisional Government of Russia'. It proposed that a Commission should be organized from the countries supplying the credits and goods in order to determine the nature of such credits and commodities to be supplied. For various reasons, however, these recommendations were not in fact carried into effect.

The Blockade of Germany had, as is shown later, been very greatly relaxed prior to the signing of Peace so far as food, raw materials, medical supplies, etc., were concerned. Indeed, from the end of 1918 and onwards, the Blockade of Germany so far as it existed was due not to the action of the Allies but to the break-down of German finance. If Germany had been able to provide the means of purchase, food in full measure to meet her needs would have been rendered available. Nevertheless, the Superior Blockade Council under instruction from the Council of Heads of States maintained sufficient of the machinery of the Blockade in existence, though not in operation, so as to be of use in case Germany had refused to sign the Peace Treaty.

(ii) *Relief Work of the Supreme Economic Council.* From the very day of the Armistice, when orders were given to divert certain wheat cargoes at Falmouth that they might be ready to proceed to any port where their cargoes would be most needed, the Allied Governments recognized the importance of food supplies as a stabilizing factor in the politics of Central and Eastern Europe.

The inevitable defects of the Supreme Council of Supply and Relief have been already alluded to. With the formation of the Supreme Economic Council, the Supreme Council of Supply and Relief became the Food Section of that body, and Mr. Hoover became its Chairman with the title of Director-General of Relief. Mr. Hoover's appointment in this capacity conferred a double advantage upon the Council. In the first place, his own organizing abilities, his vast energy and mastery of detail, had been ripened by years of experience in the intricate science of food administration, both as the Head of the Belgian Relief organization and as Food Administrator of the United States. In the second place, he provided ready to hand a staff and an organization built up under his personal supervision for the relief of Belgium, whose individual members had had in a minor degree the necessary experience of the practical difficulties of reorganizing national life in a country where famine and war have played their destructive parts. Further, the established reputation and high authority of Mr. Hoover in all matters connected with food and relief, as well as the fact that the United States necessarily provided the major part of the actual foodstuffs available for relief, made it easier for him properly to co-ordinate the Relief Missions sent out by the British, French, and Italian Governments with the work of the American Missions. It is a remarkable tribute to the personnel of the various Allied nationalities concerned with relief, as well as to the power of Mr. Hoover's personal authority, that no difference of opinion of any importance at all arose either in Paris or in the many countries in which, under conditions of peculiar difficulty and delicacy, representatives of the various Allies worked side by side in one common task.

Towards the end of February 1919 steps were taken by the Governments of the United States and Great Britain to provide funds for the relief work of the Supreme Economic Council. On the 23rd February Congress voted 100,000,000 dollars for relief, to which some 5,000,000 dollars was added from the President's personal fund. To this vote the condition was attached that it should not be used on behalf of enemy countries. Soon afterwards Parliament voted 12½ million pounds to the same purpose, to be used primarily for relief supplies of food and raw materials from the United Kingdom to any country except Germany, in whose case it had been agreed that supplies

should only be furnished against direct payment, and Belgium, where the Commission for the Relief of Belgium was still functioning.

The provisioning of Germany was arranged for in the Brussels Agreement (alluded to below), but the condition attached to the relief credit by the Government of the United States might have prevented adequate relief work being undertaken in Austria, Bulgaria, and Turkey. At the same time the condition of Austria, and in particular of Vienna, was unhappy in the extreme. The reports received left no doubt as to the urgent situation of the capital, and in Austria perhaps more than in any other European country it was the vital interest of the Allies to secure that the existing Government should not be imperilled by a disastrous failure of the food supply. Among the first considerations of the Finance Section of the Supreme Economic Council was the question how, whether in the form of relief or otherwise, Austria could be supplied with the necessary foodstuffs for which she had at the moment no means of making a cash payment.

An agreement was ultimately reached which may be summarized as follows:

Great Britain, France, and Italy borrowed each 16,000,000 dollars from the United States to be used in payment for foodstuffs of United States origin destined for Austria. These goods were not to be transported in American vessels. In consideration of this loan the Governments concerned agreed to advance credits in equal thirds for the relief of Austria, and to finance food supplies consigned under the organization of the Supreme Economic Council, inclusive of those already supplied under provisional arrangements. The security provided by Austria consisted of gold and silver coinage, certain foreign securities, and the proceeds of sales of timber from State forests. The repayment of this loan was to be a first charge on Austria and was to take priority of her reparation obligations.

Relief Missions were either established by, or brought under the authority of, the Supreme Economic Council in the following countries: Poland, Serbia, Rumania, Turkey, Czecho-Slovakia, Hungary, Austria, the Baltic Provinces and South Russia. A special Relief Mission was also established at Trieste for the purpose of supervising and expediting the deliveries of relief

goods to Austria and other States. The duty of these Missions also was to keep the Supreme Economic Council informed of the situation in periodical reports, and to give all possible assistance, moral and material, to the administration of the countries in which they were situated. Reports were considered at the weekly meetings of the Food Section of the Supreme Economic Council, and later at the bi-weekly meetings held in the offices of the Director-General of Relief.

The relief work accomplished divides itself naturally into:

1. Food and miscellaneous relief;

2. Reconstruction relief, e.g. funds for the repair of railways, telephones, etc.

From the spring of 1919 to the end of the year the work of relief continued. During this period approximately one and a half million tons of relief supplies were delivered at an estimated cost of sixty-five million pounds. This figure is not inclusive of 900,000 tons of food supplied to Belgium and Northern France, nor of 160,000 tons of foodstuffs supplied to Finland by the United States. The gross expenditure, exclusive of loans or of expenditure in relief by the various Allied Armies, amounted to 800,000,000 dollars, of which about 300,000,000 dollars was represented by cash payments. Of this total the British contribution, although necessarily subordinate to that of the United States, is an important and, in many ways, an indispensable item. Serbia, Poland, Rumania, and Austria were the chief recipients of British relief. Amongst other items Poland received some £120,000 worth of bread grains, £60,000 worth of pork products, £144,000 worth of clothing and cloth, £100,000 worth of boots, and £130,000 worth of drugs and hospital material. Serbia received £300,000 worth of bread grains and flour, £155,000 worth of fats, £438,000 worth of clothing and cloth, and £500,000 worth of hospital material. Rumania received £980,000 worth of bread-grain and flour, £26,000 worth of fats, and £27,000 worth of coal. These figures, taken at random, give a fair example of the British share in relief work, but Great Britain did more on critical occasions when immediate relief was vital. She provided ships for the carriage of relief stores other than her own (e.g. when at one period she provided ships as an emergency measure to transport 80,000 tons of United States army stocks which otherwise could not have been lifted). It should be remem-

bered that these additional shipping facilities were given at a time when British shipping was carrying to France and Italy immense quantities, running into millions of tons, of the material most needed for peace reconstruction.

The general rule was followed that no part of the £12,500,000 voted by the British Government for relief should be utilized for the purchase either of American produce or of produce requiring replacement in Allied countries from America, except in the case of supplies sent to enemy countries for which American credits were not available. The greater part of the burden for providing relief foodstuffs naturally fell on America, which alone of the Allies possessed the necessary resources. British credits were in fact used for what Great Britain herself could supply, and the general policy followed was that Great Britain should in all the countries where relief operations were undertaken supplement the relief undertaken by the United States by furnishing such commodities or services as were outside the power of the United States. An alternative policy would have been to concentrate British relief upon certain areas, leaving other parts of Europe to American relief. The policy adopted was undoubtedly wise, emphasizing as it did the collective efforts of the Allies to alleviate the sufferings of the war. In particular it was proposed by the British, and approved by the Finance Section of the Supreme Economic Council, that a considerable proportion of British relief credits should be made available for reconstruction expenditure required in connexion with relief. In most cases the problem of reconstruction was intimately bound up with the problem of food relief. In nearly all countries transportation difficulties, due to the dilapidation of railroads, roads, etc., accentuated, or even created, a food shortage.[1]

British representatives on Relief Missions were instructed to confine themselves closely to a purely advisory and helpful *rôle*. They were forbidden to concern themselves with political matters. A further injunction was that they should not endeavour, under cover of relief work, to advertise or in any way parade the advantages of a British trade connexion.

It is not too much to say that the work of the Allied Relief Missions in Central, South, and Eastern Europe was of incalculable value not only to the relieved but to the Allies. It is short-

[1] For further details of reconstruction expenditure see below under 'Reconstruction Relief'.

sighted to urge that the work accomplished by Relief Missions of this nature was necessarily of a hand-to-mouth character, and provided no guarantee for the future, while even destroying initiative on the part of the peoples who received relief. The fact is that four and a half years of war had so disorganized the economic life of the countries in question that, at the moment when relief was undertaken, food was a prime necessity of existence to an extent never realized under former conditions. It may be contended that the stability of all the provisional Governments established or seeking to establish themselves during the early months of 1919 consisted entirely in the measure of their ability to provide food for their people. In these circumstances, with the Bolshevist peril looming large in the East, even hand-to-mouth relief was of the utmost importance and value.

At the same time not all the relief credits were expended in immediate food relief. Reconstruction in the shape of railway repair, re-establishment of postal communications, etc., was just as immediately urgent and was also of a more lasting character.

4. *Reconstruction Relief. Work of the Communications Section.* Reconstruction relief may be defined as the combined efforts towards the re-establishment of industrial and other communications of Central and Eastern Europe undertaken under the auspices of the Communications Section of the Supreme Economic Council. This body was formed in March 1919 as a purely consultative committee co-ordinating the voluntary efforts of the various Allied Powers:

(1) by the establishment of Transport Missions in the countries concerned;

(2) by securing and administering through its Transportation Missions credits for the purchase of surplus army plant;

(3) by recommending and administering through its Transportation Missions relief credits for the purchase of new railway material and for the repair of existing railway material;

(4) by the allocation, where necessary, of German rolling stock from the Armistice pool.

The Communications Section had no formal executive powers and exercised its functions in the various countries through these Missions by personal influence and by mutual

arrangement with the Administrations assisted. As a matter of fact the decisions of the Communications Section and the representations of its Missions were almost invariably accepted without question throughout Europe, and were acted upon as those of an executive body would be.

The Communications Section found existing in Europe a condition of general transportation very nearly approaching chaos. As a result of destruction or deterioration the communications of Central and Eastern Europe were inadequate to the economic needs of the population, and even to the immediate transportation of the necessary relief stores. The absolute lack of repair material was a further limiting factor in the work of reconstruction, and the disorganization of administration, due to the splitting up of the railway systems by new nationalities created by the Peace Treaty, and, in some cases, the wholesale changes of personnel, were very serious factors in the situation. Moreover, there was a great shortage of coal in most countries, and almost continual labour troubles were experienced, due partly to the unsatisfactory conditions of work, and partly to the reaction from nearly five years of intensive production, coinciding with a general lowering in the standard of living.

The Communications Section was at first composed of representatives of the United States, Great Britain, France, and Italy, together with a representative of Marshal Foch as the Officer Commanding-in-Chief the Allied Armies. Later a Belgian delegate was added, also a representative of the British Naval Section and a financial representative of the French Foreign Office.

Transportation Missions were established by the Communications Section in Poland, the Baltic Provinces, Austria, Hungary, Czecho-Slovakia, Yugo-Slavia, and the Adriatic (with Headquarters at Trieste). In addition, there were British Military Missions in Rumania, Serbia, and Bulgaria (based on Constantinople), a British Military Mission in Trans-Caucasia, and French Missions in Rumania, Northern Greece, and Turkey, while Inter-Allied Communication Missions were established for the rivers Danube and Elbe.

It was agreed that, although the functions of the Communications Section were economic rather than military, the existing military organization alone possessed at the time the facilities

for prompt and effective action. It became necessary, therefore, that the Technical Missions sent out by the Supreme Economic Council should define their relations with any existing Military Missions under the High Command. These relations were defined as follows:

'When a Military Mission exists under the High Command its relations with the Technical Missions of the Supreme Economic Council will be the same as its relations with the Civil Organization concerned, to assist which is the duty of the proposed Mission.'

The Technical Missions of the Communications Section reported to, and received instructions from, the Communications Section through the channel laid down by the Ally responsible in each case for executive action. The general principle followed was for Missions to be sent to every country assisted, but in each case one Ally was charged with the necessary local executive action.

The work of reconstruction proceeded throughout the year. In many cases, notably in Serbia and the Baltic Provinces, an almost complete destruction of communications, railway, postal, and telegraphic, had to be overcome. In others, e. g. Poland, Serbia, and Rumania, grants were made from British Relief credits for the purchase of repair material. Armistice locomotives and wagons were furnished to Poland, Lithuania, Czecho-Slovakia, Serbia, and Rumania. Different Missions had different difficulties to contend with. The work of the Polish Mission was much hampered by the fact that military operations were proceeding throughout almost the entire period of its labours. The Austrian Mission was chiefly concerned in securing the minimum supply of coal necessary to ensure Austrian railway communications. The Yugo-Slav Mission was chiefly occupied in recreating from the beginning the destroyed railway system of old Serbia. In this latter case reconstruction advanced so far that on the 13th October 1919 through railway communication was restored between Paris and Constantinople by the opening of traffic on the new railway bridge over the river Save at Belgrade.[1] The Adriatic Mission was chiefly concerned with the control and expedition of relief supplies through Trieste to the various parts of the old Austro-Hungarian Empire.

[1] The bridge was closed again towards the end of the year, but is expected to reopen shortly.

The Communications Section further undertook the work of restoring the communications of the Danube. A provisional Danube Commission was formed at the end of April 1919, under the presidency of Admiral Troubridge, R.N., to facilitate the circulation of relief goods and commercial barges, to collaborate with the Communications Missions established in the Riparian States, and to improve, as quickly as possible, the means of communication between the Commands of the three sections into which the Danube was divided for executive working purposes. This Commission accomplished invaluable work in these directions, and paved the way for the Commissions set up under the Peace Treaty for the eventual control of the Danube by including representatives of all the non-enemy Riparian States. Further, the Communications Section, in order to relieve the strain on the transport of relief to Czecho-Slovakia, through Trieste, took steps in April 1919 to open the Elbe for relief traffic to Czecho-Slovakia.

In all the fields of its activity the Communications Section strove to accomplish work of permanent value. It took the largest share in the repair and reorganization of destroyed railway systems. Without its efforts the food supplies voted for the relief of the distressed countries of Europe would never have reached their recipients. Further, the information which in the course of its labours the officers attached to its various Missions have collected as to conditions in general, quantity and quality of rolling stock, etc., is proving, and will prove, of the utmost value to the various Commissions established under the Peace Treaty for the final regulation of matters of this nature.

In mid-February 1920 the Commission for the Repartition of rolling stock in the old Austro-Hungarian Empire, entered upon its work at Vienna under the presidency of Sir Francis Dent. This Commission will work almost entirely upon statistics collected by the Transportation Missions of the Communications Section. The Communications Section has also concerned itself with the question of the resumption of through train services in Europe.

5. *Negotiations with Germany on the Economic Clauses of the Armistice.* (*a*) *General Arrangements under the Armistice Agreement.* It was well known to the Allies that the pressure of the blockade upon the economic life of Germany during the latter part of the war had become extreme. In articles other

than food, it was possible to manage after a fashion, by the aid of numerous substitute materials; but in the case of foodstuffs, the nutritive value of the substitute foods which were consumed in large quantities was exceedingly small, and the population suffered intensely from the lack of the most essential articles of normal diet. Owing to the cutting off of the great quantities of fodder which Germany had been accustomed to import before the war, her live stock diminished both in quantity and quality. Meat, milk, and all forms of animal fat grew exceedingly scarce, and no effective substitute for these could be found within the country. The importation of artificial fertilizers had also ceased during the war, with the result that the yield of cereal crops, potatoes, and sugar beet had diminished to a great extent. Germany also suffered from a number of bad harvests during the war. The greatest shortage of all that the German population had to endure was during the winter of 1916–17, when a considerable proportion of the people had to live largely on swede turnips and kohl-rabi; many of the weakest were killed off during this period, and the powers of endurance of the remainder were very much reduced. At the end of the war conditions were no worse than during previous years of the war, and were better than the winter of 1916–17: the effect on the population, however, of lack of protein and animal fat was cumulative, and the working capacity and power of resistance to disease of the people had been greatly reduced by the end of 1918. The Inter-Allied Scientific Food Commission has estimated that the average 'man' doing normal work requires 3,300 calories per day in order to maintain his health and working efficiency. Before the war, the average consumption in Germany amounted to as much as 4,020 calories per man per day, but at the end of the war the food obtainable on the German ration cards yielded only about 1,500–1,600 calories. The actual producers of food were of course much better off, and those who had money to buy additional food through illicit trade could supplement their official rations to a considerable extent; but most of the poor in industrial districts and of the middle classes with small incomes were forced to be content with food far below their normal health requirements.

The knowledge that Germany had not got enough food to tide her over until next harvest, and the fear that complete

anarchy might break out unless measures were taken by the Allies, led to the insertion in the Armistice Agreement of 11th November 1918 of Article XXVI, which was to the effect that, although the blockade would continue to be maintained in principle, the Allies would permit the provisioning of Germany to the extent that would be considered necessary.

A great reduction in the merchant tonnage owing to the submarine campaign necessitated the immediate putting into use all the vessels of the German merchant fleet, and on the second renewal of the Armistice of the 16th January 1919, the German Government agreed to place for the duration of the Armistice the whole merchant fleet under the control and under the flags of the Allies. The details respecting the employment of German tonnage were drawn up in the Agreement of Trier of the 17th January 1919, when the Allies stated that they were prepared to permit the importation in the first instance of 200,000 tons of breadstuffs and cereals and 70,000 tons of pork products and condensed milk provided that the German mercantile fleet was at once handed over.

A protracted series of negotiations then took place at Spa and Trier during the next two months to regulate the conditions of supply of food to Germany, the terms on which the ships were to be transferred, and the method of payment for the food. The delay in making actual deliveries of food arose from the refusal at first of the German Government to hand over the ships in accordance with the Armistice Agreement, without first receiving a guarantee from the Allies for the delivery of definite quantities of food before the harvest. A settlement was finally reached by the Brussels Agreement of 13th–14th March 1919. It was under this Agreement that the whole of the subsequent deliveries of food to Germany were made during the Armistice period to the end of August 1919. The Allies undertook :

(i) To provide themselves, or to give permits for the import from neighbouring neutrals of such part of the 270,000 tons of the food agreed to at Trier as was not covered by contracts which had been made in the earlier agreement. This was subject to the immediate sailing of the German ships from their harbours.

(ii) To give Germany facilities for the purchase and import up to 300,000 tons of breadstuffs or their equivalent in other

human foodstuffs and 70,000 tons of fats, including pork products, vegetable oils, and condensed milk. These quantities did not include fish caught in European waters, or vegetables.

(iii) Germany was allowed to export all commodities except those to be enumerated subsequently in a prohibited list, to any neutral or other approved destination, but the proceeds from these exports were required to be converted into payment for foodstuffs.

(iv) It was agreed that the carriage of German supplies by the 1st September should be a first charge upon the use of the German mercantile marine.

(v) All ships over 2,500 tons gross (with a few exceptions) were to be delivered forthwith, while the question of the provisional exemption of ships between 1,600 and 2,500 tons was held over for further consideration.

(vi) Germany was permitted to import foodstuffs within the above quantities from neutrals.

(vii) Germany undertook to transfer at once sufficient gold to pay for the foodstuffs that were immediately to be sent in. She undertook at the same time also to set in motion arrangements for requisitioning all the securities in Germany which might be used for financing purchases from overseas and to furnish lists of such securities for which the Allies might make such selections as are likely to be most useful for this purpose.

It was further decided that an Inter-Allied Food Commission should be established at Rotterdam to negotiate with representatives of the German Government with regard to details of quantity, prices, and other commercial arrangements arising out of the deliveries in the agreement. It was later arranged that a Shipping Commission also should be established there for working out details arising out of the transfer of the German mercantile tonnage. The Food Commission referred all questions of policy to the Food Section of the Supreme Economic Council, whilst the Shipping Commission referred in the same way to the Allied Maritime Transport Executive.

(*b*) *Execution of the Programme of Supplies in the Brussels Agreement.* The delay which took place in the handing over of the German merchant fleet had serious results. The tonnage situation was still very far from normal and the Allies were committed to a large relief programme in respect of most of the European countries. The shortage of tonnage throughout the world was

an important factor in limiting the supplies which could be brought quickly to Europe. Indeed the supplies of the Allies were in great danger of falling into arrears. It was not until the end of May that German ships which had been sent to load in the United States began to arrive with their cargoes in German harbours, while the vessels which were sent to the Argentine did not begin to leave South American ports for Germany until July. By the 1st September 1919, steamers totalling 1,598,210 gross tons had been delivered to the Allies of which about 1,000,000 tons were under British management.

The administration of the enemy tonnage was undertaken by the Allied Maritime Transport Executive which worked for this purpose as the Shipping Section of the Supreme Economic Council. It was laid down by the Supreme Economic Council that the following purposes should have priority in use of German tonnage during the period covered by the Brussels Agreement:

(i) The carriage of foodstuffs to Germany up to the limit made by the Allies.

(ii) The carriage of supplies for military purposes in general.

(iii) The supplementing of the Allied tonnage programme.

The German Government was credited with the bare boat hire of their ships under Allied management averaging about 12*s*. per gross ton per month, and they were charged for the freight on supplies carried to Germany at British Blue Book rates. As has been pointed out, the delay in the handing over of German tonnage necessitated the diversion of tonnage from other programmes, and deliveries were necessarily slower than they would otherwise have been. By the end of April not more than 200,000 tons in all had been delivered by Great Britain and the United States. In anticipation of the signature of the Brussels Agreement, stocks of food had been stored in Rotterdam in readiness for shipping; and, on the arrival of the first deposit of gold at Brussels a few days after the agreement was signed, deliveries began to be made to Germany. The first British consignment consisted of pork products and condensed milk, which were commodities of which Germany was specially urgently in need. As a result in the delay in the handing over of German tonnage, it was found necessary, to secure continuity in the supply of foodstuffs to Germany, to employ Wheat Executive tonnage of which the main proportion available for

diversion was British. The fulfilment of monthly deliveries of food to Germany contemplated under the Brussels Agreement was hindered more than in any other way by the difficulty experienced by Germany in financing her imports. The Allies had laid down that no goods should be sold to Germany on credit, and that she should only receive such quantities of food or other materials as she could pay for in actual cash or its equivalent. A large part of the work of the Finance Section of the Supreme Economic Council consisted in examining and testing various proposals put forward for the finance of these imports.

All the obvious methods of making payments abroad broke down in practice. The large sums already borrowed from European neutrals and the disorders in the interior of Germany prevented the raising of new credits from those countries on any appreciable scale. It had been anticipated that the use of German tonnage for Allied purposes would show a credit balance which could be used to cover part of the German food purchases. In point of fact the receipts arising from the hire of the German ships were more than off-set by the freight charges for the carriage of German supplies and by considerable expenditure for bunkering, repairs, etc., the net result being a debit on the food account. The extreme shortage of raw materials and food resulting from the blockade, the break-down of transport inside Germany, and the unrest caused by the revolution combined to prevent any large exportation of goods from Germany.

The sale of German-owned foreign securities proved very disappointing: the greater part of the holdings were not immediately realizable and the process of collection and sale involved considerable time, so that scarcely any resources were available from the sale of these securities until after the termination of the period covered by the Brussels Agreement. The final estimate of the realizable value of the foreign securities within a relatively short period is not more than £20,000,000. The one large source of foreign purchasing power abroad which remained to Germany was the stock of gold valued at about £120,000,000, which was accumulated in the Reichsbank. Small quantities of the gold holdings in the Reichsbank had already been used during the war to finance purchases from neutral countries, but the stocks still stood at the end of the year at more than double the pre-war amount. There were many objections urged

from the point of view both of the Allies and of Germany against the export of large quantities of German gold, but finally the lack of any other means of payment overcame this reluctance.

The whole of the supplies of food from the United Kingdom and the United States were paid for by German gold which was placed at the disposal of the Allies in Brussels or Amsterdam. The nominal value of the gold handed over amounted in all to 1,050,000,000 gold marks (£52,500,000 sterling). This gold was divided between the two Allies by mutual arrangement in accordance with the amounts of the contracts which each made for the supply of food to Germany. The United Kingdom received £16,000,000 sterling and the United States £36,500,000 sterling.

The German Government all along was exceedingly unwilling to agree to deliver up additional consignments of gold, and deliveries under contracts were continually being held up owing to lack of the necessary finance. This involved considerable delays and modifications in the order in which the different contracts were fulfilled, since many of the products supplied by the United Kingdom (for example, bacon and vegetable oils) were of a perishable nature and could not be easily stored without danger of deterioration. In certain cases, in which products of this order were concerned, shipments were allowed to Rotterdam in anticipation of funds which were on their way, but no actual deliveries could be made until the necessary finance had been received. At the beginning of May the delay on Germany's part of making payments was so serious that it even appeared as though part of the contracts already made would have to be cancelled.

During the period covered by the Brussels Agreement, the British Government contracted to supply to Germany, including the occupied territories, 300,950 tons of foodstuffs at an approximate cost of £15,104,000 c.i.f. Rotterdam, and by the end of August 228,000 tons (value £10,231,000) had been delivered. By about the same date the United States had delivered 482,828 tons of foodstuffs, while France had supplied 21,332 tons of palm kernels and fat backs. The bulk of the British deliveries consisted of fats, while the American deliveries were mainly cereals. Thus under the Brussels Agreement and for the most part before the formal removal of the blockade, the Allies had facilitated the import into Germany of 732,000

tons of foodstuffs; in addition a considerable but unknown quantity of foodstuffs was imported by Germany over her land frontiers, and she had received 131,000 tons of wheat and 12,300 tons of linseed from the Argentine. More could certainly have been provided if Germany had been able or willing to pay for it, but the quantities supplied could not in the time have been very largely increased owing to the shortage of tonnage, for which the delay in handing over the German vessels was to a considerable extent responsible.

In fixing the prices at which British supplies were sold to Germany, care was taken to avoid justification for the reproach that profits were being made at the expense of Germany's necessity. The prices charged were not strictly speaking full commercial prices, for they were either the current market price in the country of origin without regard to the probable course of the market, or else the actual cost of the supplies to the British Government. The prices were quoted c.i.f. Rotterdam. In the case of fats, the prices of many of the articles supplied as determined on this basis turned out exceedingly favourable to the Germans. For example, linseed oil was still being supplied in November 1919 under contract at £78 per ton, although the world price at that moment was £120. Rice was another conspicuous example of a similar nature. On the other hand, in the case of potatoes the movement of markets was rather against the German Government.

The distribution of the imported foodstuffs inside Germany was a responsibility laid upon the German Government, which fixed its own prices for internal sale. It was laid down in the Brussels Agreement that the Germans should distribute their supplies, including both domestic and imported foodstuffs, in such a way that the total rations should be approximately equivalent in the occupied territories as in the rest of Germany. The allocation of foodstuffs as between the occupied and the unoccupied territories was determined by the Rotterdam Food Commission, in conjunction with representatives of the German Government. A stipulation was made in the Brussels Agreement that no food supplies from Allied sources should be distributed to unemployed persons, who by their own fault or choice failed to obtain work. This clause was inserted mainly with a view to assisting the German Government to check the spread of internal disorders inside Germany,

and to increase her ability to export goods in payment of foodstuffs. For the same purpose it was suggested to the Germans subsequently that it was advisable that the imported food should be distributed primarily to the mining and industrial districts. The Germans did in practice give preference in this respect to coal-miners, to large towns with over 50,000 inhabitants, and to industrial districts. Owing to the political uncertainty connected with the Peace terms, a good deal of imported food was not actually distributed but was stored up against emergencies, especially in the event of the non-signature of the Peace and the renewal of the Allied blockade. When the German Government finally decided to sign the Peace its stocks of fats were so large that it was able shortly afterwards to double the food rations throughout Germany. On the whole the distribution of the imported food by the German authorities appears to have been efficiently and satisfactorily carried out.

(*c*) *Revictualling of the Occupied Territories on the Left Bank of the Rhine.* While the sending of food to unoccupied Germany was inevitably delayed by the failure of the Germans to hand over their ships in accordance with the Armistice obligations, the state of the civil population in the German territory under the administration of the Allied Governments was such that it was evident that, in order to preserve tranquillity amongst the population, supplies must be imported at once without waiting for the fulfilment of the Armistice conditions by the German Government. At the commencement of the occupation, the several Armies undertook responsibility for the food supply of their areas. To secure co-ordination, the Supreme Economic Council on the 25th February 1919 placed the feeding of the territories on the left bank of the Rhine under an Inter-Allied Military Commission which reported to the Food Section. Subsequently, the responsibility for settling questions of principle on the subject of food distribution in the occupied territories was transferred to the Inter-Allied Rhineland Commission, responsible as before to the Supreme Economic Council. The final distribution of imported foodstuffs within each army zone was undertaken by the German Civil Authorities entrusted with the local distribution of food in general.

The first supplies to be distributed in occupied territories were surplus army stocks, which were issued as emergency rations by the Military Authorities to the German Civil authorities.

In the British zone distribution began at the end of March. Owing to the low value of the Mark, it was not possible to demand from the population the whole of the cost price of the rations expressed in Marks, and, as the Civil Authorities were unable to bear the financial loss involved in selling the rations below cost price, it was decided under the Brussels Agreement that emergency rations should be issued to the German Food Authorities against a receipt, and that the cost of these supplies should be met out of the general funds provided by the German Government for imported foodstuffs for the whole of Germany. Emergency supplies of this nature were continued until the 15th May. The total value of the emergency supplies issued in the British zone in the form of army stocks and to be paid for out of the general German Food account was £772,706.

The British and part of the American supplies under the Brussels Agreement were shipped to Rotterdam in the first instance and were dealt with there by the Inter-Allied Rotterdam Food Commission. It was at first arranged that 10 per cent. of the total quantity of foodstuffs sent into Germany should be allocated to the occupied areas, but this proportion was later raised to 12 per cent. in conformity with the German general rationing plan, which it had been requested by the Allied Governments should be laid before the Food Section of the Supreme Economic Council.

As was to be expected, owing to the large amount of food which was imported in the occupied territories through the agency of private trade, food conditions there improved very rapidly from the end of May onwards, and towards the end of the period covered by the Brussels Agreement were such that for a time the whole of the imported foodstuffs arriving at Rotterdam were diverted to the unoccupied parts of Germany. The very high prices in Marks at which the imported foodstuffs had to be sold, prevented demand from expanding with the increase of supply.

(*d*) *Relaxation of the Blockade.* When hostilities came to an end with the signing of the Armistice, Germany's overseas trade, with the exception of the Baltic, was completely cut off by the naval blockade; at the same time, her commerce with the neutral European countries was strictly limited by a number of conventions which had been made between the Allied

Powers and the Neutral Governments. These agreements restricted the export to Germany from neutral countries of both imported and domestic supplies: (*a*) The imports of food, raw materials, etc., into these countries were rationed in accordance with their minimum domestic consumption by the Allies on condition that the goods in question were not re-exported. To ensure the fulfilment of this guarantee, the goods were consigned to special associations recognized for this purpose by the Allied Governments and subject to the supervision and control of Inter-Allied Trade Committees situated in the principal ports of the countries concerned. All firms suspected of enemy dealings were 'black-listed', *i.e.* debarred from receiving imports. (*b*) With regard to domestic commodities, the Neutral Governments undertook to give the Allied Governments option to purchase a certain percentage of their exportable surplus of various products or in some cases the whole of it, and to restrict their exports of these articles to Germany to certain specified quantities. The blockade thus exercised a very effective check on the exportation of goods from European neutrals to Germany.

The determination of the blockade policy to be pursued during the period of the Armistice was a matter of great difficulty. On the one hand, humanitarian considerations resulting from the known distress and hunger in Germany; the grave peril of Bolshevism and internal anarchy inside Germany; and the desirability of enabling Germany to resume her economic activity and thus be in a position to make reparation for the destruction which she had wrought, pointed to a speedy relaxation of the blockade and a restoration of import and export facilities to Germany. On the other hand, the fear that Germany would be able during the Armistice to accumulate large reserves of food and other material if the blockade were relaxed and that, with the consequent access of strength, she might refuse to sign the Peace Treaty; and, further, the disinclination to permit Germany to utilize means of payment such as gold and securities for the purchase of foodstuffs, etc. which would otherwise be available to meet some of the reparation claims of the Allies, afforded important reasons in favour of maintaining the blockade with undiminished severity. The Armistice agreement of the 11th November had in fact maintained the blockade in principle but stated that

'The Allies and the United States contemplate the provisioning of Germany . . . to such extent as shall be found necessary'. In practice, however, the effective operation of the blockade was reduced to a very great extent during the Armistice, as a result mainly of the Brussels Agreement and of the measures taken to secure its fulfilment. These in effect removed the blockade so far as foodstuffs were concerned.

During the course of the Armistice, the previous limitations on the import and export trade of neutral countries were gradually suspended. As early as January 1919 the Supreme Council of Supply and Relief had recommended the relaxation of the existing quantitative restrictions on the import of certain cereals and other foodstuffs, and during February and March the permitted quantities were considerably increased, or, in some cases, commodities were definitely placed on the free list. As a result of the rations established under the Brussels Agreement, re-export to Germany was permitted subject to the concurrence of the Food Section and to a licence being obtained from the Inter-Allied Trade Committee; and the Supreme Economic Council agreed at its third meeting that any quantities of food exported to Germany from neutrals should be allowed to be replaced. By April, quantitative restrictions on the import of foodstuffs were wholly suspended; and on the 28th of the same month—it being plain that Germany would not succeed in importing anything like the full quantities allowed under the Brussels Agreement—the Supreme Economic Council decided that a licence was no longer required for the export of foodstuffs from neutrals to Germany. Thus by the end of April there was no limitation on the import of foodstuffs into neutral countries except for such regulations as the exporting country might see fit to prescribe, and no check on re-export except as regards Bolshevik Hungary and Bolshevik Russia.

With regard to the limitation on the export of home-grown produce from neutral countries, the existing limitations on the export of fish from Norway, Sweden, and Denmark were withdrawn in March, as a result of the Brussels Agreement; but were maintained in the case of Holland owing to the fact that the natural market for the relatively small catch of Dutch fish was the Occupied Territory, which was able to absorb the whole quantity offered.

At the beginning of April the Supreme Economic Council

agreed to the removal of restrictions on coastal and fishing traffic between German ports and on the passage of German ships between Germany and Scandinavian neutrals, subject to the condition that the Allied naval authorities were informed of the names of the ships employed on different voyages and that licences were obtained from the Inter-Allied Transport Commissions for the import of goods other than foodstuffs into Germany. The existing procedure in regard to the examination of ships' manifests was also modified in Germany's favour.

On the 24th March the Supreme Economic Council agreed that, with a view to assisting Germany to obtain credit in neutral countries for the purchase of food supplies, an immediate announcement should be made that no firm in any neutral country would in future incur the penalty of black-listing on account of permitted dealings with Germany, and that negotiations with neutral firms, though included in the 'black lists', would be permitted subject to the approval of the Blockade Section. Later on (on the 24th April) the Supreme Economic Council agreed to the definite withdrawal of black lists. Nationals of Allied countries were permitted to trade with Germany subject to such conditions as their Governments saw fit to impose, and on the 22nd April the Supreme Economic Council decided that remittances to Germany should be permitted, the proceeds being made available for the food account.

In order to enable Germany to purchase larger quantities of food from neutral countries, the Finance Section agreed with representatives of the neutral Governments that Germany should be permitted to export 29,000,000 gold marks to these countries for the payment of interest on previous credits which she had raised there, on the understanding that the loans were renewed and additional credits were extended to Germany. Germany was also permitted to export gold and securities for certain specific food purposes, e. g. in part payment for a quantity of Norwegian herrings and fats. As a result of these various measures, Germany was enabled to finance considerable food purchases from neutral countries; her food imports from Norway, Sweden, Denmark, and Holland, subsequent at the end of October at about 74,375 tons, a considerable proportion of which came in during the period to the end of August. By the 1st September, 130,909 tons of wheat and 12,338 tons

of linseed had also been received by Germany from the Argentine, this purchase having been financed by the sale of German-owned securities to the Argentine.

So far as the import of raw materials into Germany was concerned the Blockade was lifted in May to the extent that Germany was permitted to import raw materials which were German property and paid for before May 1919, and which were at that time in adjacent neutral countries and the Scandinavian states. The extreme difficulty which the Germans experienced in financing the importation of absolutely indispensable foodstuffs, rendered it necessary to confine to the importation of food virtually the whole of the German gold and other finance available for the purchase of foreign supplies. As an exceptional case and in order to increase the output of coal, the Allies sanctioned, in accordance with the Brussels Agreement, the importation of 30,000 tons of petrol and a considerable quantity of mining materials required by Germany for the production of coal, but lack of finance prevented the importation of these supplies. In order to increase Germany's capacity to finance the import of foreign foodstuffs, the blockade restrictions on her exports were, to a large extent, removed, and she was permitted by the Brussels Agreement to export to any approved destination all goods except those on the prohibited list, which was drawn up subsequently. She was also permitted to dispose of German cargoes held up in neutral ports, subject to the proviso that the whole of the proceeds of these exports should be made available for food purchases.[1] In order to enable her to make arrangements for the marketing of her products overseas for this purpose and for the purchase of foodstuffs in the Argentine she was permitted to communicate by post and cable with any neutral country, in regard to the exportation of any commodities not on the prohibited list and in regard to the importation into Germany of foodstuffs and raw materials. The list of prohibited exports referred to above consisted of two classes of goods; the first, the export of which was absolutely prohibited in principle, comprised:

Gold	Securities
Silver	War Material.

[1] Later this was extended to cover all kinds of 'permitted imports'.

The second list:

Coal	Sugar
Coke	Window glass
Lumber	Electrical Machines and parts
Timber and Wood-pulps	Machine tools
Dyestuffs	Machinery.
Certain types of Iron and Steel.	

The exportation of goods on this list was permitted subject to a right of pre-emption on the part of the Allies. Germany was free to export overseas one-third of her exportable surplus of these goods, but the remaining two-thirds were to be offered, in the first instance, to the Allies for purchase at equitable prices determined by them: if the option were not exercised within four days following the receipt of the statement of the surplus available for export during the succeeding month, Germany could export the whole of that quantity to overseas neutrals. The Allied option did not hold good for that part of the surplus which was exported overland to contiguous neutrals. It was very difficult to carry into effect the provisions of this ruling, and in practice the Allies were not in a position to control the quantities of German goods that were exported.

These attempted limitations were due to the double fear, firstly, that stocks of goods thought to be required for reparation purposes might be disposed of before the Treaty was signed or reparation became operative; secondly, that industries in Allied countries, particularly in the devastated areas, might be prevented from recovering by being undersold by goods accumulated for this purpose by Germany during the war. Whilst the first had some substance, events have shown that the second had no real foundation.

The effect of these measures was that, months before the Germans signed the Peace Treaty at Versailles, the blockade had been relaxed to so great an extent that only the skeleton of it remained, although the machinery still continued, ready to be reimposed, if need be, in the event of Germany refusing to sign the Peace Treaty.

6. *The Organization of the Supreme Economic Council after the signing of Peace with Germany.* The Supreme Economic

Council had been created for the express purpose of dealing with relief, transport, and economic problems during the Armistice. Some part at least of the formal justification for its continued existence would therefore appear to have lapsed with the signing of the Peace Treaty and the prospects of complete ratification. But it was evident that the economic factors which had led to the formation of the Supreme Economic Council had by no means lost their significance by July 1919.

On the 28th June, at the last meeting attended by President Wilson, the Council of Heads of States came to the following decision:

> 'That in some form international consultation in economic matters should be continued until the Council of the League of Nations has had an opportunity of considering the present acute position of the economic situation, and that the Supreme Economic Council should be requested to suggest for the consideration of the several Governments the methods of consultation which would be most serviceable for these purposes.'

The Supreme Economic Council accordingly set up a Committee on Policy to report on the form of organization desired. The Committee proposed that an International Economic Council should be constituted to take the place of the Supreme Economic Council, and that it should hold its meetings in each of the chief Allied capitals in turn, its first session to be held in Washington immediately after the ratification of peace by the United States. Unfortunately internal political events delayed the ratification of peace by the United States, and it was not possible to proceed with this part of the proposals. For a time the possibility of widening the scope of the Supreme Economic Council and including representatives of other countries on that body was canvassed; but it was impossible to obtain general agreement, and the proposal was dropped. The Supreme Economic Council therefore retained its old title, but the arrangement of holding, at wider intervals, meetings in the different Allied capitals in place of the weekly meetings in Paris was adopted.

The situation from the point of view of the organization and work of the Supreme Economic Council was fundamentally different in a number of important respects after the German ratification of Peace. In the first place, the general lines

of administration of relief in Eastern Europe had been laid down, and the organization of the supply of food to Germany was in full operation. There remained, therefore, little more work to be done by the Council so far as questions of relief policy were concerned. The Brussels Agreement with Germany came to an end at the end of August, while in the case of the relief countries the necessity for the supply of food was, with the exception of Austria, rapidly ceasing with the approaching harvest. By the end of August there was little left for the Supreme Economic Council or its Food Section to accomplish in respect of what had been its two chief functions hitherto, save to wind up its commitments.

Secondly, the Committee on Organization of the Reparation Commission had been set up with the signing of Peace and was playing a considerable part in the external economic relations of Germany and Austria.

Thirdly, the breaking up to a large extent of the organization of the Peace Conference in Paris and the withdrawal of the Americans led to a transfer of the economic centre of gravity from Paris to London.

Fourthly, the rapid decline in the exchanges of the Allied countries in Europe and the increasing difficulty of financing importation from the producing countries, made it clear that the conditions of supply of necessaries for the Allies themselves could no longer be neglected and the economic interests of the European Allies required a closer degree of co-operation and mutual assistance.

Fifthly, the American delegates regarded their mandate to the Supreme Economic Council as having come to an end with the signature of Peace. Although they continued to sit on the Supreme Economic Council for a time (the last meeting attended by American delegates was on the 1st August), they were principally concerned during that time with completing the deliveries of food which the United States administration had agreed to make, and making arrangements for closing down their organization throughout Europe. Mr. Hoover and all the American delegates who had been primarily concerned with the Council had returned to America by September and were not replaced.

The new work that lay before the Supreme Economic

Council was indicated in a reference made to it by a decision of the Supreme Council in July:

'*Resolved,*

'That the problems arising out of the present difficulties of providing food, coal, and raw materials to Allied Powers should be submitted to the Supreme Economic Council for examination and report.'

In order to deal with the problems thus raised, the Supreme Economic Council built up a new type of organization.

(i) *Food.* At the meeting held in London on the 1st August, the British, French, Italian, and Belgian Delegations on the Council agreed that, in view of the fact that the continued internal control of certain foodstuffs (for example, wheat and sugar) was inevitable, co-operation in national buying would prevent an undue rise in prices of essential foodstuffs. It was accordingly decided that a Committee with representatives from the different Governments, including producing countries, should be entrusted with the determination of questions on general policy and the collection and study of data, and that the Wheat Executive should be retained as a Consultative Body. The American Delegates stated that, owing to the fact that the American Food Administration came to an end with the signature of Peace, and as they had no authority to act in this matter, they could not take any active part in the proposals laid down without instructions from Washington. They put forward, however, the objection on general grounds, that joint purchasing of this nature on the part of the chief European consuming countries might react unfavourably on the future supply of foodstuffs to Europe by decreasing production in the producing countries, and they urged that such a scheme should not be carried out except with the co-operation of the United States Government. The other Allied delegates agreed that the co-operation of the United States was of the utmost importance, and stated that they would place the scheme before its final adoption before the United States Government with an invitation to co-operate. This invitation was in fact communicated to the United States Government, but henceforth the United States took no direct share in this or any other of the activities of the Supreme Economic Council.

A memorandum providing for the establishment of the Consultative Food Committee was agreed to at the meeting of the Supreme Economic Council in Brussels on the 20th September

1919. It was laid down that the headquarters of the Committee should be in London. Its functions were 'To provide a means of consultation on questions of food policy, and the co-ordination of action in connexion therewith, with the intention of bringing producers and consumers into close relation so as to avoid profiteering which reacts on the general cost of living throughout the world'. Each party to the agreement undertook to be responsible for providing its own finance and tonnage.

The Consultative Food Committee set up Sub-Committees to deal with the following commodities:

(*a*) Wheat and flour.
(*b*) Meat.
(*c*) Sugar.
(*d*) Hog products.
(*e*) Butter and cheese.

The procedure of these Sub-Committees was in many respects similar. Orders for purchases were sent to the various exporting countries. In the case of wheat and flour, meat and sugar, orders for purchases were sent to the various exporting countries through the agency of a single organization, in all cases that set up by the British Government. Purchases which for some reason or other could not be made according to this method were reported by the respective Allied delegates to the Sub-Committee concerned, so that complete exchange of information regarding prices and available supplies was effected. In the case of hog products, it was agreed that purchases in New York on behalf of each country should be co-ordinated among the buying agencies of the several Governments. In the case of butter and cheese, it was arranged that in North America and other exporting countries, Belgian, Italian, and British buyers should co-operate within agreed limits of price. Repartition of purchases in Denmark was also agreed, and the French Government undertook to prevent competition by private importers by restricting the use of refrigerated tonnage to normal Government imports.

Under the original constitution of the Consultative Food Committee, its functions ceased on the 31st December 1919, but it was decided at the Rome meeting of the Supreme Economic Council on the 22nd November that the Consultative Food Committee should be prolonged until the 31st August 1920,

and the Sub-Committees of the Consultative Food Committee should be continued in operation so long as the Consultative Food Committee held their continuance to be necessary.

In addition to its function in relation to the supply of foodstuffs to Allied countries, the Consultative Food Committee also served as an expert body to which the official food requirements presented to the Allied Governments by the German and Austrian Governments respectively were submitted for examination and criticism on behalf of the Reparation Commission.

(ii) *Coal.* The Supreme Economic Council agreed on the suggestion of the American delegates at its meeting on the 1st August that the Supreme Council should be asked to establish immediately a Coal Commission to undertake the co-ordination of the production and distribution of coal throughout Europe. The Reparation Commission for Germany, the Teschen Commission, the Plebiscite Commission for Silesia, and the different Commissions charged with transport, should all be instructed to co-operate with this Coal Commission and assist in the work of the Coal Commission to the full extent of their powers. A Committee was appointed to draw up recommendations for the Supreme Council which were approved by that body, constituting a European Coal Commission composed, in addition to two representatives of the principal Allies, of representatives of Czecho-Slovakia and Poland. The European Coal Commission reported direct to the Supreme Council and not through the Supreme Economic Council. It established a Sub-Commission in Mährisch Ostrau, in Bohemia, to co-ordinate the work of the mines in Upper Silesia, Teschen, and Dombrova, to stimulate their production and regulate distribution. Germany was invited to send representatives to the Sub-Commission, but declined to do so. In practice, the bulk of the work of the European Coal Commission was devoted to the urgent problem of the supply of coal to German-Austria and, although its Sub-Commission did useful work, the Commission as a whole lacked the authority necessary for putting its recommendations into force: in time its chief function in relation to Austria was taken over by the Commission on Organization of the Reparation Commission, which established a Coal Sub-Commission for dealing with coal questions arising out of the Reparation clauses of the Peace Treaty.

(iii) *Raw Materials.* The Supreme Economic Council

decided on the 1st August to set up a Raw Materials Committee to prepare reports on the present and prospective supply of raw materials to Europe, with special reference to the influence of measures of Government control on the prices and distribution of these raw materials. This Committee was, in a sense, the successor of the Raw Materials Section of the Supreme Economic Council, which had adjourned its sittings in May, largely owing to the fact that the food situation as a whole in Germany and relief countries was so serious during the first half of 1919 that no funds were available for supply in any appreciable quantities of raw materials. The new Committee was set up mainly with a view to increasing the information available on the supply of raw materials to European countries themselves. At the same meeting, an International Statistical Committee was also constituted with a view to producing an International Monthly Bulletin on Statistics on the lines of a Bulletin which had already been issued by the British Department of the Supreme Economic Council. It was laid down that this Committee was to act in consultation with the Economic Section of the League of Nations' Secretariat, and it was contemplated that the work of this Committee would eventually be taken over by the League of Nations. At a subsequent meeting of the Council in Rome, on the 21st November, these two Committees were amalgamated into a single Committee on Raw Materials and Statistical Information, to which was entrusted the following duties:

(*a*) to be acquainted at all times with the situation as regards raw materials;

(*b*) to collect and publish as far as may be considered opportune for publication in the Statistical Bulletin, or elsewhere, all statistical or other information concerning not only the situation as regards raw materials, but also authorized controls, regulations, and important economic facts;

(*c*) to consider the actual results on the supply of raw materials, distribution of trade, etc., arising either from Government action or from the commercial practices of the various nations;

(*d*) to study the possibilities of increasing production in the producing countries and the means of removing the obstacles to such increase.

The cessation of weekly meetings of the Supreme Economic

Council and the fact that meetings began to be held successively in each of the Allied capitals, necessitated the establishment of a body to meet frequently to examine and deal with questions of detail and matters requiring immediate attention in the intervals between the meetings of the full Council. On the recommendation, therefore, of the British Delegation, a Permanent Committee was set up by the Supreme Economic Council at its meeting on the 1st August. The Permanent Committee was to sit in London and was composed of one representative from each of the Governments with the following terms of reference:

'To dispose of matters of routine or current business, referring to the full Council questions of great importance, or cases in which difference of opinion has occurred.'

This was in effect an Executive Committee dealing on behalf of the Council with all questions except those of great importance, and a practice was established of submitting in the first instance to the Permanent Committee all matters that were intended to be laid before the next meeting of the Supreme Economic Council.

The change in organization, which has been described above, led to considerable alterations in the status and headquarters of the sections—the Food Section met only twice during July and ceased to meet at all after the establishment of the Consultative Food Committee, which in effect succeeded to it. The name of the Finance Section was altered to the Finance Committee and it was decided that it should refer both to the Supreme Economic Council and to the Committee on Organization of the Reparation Commission. The Communications Section continued to function as before, although its headquarters were moved to London. The Allied Maritime Transport Executive, which also had its headquarters in London, continued to act as the Shipping Section of the Supreme Economic Council, but it was decided that it should in future refer for final decision to the Committee on Organization of the Reparation Commission, instead of to the Supreme Economic Council, all questions of enemy tonnage which relate to reparations.

The Sub-Committee on Germany was adjourned *sine die* by a decision of the Council on the 1st August, but it was agreed that it should be called in case its assistance were needed

by the Reparation Commission or by the Supreme Economic Council.

At the last meetings of the Supreme Economic Council in Brussels on the 20th September and in Rome on the 21st–22nd November, the Supreme Economic Council had under consideration the serious consequences to trade and commerce throughout Europe resulting from the growing disorganization of currencies and exchanges. The gravity of the situation was fully recognized and it was agreed that it was most desirable that steps should be taken to bring about an improvement in the situation through international co-operation.

At the meeting in Rome, the relations between the Supreme Economic Council and the League of Nations were discussed and the following resolution proposed by the Italian Delegation was agreed :

'The Supreme Economic Council after discussion of its future and its relations with the League of Nations, considers any definite decision to be premature and gives instructions to its Permanent Committee in London to keep in close touch with the League of Nations for the purpose of studying from every relevant standpoint the relations between the Council and the League, and remits all decisions to a future meeting, fixed provisionally for the beginning of January in Paris.'

On the 18th January 1920, at the meeting of the Council of Prime Ministers in Paris it was decided to remit to the Supreme Economic Council the responsibility for any Inter-Allied decisions of an economic nature arising out of the scheme for reopening commercial relations with the Russian people.

CHAPTER VIII

EXECUTIVE WORKING OF THE CONFERENCE

PART III

MAINTENANCE OF AUTHORITY OF CONFERENCE: POLAND, GERMANY, HUNGARY

1. *Introductory.* The method by which the Peace Conference exercised its authority over various States necessarily differed with regard to (*a*) Allied countries, (*b*) new States formed either wholly or in part out of former enemy States, (*c*) enemy countries.[1]

As regards the first of these items it will be sufficient to observe that the maintenance of the authority of the Conference in regard to the Allied States was based on the fact of these States being themselves parties to the creation of the Conference and forming part of its executive. It was also much influenced by the fact that unanimous decisions of the Four Great Powers were necessary.

In the case of enemy States, the authority of the Conference was in each instance based upon definite regulations and upon conditions laid down in the several Armistice Conventions. The case of Hungary, however, needs separate consideration in view of the fact that that country was ruled during part of the period here covered by a government which deliberately defied all authority, while professedly respecting the will of the Conference.

The new States were in one sense in the same position as previously established Allied States, for their status as Allies was recognized; but on the other hand their cases need special treatment as they owed their existence, or at any rate a greatly improved position, to the authority of the Conference.

It is proposed therefore in this chapter to discuss in some

[1] These definitions do not cover those political organizations such as Latvia, which once formed part of the Russian Empire but whose independence has not yet been recognized.

detail the manner in which the Conference exercised its authority over Poland, Germany, and Hungary, the cases of the other States being covered generally by the principles there laid down.

2. *Poland.* In the case of Germany, the Supreme Council of the Peace Conference was in the position of a judge administering the law as laid down in the Armistice Convention; in the case of Poland (as of other new States) the Council found itself somewhat in the position of parents *vis-à-vis* a child. It can fairly be said that the child was generally obedient and docile, but the young Poland, perhaps because of her extreme youth, proved occasionally refractory. However, the only case in which the Supreme Council found it really difficult to enforce its will on Poland was with regard to Eastern Galicia. This question involved a number of difficult and delicate problems. There had been disputes for centuries between the Poles and the Ruthenes, which latter people formed the majority of the population in East Galicia, and had connexions with the Ukrainians over the border. The attitude of the Supreme Council to the question was also complicated by the fact that the Great Powers were not always in agreement. The immediate cause of the local resort to arms in East Galicia lay in the collapse of the Austro-Hungarian armies, which opened many different possibilities as to the future.

3. *Events in Eastern Galicia, November 1918–April 1919.* Early in November 1918 hostilities broke out between the Polish and Ruthenian inhabitants of East Galicia. The Ruthenian formations merged themselves into a Ukrainian Army raised from Russian subjects, and the Ruthenian authorities in East Galicia recognized the supreme authority of the Ukrainian Directory or Government on the 20th January 1919.[1] Prior to the intervention of the Peace Conference, various attempts had been made to bring about a cessation of hostilities between the Poles and Ukrainians. On the 24th February 1919, an Allied Mission had succeeded in concluding a truce between the two parties, but this was revoked by the Ukrainian Commander-in-Chief four days later. The truce was indeed doomed to prove abortive since it was based on an arrangement which corresponded neither to the ethnology of the country nor to the military situation.

[1] This recognition was revoked on the 28th August 1919.

On the 19th March the Supreme Council first took action in the matter, and dispatched a telegram to the opposing commanders calling upon them to conclude a truce immediately, and offering to hear representatives of both sides subject to the immediate suspension of hostilities. On the 24th March a reply was received from the Ukrainian Commander accepting the proposal of the Supreme Council, but in the absence of any definite reply from the Polish authorities, hostilities continued. On the 2nd April the Supreme Council decided to set up an Inter-Allied Commission in Paris for the express purpose of arranging an armistice in Eastern Galicia, and on the 3rd April the following telegram was dispatched to the Polish Minister for Foreign Affairs:

'It will be recalled that in its note of the 19th March the Conference suggested to both the Polish and Ukrainian Governments, that a suspension of arms should be arranged in Eastern Galicia pending the discussion at Paris of an armistice under the mediation of the Allied and Associated Governments. To further these objects the Conference has decided to appoint an Armistice Commission to hear the representatives of the two belligerents, and this Commission will begin its sittings in Paris as soon as it is informed that a truce has been concluded and that accredited Polish and Ukrainian representatives are ready to present their views. To save time, it is suggested that representatives be appointed from the Polish Delegation now in Paris. If the plan of mediation proposed by the Allied and Associated Governments is to be carried out, it is essential that the Convention for the suspension of arms which is now being arranged in Eastern Galicia should contain nothing that would prejudge the nature of the future Armistice, and the Allied and Associated Governments cannot doubt that in the negotiation for a suspension of arms the Polish Government will act upon this principle.

(*Signed*) WOODROW WILSON G. CLEMENCEAU
D. LLOYD GEORGE V. E. ORLANDO'

4. *Supreme Council threaten economic pressure. Poland's defiance.* The 'Commission for the negotiation of an armistice between Poland and the Ukraine' at once set to work at Paris under the presidency of General the Rt. Hon. Louis Botha, and after consulting delegations of the two parties, unanimously approved the draft of an Armistice Convention which was presented to the representatives of Poland and Eastern Galicia on the 12th May. The Convention was accepted by the East Galician Delegation, but was rejected by the Polish Delegation on the general military grounds that the safety of the Polish State precluded the acceptance of any armistice which did not allow

of a Polish military occupation of East Galicia. As the Commission considered that this contention raised questions of general policy which were beyond its competence, it submitted a full report of its proceedings to the Supreme Council of the Conference. The latter body, after a thorough investigation of the facts of the case, addressed a strong telegram to General Pilsudski on the 27th May, concluding with the following declaration:

'The Council feel it their duty, therefore, in the most friendly spirit but with the most solemn earnestness, to say to the Polish authorities that, if they are not willing to accept the guidance and decisions of the Conference of Peace in such matters, the governments represented in the council of the principal allied and associated governments will not be justified in furnishing Poland any longer with supplies or assistance. If it is her deliberate purpose to set at naught the counsel proffered by the Conference, its authority can no longer, it is feared, be made serviceable to her.'

To this threat of economic pressure General Pilsudski replied justifying the operations in East Galicia mainly on the ground of a possible combined attack on Poland by Germany and the Bolsheviks in the event of the break-down of the peace negotiations, and on the necessity for Poland to guard against this danger by effecting a military junction with Rumania. About this time, however, the Polish advance in East Galicia ceased, and the Peace Conference proceeded to consider the future status of that country. Meanwhile, frequent representations were received as to the unfavourable military situation created for Poland by the restrictions placed on her operations, and on the 25th June the Polish Government was authorized by the Conference to proceed with the military occupation of Eastern Galicia up to the River Zbrucz. In judging the actions of the Polish Government in thus refusing to obey the Conference, it must be remembered that in other matters the Polish Government had generally bowed to the rulings of the Conference with a good grace, even when such rulings involved national disappointment on matters of prime interest. The reason why the Peace Conference ultimately judged it right to sanction the Polish occupation of Eastern Galicia was due to the fact that a new situation had been created, which was in part produced by the Polish advance. The Conference acted on the basis of the new situation thus created. It is therefore not easy to judge the action of the

Polish Government, though it is not possible to deny that its refusal to obey the Conference had serious results upon other States in stimulating their resistance to the authority of the Conference in local areas, where the armies of the Great Powers could not make their influence felt.

It will be unnecessary to discuss in detail any of the questions regulated under the Treaty of Versailles, since by her prompt ratification of that Treaty Poland accepted all the decisions of the Conference embodied therein. The same may be said of the 'Minorities Treaty'. By their action with regard to these two Treaties the Polish Government and Diet added much to their prestige in the eyes of the Peace Conference and the world, while M. Paderewski enhanced his already high reputation for political wisdom and moral courage.

5. *Germany.* The Armistice of the 11th November 1918, and the several protocols by which it was renewed and extended from time to time, constituted the basis on which the Peace Conference was able to exercise its authority over Germany. Speaking generally, the Conference succeeded in enforcing its demands upon Germany in all cases where such demands were definitely covered by the terms of the Armistice, but realized its inability to make other and less specific demands on Germany. In certain cases where it was of special importance to secure the compliance of Germany with some fresh proposal, the matter was incorporated in a protocol for the renewal of the Armistice. In other and less important cases the Armistice Commission arranged matters. After Germany had accepted the Treaty of Versailles the Conference was able, indeed was compelled, to extend the scope of its authority over Germany. Even before ratification the Conference promptly intervened when any actual or prospective infringement of the Treaty of Peace occurred, just as it had always done in the case of an infringement of the Armistice Convention. It will be unnecessary to examine in detail any of the many occasions on which the Conference enforced its demands with regard to questions specifically covered by the original Armistice. In early days delay occurred in connexion with some such matters, e. g. the handing over of prisoners and of material of war, but the German Government readily yielded to the strong representations made by Marshal Foch on behalf of the Conference. It will, however, be useful to mention certain other special cases

which were either not covered or only partially covered by the Armistice.

6. *Posen.* This case needs to be mentioned in this chapter firstly because it involved the imposition on Germany of an obligation of great importance not covered by the Armistice of the 11th November, and secondly because in this connexion an authority other than the Armistice Commission was empowered to deal with the German Government on behalf of the Council of the Conference.

The origin of the conflict between the German and Polish inhabitants of Posnania was to be found in events connected with the passage through that province of M. Paderewski, in the company of a British Mission, on his way to Warsaw in December 1918. The occasion provoked patriotic demonstrations on the part of the Polish-speaking inhabitants, which led to reprisals by the Prussian troops stationed in Posen. As the General commanding the German troops had declared that he had lost control over them, order was restored by the National Council of Posen with the aid of volunteer Polish formations. Collisions followed between German and Polish residents in neighbouring towns and villages, which led to the Polish administration being extended. At the same time the military situation began to assume the character of a regular state of war between the German garrison troops in Posnania and the local volunteer Polish forces.[1]

At the end of January 1919, the Conference decided to send an Inter-Allied Commission to Poland with a view to bringing about a cessation of these hostilities, and on the 3rd February Marshal Foch communicated the above resolution to the German Government. To this, Count Brockdorff-Rantzau replied that the Inter-Allied Commission should exercise its activities only outside the limits of German territory as indicated in the Armistice Convention, and that the German Government reserved its sovereign rights within these limits. The German Note concluded with the following paragraph :

'The ultimate nationality of those territories, called "German-Poland" by Marshal Foch, will be decided only by the Peace Treaty. Germany declines at present to accept her adversaries' demand as regards the attitude of her representatives in the said territories.'

[1] These forces were drawn from the Prussian Poles alone, not from the Russian or Austrian Poles, so that the question of Polish interference from outside did not arise.

The Inter-Allied Commission, on its arrival in Poland, was quick to realize that the military operations in Posnania could only be stopped by laying down a provisional line of demarcation to be respected alike by Germans and Poles, and such a line was defined in Article 1 of the Convention for the renewal of the Armistice, which was signed on the 16th February. Germany agreed to cease immediately all offensive operations against the Poles 'in the region of Posen and in all other regions', and to forbid German troops to cross a line which was geographically defined in the Convention. Immediately after the signature of this Convention, the Council of the Conference instructed the Inter-Allied Commission in Poland to establish relations with the German Government and High Command, so as to regulate all matters arising under the above-mentioned Article 1. In reply to this the German Government appointed a Commission with full powers to negotiate with the Inter-Allied Commission on this subject, but it never accepted the Convention drawn up by the two commissions in question. It is needless to say there was never any question of attempting to dispose of German sovereignty over this territory except under the conditions of the Treaty of Peace.

7. *The Transport of General Haller's Army.* This case is mentioned as one of the most important examples of a difference of opinion between the Conference and the German Government as to the interpretation of one of the clauses of the Armistice.

Article 16 of the Armistice Convention provided that the Allies 'shall have free access to the territories evacuated by the Germans on their Eastern frontier, either via Danzig or by the Vistula, in order to revictual the populations of those territories or to maintain order'. Basing its action on this clause, the Conference demanded that the German Government should allow General Haller's Polish Army to be transported from France to Poland via Danzig.[1] This demand was resolutely opposed by the German Government, whose true line of objection was that they did not wish Haller's troops to be in Danzig for fear of prejudicing the ultimate fate of that city. They defended their refusal on the following grounds:

(i) That the transport of an army did not come within the meaning of Article 16, and

[1] This army consisted of Polish men, volunteers from America, or deserters from the German army. They had been organized and equipped on the Western front.

(ii) that Poland was not one of the Allies at the time of the signing of the Armistice, and therefore the movement of Polish troops could not in any case be admissible under its terms.

The Conference contented itself with extracting a qualified admission from Germany as to the technical right of the Allies to use Danzig for the purpose in question, but it eventually accepted the proposal of the German Government that General Haller's Army should be transported by rail across Germany, or alternately by sea or rail via Stettin or Königsberg. In fact, the direct railway route alone was used.

In connexion with this question it is interesting to note that, at one period of the negotiations, the matter was being dealt with on behalf of the Conference by the Inter-Allied Commission in Poland previously referred to. Although the German Commission was allowed to discuss the matter with the Inter-Allied Commission, the German Government subsequently questioned the authority of the latter body to deal with the question. The Conference then transferred the negotiations to Marshal Foch for action through the Armistice Commission at Spa, in view of Article 34 of the Armistice Convention, which recognized the principle of a permanent International Armistice Commission being established to regulate all questions arising out of the Armistice Convention.[1]

8. *The Evacuation of the Baltic States.* At the conclusion of the Armistice the Germans, by virtue of the Treaty of Brest-Litovsk, were holding a general line covering the Baltic States on the East. Article 12 of the Armistice Convention laid down that the Germans were to withdraw from the territory which was formerly part of the Russian Empire, 'as soon as the Allies shall consider this (withdrawal) desirable, having regard to the interior conditions of those territories'.[2] Article 14 of the

[1] Extract from Article 34: 'Pour assurer dans les meilleures conditions l'exécution de la présente convention, le principe d'une commission d'armistice internationale permanente est admis. Cette commission fonctionnera sous la haute autorité du Commandement en Chef militaire et naval des Armées alliées.'

[2] Article 12: 'Toutes les troupes allemandes qui se trouvent actuellement dans les territoires qui faisaient partie avant la guerre de la Russie devront également rentrer dans les frontières de l'Allemagne, définies comme ci-dessus, *dès que les Alliés jugeront le moment venu, compte tenu de la situation intérieure de ces territoires.*' The last clause is the one about which all the discussion took place.

Convention further specified that German troops were 'to cease at once all requisitions, seizures, or coercive measures for obtaining supplies intended for Germany in . . . Russia'.

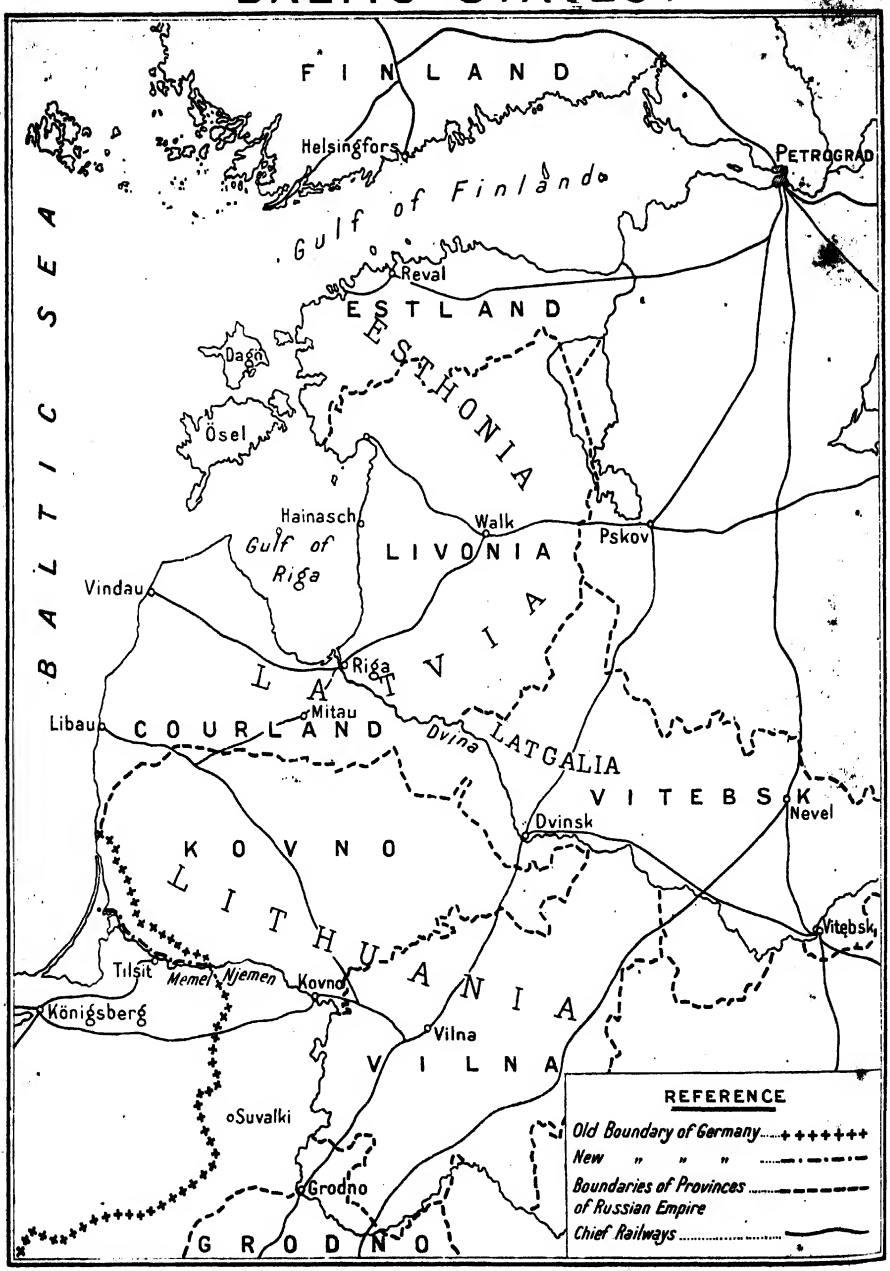
The German troops and authorities in the Baltic States in no way complied with these terms. They repeatedly violated Article 14, and they did not wait for the authorization of the Allies provided in Article 12, in order to withdraw their troops. Towards the end of November 1918 they began their withdrawal, which they so arranged as to hinder the defensive organizations of the newly formed national governments in every possible way, and so as designedly to facilitate the entry of Bolshevik troops into the towns evacuated. At the same time they confiscated supplies of food and clothing and conveyed rolling-stock to Germany. Towards the end of February 1919 the Bolsheviks had overrun the whole of Latvia[1] and a large portion of Lithuania, which fact enabled the German Government to assume the *rôle* of liberators, and to send fresh German troops to Libau. By the end of February a German 'Army of Occupation' about twenty thousand strong was concentrated in the Libau-Windau area under the command of General von der Goltz. On the 16th April the Balts at Libau, with the connivance of the German military authorities, carried out a *coup d'état* culminating in the arrest of the members of the Lettish Government and the disarming of Lettish troops.

On the 23rd April the first of several Allied Notes with regard to General von der Goltz's activities in the Baltic States was transmitted to the German Government through the Armistice Commission. This Note demanded the immediate re-establishment of the Lettish Government with full liberty to carry out its duties, and power to enrol Lettish troops. As the Germans sent an evasive reply on the 4th May the Allies again demanded that the Germans should cease from interfering with local political and military organizations, that the German force should no longer be designated an Army of Occupation, and

[1] Latvia or Lettland, covering 63,000 square kilometres, comprising Southern Livonia,* Courland, and Latgalia (the last-named comprising the three north-western districts of the government of Vitebsk); population 2,500,000, of whom nearly 2,000,000 are Letts; capital, Riga. The area has not been diplomatically defined.

* The northern half of the former Russian province of Livonia is Esthonian. The boundary line runs approximately from Hainasch through Walk.

BALTIC STATES



that General von der Goltz should be recalled. These demands were not complied with, and on the 23rd May the Council of Foreign Ministers in Paris decided to dispatch an Allied Military Mission to the Baltic States to enforce the Allied demands. After a further exchange of Notes, the German Government replied to the Allied demands on the 8th June to the following effect:

(1) That evacuation was taking place.
(2) That General von der Goltz had not kept back arms from the Lettish troops.
(3) That the mobilization of Letts would endanger the lines of communication of the German troops.
(4) That General von der Goltz could not interfere in Latvian internal affairs (implying that the Allied demand for the restoration of the Lettish Government involved such an interference).

By the beginning of June the evident intention of the Germans to continue their advance northwards into Esthonia had created a very serious situation, and had shown clearly that the integrity of the Baltic States could not be preserved unless they were completely evacuated by German troops. On the 18th June, Marshal Foch, under instructions from the Supreme Council, directed the Germans:

(*a*) to stop all further advance towards Esthonia;
(*b*) to evacuate Libau and Windau at once, and to complete the evacuation of all territory which before the war formed part of Russia with the least possible delay, in accordance with Article 12 of the Armistice.

About this time the German Government were also informed through the Armistice Commission, that General Gough had been authorized to enter into direct communication with the local German command with a view to the settlement of all questions relating to the execution of the above demands.

9. *Supreme Council demand evacuation under threat of economic pressure, 27th September.* German troops, however, continued to arrive in the Mitau district, and the attitude adopted by General von der Goltz led to a fresh demand, transmitted on the 1st August, calling upon the German Government to recall General von der Goltz, to proceed at once with the evacuation of Latvia by land and by sea under the

supervision of General Gough, and to complete the evacuation by the 30th August.

At the end of September the situation remained materially unchanged, while lack of discipline among the German troops in the Baltic States had led to a number of acts of violence. Accordingly the Supreme Council again considered the case on the 27th September, and, in view of the non-compliance of the Germans with the many demands which had been presented by the Allies, decided to apply economic pressure to Germany in order to enforce the terms of the Armistice. At the same time the Supreme Council, rejecting the German Government's contention that it could not compel troops in the Baltic regions to obey orders, insisted on the complete evacuation of these regions by all German troops and formations, and on the withdrawal of all German soldiers who had been enlisted in Russian formations after demobilization.

The decision to resort to pressure on Germany in order to obtain compliance with the Allied demands was communicated to the German Government in the following terms:

'The Allied and Associated Governments hereby notify that, until they are satisfied that their demand is being effectively executed, they will not entertain any of the applications put forward by the German Government for the supply of foodstuffs and raw materials. They have consequently given instructions not to proceed with the examination of any of these applications.

'Furthermore, the Allied and Associated Governments will refuse all financial facilities from which the German Government might at the present time derive advantages or which it may seek from the Allied and Associated Governments or their nationals.

'In the event of non-compliance on the part of the German Government, the Allied and Associated Powers will take such other measures as they shall judge necessary to enforce the aforesaid terms of the Armistice.'

This threat of pressure apparently created a strong impression on the German Government, who replied on the 4th October proposing that a mixed Commission comprising German representatives as well as representatives of the Allied and Associated Powers should be formed in order to examine the situation and then 'to take, supervise, and carry through the measures necessary for the expeditious completion of the evacuation'. It was at the same time intimated that General von der Goltz had been recalled and replaced by Lieutenant-General von Eberhardt. The German Government further declared its fixed

purpose to do everything in its power to fulfil its obligations for evacuation, but protested vigorously against the threatened measures of compulsion.

The Supreme Council replied maintaining its attitude with regard to the latter measures, until such time as the evacuation should be reported as proceeding satisfactorily, but agreed to the establishment of the proposed Commission. This body was set up with the least possible delay under the Presidency of the French General Niessel, and included representatives of each of the Principal Allied and Associated Powers, with whom Admiral Hoppman was subsequently associated as the German representative.

The Commission proceeded on the 5th November, first to Berlin, where it took cognizance of the measures taken by the German Government in connexion with the evacuation, and thence to Tilsit. Its task was much facilitated by the crushing defeat inflicted by the Letts on the Russo-German force under Colonel Bermont, after which the Commission interceded with both the Letts and Lithuanians on behalf of the Germans so as to allow their evacuation to proceed without further molestation. By the middle of December all the German troops in the Baltic States had been evacuated, but only with great loss to Lettish and Lithuanian property. The Commission was loyally supported by the German Delegate, Admiral Hoppman, but with this one exception the German authorities in the Baltic States persisted in placing all possible obstacles in the way of the evacuation, while General von Eberhardt's statements and promises proved as unreliable as those of his predecessor.

10. *Summary of the Baltic Question.* The incidents and decisions recorded above fall within two distinct periods, viz.:

(*a*) from the 11th November 1918 to the 18th June 1919, during which time German troops remained in the Baltic States with the consent of the Allies;

(*b*) the period subsequent to the Allied demand, made on the 18th June, for the complete evacuation of this region.

The original provision under Article 12 of the Armistice Convention of the 11th November, that the German troops were to withdraw from Russian territory 'as soon as the Allies shall consider this (withdrawal) desirable' was a demand of

which the expediency was doubtful. The idea underlying this clause was that German troops should protect these regions from Bolshevik invasion so long as such protection should be necessary, but that at the same time Germany should be prevented from thereby obtaining political advantages in the Baltic States. In fact, Article 12 was an effort to obtain from Germany loyal co-operation in a cause which it was the wish of the Allies to promote and of the Germans to hinder, and the Conference eventually realized that the attempt was impracticable. The German Government repeatedly disputed the interpretation placed on Article 12 by the Allied and Associated Governments, namely, that Germany had thereby undertaken to leave her troops in the east until the Allies considered their withdrawal advisable. The German Government contended that the words 'dès que les Alliés jugeront le moment venu' in the text of Article 12 denoted merely the extreme date to which the German troops could occupy the areas in question, and not the earliest date at which evacuation could take place. On these grounds the German Government, in a Note transmitted through the Armistice Commission on the 29th May, refused to recognize any orders for the retention of German troops in Russian territory.

The German Government certainly realized the weakness of the Allied position during the early period of these negotiations, and it has been shown how they took advantage of it. In a Note dated the 11th October 1919, the German Government commented on the inconsistency of the Allied demands:

> 'The Allied and Associated Governments asked the German Government for the first time in their Note of June 18th to depart from the regions of the Baltic and Lithuania, after they had expressly demanded in May, and without regard to the protest of the German Government in connexion therewith, that the German troops should not be withdrawn from there.'

Thus, the question of the German troops in the Baltic States was not placed on a really satisfactory basis until the Allied note of the 18th June referred to above, when the complete evacuation of Russian territory was first demanded. The right of the Allies to insist upon such evacuation was never disputed by the German Government, but the latter resorted to every form of subterfuge in order to postpone the execution of the Allied demand.

11. *Article 61 of the German Constitution of August 1919.* This case is mentioned as it involved vigorous intervention by the Peace Conference in a matter which was in no way connected with the Armistice Convention.

Article 61 of the new German Constitution, signed on the 31st July 1919, provided for the admission to the Imperial Council of Germany of representatives from Austria, when that country should join the German Empire.[1] The Conference informed the German Government that this Article contravened Article 80 of the Treaty of Peace, which says 'Germany acknowledges and will respect strictly the independence of Austria within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.'[2] The Conference threatened to extend the occupation of German territory unless steps were at once taken to repeal the 61st Article of the new German Constitution. The German Government replied that it regarded the repeal as unnecessary in view of Article 178 of the new German Constitution, which stated that the German Constitution could not override the provisions of the Treaty of Versailles.[3] They added that it was assumed in Germany that Article 61 could not come into force unless the League of Nations had first assented to the union of Austria to Germany. In view of this reply, the Conference contented itself with insisting that the German Government should formally recognize the principle that no Article in the German Constitution could be valid if it were contrary to the provisions of the Treaty of Peace. The matter was ended by the Chief of the German Delegation signing a declaration to this effect at Versailles on the 22nd September 1919.

12. *The Scapa Flow Incident and the delay in the Deposit of Ratifications.* Germany, having already ratified the Treaty of Versailles on the 9th July 1919, the conditions necessary for its

[1] Extract from Article 61: 'German-Austria shall, after it has joined the German Realm, have the right to participate in the Council of the Realm with such a number of mandates as shall correspond to the size of its population. Until that time the representatives of German-Austria shall have an advisory vote.'

[2] For such purpose the Council must be unanimous. Therefore, a single power, e.g. France or Italy, can forbid Austria joining Germany.

[3] Extract from Article 178: 'The conditions of the Peace Treaty, signed at Versailles on June 28th, 1919, are not affected by this Constitution.'

being brought into force were fulfilled when three of the Great Powers, namely France, Great Britain, and Italy, had ratified it by the middle of October. The formal deposit of ratifications, from the date of which the Treaty would actually come into force, was, however, delayed for two reasons:

1. To enable all the preliminary arrangements to be made for taking over the administration of the surrendered territory and plebiscite areas, as well as for the transport thereto of the troops intended as garrisons;
2. To obtain the signature by Germany of a Protocol to the Peace Treaty, the object of which was twofold, viz.:

   (*a*) To safeguard the execution of certain unfulfilled conditions of the Armistice, the expiration of which would otherwise leave the Allies without legal redress in the matter.

   (*b*) To obtain reparation for the scuttling of the German Fleet at Scapa Flow, an unforeseen breach of the Armistice, which, by reason of the date and circumstances of the incident, was unprovided for in the terms of any other instrument.

This Protocol was duly drawn up and communicated to the German Government on the 1st November, with a request that a German Delegation should be sent to Paris with plenary powers to sign the Protocol and to settle, with the Representatives of the Allies, the details of the execution of the clauses of the Peace Treaty, which would have to be carried out immediately on its coming into force. Herr von Simson arrived in Paris, as the head of the Delegation, on the 25th November.

These incidents coincided with the non-ratification of the Peace Treaty by the American Senate. This was followed by an immediate change in the attitude of the German Delegates, who stated that they were obliged to return to Berlin to consult their Government regarding the terms of the Protocol, and the arrangements proposed by the Allies for the administration of the Areas of Occupation, although these were well known to the German Government at the time when the Delegation left Berlin. A series of Notes and verbal communications from the German Government through Baron von Lersner then began, in which:

1. The German Government endeavoured to secure the

repatriation of the German prisoners of war in French hands without reference to the coming into force of the Peace Treaty, and to obtain a modification of the Clauses of the Treaty concerning the surrender of guilty persons, in compensation for the possible absence of American Delegates on the various Commissions;

2. Objection was raised to the final paragraph of the Protocol, by which the Allies had reserved the right to use military measures in the enforcement of their demands;

3. A refusal was made to the demand for the surrender of 400,000 tons of floating docks, etc., in compensation for the loss of the German fleet at Scapa Flow, responsibility for the destruction of which was not admitted.

The counter-proposals of the German Government were considered by the Supreme Council in consultation with their naval and military advisors, and on the 8th December a Note was presented to Baron von Lersner for transmission to the German Government, which though not prescribing a time limit, was virtually in the nature of an ultimatum.

It maintained:

1. That there were no grounds on which Germany could base a claim for any modification of the Treaty on account of the possible absence of American Delegates from the various Commissions. France would automatically liberate her prisoners as soon as the Treaty came into force.

2. That the Allies still adhered to the terms of the Protocol regarding the reparation due by Germany for the destruction of their Fleet in Scapa Flow, but that they were prepared to examine in an equitable spirit any claims put forward by Germany that such reparation would seriously affect her ability to satisfy her legitimate needs, having in view the economic condition of her ports.

3. That from the time when the signing of the Protocol and the deposit of ratifications brought the Treaty into force, the execution of the clauses of the Protocol would be guaranteed by the general provisions of the Treaty as well as by the usual methods recognized by the law of nations.

Up to that time the denunciation of the Armistice would give the Allied Armies every latitude as regards the military measures that they might consider necessary.

The German Reply to the Allied Note was received in Paris on the 15th December. It was couched in conciliatory terms, and stated:

1. That the German Government desired to remove the misapprehension according to which it claimed the *right* to alter the conditions of peace regarding the surrender of guilty persons and the repatriation of prisoners of war in view of the temporary absence of the United States representatives from the Commissions provided for in the Peace Treaty. The German Government had never made its consent to the coming into force of the Treaty dependent on the previous settlement of this question.

2. That in view of the explanation given of the meaning of the final paragraph of the Protocol concerning the coercive measures to be used in certain eventualities, the German objections to the paragraph no longer held good.

3. That the German Government was ready to pay compensation for the sinking of the German warships at Scapa Flow, but was not in a position to do so in the manner provided in the Protocol. She was willing at the same time to submit detailed proposals regarding compensation, which, although involving a very heavy burden in Germany's present state, was yet not incompatible with her vital interests.

This German reply practically ended the matter. On the 10th January ratifications were formally exchanged and the Treaty came into force. The repatriation of German prisoners in France began. M. Clemenceau on the same day addressed a letter to Baron von Lersner, in which he informed him that the Allies did not desire to injure the vital interests of Germany, but that the 192,000 tons of dock materials, offered by the German Government as a complete settlement, must be handed over at once. The balance of the Allied demand was about 200,000 more tons, and, as there might have been a mistake as regards the 80,000 tons of floating docks at Hamburg, a new inquiry would be held. The Allies would then be disposed to reduce their total demands to 300,000 tons, 'or even below if the necessity for reduction is shown by convincing argument'. All such tonnage, when the amount was finally fixed, would have to be handed over in thirty months. This letter marked the final stage of what had threatened to be a most serious

incident. . It seems evident that the Allied original demand for 400,000 tons of floating dock material was excessive, but the German Government's attempt to evade their obligation was most serious in view of the non-ratification of the Treaty by the United States Senate. The Allied Governments felt that the authority and prestige of the Conference were at stake and acted accordingly. The situation was a grave one, but the Allied offer to compromise as to the amount of material to be surrendered enabled the German Government both to save its face and to give way. The German Government accepted in principle the demand for compensation for the sinking of their interned fleet, but obtained a guarantee of substantial reduction of the amount demanded; on the other points raised in this last diplomatic duel the German Government gave satisfactory replies and assurances. Consequently from this final contest as to its authority the Conference emerged victorious. When the final judgment is taken it will be seen that the Conference procured the disarmament of millions of men and enforced their authority over a great country which they never held by effective military occupation. In the main the points, on which the Conference had to give way, were those on which the interpretation of articles in the agreements was difficult, or where the obligations entered into by Germany were such as she could not practically carry out. Even in such cases as that of the Baltic Provinces the Conference eventually enforced its will. On the whole, as regards Germany, it is the success, and not the failure, of the Conference to enforce its will which should arouse notice.

13. *Hungary. Armistice Difficulties.* No better instance than that of Hungary could perhaps be chosen if it were desired to find an occasion for criticizing alike the basis, that is to say the Armistice terms, on which the Supreme Council endeavoured to base its control of an enemy Power pending the conclusion of peace, and the illogical policy which resulted from the nature of that basis.

The origin of many of the difficulties which took the Conference so long to solve was the unsatisfactory Armistice concluded on the 3rd November 1918, between representatives of the Italian Supreme Command and the Supreme Command of what still called itself the Austro-Hungarian army. According to the solemn declarations of the spokesmen of the peoples which composed it, the Austro-Hungarian Empire had ceased

to exist; not only had the Poles, Czechs, and Yugo-Slavs proclaimed their independence, but the two sovereign peoples of Austria-Hungary themselves, the German-Austrians and the Magyars, had, during the preceding ten days, by solemn acts fully representative of the population, and, in the case of Hungary, with the constitutional consent of the King, pronounced respectively for full independence. It might have been argued that the Austro-Hungarian army was still in existence, and that it was necessary to treat with it as an entity. Unfortunately, even on this basis the Armistice must be considered in the highest degree unsatisfactory. Based as it was almost entirely on the particular desiderata of Italy, it, in fact, satisfied Italian requirements only. Consequently, the question of Hungary was covered only by such general clauses as the right of Allied armies to move freely over, and to occupy, all such places in Austro-Hungarian territory as they should consider necessary.

A further Military Convention relating specifically to Hungary was consequently necessary, and on the 13th November such a Convention was signed at Belgrade on behalf of General Franchet d'Esperey, Commander-in-Chief of the Allied forces in South-east Europe, by Voivode Mishitch (the Serbian Chief of Staff), and General Henrys on the one hand, and by the delegates of the new Hungarian Government on the other. This Convention provided for the occupation of a specified zone of Hungarian territory, the right to extend this occupation wherever it might be thought necessary, and the demobilization of all the Hungarian forces except six infantry divisions and two cavalry divisions.

Drawn up as it was by the Franco-Serbian Command, this convention took sufficient account of Serbian requirements; and allowed the Serbs to occupy an area in the south of Hungary which exceeded not only the boundaries they received under the Treaty, but which even went beyond their territorial claims. The same, however, was not the case with regard to the territories in which the new Czecho-Slovak State and Rumania were respectively interested.

14. *Difficulties between Rumania and Hungary, November 1918–March 1919.* Rumania had re-entered the war only on the 9th November, and consequently had not participated in the final hostilities on the Hungarian front. Little account was therefore

taken of Rumania's requirements, the Armistice line in Hungary being fixed only about half-way through Transylvania along the line of the River Maros. Controversy during the next nine months revolved in fact round the two questions of the extent of Hungarian territory which the Rumanians should be allowed to occupy, and the extent to which Hungary had carried out her obligation under Article 2, to demobilize all her forces except the six infantry divisions and two cavalry divisions already mentioned. In deference to a strong Rumanian protest and to the evidence which was produced to show that the Hungarian regular or irregular forces were terrorizing the Rumanian parts of Hungary remaining in Hungarian occupation, General Franchet d'Esperey proposed in February, and the Conference finally agreed, to extend the Rumanian line of occupation to the west so as to include the three cities of Arad, Nagy Várad, and Szatmár Németi. On the 19th March, Colonel Vyx, the French officer at the head of the Military Mission in Budapest, presented to the Károlyi Government a demand that all Hungarian forces should be withdrawn to a line corresponding to that fixed by the Rumanian Treaty of the 17th August 1916, leaving a neutral and unoccupied zone between this line and the new line which the Rumanians were to occupy. It was made perfectly clear by Colonel Vyx that these new lines were lines of military demarcation, and had nothing to do with the territorial frontiers which were subsequently to be established; Count Károlyi, however, thought fit to distort Colonel Vyx's communication, and to launch on the Hungarian public a manifesto in which he declared himself unable to accept frontiers so detrimental to the interests of Hungary, and handed over supreme power to the Hungarian proletariat. Such was the genesis of the Hungarian communist revolution.

15. *Béla Kun's Revolution.* On the 21st March a Soviet Government under the nominal presidency of M. Garbai and actual direction of Béla Kun, was established in Budapest. The object of its policy could hardly have been doubtful, for the commissaries lost no time in openly proclaiming that their sole interest was the furtherance by all means at their disposal of an international campaign for the domination of the proletariat. They announced an alliance with the Soviet Government of Moscow, and their intention of carrying hostilities into every *bourgeois* country of the world. They did not, however, state

exactly whether they did or did not undertake to recognize Hungarian obligations under the Armistice Conventions of the 3rd and 13th November agreed to by their predecessors. On the 1st April General Smuts was charged by the Supreme Council with a mission to Budapest to demand formally from the Communist Government whether they did or did not accept the lines of military demarcation laid down by the Entente Powers. General Smuts proposed to Béla Kun that, provided the Soviet Government at once withdrew their forces behind the line already marked out for them, Allied troops would occupy the zone between this line and the line to which the Rumanians would advance—in which zone would now be included the three large cities mentioned above. The Soviet Government, after some hesitation, replied that they would acknowledge their obligation to accept the two Military Conventions, and that they would withdraw their troops to the line indicated, but that they would only do so if the Rumanian forces retired to the original Maros line mentioned in Article 1 of the Convention of the 13th November, and if Allied troops occupied the whole zone thus established between the Rumanian and Hungarian forces. These proposals General Smuts categorically refused to accept.

16. *Béla Kun attacks Czecho-Slovakia, April–June.* The Soviet Government were, however, thinking not of peace but of war. They had at their disposal a considerable number of unemployed officers of the former Austro-Hungarian and even German armies. While personally totally opposed to the Communists, these officers conceived that the best hope of saving territory for Hungary was by armed resistance. Consequently, they put themselves at the disposal of Béla Kun for the organization of a powerful Red army to carry on hostilities against their Czecho-Slovak and Rumanian neighbours. For some weeks the new Red army was small in numbers and badly organized. The Rumanian forces took advantage of the situation and had occupied not only the line allowed them, but had pushed on to the Theiss by the end of April.

The Czecho-Slovaks had also advanced into Hungary from the north, and occupied the important coal areas of Salgó Tarján and Miskolcz. Their left wing established liaison with the Rumanian right wing in the neighbourhood of Csap on the 1st May. The Rumanians were anxious to advance on Buda-

pest, and had no doubt that within a few days the whole Communist movement would have collapsed. In Budapest, as elsewhere, this was generally believed to be the case, and in a speech on the 3rd May at Budapest, Béla Kun is reported to have said, 'The quality of most of the troops is such that Budapest is exposed to a Rumanian attack without defence'. The Supreme Council, however, considered it necessary to check the Rumanian forces at the Theiss, thereby leaving to Béla Kun not only the time to build up his Red army, but the opportunity of spreading throughout Hungary the idea that the Conference was on his side against Rumania.

The Rumanians were, however, in a strong position on the Theiss, and Béla Kun, once he had organized his army, preferred to throw it against the Czecho-Slovak forces, strung out as they were over country not easily defensible and seriously lacking as regards communications. An important factor underlying the Hungarian decision to attack the Czecho-Slovaks was the desire to regain immediately the coal-mining area of Salgó Tarján and Miskolcz, which was ethnically Hungarian, one of the few coal districts left to her.[1] Again, the prospect of separating the Czecho-Slovaks from the Rumanians and opening a way for a Russian Bolshevik advance across the Carpathians into Hungary may well have dazzled the eyes of the Communists. Moreover, in the Czecho-Slovak army there was not only a lack of guns and munitions, but a certain degree of apathy and a certain current of socialism, which militated against a successful encounter with the Hungarian Bolshevist forces. Consequently, the Hungarian Red army, gaining strength as it advanced, secured a series of successes, and within a few weeks had progressed far into the heart of Czecho-Slovakia.

17. *Intervention of the Peace Conference, 13th June.* At this moment, the Conference at last intervened, and on the 13th June addressed communications to the Czecho-Slovak and Rumanian Governments and to the Soviet Government at Budapest. It called upon the latter immediately to withdraw behind the new frontiers accorded to Czecho-Slovakia and Rumania. Béla Kun thereupon ordered a withdrawal, his eagerness for this being strengthened by the fact that the Czecho-Slovak army, reorganized by General Pellé, was now

[1] The mines of Pécs were eventually awarded to Hungary, but were then in Serbian occupation.

successfully counter-attacking. Within a few days he had withdrawn to the line indicated to him, and he then requested the Conference to call upon the Rumanians to carry out their part of the bargain. A new consideration, however, now came into play; the Rumanians declared that it would be dangerous for them to leave the line of the Theiss until the Hungarians had actually carried out Article 2 of the Military Convention—that is, had demobilized all their forces except six infantry and two cavalry divisions. Allied military opinion admitted the justice of this contention, and recognized that the general policy of Béla Kun had amounted to a complete violation of the Armistice Convention.

18. *Occupation of Budapest by Rumanians, 8th August.* On the 17th July General Franchet d'Esperey, acting on instructions from Paris, demanded that the Budapest Government should resign and make room for a government freely elected by the people; otherwise military action would immediately be taken against Hungary. This was the first active step taken by the Allies for the suppression of the Soviet Government, and on the 25th July the Conference issued a wireless communication formally declaring their readiness to enter into peace negotiations with Hungary if a representative government were established. Béla Kun, anxious to bolster up his tottering *régime* by a successful coup, replied to General Franchet d'Esperey's ultimatum by opening a regular offensive against the Rumanian forces. The Hungarians launched their attack on the 20th July. They broke through to a depth of from 15 to 35 kilometres and claimed to have captured 75 field guns and 36 heavy guns. The Rumanians, however, were well prepared, and as a result of their counter-attacks on the north and south, and the concentration of the Rumanian reserves in the centre, the Hungarians were forced back over the River Theiss along the whole front by the 26th July. The Rumanians crossed the Theiss a few days later, and by the 8th August they had occupied the city of Budapest itself and all Hungary east of the Danube. In these circumstances the Conference dispatched a Mission composed of four Allied generals to Budapest to get into touch with the Hungarian Government and see that the Armistice was observed and that disarmament was effectively carried out. The Mission was also to establish liaison with the Commanders of the Rumanian and Yugo-Slav armies, with a view to preventing any measures being taken such as might

prolong the existence of disturbed conditions in Hungary. For their political guidance the Allied representatives were informed that the Conference had no desire to interfere with the internal affairs of the Hungarian people, but could only treat with a government such as could be trusted to carry out its international obligations.

The Rumanian advance, justified though it was by the local situation, had taken the Supreme Council by surprise, and they at once sent an urgent communication to the Rumanian Government, calling on them to stop the forward movement of their troops. The Rumanians were, however, convinced that only by the occupation of Budapest could the final downfall of the Communist *régime* in Hungary be secured. They accordingly persisted in their advance, and from the moment when the Rumanian forces entered the Hungarian capital, the problem of enforcing the will of the Conference upon Hungary changed to that of enforcing it upon a recalcitrant ally.

19. *Summary.* To sum up, the root causes of all the misunderstandings and difficulties which occurred in the case of Hungary as of other parts of the Austro-Hungarian Empire were:

1. That there was no unity either of military command or of political direction in the treatment of the forces of the old Austro-Hungarian monarchy as a whole.

2. That the Military Conventions establishing the Armistice had taken little or no account of the interests of some of the parties most concerned, and that nine months after the Armistice Rumania had (rightly or wrongly) received no compensation in kind for her material losses during the war.

3. That when dealing with the Soviet Government at Budapest, which made no secret of its bellicose intentions, the Conference preferred relying on the verbal assurance of Béla Kun to observing or controlling his actions.

4. When at last plans were considered for a combined military operation to enforce the observance of terms which Hungary had disregarded for nine months, the matter was so delayed that in the meanwhile, Rumania, the State most directly interested, had already taken independent action. In fairness to Rumania it must, however, be recognized that it was the Hungarians who took the initiative by invading Rumanian territory, and that the force of the Rumanian counter-attack carried it through to Budapest.

CHAPTER IX

THE LEGAL BASIS OF INTERNATIONAL RELATIONS PRIOR TO THE RE-ESTABLISHMENT OF PEACE BY TREATIES

PART I

THE BREAK-UP OF THE WORLD'S SYSTEM OF TREATIES AND CONVENTIONS

§ I. Introduction

The effect of the World War of 1914–1918 upon the institutional and legal fabric of human society is a subject of vital importance in all studies of social, economic, political, and legal conditions during the years of war and of reconstruction. The war has affected the municipal legal systems of all the world's States, both belligerent and neutral; and it has also affected, in many important particulars, the system of International Law. Not only has the war shaped and modified the rules and principles of municipal and international law: it has also determined the nature and the scope of relations, and especially of contractual relations, between States and between individuals.

Prior to the outbreak of the World War of 1914–1918 the relations of States one to another were governed, in the main, by a system of international rules and principles based partly upon custom and partly upon a mass of written agreements. In a certain sense the States of the world formed a vast community in which common and separate interests, within the environment of economic and social evolution and of political progress, struggled for mastery. Various factors tended to produce world unity. The existence of groups of States helped to narrow and limit the particularist tendencies of certain of the great political entities, and the interdependence of all communities in the matter of trade produced a measure of international co-operation. The subtle ties of friendship, art, and literature led to a certain unity in the world, while religious,

labour, and intellectual movements operated in the same direction. But the spirit of nationality, the divergence of political systems, the rivalry in commerce, and the march of territorial expansion all accentuated the differences in aim and in method between individual communities within the world-community as a whole. The chief bond which held the world's States together in a vast community of communities was one of a legal character. All of the States had become associated, in one way or another, in a 'family of nations' which recognized the binding force of international law and international morality. This legal and moral system was crude at best; it lacked many of the essential elements possessed by any one of the leading national systems of law and justice. But it formed the legal basis of international relations, and it gave promise of further evolution to meet the needs of the States' community.

The war, unprecedented in scope and violence, has dealt the whole system of international law, both customary and conventionary, a rude blow from the effects of which it will take many years to recover;[1] and never again will this system be exactly what it was before, for new factors have been produced by the war itself which are leading, under the shaping hand of the League of Nations and other widespread influences, to novel principles and processes of international action.

With many of the immediate effects of the war on the system of international law we are not now concerned. Only treaties and conventions, as distinct from international customs, fall within our survey; and here again we are concerned merely to point out, in the briefest manner, the effect of the shock of war upon the network of treaties and conventions which, in 1914, linked the States of the world together in amicable relations. The outbreak of the war resulted in the annulment of many treaties and conventions and in the suspension or unenforcibility of many others. A reference to the juridical principles, which are to be applied to this partial collapse or break-up of treaty relationships of States, forms merely a prelude to the study of the efforts to replace the state of war by a stable *régime* of friendly international relations based upon Treaties of Peace. The various stages in this process will form the main subject-matter of the present

[1] See Lawrence, *The Society of Nations*, 1919, Lecture IV.

chapter. We shall see how the negotiations of 1918 led to pre-armistice international Agreements and how these Agreements lie at the basis of Armistice Conventions and Treaties of Peace alike. In many ways these pre-armistice Agreements constitute the foundation of the entire structure of the World's Peace; and as such this deserves the painstaking study of historians and statesmen.

§ II. The Effect of War on Treaties: International Legal Principles

Our first inquiry must be this: What, at the moment of the outbreak of war in 1914, were the recognized principles of international law as to the effect of war on treaties, or conventions, between States? The answer to this question is not altogether easy, owing largely to variance in international practice and to differences of opinion among the leading international jurists.[1] But it is at least possible to classify the various kinds of treaties and conventions and to state the law, in so far as the law is at all settled, in regard to each one of them.

I: *First Method of Classification*[2]

A. There are, in the first place, *treaties to which other States besides the belligerents are parties.* These treaties are of two kinds, which publicists designate as 'great international treaties' and 'ordinary treaties'.

(1) In considering the juridical effects of war on 'great international treaties' it is necessary to distinguish four separate and distinct situations.

(*a*) The first situation arises when the cause of the war is entirely unconnected with the treaty in question. In such case the treaty is unaffected by the war; it remains in force. Thus, the great Treaty of Paris of 1856 settled for a time the Eastern question; and Prussia and Austria were two of the signatory Powers. The war of 1866 between these two States

[1] On the whole subject of the effect of war on treaties, see Hall, *International Law*, 7th ed., 1917 (edited by Professor A. Pearce Higgins), pp. 397–403; Lawrence, *International Law*, 4th ed., 1910, pp. 360–5; Westlake, *International Law*, Part II: War, 1907, pp. 29–32; Oppenheim, *International Law*, 2nd ed., 1912, Vol. II, pp. 128–31; Crandall, *Treaties: Their Making and Enforcement*, 2nd ed., 1916, § 181.

[2] This method is based largely on Lawrence, op. cit., pp. 360–5.

was caused by German affairs which were entirely unconnected with the Turkish Empire and with its dependencies. The effect of the war of 1866 upon the Treaty of Paris of 1856 was to leave it entirely unaffected. The rights and obligations of Prussia and Austria under the Treaty of Paris remained exactly what they were before the outbreak of the war of 1866.

(*b*) The second situation arises when, although the cause of the war is entirely unconnected with the treaty in question, the war operates nevertheless to prevent the performance of certain of its obligations by the belligerent States. Such obligations are suspended for the time being; but they revive again as soon as the belligerent State is able to perform them. Thus, during the Franco-Prussian War of 1870 it was impossible for France, hard hit by the war, to fulfil its guarantee of the independence and integrity of the Ottoman Empire under the treaty of 1856 with England and Austria. On the other hand, obligations of the treaty which it is possible for the belligerent State to fulfil at all times during the war, especially obligations which exact merely passive acquiescence and no active support, are unaffected by the war and are not suspended. The entire treaty is unaffected so far as neutral signatory Powers are concerned; it remains fully binding on them throughout the war.

(*c*) The third situation is where the war arises out of the treaty itself. Thus, in 1877 Russia and Turkey, two of the several parties to the Treaty of Paris of 1856, engaged in a war over the Eastern question. The effect of war upon such a treaty is doubtful; it depends chiefly on the will of the neutral signatory Powers. But, in the instance just given, the Treaty of Berlin (1878) shows the views held by the several signatory Powers as to the effect of the war of 1877 upon the earlier Treaty.

(*d*) The fourth situation is created where two or more States are at war and where the question is as to the effect of the war upon great law-making treaties of which the regulations contemplate international society as a whole. The general principle here is that such a treaty is unaffected by the war. When, however, such a treaty deals with the laws of war, the war itself brings the treaty into operation.

(2) The second kind of treaties to which one or more States besides the belligerent Powers are parties are the so-called

'ordinary treaties'. The effect of the war upon such treaties depends upon their subject-matter. As a general principle it may be said that they are either obligatory, or suspended, or abrogated, so far as the belligerent States are concerned, but that they are unaffected with regard to third parties. Thus, a convention in regard to maritime capture would be brought into operation by the war; it would be binding as between the belligerent States and as between each of them and neutral signatory Powers. A treaty of commerce, on the other hand, would cease to be binding on the belligerents, but would seem to be obligatory as between each of the belligerents and the neutral States who were parties to it. A treaty of alliance between three States would be completely abrogated, however, by the outbreak of war between two of the signatory Powers.

B. There are, in the second place, *treaties to which the belligerent States only are parties.* Such treaties are of four kinds.

(1) So-called *pacta transitoria* are treaties which—even though they may be performed by one single act or by a series of acts—establish a permanent state of things. Such treaties are unaffected by war; as, for example, treaties of cession or recognition, or boundary conventions. Thus, the boundaries between belligerent States established by convention prior to the war remain as they are, until they are readjusted by the treaty of peace or completed conquest.

(2) Treaties of alliance and conventions, which bind the parties to friendship and amity, are abrogated by war.

(3) Treaties which regulate ordinary social, political, and commercial intercourse, such as postal and commercial treaties, extradition treaties, conventions in regard to property, and the like, form a third group. The effect of war upon them is doubtful under existing law and practice. They are indeed at least suspended during the war; but it is uncertain whether they are revived by the fact of the re-establishment of peace, or whether they are abrogated by the war and must be entered into afresh on the conclusion of hostilities. The practice of States gives no certain answer to these questions. Generally the treaty of peace deals with such treaties; the parties expressly annul them, continue them, or replace them by new arrangements. In the absence of such express stipulations no rule can be laid down as clear law; but it may be held on

general principles that treaties of the kind now under consideration are merely suspended by war and that they revive at the conclusion of peace, unless the treaty of peace provides otherwise.

(4) Treaties which regulate the conduct of signatory States towards each other as belligerents, or as belligerent and neutral, are brought into operation by war.

II: *Second Method of Classification*

According to Westlake[1] it is the 'general rule that war abrogates the treaties existing between the belligerents, and that their revival, if desired, must be expressly provided for in the treaty of peace'.

'To this rule, however,' continues Westlake, 'there are certain exceptions.

'First, all conventional obligations as to what is to be done in a state of war must continue in force, or they would have no position at all. . . .

'Secondly, transitory or dispositive treaties, including all those which are intended to establish a permanent condition of things, form another exception. . . .

'A third exception is that of treaties establishing arrangements to which third powers are parties, such as guarantees and postal and other unions. . . . Outside the exceptions which have been discussed, treaties between belligerents do not survive the outbreak of war. . . .'

III: *Third Method of Classification*

There is still another method of dealing with the problem of classifying treaties from the point of view of the effect upon them of the outbreak of war. Classifying them in reference to parties, it may be said that treaties fall into three main groups.

A. *Bilateral treaties* between two States which become opposing belligerents. In accordance with the general practice of States and the view held by most jurists, the effect of war is to terminate all such treaties.[2]

B. *Multilateral treaties where all the parties are belligerents.* This case seems to be covered neither by the precedents of

[1] *International Law*, Part II: War, 1907, pp. 29–32.
[2] But see I, B, (3), *supra*, pp. 362–3.

the past nor by the writings of international jurists. On principle it would seem possible to treat these treaties in the same way as bilateral treaties between two opposing belligerents, and thus to regard them as terminated as between all parties, unless they are specifically revived at the termination of hostilities in the treaty of peace.

C. *Multilateral treaties where one or more of the parties are neutral.* The general view of the jurists is that such treaties are not terminated by the outbreak of war; as between the belligerents they are merely suspended during war, and as between each belligerent and each neutral party they are not even suspended but retain their full force and effect during hostilities; while at the conclusion of peace they revive automatically and become operative upon all parties. In order to prevent the automatic revival of such treaties it is necessary to insert in the treaty of peace an express stipulation to this effect.

§ III. The Effect of the War of 1914–18 on Treaties

A careful and detailed application of the fundamental legal principles governing the effect of war on treaties to the treaty-system in force in 1914 is one of the most important of all the many branches of present-day juridical study. It is manifestly impossible, however, within the limits of this chapter, to deal adequately with the many and complex problems connected with the effect of the World War upon the hundreds of treaties and conventions which bound the States one to another in 1914. Such an inquiry would involve a consideration of the great law-making treaties no less than of the almost innumerable treaties concluded for all kinds of other purposes. It would involve the examination of many groups of treaties and conventions, such, for example, as those which relate to the conduct of hostilities, arbitration, extradition, the slave trade, post, telegraphy and radio-telegraphy, fisheries, patents and trade marks, copyright, commerce and navigation, joint-stock companies, sanitation, agriculture and labour, and all the far-reaching subjects of territorial and political authority in all parts of the world.

The outbreak of the war and the practices of the belligerent and neutral States during the war have affected this whole

treaty-system in countless directions.[1] There has been indeed a partial, but nevertheless a far-reaching, break-up of the treaty relations which existed in 1914. The effects of this break-up are seen most clearly in the treaty relations between the two opposing groups of belligerent States; but they are also observable in respect to treaties which involve neutral States as parties. Indeed, it is hardly possible to contend that the treaty relations of any one of the world's States have been unaffected by the great struggle which has swept over all the continents and all the seas.

The necessity of dealing with this vast problem on general principles of international law is partly obviated by reason of the fact that the Treaties of Peace contain certain provisions in regard to the effect of the war upon treaties. With these provisions we shall deal briefly in a later portion of the present chapter; but we shall see that, even after we have studied the stipulations of the treaties, we shall still remain in doubt as to the after-war status of many of the most important treaties and conventions which possessed binding force in July 1914.

PART II

THE STAGES IN THE HISTORY OF PEACE NEGOTIATIONS

Throughout the whole period of the war there was much public discussion of the possibility of ending the conflict by means of negotiation; but in the present chapter only the later stages of this discussion will be brought under review. These stages begin with the German peace note of the 12th December 1916, and end with the conclusion of treaties of peace at Paris. These later stages constitute the history of diplomatic and authoritative public discussion of the possibility of re-establishing the world's peace and of the terms to be embodied in the treaty or treaties of peace.

It is not one of the purposes of the present chapter to trace, even in outline, the evolution of thought which led ultimately to

[1] On the effect of the war on the treaty guaranteeing Belgium's and Luxemburg's neutrality, see Baty and Morgan, *War: Its Conduct and Legal Results*, 1915, pp. 229–43; Phillipson, *International Law and the Great War*, 1915, pp. 1–26. On the effect of the war upon certain Hague Conventions, see Hall, op. cit., 1917, pp. xxxviii, xxxix, 478 seq. Consult also the Index, s.v. Hague Conventions.

the armistices and to the assembling of the Peace Conference at Paris; but the marking of the several stages in the history of the documents and public statements relating to war-aims and peace proposals will enable us to study in clearer light the period in which agreement was reached as between the Allied and Associated Powers on the one side and Austria-Hungary and Germany on the other, as to the fundamental principles or bases upon which peace might be concluded. This agreement of the parties upon fundamentals is of vital importance in its relation to the Armistice Conventions, the discussions at the Peace Conference, and the terms of the Treaties of Peace.

(1) *First Stage.* The first of the several stages begins with the German Peace Note of 12th December 1916, the German note to the Pope of the same date, and President Wilson's note to the belligerents of 18th December 1916. The German notes, in which Germany and her Allies declared themselves ready to enter forthwith into peace negotiations, and the President's note, in which he sought to elicit the respective views of the belligerents as to the terms of peace, were unconnected in origin; but the issue of all three of them within the short space of a week initiated the authoritative discussion of peace terms. The replies to these notes contained certain of the fundamental demands of the Allies; and it may well be that the justice of these demands, embodied in documentary form and supported by the cogent reasoning of Mr. Balfour's dispatch (16th January 1917) commenting on the Allied note of 30th December 1916 was one of the main factors in slowly influencing the mind of the President towards American participation in the war. Certain it is that in his Address to the Senate on 22nd January 1917, after he had received the German reply (25th December 1916) to his note and after the issue also of the German and Austrian notes to neutrals (11th January 1917), the President drew attention to the fact that the Entente Powers had replied 'much more definitely' to his note than had the Central Powers, and that they had 'stated, in general terms indeed, but with sufficient definiteness to imply details, the arrangements, guarantees, and acts of reparation which they deem to be the indispensable conditions of a satisfactory settlement. We are much nearer a definite discussion of the peace which shall end the present war. We are that much nearer the dis-

cussion of the international concert which must thereafter hold the world at peace.'

The Allied replies had indeed brought a 'definite discussion of the peace' much nearer; but for nearly two years that discussion was by way of public pronouncement by statesmen and the further interchange of diplomatic notes, not by way of a peace conference as had been proposed by the Central Powers in the first German note to the United States. A few days after the President had addressed the Senate (22nd January 1917) the German Government announced the policy of unrestricted submarine warfare (31st January). On the 3rd February the United States broke off diplomatic relations with Germany and on the 6th April declared war upon her.

Prior to this had occurred the first Russian Revolution (12th March), to be followed by the repudiation of imperialism by the Russian provisional Government (10th April), and the appeal of the Russian Soviets for a restatement of the war-aims of the Allies (30th May). The Russian Government aimed at securing a general peace; while the German Reichstag, by the majority resolution of 19th July 1917, declared that it also sought a 'peace of understanding and the permanent reconciliation of the peoples'.

The first period of discussion of peace terms, initiated in December 1916, by Germany and the United States, had produced a clear statement of Allied demands; but it had ended in the collapse of all German plans for the negotiation of a peace treaty round the table of a conference.

(2) *Second Stage.* The second stage in the history of the discussion of peace terms begins with the sending of the Pope's note to the belligerents (1st August 1917) and ends with the delivery of President Wilson's speech in which he announced 'the programme of the world's peace' in 'Fourteen Points' (8th January 1918). Each one of these important pronouncements is inspired by lofty ideals, and each embodies definite principles to be applied in the peace settlement. But there is this vital difference between the Pope's plan of settlement and that proposed by the President. The Pope proposed what in substance amounted to a *status quo ante bellum*, whereas the President demanded a recognition of the fact that the pre-war age is 'an age that is dead and gone', that the peace settlement must embody 'essential rectifications of wrongs and

assertions of right', and that through it all must run 'the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak'.

The salient characteristics of this second stage in the efforts of statesmen to arrive at a satisfactory agreement upon peace terms are marked by

(*a*) The Pope's note and the replies of the belligerents of both groups;

(*b*) The speeches of Herr Michaelis (28th September 1917), Count Czernin (2nd October, 4th and 6th December), and Baron von Kühlmann (9th October) on the one side, and of M. Ribot (12th October), Mr. Wilson (4th December), and Mr. Lloyd George (5th January 1918) on the other side;

(*c*) The peace terms of the Russian Council of Workmen's and Soldiers' Delegates (20th October 1917), Trotsky's note containing proposals for an armistice (22nd November), and his note to the Entente Allies (7th December), the general statement of the principles of Russia, and of the Central Powers at Brest-Litovsk (22nd December), and Trotsky's invitation to the Allied peoples and Governments (29th December).[1]

(3) *Third Stage.* The third stage, inaugurated by President Wilson's address to Congress on 8th January 1918, in which he set forth the Fourteen Points of a future peace settlement, culminated in the meeting of representatives of the Allied and Associated States and of Austria-Hungary and Germany, to conclude armistices. Within this period notable speeches, embodying proposals of peace terms and criticism of these proposals, were delivered by the leading statesmen of both groups of belligerents; and the delivery of those speeches, particularly those of President Wilson, constitutes the first important aspect of the period from the point of view of the peace settlement. The second important aspect of the period consists of the exchange of diplomatic notes. This correspondence began with the Austrian peace note (15th September 1918) and the German note to President Wilson (4th October) and ended with President Wilson's last note to Germany (5th November), and the meetings of the military and naval representatives of both groups of belligerents to consider the

[1] Practically all these documents may be found in Dickinson, *Documents and Statements relating to Peace Proposals and War Aims*, 1919.

Armistice. This third stage in the history of negotiations is of vital importance, for at its conclusion agreement had been reached by the Powers with Austria-Hungary and Germany alike as to the basis of the peace.

(4) *Fourth Stage.* The fourth stage consists of the few days during which the terms of the Armistice were considered by the representatives of the Allied and Associated States and Germany. The conclusion of the Armistice Convention ends this brief period on 11th November 1918.

(5) *Fifth Stage.* The fifth stage extends from the conclusion of the Armistice with Germany to the meeting of the Peace Conference held at Versailles on 7th May 1919.

(6) *Sixth Stage.* The sixth stage consists of the period from the 7th May to the 28th June 1919—the period of the discussion of the provisions of the draft Treaty of Peace with Germany. The signing of the Treaty at Versailles on 28th June 1919 occurred exactly five years to the day after the assassination of the Archduke Franz-Ferdinand at Serajevo.

The few weeks which constitute this sixth period are hardly of less importance than those which make up the third. The third is marked by the formation of the pre-armistice Agreement, while the distinctive mark of the sixth is the comparison of the Agreement with the draft Treaty by the parties to the peace negotiation and the divergence of views as between the two groups of negotiators.

PART III

THE CONCLUSION OF PRE-ARMISTICE AGREEMENTS

§ I. The Several Agreements

Whether or not it may be held that the Allied and Associated Powers were bound by a legal or by a moral obligation either to Bulgaria or to Turkey to conclude Armistice Conventions and Treaties of Peace upon agreed terms and principles is a question which must be left for the moment on one side.[1] It is at least clear that the diplomatic correspondence of the autumn of 1918 led to (1) legal obligations binding the Powers on one side and Germany on the other side, and (2) moral obligations binding upon the Powers and Austria-Hungary

[1] See Part V, *infra*.

alike. We must now turn our attention to the stages in the process of forming these two pre-armistice Agreements.

The Agreement concluded between the Powers and Austria-Hungary is separate and distinct from that formed between the Powers and Germany. Not only are the two Agreements separate and distinct in respect to parties and process of formation, but they also differ in the matter of terms and principles. While certain of the addresses and speeches of President Wilson are taken as the common basis of both Agreements; yet an analysis of the two sets of diplomatic notes indicates clearly that the Agreements, while possessing features in common, yet differ each from the other in most important particulars.

§ II. The Agreement between the Powers and Austria-Hungary

(1) *Austro-Hungarian Note* (*15th September 1918*). In its note of 15th September the Austro-Hungarian Government expressed the view that 'a certain agreement relative to the general basic principles of a world-peace manifests itself'. 'It is true,' continued the Austrian Government in a later portion of the note, 'it must be remembered, that an agreement on general principles does not suffice, but that it is, further, a matter of reaching an accord on their interpretation and their application to individual concrete war and peace questions.' The Austro-Hungarian Government proposed, therefore, to the Governments of all belligerent States 'to send delegates to a confidential and non-binding discussion on basic principles for the conclusion of peace'.

(2) *American Note* (*16th September*). In its answer to this note the Government of the United States declared that there was 'only one reply' to make to the suggestion of the Austro-Hungarian Government. The Government of the United States 'has repeatedly and with entire candour stated the terms upon which the United States would consider peace, and can and will entertain no proposal for conference upon a matter concerning which it has made its position and purpose so plain'.

(3) *Austro-Hungarian Note* (*7th October*). To this the Government of Austria-Hungary replied as follows in its note of 7th October: It 'offers to conclude with him [the President

of the United States] and his Allies an armistice on every front, on land, at sea, and in the air, and to enter immediately upon negotiations for a peace for which the "Fourteen Points" in the message of President Wilson to Congress of 8th January 1918, and the Four Points contained in President Wilson's address of 11th February 1918, should serve as a foundation, and in which the view-points declared by President Wilson in his address of 27th September 1918 will also be taken into account.'

(4) *American Note (18th October).* In his note of 18th October, in reply to the Austrian note of 7th October, President Wilson declared that he could not 'entertain the present suggestion' of the Austrian Government 'because of certain events of the utmost importance which, occurring since the delivery of his Address of 8th January last, have necessarily altered the attitude and responsibility of the Government of the United States. Among the fourteen terms of peace . . . the President formulated at that time occurred the following: "The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development." Since that sentence was written and uttered to the Congress of the United States the Government of the United States has recognized that a state of belligerency exists between the Czecho-Slovaks and the German and Austro-Hungarian Empires, and that the Czecho-Slovak National Council is a *de facto* belligerent Government, clothed with proper authority to direct the military and political affairs of the Czecho-Slovaks. It has also recognized in the fullest manner the justice of the nationalistic aspirations of the Yugo-Slavs for freedom. The President is therefore no longer at liberty to accept a mere "autonomy" of these peoples as a basis of peace, but is obliged to insist that they, and not he, shall be the judges of what action on the part of the Austro-Hungarian Government will satisfy their aspirations and their conception of their rights and destiny as members of the family of nations.'

(5) *Austro-Hungarian Note (27th October).* The Austrian note of 27th October was in reply to this note of President Wilson of 18th October. In it the Government of Austria-Hungary, 'in the sense of the decision of the President to deal in particular with Austria-Hungary in regard to the question of an armistice and peace', declares that, 'as in the

case of the preceding statements of the President, it also adheres to his point of view as laid down in his last Note regarding the rights of the peoples of Austro-Hungary, particularly those of the Czecho-Slovaks and the Yugo-Slavs. Consequently, as Austria-Hungary accepts all conditions upon which the President makes an entry into the negotiations regarding an armistice and peace dependent, nothing now stands in the way, in the opinion of the Austro-Hungarian Government, of the commencement of *pourparlers*. The Austro-Hungarian Government declares itself in consequence prepared, without awaiting the result of other negotiations, to enter into *pourparlers* regarding peace between Austria-Hungary and the States of the opposing party, and regarding immediate armistice on all the fronts of Austria-Hungary. It begs President Wilson to be good enough to make overtures on this subject.'

Upon the basis of this correspondence the War Council of the Allied and Associated States drew up the terms of the Armistice and Austria-Hungary accepted them on 3rd November 1918.

It seems clear from this correspondence and the conclusion of the Armistice based upon it, that the parties had reached agreement upon the following particulars :

(*a*) The 'foundation' of the peace negotiations shall be the 'Fourteen Points' (address of 8th January 1918), with the exception of Point Ten, and the 'Four Principles' of the address of 11th February 1918. Point Ten is modified in the sense of the notes of 18th and 27th October : the peoples of Austria-Hungary are to have not merely an 'opportunity of autonomous development', they are themselves to decide their own fate on the principle of self-determination.

(*b*) The 'view-points' of the speech of 27th September 1918, 'the Five Particulars', will also be taken into account.

The question as to the nature of this Agreement between the Powers and Austria-Hungary is one of fundamental importance. As already indicated, this Agreement upon the 'foundation' of the peace negotiations and the 'view-points' to be taken into account created at least moral obligations binding upon both parties. But is it to be viewed as creative not only of *moral* but also of *legal* obligations ?

The whole problem is complicated because of the dissolution of the Austro-Hungarian Monarchy, and the fact that at least

since the Armistice of 3rd November 1918, the Powers have dealt separately with Austria and with Hungary. The view may be held that the Armistice of the 3rd November was based on the unconditional surrender of Austria and Hungary; and that it was in fact an Armistice of a purely military character and one without any political bearing at all. If indeed the State with which the Powers were at war and with which President Wilson had exchanged diplomatic notes, namely, the State of Austria-Hungary, had in fact ceased to exist as such, having been dissolved into its constituent elements, namely Austria and Hungary, then it becomes more difficult to hold that the Powers were bound by legal as distinct from moral obligations in framing the clauses of the treaties of peace with Austria and Hungary. To all seeming the Conference never came to any clear conception of the nature of the difficulties and of the true solution of this whole problem.

It is not proposed in the present chapter to attempt to come to any definite conclusion upon a problem of so much difficulty and complexity. It must suffice to indicate that the pre-armistice correspondence created an Agreement that certain fundamental terms and principles ought to be embodied in the treaties of peace with Austria and Hungary. The obligations resulting from this Agreement were at least of a moral character. Even if these obligations were purely moral and possessed no legal validity, it is difficult to hold that they ceased to be binding by reason of subsequent events. Even if the Armistice of 3rd November was in fact based upon unconditional surrender, it could hardly be maintained that the Powers were thereby absolved from their moral obligation to frame the treaties of peace with Austria and Hungary upon the lines of the addresses and speeches of President Wilson as specified (and modified in one important particular, namely, 'autonomy') by the diplomatic correspondence.

§ III. The Agreement between the Powers and Germany

A. *The Diplomatic Correspondence of October and November 1918*[1]

(1) *German Note (4th October).* The diplomatic correspondence between the Governments of Germany and the United States in reference to an armistice and a peace began with the German note to President Wilson of 4th October 1918 In

[1] *v.* Appx. IV, pp. 448 sqq.

this note the German Government 'requests the President of the United States of America to take steps for the restoration of peace, to notify all belligerent States of this request, and invite them to send plenipotentiaries for the purpose of opening negotiations. It [the German Government] accepts the programme set forth by the President of the United States in his Message to Congress of January 8th [the Fourteen Points].'

(2) *American Note* (*8th October*). President Wilson's answer, embodied in his note of 8th October, was essentially a *questionnaire*. He deemed 'the answers to these [three] questions vital from every point of view'.

(*a*) 'Before making a reply to the request of the Imperial German Government and in order that the reply shall be as candid and straightforward as the momentous interests involved require, the President of the United States deems it necessary to assure himself of the exact meaning of the Note of the Imperial Chancellor. Does the Imperial Chancellor mean that the Imperial German Government accepts the terms laid down by the President in his Address to the Congress of the United States on January 8th last and in subsequent Addresses, and that its object in entering into discussion would be only to agree upon the practical details of their application?'

(*b*) 'The President feels bound to say with regard to the suggestion of an armistice that he would not feel at liberty to propose a cessation of arms to the Governments with which the Government of the United States is associated against the Central Powers so long as the armies of those Powers are upon their soil. The good faith of any discussion would manifestly depend upon the consent of the Central Powers immediately to withdraw their forces everywhere from invaded territory.'

(*c*) 'The President also feels that he is justified in asking whether the Imperial Chancellor is speaking merely for the constituted authorities of the Empire who have so far conducted the war.'

(3) *German Note* (*12th October*). The German note of 12th October contained replies to the three questions of the President.

(*a*) 'The German Government has accepted the terms laid down by President Wilson in his address of January 8th and in his subsequent addresses on the foundation of a permanent peace of justice. Consequently its object in entering into discussions would be only to agree upon practical details of the

application of these terms. The German Government believes that the Governments of the Powers associated with the Government of the United States also adopt the position taken by President Wilson in his address.'

(*b*) 'The German Government, in accordance with the Austro-Hungarian Government, for the purpose of bringing about an armistice, declares itself ready to comply with the propositions of the President in regard to evacuation. The German Government suggests that the President may occasion the meeting of a mixed Commission for making the necessary arrangements concerning the evacuation.'

(*c*) 'The present German Government, which has undertaken the responsibility for this step towards peace, has been formed by conferences and in agreement with the great majority of the Reichstag. The Chancellor, supported in all of his actions by the will of this majority, speaks in the name of the German Government and of the German people.'

(4) *American Note* (*14th October*). On 14th October President Wilson replied to the German note of 12th October. 'The unqualified acceptance', declares the President, 'by the present German Government, and by a large majority of the German Reichstag, of the terms laid down by the President of the United States of America in his addresses to the Congress of the United States on the 8th of January 1918, and in his subsequent addresses, justifies the President in making a frank and direct statement of his opinion with regard to the communications of the German Government of the 8th and 12th of October 1918.' In the President's 'frank and direct statement of his opinion' he proceeds to specify three conditions precedent to the cessation of hostilities by means of an armistice.

(*a*) 'It must be clearly understood that the process of evacuation and the conditions of an armistice are matters which must be left to the judgment and advice of the military advisers of the Government of the United States and the Allied Governments, and the President feels it his duty to say that no arrangement can be accepted by the Government of the United States which does not provide absolutely satisfactory safeguards and guarantees of the maintenance of the present military supremacy of the armies of the United States and the Allies in the field. He feels confident that . . . this will also be the judgment and decision of the Allied Governments.'

(*b*) Neither the United States nor (the President is 'quite sure') the Allies 'will consent to consider an armistice as long as the armed forces of Germany continue the illegal and inhuman practices which they still persist in', such as the sinking of passenger ships and their boats at sea by German submarines and the wanton destruction of cities and villages by the German forces in the course of their enforced withdrawal from France and Flanders. 'The nations associated against Germany cannot be expected to agree to the cessation of arms while acts of inhumanity, spoliation, and desolation are being continued.'

(*c*) It is necessary also to call the attention of the German Government 'to the language and plain intent of one of the terms of peace which the German Government has now accepted. It is contained in the address of the President delivered at Mount Vernon on the 4th of July last. It is as follows: "The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world, or, if it cannot be presently destroyed, at least its reduction to virtual impotency." The power which has hitherto controlled the German nation is of the sort here described. . . . The President's words just quoted naturally constitute a condition precedent to peace if peace is to come by the action of the German people themselves. The President feels bound to say that the whole process of peace will, in his judgment, depend upon the definiteness and satisfactory character of the guarantees which can be given in this fundamental matter. It is indispensable that the Governments associated against Germany should know beyond a peradventure with whom they are dealing.'

(5) *German Note* (*20th October*). On 20th October the German Government replied to President Wilson's note of 14th October in which he had specified three conditions precedent to a cessation of hostilities by means of an armistice.

(*a*) 'In complying with the proposal to evacuate occupied territories, the German Government started from the standpoint that the procedure in this evacuation and the conditions of armistice are to be left to the judgment of the military advisers, and that the present relative strengths on the fronts must be made the basis for arrangements that will safeguard and guarantee it. The German Government leaves

it to the President to create an opportunity to settle the details.'

(*b*) 'The German Government protests against the charge of illegal and inhuman practices . . . made against the German land and sea forces, and thereby against the German people.' German troops are under the 'strictest instructions to respect private property and to exercise care for the population'. 'Where excesses occur . . . the guilty are punished.' The German Navy has never 'purposely destroyed lifeboats with their occupants'. The German Government proposes that the 'facts be cleared up by neutral Commissions'. In order to avoid everything which might hamper the work of peace, the German Government has caused orders to be dispatched to all submarine commanders precluding the torpedoing of passenger ships.

(*c*) As a fundamental condition for peace, the President prescribes the destruction 'of every arbitrary power that can separately, uncontrolled, and of its own single choice disturb the peace of the world'. The Constitution of the Empire has been fundamentally altered in order that the will of the people shall prevail for 'decisions on war and peace'. 'The question of the President, as to whom he and the Governments associated against Germany are dealing with, is therefore clearly and unequivocally answered by the statement that the peace and an armistice offer issues from a Government which is free from all arbitrariness and irresponsible influence, and is supported by the approval of the overwhelming majority of the German people.'

(6) *American Note (23rd October).* President Wilson's note of 23rd October, in reply to the German note of 20th October, begins by declaring that, in view of assurances received from the German Government, the President cannot decline 'to take up with the Governments with which the Government of the United States is associated the question of an armistice'. These assurances are the following:

(*a*) 'the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in [the President's] Address to the Congress of the United States on January 8, 1918 [containing the Fourteen Points], and the principles of settlement enunciated in his subsequent Addresses, particularly the Address of September

27th [containing the 'Five Particulars'], and that it desires to discuss the details of their application';

(*b*) the solemn and explicit assurance of the German Government that 'this wish and purpose emanate, not from those who have hitherto dictated German policy and conducted the present war on Germany's behalf, but from Ministers who speak for the majority of the Reichstag, and for an overwhelming majority of the German people';

(*c*) 'the explicit promise of the present German Government that the humane rules of civilized warfare will be observed both on land and sea by the German armed forces'.

The President announces, in his note, that he has transmitted his correspondence with the German Government to the Governments with which the Government of the United States is associated as a belligerent. In so doing he has suggested to those Governments that if they are 'disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such an armistice as will fully protect the interests of the peoples involved, and ensure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government has agreed, provided they [the Associated Governments] deem such an armistice possible from the military point of view. Should such terms of armistice be suggested, their acceptance by Germany will afford the best concrete evidence of her unequivocal acceptance of the terms and principles of peace from which the whole action proceeds.'

In a previous portion of his note the President had expressly stated that 'the only armistice he would feel justified in submitting for consideration would be one which should leave the United States and the Powers associated with her in a position to enforce any arrangements that may be entered into, and to make a renewal of hostilities on the part of Germany impossible'. The latter part of the note deals with 'the reason why extraordinary safeguards must be demanded'. This reason is the uncertainty as to the true seat of political and military power in Germany. It 'does not appear that the principle of a Government responsible to the German people has yet been fully worked out, or that any guarantees either exist or

are in contemplation that the alterations of principle and of practice now partially agreed upon will be permanent. . . . It is evident that the German people have no means of commanding the acquiescence of the military authorities of the Empire in the popular will; that the power of the King of Prussia to control the policy of the Empire is unimpaired; that the determining initiative still remains with those who have hitherto been the masters of Germany . . . [The] nations of the world do not and cannot trust the word of those who have hitherto been the masters of German policy . . . [In] concluding peace and attempting to undo the infinite injuries and injustices of this war the Government of the United States cannot deal with any but veritable representatives of the German people who have been assured of a genuine constitutional standing as the real rulers of Germany. If it [the Government of the United States] must deal with the military masters and the monarchical autocrats of Germany now, or if it is likely to have to deal with them later in regard to the international obligations of the German Empire, it must demand not peace negotiations but surrender.'

(7) *German Note (27th October).* In its brief reply of 27th October the German Government takes cognizance of the President's note and assures him that 'the peace negotiations will be conducted by a People's Government, in whose hands the decisive legal power rests in accordance with the Constitution, and to which the Military Power will also be subject'. The note concludes with the statement that 'the German Government now awaits the proposals for an armistice which will introduce a peace of justice such as the President in his manifestations has described'.

(8) *American Note (5th November) and Allied Memorandum (5th November).* President Wilson's note of 5th November to the German Government concludes the correspondence. In this note the President communicates to Germany the text of the 'memorandum of observations by the Allied Governments' on the correspondence that had taken place between the President and the German Government. The Allied Governments, in this memorandum, 'declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's Address to Congress of January 8, 1918, and the principles of settlement enunciated in his subsequent

Addresses,' subject, however, to two 'qualifications'. These two qualifications are the following:

(*a*) The Allied Governments 'must point out' that 'Clause 2 [point two of the President's 'Fourteen Points'], relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the Peace Conference.'

(*b*) 'Further,' declare the Allied Governments, 'in the conditions of peace laid down in his Address to Congress of January 8, 1918 [the 'Fourteen Points'], the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understood that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air.' President Wilson states that he is 'in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted'.

President Wilson's note concludes with a notification to the German Government that 'Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of an armistice'.

B. *Stages in the Negotiation*

If this correspondence, consisting of eight notes in all, be analysed, it will be found that it represents two distinct stages in the negotiations which had as their ultimate objects the conclusion of an armistice and the conclusion of a peace treaty.

(1) *First Stage.* The first of these two stages begins with the German note of the 4th October and ends with the German note of the 27th October. Throughout this whole period the only parties to the conversations conducted by exchange of notes were the Government of Germany on the one side and the Government of the United States on the other. The object of the German Government, in beginning the correspondence, had been to induce the President of the United States 'to take in hand the restoration of peace'. But before he was willing

to move in this direction the President insisted upon a clear understanding, as between the German Government and himself, as to (*a*) conditions precedent to the conclusion of an armistice, (*b*) the terms of an armistice, and (*c*) the terms of peace and the principles of settlement. Without discussing in detail the successive steps of the negotiations which terminated with the German note of the 27th of October it may be said that by that time general agreement had been reached, as between the German and American Governments, on the three important matters with which the notes deal.

(*a*) *Conditions Precedent to an Armistice.* As conditions precedent to the conclusion of an armistice the German Government, on the insistence of the President, had given its solemn assurances that there should be an immediate evacuation of all territories occupied by the armies of the Central Powers, the process of evacuation to be left to the judgment and advice of the military advisers of the American and Allied Governments;[1] that illegal and inhuman practices of warfare on the part of German armed forces shall cease and that the humane rules of civilized warfare shall be observed by them both on land and at sea; and that the present German Government, free from any arbitrary and irresponsible influence, is responsible, under the existing constitution, to the German people, and that the military power is subject to this 'People's Government'.

(*b*) *Terms of the Armistice.* As to the terms of the armistice, provided an armistice be deemed possible, from the military point of view, by the enemies of Germany, there was agreement between the German and American Governments that such terms of armistice shall provide absolutely satisfactory safeguards and guarantees that the military supremacy of the United States and the Allies shall be maintained, and that they shall leave these Powers in a position to enforce any arrangements that may be entered into and to make a renewal of hostilities by Germany impossible.

(*c*) *Terms of Peace and Principles of Settlement.* As to the terms of peace and the principles of settlement the German and American Governments had reached general agreement that

[1] Although immediate evacuation formed one of the conditions precedent to an armistice, the Powers did not insist upon the fulfilment of this condition prior to the conclusion of the Armistice Convention. The Convention itself provided for evacuation. See further Part IV, § 1, p. 389, and Part VI, (1), (2), pp. 420–1.

such terms and principles shall be those stated by President Wilson in his Address to Congress on 8th January 1918, and in his subsequent address, particularly the address of the 27th September, and that the object of peace discussions would be only to agree upon the practical details of their application.

In view of this general agreement between the German and American Governments as to (*a*) the conditions precedent to an armistice, (*b*) the terms of an armistice, and (*c*) the terms and principles of peace, President Wilson transmitted his whole correspondence with Germany to the Allied Governments for their consideration. In its brief note of 27th October, the German Government informed President Wilson that it awaited 'the proposals for an armistice which will introduce a peace of justice such as the President in his manifestations has described'. With this note the first stage of the negotiations terminated.

(2) *Second Stage.* The second stage of the negotiations which led to the meeting of representatives of the Allied and Associated States with representatives of Germany, for the purpose of considering the question of an armistice and, if possible, of settling its terms, was inaugurated by President Wilson's last note to Germany—the note of the 5th of November 1918. From every point of view, this note is the most important of all the notes exchanged between the German and American Governments in the weeks immediately preceding the Armistice of the 11th of November; for it constitutes the formal and written offer of the Allied and Associated States to conclude with Germany (*a*) an armistice convention, and (*b*) a treaty of peace. This offer, it is conceived, was accepted by Germany by the act of sending representatives through military channels, to meet Marshal Foch for the purpose of arranging an armistice. By the acceptance of the offer a solemn Agreement was reached which served, both morally and legally, as the basis of the armistice convention and the treaty of peace.

Owing to the great importance of this preliminary Agreement, or Contract, between the Allied and Associated States and Germany, it is necessary to discover and to understand its terms. Its express terms are set forth in the President's note of the 5th November and the Allied memorandum which it embodied; its implied terms are to be found, it is conceived, in the preceding correspondence between the German and American Governments which embodied the general agreement

between those Governments, which led the President 'to take in hand the restoration of peace' by the transmission of the correspondence to the Allies, and which was adopted as their own by the Allied States in the memorandum of 5th November. In other words, in order to discover the terms of the Agreement between the Allied and Associated Governments and the German Government it is necessary to read the express offer of the 5th November in the light of the entire correspondence which began on the 4th October. All the Allied and Associated States became parties to this correspondence by the memorandum of 5th November; for by that memorandum the Allies ratified the correspondence conducted by President Wilson alone, save for two important reservations in regard to the 'freedom of the seas' and 'restoration'.

C. *The Agreement as to an Armistice and a Peace*

(1) *The Armistice.* What, then, was the Agreement, if any, as to the terms which should be embodied in an armistice convention? The President's note of the 5th November contains only two express references to an armistice. In the beginning of the note the President drew careful attention to his note of the 23rd October in which he had advised the German Government that he had transmitted his correspondence with it to the Allied Governments, 'with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such an armistice as would fully protect the interest of the people involved and ensure to the Associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view'. At the end of the note the German Government was notified by the President that 'Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of an armistice'.

It is obvious that the appointment of Marshal Foch to

'communicate' the 'terms of an armistice' to German representatives indicated that the Allied and Associated Governments viewed the sort of armistice indicated by President Wilson in his correspondence with the German Government as an armistice which was 'possible from the military point of view' of the enemies of Germany. But, what was the Agreement between the Associated and Allied Governments and the German Government as to the nature of the armistice? The express terms of the Agreement are embodied in the President's note of the 5th November, for the reason that this note constituted the offer of Germany's enemies which was accepted by the act of sending representatives to meet Marshal Foch.

In the first place, therefore, it seems clear from the note of 5th November that the armistice which Marshal Foch was entitled to insist upon was one which, in the express words of the note, 'would fully protect the interest of the peoples involved and ensure to the Associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed [in its correspondence with President Wilson]'.

In the second place, it seems equally clear that the note of 5th November must be read in connexion with the preceding correspondence and that any terms as to an armistice agreed upon in that correspondence between the German and American Governments must be regarded as implied terms of the Agreement between all the Allied and Associated Governments and the German Government. If we are entitled to adopt this principle, and on the general rules of contract law it would seem that we are, the implied terms in the Agreement in question include, amongst others, the immediate evacuation of all invaded territories, the maintenance of the military supremacy of the Allied and Associated States, and the perfecting of arrangements to make a renewal of hostilities on the part of Germany impossible.

In the third place, it is to be noted that the express Agreement between Germany and her enemies, embodied in the note of 5th November, contained, in addition to provisions as to the armistice, the 'terms of peace' and the 'principles of settlement'. Inasmuch as the terms of peace and the principles of settlement had been agreed upon in advance, it is clear that the agreed terms of the armistice must be read in connexion

with them. In the words of the note of 5th November, the terms of the armistice were to be 'the necessary terms of such an armistice as would . . . ensure to the Associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed'. In other words, the armistice convention must be framed with a view to the conclusion of a peace treaty based upon the 'terms of peace' and the 'principles of settlement' agreed upon in advance by Germany and her enemies. Various clauses of the Armistice Convention of the 11th November 1918 must be viewed as based upon this principle, that the armistice terms may, where necessary for safeguarding and enforcing the details of the peace to which both sides have agreed in advance, actually embody 'terms of peace' and 'principles of settlement'. Thus, for example, the provisions of the Armistice Convention (11th November 1918) as to the 'annulment of the treaties of Bucharest and Brest-Litovsk and of the supplementary treaties' (Clause XV) and 'reparation for damage done' (Clause XIX) are to be studied from this point of view, as we shall see presently.

(2) *The Peace.* Passing on now from the consideration of the Agreement from the point of view of the terms of armistice, it is necessary to inquire as to its provisions in regard to the 'terms of peace' and 'principles of settlement'. Prior to the dispatch of the note of 5th November, the German and American Governments had reached agreement upon the fundamental point that the President's address of 8th January 1918, and his subsequent addresses, were to be the basis of the peace. The note of 5th November embodies the memorandum of the Allied Governments; and it is this memorandum which must be viewed as the documentary embodiment of the provisions of the Agreement as to 'terms of peace' and 'principles of settlement'. President Wilson's attitude towards two of the 'terms of peace' is worthy of special consideration at a later stage of our investigation; but, for the present, it is only necessary to draw careful attention to the vital portions of the Allied memorandum itself. 'The Allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow,' state the Allied Governments, 'they declare their

willingness to make peace with the Government of Germany on the terms of peace laid down in the President's Address to Congress of January 8, 1918 [the address containing the 'Fourteen Points'], and the principles of settlement enunciated in his subsequent Addresses.' The 'qualifications' of the 'terms of peace' contained in the President's Address of 8th January 1918 are two in number. In reference to Point two of the President's 'Fourteen Points'—the point in regard to 'the freedom of the seas'—the Allies 'reserve to themselves complete freedom' when they enter the Peace Conference. The President is silent in regard to this qualification. In reference to the declaration in several of the 'Fourteen Points' that invaded territory must be 'restored' as well as evacuated and freed, the Allies expressly state what they understand this provision implies, namely, compensation for all damage done to the civilian population and their property. The President expressly states that he is in agreement with the interpretation given by the Allied Governments.

In this memorandum by the Allied Governments the fundamental provisions of the Agreement as to the peace are to be found; and, inasmuch as these provisions are based on certain addresses of President Wilson, it becomes necessary to analyse these addresses with some care and to consider one of them in its relation to the two 'qualifications' of the Allies.

PART IV

THE TERMS AND PRINCIPLES OF THE PRE-ARMISTICE AGREEMENT BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY

The terms and principles of the pre-armistice Agreement in regard to the armistice and the peace are embodied in (1) five addresses and speeches of President Wilson delivered in 1918, and (2) eight notes exchanged between President Wilson and the German Government in the months of October and November 1918.

(1) *The Addresses and Speeches.* The addresses and speeches are the following: Address to Congress of 8th January 1918 (Fourteen Points); Address to Congress of 11th February 1918 (Four Principles); Speech at Baltimore of 6th April 1918;

Speech at Mount Vernon of 4th July 1918 (Four Objects); Speech at New York of 27th September 1918 (Five Particulars). In their memorandum of 5th November 1918, contained in the President's note to Germany of that date, the Allied Governments refer to the 'terms of peace' laid down in the Address of 8th January 1918, and the 'principles of settlement' enunciated in the four subsequent addresses and speeches. If the language of the Allied memorandum be interpreted in a narrow sense the 'terms of peace' include only the Fourteen Points and the 'principles of settlement' include only the thirteen principles set forth in three separate sets—Four Principles on 11th February, Four Objects on 4th July, and Five Particulars on 27th September. These Points and Principles constitute no doubt fundamental provisions of the Agreement; but it is conceived that they do not form all of the 'terms' and 'principles'. Indeed, if the memorandum be interpreted in a broad sense the intention of the parties was that the full text of all five utterances of the President should be the basis of the Agreement—not only the 'Fourteen Points' and the 'Thirteen Principles', but all other terms of peace and principles of settlement contained in the five addresses and speeches. The discussions between Germany and the Powers at Paris make it clear that we must adopt this broader interpretation; for both parties to the discussion rely on many passages in the President's five addresses and speeches which are not specifically included in the 'Fourteen Points' and the 'Thirteen Principles'. Any passage which may be viewed as expressing a term of peace or a principle of settlement finds its proper place, therefore, in the provisions of the Agreement.

(2) *The Notes.* It seems equally clear that the diplomatic notes of October and November 1918 form also a part of the Agreement as to an armistice and a peace. The last note (5th November) is based on all the preceding ones; and in it the Allies clearly make themselves parties to the entire correspondence between the American and German Governments. This correspondence embodies very important terms and principles, particularly in reference to an armistice, as we have already seen.[1]

The offer of the Allied and Associated Powers, contained in the note of 5th November 1918, was that the Armistice Con-

[1] See Part III, § III, *supra*, pp. 373–80.

vention and the Treaty of Peace should be based on President Wilson's addresses and speeches and on the diplomatic correspondence; and it was this offer which Germany accepted. These documents constitute the entire Written Agreement—the basis of the agreed Armistice and the agreed Peace alike. To the terms and principles embodied in this Written Agreement we must now turn our attention.

(3) *Comments.* Five preliminary observations may, however, be made:

In the first place, the 'ideals' expressed by the President in his public utterances are actually 'terms of peace' and 'principles of peace' and are so regarded by the parties to the discussions of the draft Treaty, in its relation to the Agreement, at the Paris Conference.[1] 'Justice' and 'freedom', for example, are actual principles of settlement.

In the second place, only a study of the complete text of all the five addresses and speeches and of all the eight notes will, in their relation one to another, give the full meaning of the 'terms of peace' and 'principles of settlement'.

In the third place, the excerpts from the addresses, speeches, and notes, which have been arranged systematically under headings in the pages which follow, must be studied in connexion with their context; and for this purpose the reader should refer to the full text of the documents in the Appendix. Only by so doing will the full intent of the contracting States be revealed.

In the fourth place, it is to be observed that, although the addresses and speeches are treated in the present part of this chapter only in their relation to the Agreement with Germany, they have nevertheless a wider significance, for they were intended to serve as a programme for the world's peace and were so treated by the negotiators of the several treaties of peace.

In the fifth place, the speeches of the responsible statesmen of the belligerents during 1918 must be read in connexion with President Wilson's addresses and speeches; for they are important as showing the full intent of the parties as to the meaning and scope of the 'terms of peace' and 'principles of settlement' contained in the President's utterances.[2]

[1] See Part VIII, *infra.*

[2] See, for example, the speeches of Count Czernin and Count von Hertling

§ I. The Armistice

The Agreement embodies, amongst others, the following provisions in regard to the nature and terms of an armistice[1]:

(1) The Armistice must 'fully protect the interests of the peoples involved and ensure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed'.

(2) The Armistice must provide for (*a*) the immediate evacuation of all invaded territories, (*b*) the maintenance of the military supremacy of the Allied and Associated Powers, and (*c*) the perfecting of arrangements to make a renewal of hostilities on the part of Germany impossible.

(3) The Armistice Convention may, for the purpose of safeguarding and enforcing the details of the peace to which both sides have agreed in advance, actually embody 'terms of peace' and 'principles of settlement'.

§ II. The Nature of the Peace Settlement

(1) *Final Settlement.*

Address of 8th January 1918: 'We entered this war because violations of right had occurred which . . . made the life of our people impossible unless they were corrected and the world secured once for all against their recurrence.'

Address of 11th February 1918: 'He [Count von Hertling] refuses to apply them [the general principles of the Allied and Associated Powers] to the substantive items which must constitute the body of any final settlement . . . [the] items in the final accounting.'

Speech of 6th April 1918: '[Germany's] present Chancellor has said . . . that he believed that peace should be based upon the principles which we had declared would be our own in the final settlement.'

delivered on 24th January, in reply to President Wilson's address of 8th January 1918 (the Fourteen Points); Mr. Lloyd George's speech of 12th February, Mr. Balfour's speech of 13th February, Signor Orlando's speech of 13th February, and Baron Sonnino's speech of 23rd February; Count Hertling's speech on 25th February, and Mr. Balfour's speech of 27th February, in reference to President Wilson's address of 11th February (Four Principles); and Mr. Balfour's speech of 30th September in reference to President Wilson's speech of 27th September (Five Particulars).

[1] See Part III, § III, *supra*, p. 373 sqq.

Speech of 4th July 1918: 'The settlement must be final. There can be no compromise. No half-way decision is conceivable.'

Speech of 27th September 1918: '[The issues of the war] must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weakest is as sacred as the interest of the strongest. This is what we mean when we speak of a permanent peace. . . . We all agree that there can be no peace obtained by any kind of bargain or compromise with the Governments of the Central Empires. . . . [No] peace shall be obtained by any kind of compromise or abatement of the principles we have avowed as the principles for which we are fighting. There should exist no doubt about that.'

(2) *Parties to the Settlement.*

Address of 11th February 1918: 'We cannot have general peace for the asking or by the mere arrangements of a peace conference. It cannot be pieced together out of individual understandings between powerful States. All the parties to this war must join in the settlement of every issue anywhere involved in it, because what we are seeking is a peace that we can all unite to guarantee and maintain, and every item of it must be submitted to the common judgment whether it be right and fair, an act of justice rather than a bargain between Sovereigns.'

Address of 11th February 1918: '[The] covenants [of the peace] must be backed by the united force of all nations that love justice and are willing to maintain it at any cost.'

Speech of 27th September 1918: '[The] whole world has been drawn into [the war]. The common will of mankind has been substituted for the particular purposes of individual States. . . . peoples of all sorts and races . . . are involved in its sweeping processes of change and settlement. . . . Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?'

(3) *Common Judgment of All.*[1]

[1] See § II (2), *supra*.

(4) *Open Covenants.*[1]

Address of 8th January 1918: 'It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open, and that they shall involve and permit thenceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular Governments and likely at some unlooked-for moment to upset the peace of the world.'[2]

Address of 8th January 1918 (Point One): 'Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.'

(5) *Principle.*[3]

Address of 8th January 1918: 'An evident principle runs through the whole programme I have outlined [in the Fourteen Points] . . .'

Address of 11th February 1918: '[We] entered upon this war upon no small occasion, and . . . we can never turn back from a course chosen upon principle.'

Speech of 6th April 1918: '. . . [The] principles we [have] declared would be our own in the final settlement.'

Speech of 27th September 1918: '[The Governments of the Central Empires] observe no covenants, accept no principle but force and their own interest . . .'

Speech of 27th September 1918: '. . . [No] peace shall be obtained by any kind of compromise or abatement of the principles we have avowed as the principles for which we are fighting.'

§ III. International Law, International Relations, and the Covenant of the League of Nations

(1) *New International Order.*

Address of 8th January 1918: 'What we demand in this war . . . is nothing peculiar to ourselves. It is that the world

[1] See also § III (5), *infra*, pp. 399–400.

[2] In this same address the President remarks: 'The Russian representatives have insisted very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held within open, not closed doors, and all the world have been the audience as was desired.'

[3] See also § II (1), *supra*, pp. 389–90.

be made fit and safe to live in, and particularly that it be made safe for every peace-loving nation . . . as against force and selfish aggression.'

Address of 11th February 1918: 'After a settlement all round effected in this fashion by individual barter and concession he [Count von Hertling] would have no objection . . . to a League of Nations which would undertake to hold the new Balance of Power steady against external disturbance. It must be evident to every one who understands what this war has wrought in the opinion and temper of the world that no general peace, no peace worth the infinite sacrifices of these years of tragical suffering, can possibly be arrived at in any such fashion [as that proposed by Count von Hertling]. The method the German Chancellor proposes is the method of the Congress of Vienna. We cannot and will not return to that. What is at stake now is the peace of the world. What we are striving for is a new international order based upon the broad and universal principles of right and justice—no mere peace of shreds and patches. . . . [Count von Hertling] is in fact living in his thought in a world dead and gone. . . . It has come about in the altered world in which we now find ourselves that justice and the rights of people affect the whole field of international dealing as much as access to raw materials and fair and equal conditions of trade. . . . We believe that our own desire for new international order, under which reason and justice and the common interests of mankind shall prevail, is the desire of enlightened men everywhere. Without that new order the world will be without peace, and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.'

(2) *Common Will and Concert of Mankind.*

Speech of 4th July 1918: '. . . What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.'

Speech of 27th September 1918: 'The common will of mankind has been substituted for the particular purposes of individual States. . . . Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights? . . .'

Speech of 27th September 1918: '[The Governments of

the Central Empires] observe no covenants, accept no principle but force and their own interest.'

Speech of 27th September 1918: '. . . [The] general and common family of the League of Nations.'

(3) *International Law and Morality.*[1]

Address of 8th January 1918 (Point Seven): 'Belgium, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of International Law is for ever impaired.'

Address of 8th January 1918: 'We do not wish to fight her [Germany] . . . if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair-dealing.'

Speech of 4th July 1918: 'Third, the consent of all nations to be governed in their conduct towards each other by the same principles of honour and of respect for the common law of civilized society that govern the individual citizens of all modern States in their relations with one another, to the end that all promises and covenants may be sacredly observed, no private plots or conspiracies hatched, no selfish injuries wrought with impunity, and a mutual trust established upon the handsome foundation of a mutual respect for right.'

Speech of 4th July 1918: '*What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.*'

(4) *Separate Alliances, Covenants, Understandings, and Combinations of States.*[2]

Address of 8th January 1918 (Point One): 'Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.'

[1] See also the stipulations as to 'illegal and inhuman practices' in warfare embodied in the correspondence of the autumn of 1918 (Part III, § III, pp. 374–7).

[2] See also § IV, (8), *infra*, pp. 402–5.

Address of 11th February 1918: 'Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists . . .'

Address of 11th February 1918: 'Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now for ever discredited, of the Balance of Power; but that

'Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival States.'

Address of 11th February 1918: '[A general peace] cannot be pieced together out of individual understandings between powerful States. All the parties to this war must join in the settlement of every issue anywhere involved in it . . .'

Speech of 27th September 1918: '. . . Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights? . . .'

Speech of 27th September 1918: '(3) There can be no leagues or alliances or special covenants and understandings within the general and common family of the League of Nations.

'(4) And, more specifically, there can be no special selfish economic combinations within the League . . .

'(5) . . . Special alliances and economic rivalries and hostilities . . . [must be excluded] in definite and binding terms.'

Speech of 27th September 1918: '. . . [The] United States will enter into no special arrangements or understandings with particular nations . . . We still read Washington's immortal warning against "entangling alliances" with full comprehension and an answering purpose. But only special and limited alliances entangle, and we recognize and accept . . . a general alliance which will avoid entanglements . . .'

(5) *Open Covenants.*[1]

(6) *Common Covenants and Understandings.*[2]

Speech of 27th September 1918: . . . '[The] United States is prepared to assume its full share of responsibility for the

[1] See § II, (4), *supra.*

[2] See also § IV, (5), *infra.*

maintenance of the common covenants and understandings upon which peace must henceforth rest . . . [A] general alliance . . . will avoid entanglements and clear the air of the world for common understandings and the maintenance of common rights.'

(7) *The Sanctity and Guarantee of Treaties.*[1]

Address of 8th January 1918: 'For such arrangements and covenants [the Fourteen Points] we are willing to fight until they are achieved . . .'

Address of 8th January 1918 (Point Fourteen): 'A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees . . .

Address of 11th February 1918: 'Covenants must now be entered into which will render [the disregard of the rights of small States and of nationalities] impossible for the future.'

Speech of 4th July 1918: 'Third, the consent of all nations to be governed in their conduct towards each other by . . . principles of honour and respect for the common law of civilized society . . . to the end that all promises and covenants may be sacredly observed. . . .'

Speech of 27th September 1918: '[The Governments of the Central Empires] have convinced us that they are without honour, and do not intend justice. They observe no covenants, accept no principle but force and their own interest . . . [we] cannot accept the word of those who forced this war upon us. . . . [The] only instrumentality by which it can be made certain that the agreements of the peace will be honoured and fulfilled [is a League of Nations] . . . formed under covenants which will be efficacious. Without such an instrumentality . . . peace will rest in part upon the word of outlaws, and only upon that word. . . . The reason . . . why it [the peace] must be guaranteed is that there will be parties to the peace whose promises have proved untrustworthy. . . .'

(8) *Freedom of the Seas.*

Address of 8th January 1918 (Point Two): 'Absolute freedom of navigation upon the seas outside territorial waters alike in peace and in war, except as the seas may be closed in

[1] See § III, (3), (6), *supra*. Cf. § III, (10), and § IV, (11), *infra*, pp. 407–8.

whole or in part by international action for the enforcement of international covenants.'[1]

Memorandum of the Allied Governments (embodied in President Wilson's note to Germany of 5th November 1918): 'They [the Allied Governments] must point out, however, that Clause 2 [Point Two of the Fourteen Points], relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the Peace Conference.'

President Wilson makes no comment, in his note of 5th November, upon this qualification of Point Two.

(9) *Reduction of Armaments.*

Address of 8th January 1918 (Point Four): 'Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.'

(10) *League of Nations.*

Address of 8th January 1918 (Point Fourteen): 'A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.'

Speech of 4th July 1918: 'Fourth, the establishment of an organization of peace which shall make it certain that the combined power of free nations will check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that cannot be amicably agreed upon by the peoples directly concerned shall be sanctioned.

'These [four] great objects can be put into a single sentence. What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.'

Speech of 27th September 1918:

'(3) There can be no leagues or alliances or special covenants and understandings within the general and common family of the League of Nations.

[1] Address of 11th February 1918: 'He [Count von Hertling] agrees that the seas should be free, but looks askance at any limitation to that freedom by international action in the interest of the common order.'

'(4) And, more specifically, there can be no special selfish economic combinations within the League and no employment of any form of economic boycott or exclusion, except as the power of economic penalty by exclusion from the markets of the world may be vested in the League of Nations itself as a means of discipline and control.

'(5) All international agreements and treaties of every kind must be made known in their entirety to the rest of the world. Special alliances and economic rivalries and hostilities have been the prolific source in the modern world of the plans and passions that produce war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms.'

Speech of 27th September 1918: '. . . [Only] special and limited alliances entangle, and we recognize and accept the duty of a new day in which we are permitted to hope for a general alliance. . .'

§ IV. General Principles of the Peace Settlement

(1) *Autocracy and Militarism.*[1]

Address of 8th January 1918: 'But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her [Germany] on our part, that we should know whom her spokesmen speak for when they speak to us, whether for the Reichstag majority or for the military party and the men whose creed is Imperial domination.'

Address of 11th February 1918: '[America] entered this war because she was made a partner, whether she would or not, in the sufferings and indignities inflicted by the military masters of Germany against the peace and security of mankind. . . . She cannot see her way to peace until the causes of this war are removed, its renewal rendered as nearly as may be impossible.'

[1] Various passages in the addresses and speeches of President Wilson from 8th January to 27th September 1918, inclusive, declare the war to be a struggle between autocracy and militarism on the one side and democracy on the other. No attempt has been made to collect in the present chapter all of these passages. For certain of these passages, see § III, (1), pp. 391–2; § IV, (6), (8), (9), (10), (11), pp. 400–8. On the stipulations as to autocracy and militarism embodied in the diplomatic correspondence of the autumn of 1918, see Part III, § III, *supra*, pp. 373–80.

Address of 11th February 1918: 'Our whole strength will be put into this war of emancipation—emancipation from the threat and attempted mastery of selfish groups of autocratic rulers—whatever the difficulties and present partial delays.'

Speech of 4th July 1918: 'These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace:

'First, the destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world, or, if it cannot be presently destroyed, at least its reduction to virtual impotency.'

(2) *Democracy.*[1]

Address of 11th February 1918: 'I have spoken thus only that the whole world may know the true spirit of America, that men everywhere may know that our passion for justice and self-government is no mere passion of words, but a passion which once set in action must be satisfied. The power of the United States is a menace to no nation or people . . . it springs out of freedom and is for the service of freedom.'

Address of 11th February 1918: '. . . peoples may now be dominated and governed only by their own consent . . .'

(3) *Self-determination.*[2]

Address of 11th February 1918: 'Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected; peoples may now be dominated and governed only by their own consent. "Self-determination" is not a mere phrase. It is an imperative principle of action which statesmen will henceforth ignore at their peril. . . . This war had its roots in the disregard of the rights of small nations and of nationalities which lacked the union and the force to make good their claim to determine their own allegiance and their own forms of political life. Covenants must now be entered into which will render such things impossible for the future.'

[1] See also § II, (4), p. 391; foot-note to Address of 8th January 1918, § III, (1), p. 392, (10), pp. 396–7; § IV, (6), (7), pp. 400–2. On the stipulations in regard to democracy embodied in the diplomatic correspondence of the autumn of 1918, see Part III, § III, *supra*, pp. 373–80.

[2] See also § IV, (5), (6), (8), (10), *infra*, pp. 399–407.

Address of 11th February 1918: 'The principles to be applied are these: . . .

'Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now for ever discredited, of the Balance of Power; but that

'Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival States.'

Speech of 6th April 1918: '[The] principle of the free self-determination of nations [is one] upon which all the modern world insists.'

Speech of 4th July 1919: 'Second, the settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.'

(4) *Nationality.*[1]

Address of 11th February 1918: 'The principles to be applied are these: . . .

'Fourth, that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetrating old elements of discord and antagonism that would be likely in time to break the peace of Europe, and consequently of the world.'

(5) *Equality of Nations.*[2]

Address of 8th January 1918: 'An evident principle runs through [the Fourteen Points]. . . . It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.'

Address of 8th January 1918 (Point Fourteen): 'A general association of nations must be formed under specific covenants

[1] See also § IV, (3), *supra*; and § IV, (6), (8), *infra*, pp. 400–5.
[2] See also Part IX: Economic Terms and Principles, *infra*.

for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.'

Address of 8th January 1918: 'We have no jealousy of German greatness and there is nothing in this programme [the Fourteen Points] that impairs it. . . . We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair-dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery. Neither do we presume to suggest to her any alteration or modification of her institutions.'

Address of 11th February 1918: 'This war had its roots in the disregard of the rights of small nations and of nationalities. . . . Covenants must now be entered into which will render such things impossible for the future.'

Speech of 6th April 1918: 'For myself I am ready, ready still, ready even now, to discuss a fair and just and honest peace at any time that it is sincerely proposed—a peace in which the strong and the weak shall fare alike.'

Speech of 27th September 1918: '[The issues of the war] must be settled—by no arrangement or compromise . . . but with a full and unequivocal acceptance of the principle that the interest of the weakest is as sacred as the interest of the strongest.'

Speech of 27th September 1918: '(1) The impartial justice meted out . . . must be a justice that plays no favourites and knows no standards but the equal rights of the several peoples concerned.'

(6) *Common Rights and Interests of all Nations.*[1]

Speech of 11th February 1918: 'They [the Fourteen Points] cannot be discussed separately or in corners. None of them constitutes a private or separate interest from which the opinion of the world may be shut out. Whatever affects the peace affects mankind, and nothing settled by military force,

[1] See also § II, (2), p. 390; § III, (1), (2), (3), (6), pp. 391–5; and § IV, (8), (10), (11), *infra*, pp. 402–8. Cf. § III, (4), *supra*, pp. 393–4.

if settled wrong, is settled at all. It will presently have to be reopened.'

Address of 11th February 1918: 'Count Czernin seems to see the fundamental elements of peace with clear eyes and does not seek to obscure them. . . . He sees that . . . national aspirations must be satisfied even within his own Empire in the common interest of Europe and mankind.'

Speech of 27th September 1918: 'The common will of mankind has been substituted for the particular purposes of individual States. Individual statesmen may have started the conflict, but neither they nor their opponents can stop it as they please. It has become a peoples' war, and peoples of all sorts and races, of every degree of power and variety of fortune, are involved in its sweeping processes of change and settlement. . . . The issues are these: Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule except the right of force? Shall strong nations be free to wrong weak nations and make them subject to their purposes and interest? Shall peoples be ruled and dominated even in their own internal affairs by arbitrary and irresponsible force or by their own will and choice? Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress? Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights? . . . [These are the issues], and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all; and with a full and unequivocal acceptance of the principle that the interest of the weakest is as sacred as the interest of the strongest. This is what we mean when we speak of a permanent peace. . . .'

Speech of 27th September 1918: 'In the same sentence in which I say that the United States will enter into no special arrangements or understandings with particular nations, let me say also that the United States is prepared to assume its full share of responsibility for the maintenance of the common covenants and understandings upon which peace must henceforth rest. We still read Washington's immortal warning against "entangling alliances" with full comprehension and an answering purpose. But only special and limited alliances

entangle, and we recognize and accept the duty of a new day in which we are permitted to hope for a general alliance which will avoid entanglements and clear the air of the world for common understandings and the maintenance of common rights.'

Speech of 27th September 1918: '. . . (2) No special or separate interest of any single nation or any group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all.'

(7) *Reign of Law.*

Address of 4th July 1918: 'These [four] great objects can be put into a single sentence. What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.'

(8) *Justice.*[1]

Address of 8th January 1918: 'It is this happy fact [that the day of secret covenants is gone] . . . which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow now or at any other time the objects it has in view. . . . What we demand in this war . . . is that the world be made . . . safe for every peace-loving nation which . . . wishes to live its own free life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world, as against force and selfish aggression. All the peoples of the world are partners in this interest, and . . . unless justice be done to others it will not be done to us. . . . For such arrangements and covenants [the Fourteen Points] we are willing to fight . . . until they are achieved, but only because we wish the right to prevail and desire a just and stable peace, such as can be secured only by removing the chief provocations to war, which this programme does remove. . . . An evident principle runs through the whole programme I have outlined [in the Fourteen Points]. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand.'

[1] See also § II, (2), p. 390; § III, (1), pp. 391–2, (10), 396–7; § IV, (2), (5), pp. 398–400; and § IV, (9), (10), (11), pp. 405–8.

Address of 11th February 1918: 'What we are striving for is a new international order based upon the broad and universal principles of right and justice. . . . The peace of the world depends upon the just settlement of each of the several problems to which I adverted in my recent address to the Congress [on 8th January 1918]. . . . I mean only that those problems, each and all, affect the whole world, that unless they are dealt with in a spirit of unselfish and unbiased justice, with a view to the wishes, the natural connexions, the racial aspirations, the security, and the peace of mind of the peoples involved, no permanent peace will have been attained. . . .

'The principles to be applied are these:

'First, that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent.'

Address of 11th February 1918: '[Every] item of [the settlement] must be submitted to the common judgment [of all the parties to the war] whether it be right and fair and an act of justice rather than a bargain between Sovereigns. . . . It has come about in the altered world in which we now find ourselves that justice and the rights of peoples affect the whole field of international dealing as much as access to raw materials and equal conditions of trade.'

Speech of 6th April 1918: 'The man who knows least can now see plainly how the cause of justice stands and what the imperishable thing is he is asking to invest in.'

Speech of 6th April 1918: 'We must judge as we would be judged. . . . We have ourselves proposed no injustice, no aggression. We are ready whenever the final reckoning is made to be just to the German . . . Power as with all others. There can be no difference between peoples in the final judgment if it is indeed to be a righteous judgment. To propose anything but justice, evenhanded and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonour our own cause. For we ask nothing that we are not willing to accord. . . . [Those who speak for Germany] have avowed that [what they seek] was not justice but dominion and the unhindered execution of their own will.'

Speech of 6th April 1918: 'We cannot mistake what they

[the military masters of Germany] have done—in Russia, in Finland, in the Ukraine, in Rumania. The real test of their justice and fair play has come. . . . They nowhere set up justice, but everywhere impose their power . . .'

Speech of 27th September 1918: '[This] is a peoples' war, not a statesmen's. Statesmen must follow the clarified common thought or be broken. I take that to be the significance of the fact that assemblies and associations of many kinds . . . are still demanding, that the leaders of their Governments declare to them plainly what it is, exactly what . . . they are seeking in this war, and what they think the items of the final settlement should be.

'They are not satisfied with what they have been told. They still seem to fear that they are getting what they ask for only in statesmen's terms—only in the terms of territorial arrangements and discussions of power, and not in terms of broad-visioned justice and mercy and peace, and the satisfaction of those deep-seated longings of oppressed and distracted men and women and enslaved peoples that seem to them the only things worth fighting a war for that engulfs the world.

'Perhaps statesmen have not always recognized this changed aspect of the whole world of policy and action . . . [only] one thought is to satisfy those who struggle in the ranks . . .'

Speech of 27th September 1918: '[The price of a secure and lasting peace] is impartial justice in every form of the settlement, no matter whose interest is crossed, and not only impartial justice, but also the satisfaction of the several peoples whose fortunes are dealt with. [The] indispensable instrumentality is a League of Nations, formed under covenants that will be efficacious.'

Speech of 27th September 1918:

'(1) The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that knows no favourites and knows no standards but the equal rights of the several peoples concerned.

'(2) No special or separate interest of any single nation or any group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all.'

Speech of 27th September 1918: 'Germany is constantly

intimating the "terms" she will accept, and always finds that the world does not want terms of peace. It wishes the final triumph of justice and fair dealing.'

(9) *Right.*

Address of 8th January 1918: 'We have entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence.'

Address of 8th January 1918: 'An evident principle runs through the whole programme I have outlined [in the Fourteen Points]. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak . . .'

Address of 8th January 1918: 'In regard to those essential rectifications of wrong and assertions of right [the Fourteen Points] we feel ourselves to be intimate partners of all Governments and peoples associated . . . against the Imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end. For such arrangements and covenants we are willing to fight . . . until they are achieved, but only because we wish the right to prevail and desire a just and stable peace, such as can be secured only by removing the chief provocations to war, which this programme does remove.'

Address of 11th February 1918: 'This war had its roots in the disregard of the rights of small nations and of nationalities. . . . Covenants must now . . . render such things impossible for the future.'

Address of 11th February 1918: 'What we are striving for is a new international order based upon the broad and universal principles of right and justice—no mere peace of shreds and patches . . . justice and the rights of peoples affect the whole field of international dealing . . .'

Address of 11th February 1918: . . . '[Every] item of it [the settlement] must be submitted to the common judgment whether it be right and fair, an act of justice, rather than a bargain between Sovereigns.'

Address of 11th February 1918: 'Whatever affects the peace affects mankind, and nothing settled by military force, if settled wrong, is settled at all. It will presently have to be reopened.

Speech of 6th April 1918: 'This is the anniversary of our acceptance of Germany's challenge to fight for our right to live and be free and for the sacred rights of free men everywhere. . . . [The German programme] once carried out, . . . the old, age-long struggle for freedom and right [must] begin again at its beginning . . .'

Speech of 6th April 1918: 'Let everything that we say, . . . everything that we henceforth plan and accomplish, ring true to this response. . . . Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether right as America conceives it, or dominion as she conceives it, shall determine the destinies of mankind. There is therefore but one response possible from us: force, force to the utmost, force without stint or limit, the righteous and triumphant force which shall make right the law of the world and cast every selfish dominion down in the dust.'

Speech of 4th July 1918: 'Third, the consent of all nations to be governed [by international law, to the end that there may be] . . . a mutual trust established upon the handsome foundation of a mutual respect for right.

'Fourth, the establishment of an organization of peace which shall make it certain that the combined power of free nations will check every invasion of right . . .'

Speech of 27th September 1918: 'The issues are these: Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule except the right of force? Shall strong nations be free to wrong weak nations and make them subject to their purposes and interest? . . . Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress? Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights? . . .'

(10) *Freedom.*[1]

Address of 8th January 1918: 'An evident principle runs through the whole programme I have outlined [in the Fourteen

[1] See also § III, (8), pp. 395–6; § IV, (1), (2), (8), pp. 397–8, 407. No effort has been made to collect all of the President's references to 'freedom', 'liberty', and 'liberation' in his utterances of 1918. The full text of the addresses and speeches should be consulted in Vol. I, Appendix III, pp. 431–48.

Points]. 'It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak . . . The moral climax of this, the culminating and final war for human liberty, has come, and [the people of the United States] are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.'

Address of 8th January 1918: '[It] is our heart-felt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace.'

Speech of 6th April 1918: 'This is the anniversary of our acceptance of Germany's challenge to fight for our right to live and be free and for the sacred rights of free men everywhere . . . On [the German] programme our ideals, the ideals of justice and humanity and liberty, the principle of the free self-determination of nations, upon which all the modern world insists, can play no part. They are rejected for the ideals of power, for the principle that the strong must rule the weak, that trade must follow the flag, whether those to whom it is taken welcome it or not, that the peoples of the world are to be made subject to the patronage and overlordship of those who have the power to enforce it . . . That programme once carried out, . . . the old, age-long struggle for freedom and right [must] begin again at its beginning . . . [We] have to redeem the world and make it fit for free men like ourselves to live in. This now is the meaning of all that we do.'

Speech of 4th July 1918: 'There must now be settled once for all what was settled for America in the great age upon whose inspiration [of freedom] we draw to-day.'

Speech of 4th July 1918: 'Our case differs from [that of Washington and his associates] only in this, that it is our inestimable privilege to concert with men out of every nation what shall make not only the liberties of America secure, but the liberties of every other people as well.'

(11) *Guarantees.*[1]

Address of 11th February 1918: '[What] we are seeking is a peace that we can all unite to guarantee and maintain.'

Address of 11th February 1918: [The] covenants [of the

[1] See also § III, (1), (4), (9), (10), pp. 391–4, 396–7; § IV, (1), (8), (9), (10), *supra*, pp. 397–8, 402–6.

peace] must be backed by the united force of all nations that love justice and are willing to maintain it at any cost.'

Speech of 27th September 1918: '[Every] victory of the nations associated against Germany brings the nations nearer the sort of peace which will bring security and reassurance to all peoples, and make the recurrence of another such struggle of pitiless force for ever impossible . . .'

Speech of 27th September 1918: The Governments of the Central Empires 'have convinced us that they are without honour, and do not intend justice. They observe no covenants, accept no principle but force and their own interest . . . [We] cannot accept the word of those who forced this war upon us . . . [All who sit at the peace table must pay the price of impartial justice and create] the only instrumentality by which it can be made certain that the agreements of the peace will be honoured and fulfilled . . . That indispensable instrumentality is a League of Nations, formed under covenants that will be efficacious. Without such an instrumentality by which the peace of the world can be guaranteed, peace will rest in part upon the word of outlaws, and only upon that word. For Germany will have to redeem her character not by what happens at the peace table but by what follows. As I see it, the constitution of that League of Nations and the clear definition of its objects must be a part, in a sense the most essential part, of the peace settlement itself . . . It is necessary to guarantee the peace, and the peace cannot be guaranteed as an afterthought. The reason—to speak in plain terms again—why it must be guaranteed is that there will be parties to the peace whose promises have proved untrustworthy, and means must be found in connexion with the peace settlement itself to remove that source of insecurity. It would be folly to leave the guarantee to the subsequent voluntary action of the Governments we have seen destroy Russia and deceive Rumania.'

§ V. Territorial and Political Terms and Principles

A. *General Principles of Settlement*

(1) *Self-determination.*[1]

(2) *Nationality.*[1]

(3) *Equality of Nations.*[1]

[1] See § IV, *supra*, pp. 398–400.

(4) *Common Rights and Interests of all Nations.*[1]

(5) *Justice.*[1]

(6) *Right.*[1]

(7) *Freedom.*[1]

(8) *Wishes, Natural Connexions, Racial Aspirations, Security, and Peace of Mind of Peoples.*[2]

(9) *No Conquests and No Annexations.*

Address of 8th January 1918: 'The day of conquest and aggrandizement is gone by . . .'

Address of 11th February 1918: 'There shall be no annexations, no contributions, no punitive damages'

(10) *No Bartering of Peoples and Provinces. Interest and Benefit of Populations.*[3]

(11) *Political Independence and Territorial Integrity of All States: Mutual Guarantees.*[4]

B. *Terms and Principles of the Fourteen Points*[5]

I: *Principles affecting Allied Territories*

Several of the Fourteen Points deal specifically with certain of the allied countries and allied territories occupied by enemy armed forces. It is important to set these out textually as a basis for our consideration of the terms of peace and principles of settlement which they embody.

(1) *Russia.* Point Six: 'The evacuation of all Russian territory, and such a settlement of all questions affecting Russia as will secure the best and freest co-operation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy, and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome assistance also of every kind that she may need and

[1] See § IV, *supra*, pp. 402–5.

[2] See § IV, (8), *supra*, pp. 405–6.

[3] See § IV, (3), *supra*, pp. 398–9; and § VII, (3), *infra*, pp. 413–14.

[4] See § III, (10), pp. 396–7, and § IV, (5), *supra*, pp. 399–400. Cf. B, (III), (5), *infra*, p. 414.

[5] Those of the 'Fourteen Points' which deal with territorial and political questions must be studied in their relation to the general principles of settlement (A, *supra*), and in connexion with specific references in President Wilson's speeches of 1918 to the various countries and territories. No effort has been made in the present chapter to collect all these passages.

may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their goodwill, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.'

(2) *Belgium.* Point Seven: 'Belgium, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of International Law is for ever injured.'[1]

(3) *France.* Point Eight: 'All French territory should be freed, and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted in order that peace may once more be made secure in the interest of all.'

(4) *Rumania, Serbia, and Montenegro.* Point Eleven: 'Rumania, Serbia, and Montenegro . . . evacuated, occupied territories restored, Serbia accorded free and secure access to the sea, and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality, and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.'[2]

(5) *Poland* (see III, (1), *infra*, p. 413).

These Points, which expressly relate to allied countries and territories (except Poland; see III, (1), *infra*), embody the following terms and principles of peace:

(1) *Evacuation.* 'All Russian territory', 'all French territory', 'Belgium', and 'Rumania, Serbia, and Montenegro' must be 'evacuated' (or, in the case of all French territory, 'freed'). Points Six, Seven, Eight, and Eleven.

(2) *Restoration.* 'Belgium', the 'invaded portions' of

[1] Address of 11th February 1918: '[Count Czernin] sees . . . that Belgium must be evacuated and restored, no matter what sacrifices and concessions that may involve.'

[2] On the terms and principles of Point Eleven in regard to the Balkans in general, see III, *infra*, pp. 413–14.

France, and the 'occupied territories' of Rumania, Serbia, and Montenegro must be 'restored'. Points Seven, Eight, and Eleven.[1]

(3) *International Law.* The carrying out of the terms of Point Seven (Belgium) will restore confidence in International Law.

(4) *Right.* The 'wrong' done to France in 1871 (Alsace-Lorraine) 'should be righted' (Point Eight).

(5) *Independent Determination of Political Development and National Policy.* Applied to Russia (Point Six).

(6) *International Co-operation* in obtaining for Russia 'an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy' (Point Six).

(7) *Assistance* 'of every kind' should be rendered to Russia (Point Six).

(8) *Common Rights and Interests of Free Nations.* In the 'evacuation' and 'restoration' of Belgium there must be no attempt to limit 'the sovereignty which she enjoys in common with all other free nations' (Point Seven). The wrong done to France in 1871 (Alsace-Lorraine) should be righted 'in order that peace may once more be made secure in the interests of all' (Point Eight).[2]

(9) *Free Access to the Sea.* Serbia should be 'accorded free and secure access to the sea' (Point Eleven).

(10) *Guarantees: Security of Peace.*[3]

(11) *League of Nations.* Russia should be assured 'a sincere welcome into the society of free nations' (Point Six).

II: *Principles affecting Enemy Territories*

Several of the Fourteen Points deal, either expressly or impliedly, with enemy countries and enemy territories.

(1) *Austria-Hungary.* Point Nine: 'A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.'

Point Ten: 'The peoples of Austria-Hungary, whose

[1] Cf. Point Six (Russia). See § VI, (2), *infra*, for the Powers' interpretation of the term 'restoration' (=compensation for all damage to civilian population and their property). Note esp. pp. 420–7.

[2] Cf. Point Six (Russia and the separate 'interests' of her sister nations).

[3] See (8), *supra* on this page.

place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.'[1]

(2) *Germany.* Point Eight: '[The] wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted in order that peace may once more be made secure in the interest of all.'

(3) *Turkish Empire.* Point Twelve: 'The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.'

The following terms of peace are embodied in the Points which relate expressly or impliedly to enemy countries and territories:

(1) *Restitution: Righting of Wrong.* Point Eight clearly implies that Alsace-Lorraine is to be returned to French sovereignty.

(2) *Readjustment of Frontiers: Principle of Nationality.* Point Nine clearly implies that the territories of Austria-Hungary inhabited by populations of Italian nationality should be ceded to Italy.

(3) *Sovereignty: and the Principle of Nationality.* 'The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty.'

(4) *Autonomous Development of Peoples and Nationalities.* The 'peoples' of Austria-Hungary and the non-Turkish 'nationalities' of the Ottoman Empire should be accorded the opportunity of 'autonomous development'. Points Ten[2] and Twelve.

(5) *Free Passage: Equality of Nations: International Guarantees.* The 'Dardanelles should be permanently opened

[1] It is to be observed that the pre-Armistice Agreement with Austria-Hungary provided for the independence, as distinguished from the mere 'autonomy', of the Czecho-Slovaks and Yugo-Slavs. See Part III, § II, p. 411. In the pre-Armistice Agreement with Germany Point Ten appears to have been retained in its original form.

[2] See the foot-note to Point Ten, *supra* on this page.

as a free passage to the ships and commerce of all nations under international guarantees '. Point Twelve.

(6) *Guarantees.* Points Eight, Ten, Twelve.

III: *Principles affecting both Allied and Enemy Territories*

(1) *Poland.* Point Thirteen: 'An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.' [1]

(2) *Territories on Italian Frontiers.* Point Nine: 'A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.'

(3) *Balkans.* Point Eleven: '. . . Serbia [should be] accorded free and secure access to the sea, and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality, and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.'

(4) *Colonial Possessions.* Point Five: 'A free, open-minded, and absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.'

The principles embodied in these Points are:

(1) *Political Independence.* 'An independent Polish State should be erected' (Point Thirteen).

(2) *Adjustment of Frontiers: Principles of Allegiance and of Nationality.* Poland should include 'the territories inhabited by indisputably Polish populations' (Point Thirteen).[2] A readjustment of the frontiers of Italy should be 'effected along clearly recognizable lines of nationality' (Point Nine). The

[1] Address of 11th February 1918: '[Count Czernin] sees that an independent Poland made up of the indisputably Polish peoples who lie contiguous to one another is a matter of European concern and must, of course be conceded '.

[2] Address of 11th February 1918: '. . . contiguous to one another. . ' See (1) *Poland, supra* on this page.

'relations of the several Balkan States to one another [should be] determined by friendly counsel along historically established lines of allegiance and nationality' (Point Eleven).

(3) *Free (and Secure) Access to the Sea.* An independent Polish State should be 'assured a free and secure access to the sea' (Point Thirteen); and Serbia should be 'accorded free and secure access to the sea' (Point Eleven).

(4) *Common Interests of all Nations.* The erection of an independent Poland is 'a matter of European concern' (Address of 11th February 1918).

(5) *Political and Economic Independence and Territorial Integrity: International Guarantees.* The 'political and economic independence and territorial integrity' of Poland (Point Thirteen) and of the several Balkan States (Point Eleven) should be guaranteed by international covenants.[1]

(6) *Impartial Adjustment of Colonial Claims: Interests of Population and Equitable Claims of Governments.* In determining all questions of sovereignty over colonies 'the interests of the populations concerned' are to be given equal weight with the 'equitable claims' of Governments.

IV: *Summary*

The main principles of territorial and political settlement which are embodied in the Fourteen Points are the following:

(1) *Evacuation.*
(2) *Restoration.*
(3) *Restitution.*
(4) *Maintenance of International Law.*
(5) *Right.*
(6) *Independent Determination of Political Development and National Policy.*
(7) *Nationality; and Allegiance.*
(8) *Sovereignty.*
(9) *Autonomy.*
(10) *Common Rights and Interests of Free Nations.*
(11) *Equality of Nations.*
(12) *Free Passage; and Free and Secure Access to the Sea.*
(13) *International Co-operation and Assistance.*

[1] Cf. Point Fourteen: 'A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.'

(14) *Impartial Adjustment of Colonial Claims: Interests of Populations and Equitable Claims of Governments.*

(15) *International Guarantees*, especially of (*a*) Free Passage through the Dardanelles and of (*b*) the Political and Economic Independence and Territorial Integrity of Poland and the several Balkan States.[1]

(16) *League of Nations: Admission of Russia.*

The general conclusions to be drawn from a study of the territorial and political terms of the Fourteen Points are (1) that certain of them relate to matters, such as evacuation, which were dealt with, at a later time, in the Armistice Convention, while most of them concern matters embodied in the draft Treaty of Peace; and (2) that many of them, such as the principles of Right and the Equality of Nations, are of general scope and are applied in the draft Treaty to the settlement of questions other than those which are purely political and territorial, for instance, economic questions.

§ VI. Reparation

(1) *No Contributions and no Punitive Damages.*

Address of 11th February 1918: 'There shall be no annexations, no contributions, no punitive damages.'

(2) *Compensation for all Damage to Civilian Population and their Property.*

President Wilson's note of 5th November 1918: '. . . The President is now in receipt of a memorandum of observations by the Allied Governments on this correspondence, which is as follows: . . .

'"Further, in the conditions of peace laid down in his Address to Congress of January 8, 1918, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies.

'"By it they understood that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

[1] Cf. Point Fourteen, p. 414, n. 1, *supra*.

'I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. . . .'

§ VII. Economic Terms and Principles

(1) *Removal of Economic Barriers; and*

(2) *Equality of Trade Conditions.*

Address of 8th January 1918 (Point Three): 'The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.'

Address of 8th January 1918: 'We have no jealousy of German greatness . . . we do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world . . .'[1]

Address of 11th February 1918: . . . 'It has come about in the altered world in which we now find ourselves that justice and the rights of peoples affect the whole field of international dealing as much as access to raw materials and fair and equal conditions of trade . . .'

Speech of 6th April 1918: 'They [our ideals] are rejected [in the German programme] for the ideals of power, for the principle that the strong must rule the weak, that trade must follow the flag whether those to whom it is taken welcome it or not, that the peoples of the world are to be made subject to the patronage and overlordship of those who have the power to enforce it . . . [The German ideals shall not prevail].'

(3) *No Separate and Selfish Compacts and Combinations with regard to Trade.*

Address of 11th February 1918: 'He [Count von Hertling] cannot ask the benefit of common agreement in the one field without according it in the other. I take it for granted that he sees that separate and selfish compacts with regard to trade and the essential materials of manufacture would afford no

[1] See § IV, (5), *supra*, pp. 399–400.

foundation for peace. Neither, he may rest assured, will separate and selfish compacts with regard to provinces and peoples.'

Speech of 27th September 1918: Principles 3–5 (inclusive).[1]

(4) *No Employment of Economic Boycott or Exclusion; except by League of Nations.*

Speech of 27th September 1918: The Fourth Principle.[2]

(5) *Self-determination.*

Speech of 4th July 1918: The Second Principle.[3]

(6) *International Guarantee of the Political and Economic Independence and Territorial Integrity of Poland and the several Balkan States.*[4]

PART V

THE PRE-ARMISTICE AGREEMENTS AND THE ARMISTICE CONVENTIONS

The military, naval, and aerial superiority of the Allied and Associated Powers led, in the autumn of 1918, to the successive conclusion of the following Armistice Conventions[5] with the enemy States of Central Europe:

(1) With Bulgaria, 29th September 1918.
(2) With Turkey, 30th October 1918.
(3) With Austria-Hungary, 3rd November 1918.
(4) With Germany, 11th November 1918.

Within a period of six weeks the march of the World War had thus been stopped on all fronts and the relations of the two opposing groups of belligerents had been placed upon the contractual basis embodied in the several Armistice Conventions.

One of the most important inquiries of the historian who deals with the legal aspects of the war must be this: To what extent and in what respects are these several Armistice Conventions, and the Conventions prolonging armistice conditions, based upon pre-Armistice Agreements as to the conditions of a cessation of hostilities and the terms and principles of peace?

[1] For the text of the principles, see § III, (10), *supra*, pp. 396–7.
[2] For the text, see § III, (10), *supra*, pp. 396–7.
[3] For the text of the principle, see § IV, (3), *supra*, pp. 398–9.
[4] See § V, (B), 4 and 5, *supra*, p. 410; and III, pp. 413–14.
[5] All the Texts in App. V, pp. 459–97.

And, were such pre-Armistice Agreements of a legal or a moral character?[1] No comprehensive answer to these and other related questions will be attempted in the present chapter; it must suffice to point out certain general considerations which may help to guide the investigator.

In the first place, each separate Armistice Convention must be studied not only by itself but also in its relation to the others. Each Convention was but part of the larger Armistice which caused a cessation of hostilities on all the closely related fronts.

In the second place, President Wilson's addresses and speeches of 1918 were couched in terms which embraced 'the programme of the world's peace' (Address of 8th January 1918). The terms and principles embodied in the President's pronouncements were communicated, by public channels at least, to all the enemy States; and they served as the leading terms and principles of a legal international pre-Armistice Agreement between the Powers on the one side and Germany on the other. Whether or not it is possible to maintain that they also served as the legal basis of the Armistice Conventions and Treaties of Peace between the Powers and Austria, Hungary, Bulgaria, and Turkey may be left on one side for the present. It is at least clear that, in view of the extraordinary importance with which President Wilson's utterances of 1918 were invested by both groups of belligerents in the public discussion of peace terms and principles during 1918, they may be regarded as the terms and principles of a moral obligation binding upon the Entente Powers and Austria, Hungary, Bulgaria, and Turkey.[2]

In the third place, it is not unimportant to observe that the Austro-Hungarian note of 15th September 1918, inaugurating the two vital series of notes exchanged between (1) Austria-Hungary and the United States and (2) Germany and the United

[1] The nature of the Agreements between the Powers and Austria-Hungary, and between the Powers and Germany, has been considered briefly in Part III, *supra*, pp. 370–3 and pp. 373–86 respectively.

[2] The whole problem as to Turkey is, in a certain sense, complicated by her unconditional surrender. But, if the Powers were bound in a moral pre-armistice obligation to base the peace with her upon President Wilson's principles, it is difficult to see why the fact of her unconditional surrender should result in absolving the Powers from this moral obligation and in giving them a free hand to deal with her, or not to deal with her, as they alone thought fit. Assuming the existence of a moral obligation, surely this moral obligation survived the unconditional surrender and the Armistice of 30th October 1918, and bound the Powers.

States upon the subject of an armistice and peace, preceded the conclusion both of the Bulgarian and of the Turkish Armistice Conventions. By the time the Armistice Convention with Bulgaria was concluded (29th September 1918) the world, including Bulgaria, was aware of President Wilson's reply of 16th September to the Austro-Hungarian note of 15th September 1918, a reply in which the President declared that he had 'repeatedly and with entire candour stated the terms upon which the United States would consider peace'. By the time the Armistice Convention with Turkey was concluded (30th October 1918) the correspondence between the United States and Austria-Hungary had terminated (27th October 1918) and that between the United States and Germany had nearly reached its final stage. President Wilson had announced (23rd October 1918) that he had transmitted his correspondence with Germany to the Allies; and Austria-Hungary had declared (27th October 1918) that it awaited 'the proposals for an armistice which will introduce a peace of justice such as the President in his manifestations has described'. All of these indications point to the conclusion that the Allied and Associated Powers were at least morally bound to conclude an armistice and a peace with Bulgaria and Turkey upon the terms and principles laid down by President Wilson in 1918; but they are indications only and the problem may be left for future solution.

In the fourth place, it is clear from the diplomatic correspondence of the autumn of 1918 that the pre-Armistice Agreements between the Powers and Austria-Hungary and Germany both related to an armistice as well as to a peace.[1]

Although the several Armistice Conventions differ one from another in certain important particulars, owing in part to variety of local military, territorial, and political conditions, they yet embody a number of common principles, such as the evacuation of occupied regions, demobilization of a large part of the armed forces, restitution of property, and the like. A detailed comparative study of the Conventions from the point of view of the principles therein contained, and with the object of testing these principles by the touchstone of pre-Armistice Agreements, would be most instructive. This study must, however, be omitted from the present chapter, save for

[1] See Part III, *supra*.

a cursory examination of the Armistice Convention with Germany.

The main result of the conclusion of the several Armistice Conventions was the stopping of hostilities and the placing of international relations upon a contractual or conventionary basis. The way for this situation was prepared in large measure by the pre-Armistice Agreements, for they had specified the terms of the Armistice as well as those of the Peace. So long as the Armistice Conventions were complied with by all parties, and were not terminated, the belligerent States were given time in which to draft, discuss, and sign the Treaties of Peace themselves. The conclusion of Armistice Conventions meant indeed actual progress towards a resumption of the amicable relations, based upon treaties and conventions, which had been severed by the outbreak of the war in 1914.

Before dealing, however, with the discussions at Paris in reference to the Agreements and the Armistice Conventions it will be necessary to consider certain aspects of one of the Armistice Conventions—the one with Germany. Not only the special place occupied by Germany in the war, but the vital importance of the principles at issue between her and the Allied and Associated Powers, demand at least some consideration of the terms of the Convention which caused a cessation of the hostilities by and against her.

PART VI

THE PRE-ARMISTICE AGREEMENT AND THE ARMISTICE CONVENTION BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY

The Armistice Convention with Germany applies several distinct principles. Certain of the most important of these are the following:

(1) *Cessation of hostilities* by land, at sea, and in the air (Clauses I, XX).

(2) *Evacuation* of the invaded countries (including Belgium, France, Luxemburg, as well as Alsace-Lorraine, on the Western Front, and Russia and Rumania on the Eastern Front) and of Austro-Hungary (Clauses II, XII, XIII) and East Africa (Clause XVII).

'German troops which have not left the above-mentioned

territories [on the western front] within the period fixed [fifteen days] shall be made prisoners of war' (Clause II).

Occupation by the Allied and United States Forces jointly shall keep pace with the evacuation in the areas of the Western Front (Clause II).

(3) *Repatriation*, 'beginning at once, to be completed within fifteen days, of all inhabitants of the countries [Belgium, France, Luxemburg, "as well as Alsace-Lorraine"] above enumerated (including hostages, persons under trial, or condemned).' Clause III.

(4) *Surrender of armaments.* 'Surrender in good condition by the German Armies' of equipment consisting of the specified number of guns, machine guns, trench mortars, and aeroplanes; these to be delivered *in situ* to the troops of the Allies and the United States. Clause IV.

(5) *Delivery of vehicles.* The specified number of locomotives, wagons, and motor lorries shall be delivered in good working order to the Powers. Clause VII.

(6) *Restoration, Reparation, and Restitution.* These three distinct, but closely related, principles are all applied in the Convention.

(*a*) *Restoration.*

On frequent occasions during the progress of the War the Allied and Associated Governments and their responsible statesmen spoke of 'restoration' as one of the essential terms of a settlement. Thus, in the reply of the Allies (10th January 1917) to President Wilson's note of 18th December 1916, they demanded 'the restoration of Belgium, Serbia, and Montenegro, with the compensations due to them'. Terestchenko, Minister for Foreign Affairs to the Kerensky Government, referred, under date of 28th September 1917, to 'the evacuation and restoration of heroic little countries' as consonant with justice; and he announced, as a cardinal principle of Russian policy, 'the restoration, on the basis of the free self-definition of the Polish people . . . of an independent Polish State.' In his speech of 5th January 1918, Mr. Lloyd George declared that one of the 'first requirements . . . always put forward by the British Government and their Allies, has been the complete restoration, political, territorial, and economic, of the independence of Belgium, and such reparation as can be

made for the devastation of its towns and provinces. . . . Next comes the restoration of Serbia, Montenegro, and the occupied parts of France, Italy, and Rumania. The complete withdrawal of the alien armies and the reparation for injustice done is a fundamental condition of permanent peace.'

'Restoration' formed also a vital principle of President Wilson's Fourteen Points (8th January 1918). Countries and territories occupied by the enemy, declared the President in Points Six, Seven, Eight and Eleven, must be 'evacuated' (or 'freed') and 'restored'.[1]

In his speech in the House of Commons on 27th February 1918, several weeks after the announcement of the Fourteen Points, Mr. Balfour referred also to 'restoration'. Speaking of the invasion of Belgium, he said: 'Well, there is only one course for the offending nation to pursue in those circumstances, which is to say, as they have said, "I have sinned". That they have said through the mouth of the former Chancellor. The next thing to do is to say, "Having sinned, I make reparation, I restore again what I never should have taken, and I restore it necessarily without condition". What does the statesman [Count Hertling] who now meets with the unqualified approval apparently of my hon. friend [Mr. Holt] say on this subject? He says: "By all means restore Belgium. We do not want to stay there. But we must take care that it shall not become a jumping-off ground for enemy machinations". . . . What sort of conditions is it that Count Hertling contemplates when he says that Belgium must no longer be the jumping-off ground for enemy machinations? . . .'

At a later time Mr. Balfour gave the term 'restoration' a still wider application. Speaking in reference to President Wilson's speech of 27th September, he said on 30th September 1918, that 'after you have freed Europe from Prussian militarism, after you have restored Asia as well as Europe to a position in

[1] But see Part IV, § VI, *supra*, pp. 415–16, and (6.) *b*, *infra*, p. 424. It is to be noted that 'restoration' was applied in the Fourteen Points to certain specified countries and territories; it was not stated as a general principle applicable to *all* occupied regions. This matter is of importance owing to the fact that the Allies in their memorandum of 5th November 1918, interpreted 'restoration' as meaning 'compensation'. Was the principle of 'compensation' to apply only to the countries and territories specified in the Fourteen Points dealing with 'restoration'? Or, was the principle of 'compensation' to be applied generally to *all* the civil populations which had suffered from the aggression of Germany? See pp. 424–6, *infra*.

which self-development is possible for the various nationalities, then and then only will your League of Nations work.'

What exactly was meant by the statesmen of the Allied and Associated Powers when they demanded the 'restoration' of countries or parts of countries occupied by the enemy? The term itself is vague; but, if it be studied in the light of the full context of the official documents and speeches in which it appears, it acquires somewhat more definite meanings. In its broadest sense it would seem to include not only evacuation, but reparation, and perhaps also penalties and indemnities. But, in general, the speakers seem to draw a distinction between (1) evacuation and restoration, and between (2) restoration and reparation. Occupied territories are not only to be completely evacuated by enemy forces, they are also to be completely restored—restored intact. Not only are they to be completely evacuated and restored, but they are to be the recipients of reparation for the wrongs committed during their occupation by the enemy. A hint as to the meaning of 'restoration' is given by Mr. Lloyd George when he states, in his speech of 5th January 1918, that one of the first requirements of the Allies is 'the complete restoration, political, territorial, and economic, of the independence of Belgium'. This means, it would appear, that Belgium is to be completely free and independent in respect to her territories and her political and economic life. Belgium sovereignty is to be unfettered by territorial, political, or economic concessions to the enemy as part of the terms of peace. This principle, assert the Powers, must be applied not only to Belgium, but to Serbia and to Montenegro, and to the occupied regions of France and other States.

Many clauses of the Armistice Convention appear to be applications of the principle of restoration in the sense or senses employed by the statesmen of the Powers prior to the delivery to Germany of the note (and memorandum) of 5th November 1918, in which they define 'restoration', as used by President Wilson in the Fourteen Points, as 'compensation' for all damage to the civilian population and their property. There are various clauses which provide that the enemy, on evacuation, must leave the invaded countries and territories intact; that they must restore these regions to their true sovereigns, through the agency of the occupying forces, without

evacuation of the inhabitants and without damage or harm to the persons or property of the inhabitants. Thus, for example, the Convention provides that 'no destruction of any kind [is] to be committed'.

'Military establishments of all kinds shall be delivered intact. Industrial establishments shall not be caused to depreciate in value. The principle of restoration is embodied likewise in certain of the naval conditions of the Convention; for example, the ones which provide for the enemies abandonment, *in situ* and intact, of port material.'

Restoration underlies, in certain of its aspects, Clause XV, which provides for the 'annulment of the treaties of Bucharest and Brest-Litovsk and of the supplementary treaties'.

The fundamental purpose of these and other clauses of the Convention seems to be that the evacuation shall result in the restoration—physically, economically, and politically—of the invaded countries and territories.

The Financial Clauses of the Convention deal with reparation and restitution—two principles closely related to restoration.

(*b*) *Reparation.* Clause XIX (Financial Clauses) provides as follows:

'With the reservation that any subsequent concessions and claims by the Allies and United States remain unaffected, the following financial conditions are imposed:

'Reparation for damage done.

'While the Armistice lasts, no public securities shall be removed by the enemy which can serve as a pledge to the Allies to cover reparation for war losses.'[1]

It seems clear that in the 'reparation for damage done' of Clause XIX we are dealing with the 'restoration' of the Fourteen Points as interpreted by the Allies to mean 'compensation' for all damage done to the civilian population or their property by the aggression of Germany by land, by sea, and from the air (Memorandum of 5th November 1918). What exactly was in the mind of the President when, on 8th January 1918, he spoke of 'restoration' in his Fourteen Points, it is impossible to say. It would appear from our study of the history of the term that he meant restoration in one or other of the broader senses, not in the more limited sense of 'com-

[1] The remaining portions of Clause XIX deal with restitution. See (*c*), *infra*, p. 426.

pensation'. But the authoritative interpretation of the term 'restoration' by the Allies and President Wilson himself on 5th November 1918, seems to mean that they expressly narrowed the term to mean (1) compensation and compensation only, and (2) compensation only to the civil populations of the countries and territories expressly named in the Fourteen Points.

It should be observed, however, that in the Memorandum the Powers state that they 'feel that no doubt ought to exist as to what this provision [of the Fourteen Points as to 'restoration'] implies. By it', they continue, 'they understand that compensation will be made by Germany for all damage . . .' The term 'restoration' thus *implies* that 'compensation' will be made for all civilian 'damage' to the populations of the specified regions. Does it imply more? And, if so, what? Does it, for example, imply not only 'compensation for all damage done' by Germany's aggression, but also the wider field of liability included in the term 'restoration' as understood prior to the 5th November? Does this wider field of liability include 'war costs'? Does the German liability—in its narrower or in its wider sense—include the civilian populations of Allied countries not specified in the Fourteen Points? The memorandum refers to the 'civilian population of the Allies'. Does this refer to all the Allies or only to such Allies as are mentioned specifically in Points Six, Seven, Eight, and Eleven ('restoration')?

This is, indeed, a question of the interpretation *of* an interpretation; and upon the correct answer to that question depends the fidelity, or infidelity, of the Powers to the obligations incurred by the Memorandum as an integral part of the pre-Armistice Agreement.

In whatever way this fundamental question may ultimately be answered by impartial historians of the Armistice Convention and the Treaty with Germany, in their relation to the pre-Armistice Agreement, it is clear that the reservation inserted at the beginning of Clause XIX of the Armistice Convention ('any *subsequent* concessions and *claims* . . . remain unaffected'),[1] while it may have been at the time merely a draftsman's cautious and innocent phrase, nevertheless opens the door for the entry into the Treaty of Peace of many 'subsequent claims'

[1] The italics are those of the author.

not based upon the Armistice Convention. By becoming a party to the Armistice Convention, Germany agreed to the inclusion of the reservation; and of course the Convention, in cases of conflict with the terms of the pre-Armistice Agreement, must be the governing instrument. But the question is open to argument as to whether or not the insertion of the reservation in the Armistice Convention conflicted with the terms of the earlier Agreement as to what exactly the Armistice Convention should include.

(*c*) *Restitution.* The evacuation of Alsace-Lorraine (Clause II) may be looked upon as a step preliminary to the formal restitution of the two provinces to France.

The last part of Clause XIX provides as follows:

'Immediate restitution of the cash deposit in the National Bank of Belgium and, in general, immediate return of all documents, specie, stocks, shares, paper money, together with plant for the issue thereof, affecting public or private interests in the invaded countries.

'Restitution of the Russian and Rumanian gold yielded to Germany or taken by that Power.

'This gold to be delivered in trust to the Allies until peace is concluded.'

The Convention thus draws a clear distinction between reparation and restitution. 'Reparation' is 'compensation for damage done', while 'restitution' is the return of territories or properties belonging to the Allied and Associated Powers or their populations to their rightful sovereigns or owners. Both 'reparation' and 'restitution' fall within the category of 'restoration'. But it is clear from the Convention that certain of its clauses go beyond 'reparation' and 'restitution' and belong to 'restoration' in its broadest sense.

(7) *Guarantees.* Many clauses of the Convention ensure, by military and naval arrangements, that the military supremacy of the Powers shall be maintained, that a renewal of hostilities by Germany shall be rendered impossible, and that the Powers shall have the 'unrestricted power to safeguard and enforce the peace to which the German Government had agreed'. These clauses seem fully consonant with the terms of the pre-Armistice Agreement as to the terms of an armistice.[1]

Two questions will long occupy the attention of historians.

[1] See Part III, § III, pp. 373–80, and Part IV, § I, *supra*, p. 389.

How far does the Convention comply in strictness with the terms and principles of the pre-Armistice Agreement? In what respects, if any, does it conflict with that Agreement? It is clear from our previous study that certain of its terms, such, for example, as those relating to evacuation and guarantees, are in strict compliance with the provisions of the Agreement. But there are certain other terms of the Convention which seem to run counter to the Agreement. Thus, the 'reservation' at the beginning of Clause XIX, appears to introduce the possibility of claiming more from Germany than the Agreement in strictness permits.

In the second volume of this work the subject of the present chapter—the legal basis of international relations prior to the re-establishment of peace by treaties—will be still further considered. In the discussions at the Peace Conference the terms and principles of the pre-Armistice Agreements and Armistice Conventions played a *rôle* of great interest and importance; and to this aspect of the history of the Conference special attention will be directed.

APPENDIXES

APPENDIX I

EXTRACT FROM ALLIES' REPLY OF JANUARY 10, 1917, TO PRESIDENT WILSON'S NOTE OF DECEMBER 18, 1916

VIII. They consider that the Note they handed to the United States in reply to the German Note answers the question put by the American Government, and forms, according to the words of that Government, 'an avowal of their respective views as to the terms on which the war might be concluded'. Mr. Wilson wishes for more; he desires that the belligerent Powers should define, in the full light of day, their aims in prosecuting the war. The Allies find no difficulty in answering this request. Their war-aims are well known; they have been repeatedly defined by the heads of their various Governments. These war-aims will only be set forth in detail, with all the compensations and equitable indemnities for harm suffered, at the moment of negotiation. But the civilized world knows that they imply, necessarily and first of all, the restoration of Belgium, Serbia, and Montenegro, with the compensations due to them; the evacuation of the invaded territories in France, in Russia, in Roumania, with just reparation; the reorganisation of Europe, guaranteed by a stable régime and based at once on respect for nationalities and on the right to full security and liberty of economic development possessed by all peoples, small and great, and at the same time upon territorial conventions and international settlements such as to guarantee land and sea frontiers against unjustified attack; the restitution of provinces formerly torn from the Allies by force or against the wish of their inhabitants; the liberation of the Italians, as also of the Slavs, Rumanes, and Czecho-Slovaks from foreign domination; the setting free of the populations subject to the bloody tyranny of the Turks; and the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization.[1]

IX. The intentions of his Majesty the Emperor of Russia in regard to Poland have been clearly indicated by the manifesto he has just addressed to his armies.[2]

X. There is no need to say that, if the Allies desire to shield Europe from the covetous brutality of Prussian militarism, the extermination and the political disappearance of the German peoples have never,

[1] Par. VIII from 'first of all' was quoted by the Allies in their memorandum, June 16, 1919, to the Germans, 'Basis of the Peace Negotiations'. (Cmd. 258) Misc. no. 4 (1919). This affects Constantinople. Contrast Lloyd-George, January 5, 1918 (v. *supra*, p. 190) and Speech in *The Times*, February 27, 1920.

[2] Stating his intention of creating a 'free' Poland uniting the three parts into which it was partitioned.

as has been pretended, formed part of their designs. They desire above all to ensure peace on the principles of liberty and justice, and upon the inviolable fidelity to international engagements by which the Government of the United States have ever been inspired.

XI. United in the pursuit of this lofty aim, the Allies are determined, severally and jointly, to act with all their power and to make all sacrifices to carry to a victorious end a conflict upon which, they are convinced, depend not only their own welfare and prosperity but the future of civilization itself.

APPENDIX II

EXTRACTS FROM SECRET AGREEMENTS RESPECTING THE BOUNDARY OF THE RHINE, &c.

From a confidential telegram from the Russian Minister of Foreign Affairs (M. Pokrovsky) to the Russian Ambassador at Paris, February 12, 1917.

M. Doumergue submitted to the (Russian) Emperor the desire of France to secure for herself at the end of the present war the restoration of Alsace-Lorraine and a special position in the valley of the River Saar, as well as to attain the political separation from Germany of her trans-Rhenish districts and their organisation on a separate basis *in order that in future the River Rhine might form a permanent strategical frontier against a Germanic invasion.* Doumergue expressed the hope that the Imperial Government would not refuse immediately to draw up its assent to these suggestions in a formal manner.

His Imperial Majesty was pleased to agree to this in principle, in consequence of which I requested Doumergue, after communicating with his Government, to let me have the draft of an agreement, which would then be given a formal sanction by an exchange of Notes between the French Ambassador and myself.

Proceeding thus to meet the wishes of our ally, I nevertheless consider it my duty to recall the standpoint put forward by the Imperial Government in the telegram of February 24, 1916, No. 948, to the effect that, 'while allowing France and England complete liberty in delimiting the western frontiers of Germany, we expect that the Allies on their part will give us equal liberty in delimiting our frontiers with Germany and Austria-Hungary'. Hence the impending exchange of Notes on the question raised by Doumergue will justify us in asking the French Government simultaneously to confirm its assent to allowing Russia freedom of action in drawing up her future frontiers in the west.

Note of the Russian Minister for Foreign Affairs of February 14, 1917, *No.* 26, *addressed to the French Ambassador at Petrograd:*

In your Note of to-day's date your Excellency was good enough to inform the Imperial Government that the Government of the Republic was contemplating the inclusion *in the terms of peace to be offered to*

Germany of the following demands and guarantees of a territorial nature:

(1) Alsace-Lorraine to be restored to France.

(2) The frontiers are to be extended at least up to the limits of the former principality of Lorraine, and are to be drawn up at the discretion of the French Government so as to provide for the strategical needs and for the inclusion in French territory of the entire iron district of Lorraine and of the entire coal district of the Saar valley.

(3) The rest of the territories situated on the left bank of the Rhine which now form part of the German Empire are to be entirely separated from Germany and freed from all political and economic dependence upon her.

(4) The territories of the left bank of the Rhine outside French territory are to be constituted an autonomous and neutral State, and are to be occupied by French troops until such time as the enemy States have completely satisfied all the conditions and guarantees indicated in the treaty of peace.

Your Excellency stated that the Government of the Republic would be happy to be able to rely upon the support of the Imperial Government for the carrying out of its plans. By order of his Imperial Majesty, my most august master, I have the honour, in the name of the Russian Government, to inform your Excellency by the present Note that the Government of the Republic may rely upon the support of the Imperial Government for the carrying out of its plans as set out above.

—(*Manchester Guardian*, December 12, 1917.)

Telegram from the Russian Ambassador in Paris, March 11, 1917, *No.* 168.

See my reply to telegram No. 167, No. 2. The Government of the French Republic, anxious to confirm the importance of the treaties concluded with the Russian Government in 1916 for the settlement on the termination of the war of the question of Constantinople and the Straits in accordance with Russia's aspirations, anxious, on the other hand, to secure for its ally in military and industrial respects all the guarantees desirable for the safety and the economic development of the Empire, recognises Russia's complete liberty in establishing her western frontiers.

(Signed) ISVOLSKY.

—(*Manchester Guardian*, December 12, 1917.)

Mr. Balfour, in the House of Commons on December 19, 1917, referring to this proposal for a buffer state, said categorically:

> We have never expressed our approval of it, nor do I believe it represents the policy of successive French Governments who have held office during the war. Never did we desire and never did we encourage the idea.

APPENDIX III

EXTRACTS FROM PRESIDENT WILSON'S SPEECHES IN 1918

In the correspondence regarding the negotiations for peace in October 1918, the German Note of October 12 stated, 'The German Government has accepted the terms laid down by President Wilson in his address of January 8 and in his subsequent addresses on the foundation of a permanent peace of justice. Consequently its object in entering into discussions would be only to agree upon practical details of the application of these terms'. President Wilson's utterances have therefore a definite bearing on the legal basis of the Treaty.

The following illustrative extracts are therefore quoted:

(1) Speech of January 8, 'The Fourteen Points'

Once more, as repeatedly before, the spokesmen of the Central Empires have indicated their desire to discuss the objects of the war and the possible bases of a general peace. Parleys have been in progress at Brest-Litovsk between Russian representatives and representatives of the Central Powers, to which the attention of all the belligerents has been invited for the purpose of ascertaining whether it may be possible to extend these parleys into a general conference with regard to terms of peace and settlement. The Russian representatives presented not only a perfectly definite statement of the principles upon which they would be willing to conclude peace, but also an equally definite programme of the concrete application of those principles. The representatives of the Central Powers on their part presented an outline of settlement which, if much less definite, seemed susceptible of liberal interpretation until their specific programme of practical terms was added.

That programme proposed no concessions at all either to the sovereignty of Russia or to the preferences of the populations with whose fortunes it dealt, but meant, in a word, that the Central Empires were to keep every foot of territory their armed forces had occupied—every province, every city, every point of vantage—as a permanent addition to their territories and their power.

It is a reasonable conjecture that the general principles of settlement which they at first suggested originated with the more liberal statesmen of Germany and Austria, the men who have begun to feel the force of their own peoples' thought and purpose, while the concrete terms of actual settlement came from the military leaders, who have no thought but to keep what they have got. The negotiations have been broken off. The Russian representatives were sincere and in earnest. They cannot entertain such proposals of conquest and domination.

The whole incident is full of significance. It is also full of perplexity. With whom are the Russian representatives dealing? For whom are the representatives of the Central Empires speaking? Are they speaking for the majorities of their respective Parliaments or for

the minority parties, that military and Imperialistic minority which has so far dominated their whole policy and controlled the affairs of Turkey and of the Balkan States which have felt obliged to become their associates in this war?

The Russian representatives have insisted very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with Teutonic and Turkish statesmen should be held within open, not closed, doors, and all the world has been audience, as was desired. To whom have we been listening, then? To those who speak the spirit and intention of the resolutions of the German Reichstag of July 19th last, the spirit and intention of the Liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening in fact to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answer to them depends the peace of the world.

But whatever the results of the parleys at Brest-Litovsk, whatever the confusions of counsel and of purpose in the utterances of the spokesmen of the Central Empires, they have again attempted to acquaint the world with their objects in the war, and have again challenged their adversaries to say what their objects are and what sort of settlement they would deem just and satisfactory.

There is no good reason why that challenge should not be responded to, and responded to with the utmost candour. We did not wait for it. Not once, but again and again, we have laid our whole thought and purpose before the world, not in general terms only, but each time with sufficient definition to make it clear what sort of definitive terms of settlement must necessarily spring out of them. Within the last week Mr. Lloyd George has spoken with admirable candour and in admirable spirit for the people and Government of Great Britain.

There is no confusion of counsel among the adversaries of the Central Empires, no uncertainty of principle, no vagueness of detail. The only secrecy of counsel, the only lack of fearless frankness, the only failure to make definite statement of the objects of the war, lies with Germany and her allies. The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure unless he is sure beyond a peradventure that the objects of the vital sacrifice are part and parcel of the very life of society and that the people for whom he speaks think them right and imperative as he does.

There is, moreover, a voice calling for these definitions of principle and of purpose which is, it seems to me, more thrilling and more compelling than any of the many moving voices with which the troubled air of the world is filled. It is the voice of the Russian people. They are prostrate and all but helpless, it would seem, before the grim power of Germany, which has hitherto known no relenting and no pity. Their power apparently is shattered. And yet their soul is not subservient. They will not yield either in principle or in action. Their conception of what is right, of what is humane and honourable for them to accept, has been stated with a frankness, a largeness of view, a

generosity of spirit, a universal human sympathy, which must challenge the admiration of every friend of mankind; and they have refused to compound their ideals or desert others that they themselves may be safe. They call to us to say what it is that we desire, in what, if in anything, our purpose and our spirit differ from theirs; and I believe that the people of the United States would wish me to respond with utter simplicity and frankness.

Whether their present leaders believe it or not, it is our heartfelt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace.

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open, and that they shall involve and permit thenceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular Governments and likely at some unlooked-for moment to upset the peace of the world.

It is this happy fact, now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone, which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow now or at any other time the objects it has in view.

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence.

What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in, and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own free life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world, as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us.

The programme of the world's peace, therefore, is our programme, and that programme, the only possible programme, as we see it, is this:

One. Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

Two. Absolute freedom of navigation upon the seas outside territorial waters alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

Three. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

Four. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

Five. A free, open-minded, and absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

Six. The evacuation of all Russian territory, and such a settlement of all questions affecting Russia as will secure the best and freest co-operation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy, and assure her of a sincere welcome into the society of free nations under institutions of her own choosing, and more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their goodwill, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

Seven. Belgium, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of International Law is for ever impaired.

Eight. All French territory should be freed, and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted in order that peace may once more be made secure in the interest of all.

Nine. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

Ten. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

Eleven. Rumania, Serbia, and Montenegro should be evacuated, occupied territories restored, Serbia accorded free and secure access to the sea, and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality, and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

Twelve. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

Thirteen. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and

whose political and economic independence and territorial integrity should be guaranteed by international covenant.

Fourteen. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the Governments and peoples associated together against the Imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end. For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved, but only because we wish the right to prevail and desire a just and stable peace, such as can be secured only by removing the chief provocations to war, which this programme does remove.

We have no jealousy of German greatness and there is nothing in this programme that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise, such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair-dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery. Neither do we presume to suggest to her any alteration or modification of her institutions.

But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her on our part, that we should know whom her spokesmen speak for when they speak to us, whether for the Reichstag majority or for the military party and the men whose creed is Imperial domination.

We have spoken now surely in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole programme I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.

Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle, and to the vindication of this principle they are ready to devote their lives, their honour, and everything they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

(2) Speech of February 11, 'The Four Principles'

Gentlemen of the Congress,

On January 8th I had the honour of addressing you on the objects of the war as our people conceive them. The Prime Minister of Great Britain had spoken in similar terms on January 5th. To these addresses

the German Chancellor replied on the 24th, and Count Czernin for Austria on the same day. It is gratifying to have our desire so promptly realized that all exchanges of view on this great matter should be made in the hearing of all the world.

Count Czernin's reply, which is directed chiefly to my own address of January 8th, is uttered in a very friendly tone. He finds in my statement a sufficiently encouraging approach to the views of his own Government to justify him in believing that it furnishes a basis for a more detailed discussion of purposes by the two Governments. He is represented to have intimated that the views he was expressing had been communicated to me beforehand, and that I was aware of them at the time he was uttering them. But in this I am sure he was misunderstood. I had received no intimation of what he intended to say. There was, of course, no reason why he should communicate privately with me. I am quite content to be one of his public audience.

Count von Hertling's reply is, I must say, very vague and very confusing. It is full of equivocal phrases and leads it is not clear where. But it is certainly in a very different tone from that of Count Czernin and apparently of an opposite purpose. It confirms, I am sorry to say, rather than removes the unfortunate impression made by what we had learned of the conferences at Brest-Litovsk. His discussion and acceptance of our general principles lead him to no practical conclusions. He refuses to apply them to the substantive items which must constitute the body of any final settlement. He is jealous of international action and of international counsel. He accepts, he says, the principle of public diplomacy, but he appears to insist that it be confined, at any rate in this case, to generalities, and that the several particular questions of territory and sovereignty, the several questions upon whose settlement must depend the acceptance of peace by the twenty-three States now engaged in the war, must be discussed and settled not in general council, but severally by the nations most immediately concerned by interest or neighbourhood.

He agrees that the seas should be free, but looks askance at any limitation to that freedom by international action in the interest of the common order. He would without reserve be glad to see economic barriers removed between nation and nation, for that could in no way impede the ambitions of the military party, with whom he seems constrained to keep on terms. Neither does he raise objection to a limitation of armaments. That matter will be settled of itself, he thinks, by economic conditions which must follow the war. But the German colonies he demands must be returned without debate. He will discuss with no one but the representatives of Russia what disposition shall be made of the peoples and the lands of the Baltic provinces, with no one but the Government of France the 'conditions' under which French territory shall be evacuated, and only with Austria what shall be done with Poland. In the determination of all questions affecting the Balkan States he defers, as I understand him, to Austria and Turkey, and with regard to the agreements to be entered into concerning the non-Turkish peoples of the present Ottoman Empire to the Turkish authorities themselves.

After a settlement all round effected in this fashion by individual

barter and concession he would have no objection, if I correctly interpret his statement, to a League of Nations which would undertake to hold the new Balance of Power steady against external disturbance.

It must be evident to every one who understands what this war has wrought in the opinion and temper of the world that no general peace, no peace worth the infinite sacrifices of these years of tragical suffering, can possibly be arrived at in any such fashion. The method the German Chancellor proposes is the method of the Congress of Vienna. We cannot and will not return to that. What is at stake now is the peace of the world. What we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches. Is it possible that Count von Hertling does not see that, does not grasp it, is in fact living in his thought in a world dead and gone? Has he utterly forgotten the Reichstag resolutions of July 19th, or does he deliberately ignore them? They spoke of the conditions of a general peace, not of national aggrandizement or of arrangements between State and State.

The peace of the world depends upon the just settlement of each of the several problems to which I adverted in my recent address to the Congress. I, of course, do not mean that the peace of the world depends upon the acceptance of any particular set of suggestions as to the way in which those problems are to be dealt with. I mean only that those problems, each and all, affect the whole world, that unless they are dealt with in a spirit of unselfish and unbiased justice, with a view to the wishes, the natural connections, the racial aspirations, the security, and the peace of mind of the peoples involved, no permanent peace will have been attained. They cannot be discussed separately or in corners. None of them constitutes a private or separate interest from which the opinion of the world may be shut out. Whatever affects the peace affects mankind, and nothing settled by military force, if settled wrong, is settled at all. It will presently have to be reopened.

Is Count von Hertling not aware that he is speaking in the court of mankind, and that all the awakened nations of the world now sit in judgment on what every public man, of whatever nation, may say on the issues of a conflict which has spread to every region of the world? The Reichstag resolutions of July themselves frankly accepted the decisions of that court. *There shall be no annexations, no contributions, no punitive damages:* Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected; peoples may now be dominated and governed only by their own consent. 'Self-determination' is not a mere phrase. It is an imperative principle of action which statesmen will henceforth ignore at their peril.

We cannot have general peace for the asking or by the mere arrangements of a peace conference. It cannot be pieced together out of individual understandings between powerful States. All the parties to this war must join in the settlement of every issue anywhere involved in it, because what we are seeking is a peace that we can all unite to guarantee and maintain, and every item of it must be submitted to the common judgment whether it be right and fair, an act of justice rather than a bargain between Sovereigns.

The United States has no desire to interfere in European affairs, or to act as arbiter in European territorial disputes. She would disdain to take advantage of any internal weakness or disorder to impose her own will upon another people. She is quite ready to be shown that the settlements she has suggested are not the best or the most enduring. They are only her own provisional sketch of principles and of the way in which they should be applied. But she entered this war because she was made a partner, whether she would or not, in the sufferings and indignities inflicted by the military masters of Germany against the peace and security of mankind, and the conditions of peace will touch her as nearly as they will touch any other nation to which is entrusted a leading part in the maintenance of civilization. She cannot see her way to peace until the causes of this war are removed, its renewal rendered as nearly as may be impossible.

This war had its roots in the disregard of the rights of small nations and of nationalities which lacked the union and the force to make good their claim to determine their own allegiances and their own forms of political life. Covenants must now be entered into which will render such things impossible for the future, and those covenants must be backed by the united force of all the nations that love justice, and are willing to maintain it at any cost. If territorial settlements, and the political relations of great populations which have not the organized power to resist, are to be determined by the contracts of the powerful Governments, which consider themselves most directly affected, as Count von Hertling proposes, why may not economic questions also? It has come about in the altered world in which we now find ourselves that justice and the rights of peoples affect the whole field of international dealing as much as access to raw materials and fair and equal conditions of trade.

Count von Hertling wants the essential bases of commercial and industrial life to be safeguarded by common agreement and guarantee, but he cannot expect that to be conceded him if the other matters to be determined by the articles of peace are not handled in the same way as items in the final accounting. He cannot ask the benefit of common agreement in the one field without according it in the other. I take it for granted that he sees that separate and selfish compacts with regard to trade and the essential materials of manufacture would afford no foundation for peace. Neither, he may rest assured, will separate and selfish compacts with regard to provinces and peoples.

Count Czernin seems to see the fundamental elements of peace with clear eyes and does not seek to obscure them. He sees that an independent Poland made up of all the indisputably Polish peoples who lie contiguous to one another is a matter of European concern and must, of course, be conceded; that Belgium must be evacuated and restored, no matter what sacrifices and concessions that may involve; and that national aspirations must be satisfied even within his own Empire in the common interest of Europe and mankind. If he is silent about questions which touch the interest and purpose of his Allies more nearly than they touch those of Austria only, it must, of course, be because he feels constrained, I suppose, to defer to Germany and Turkey in the circumstances. Seeing and conceding, as he does, the essential principles involved and the necessity of candidly applying

them, he naturally feels that Austria can respond to the purpose of peace as expressed by the United States with less embarrassment than could Germany. He would probably have gone much farther had it not been for the embarrassments of Austria's alliances, and of her dependence upon Germany.

After all, the test of whether it is possible for either Government to go any further in this comparison of views is simple and obvious.

The principles to be applied are these:

First, that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent;

Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now for ever discredited, of the Balance of Power; but that,

Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival States; and

Fourth, that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe, and consequently of the world.

A general peace erected upon such foundations can be discussed. Until such a peace can be secured we have no choice but to go on. So far as we can judge, these principles that we regard as fundamental are already everywhere accepted as imperative except among the spokesmen of the military and annexationist party in Germany. If they have anywhere else been rejected the objectors have not been sufficiently numerous or influential to make their voices audible. The tragical circumstance is that this one party in Germany is apparently willing and able to send millions of men to their death to prevent what all the world now sees to be just.

I would not be a true spokesman of the people of the United States if I did not say once more that we entered this war upon no small occasion, and that we can never turn back from a course chosen upon principle. Our resources are in part mobilized now, and we shall not pause until they are mobilized in their entirety. Our armies are rapidly going to the fighting front, and will go more and more rapidly. Our whole strength will be put into this war of emancipation—emancipation from the threat and attempted mastery of selfish groups of autocratic rulers—whatever the difficulties and present partial delays.

We are indomitable in our power of independent action, and can in no circumstances consent to live in a world governed by intrigue and force. We believe that our own desire for new international order, under which reason and justice and the common interests of mankind shall prevail, is the desire of enlightened men everywhere. Without that new order the world will be without peace, and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

I hope that it is not necessary for me to add that no word of what I have said is intended as a threat. That is not the temper of our people. I have spoken thus only that the whole world may know the true spirit of America, that men everywhere may know that our passion for justice and for self-government is no mere passion of words, but a passion which once set in action must be satisfied. The power of the United States is a menace to no nation or people. It will never be used in aggression or for the aggrandizement of any selfish interests of our own. It springs out of freedom, and is for the service of freedom.

(3) Speech of April 6, 1918

This is the anniversary of our acceptance of Germany's challenge to fight for our right to live and be free and for the sacred rights of free men everywhere. The nation is awake. There is no need to call to it. We know what the war must cost: our utmost sacrifice, the lives of our fittest men, and if need be all that we possess. The loan we are met to discuss is one of the least parts of what we are called upon to give and to do, though in itself imperative. The people of the whole country are alive to the necessity of it and are ready to lend to the utmost even where it involves a sharp skimping and daily sacrifice to lend out of meagre earnings. They will look with reprobation and contempt upon those who can and will not, upon those who demand a higher rate of interest, upon those who think of it as a mere commercial transaction. I have not come, therefore, to urge the loan, I have come only to give you if I can a more vivid conception of what it is for.

The reasons for this great war, the reason why it had to come, the need to fight it through and the issues that hang upon its outcome are more clearly disclosed now than ever before. It is easy to see just what this particular loan means, because the cause we are fighting for stands more sharply revealed than at any previous crisis of the momentous struggle. The man who knows least can now see plainly how the cause of justice stands and what the imperishable thing is he is asked to invest in. Men in America may be more sure than they ever were before that the cause is their own, and that if it should be lost their own great nation's place and mission in the world would be lost with it.

I call you to witness, my fellow-countrymen, that at no stage of this terrible business have I judged the purposes of Germany intemperately. I should be ashamed, in the presence of affairs so grave, so fraught with the destinies of mankind throughout all the world, to speak with truculence, to use the weak language of hatred or vindictive purpose. We must judge as we would be judged. I have sought to learn the objects Germany has in this war from the mouths of her own spokesmen and to deal as frankly with them as I wished them to deal with me. I have laid bare our own ideals, our own purposes without reserve or doubtful phrase, and have asked them to say as plainly what it is that they seek.

We have ourselves proposed no injustice, no aggression. We are ready whenever the final reckoning is made to be just to the German people, deal fairly with the German Power as with all others. There can be no difference between peoples in the final judgment if it is indeed

to be a righteous judgment. To propose anything but justice, even-handed and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonour our own cause. For we ask nothing that we are not willing to accord.

It has been with this thought that I have sought to learn from those who spoke for Germany whether it was justice or dominion and the execution of their own will upon the other nations of the world that the German leaders were seeking. They have answered, answered in unmistakable terms. They have avowed that it was not justice but dominion and the unhindered execution of their own will.

The avowal has not come from Germany's statesmen. It has come from her military leaders, who are her real rulers. Her statesmen have said that they wished peace and were ready to discuss its terms whenever their opponents were willing to sit down at the conference table with them. Her present Chancellor has said—in indefinite and uncertain terms indeed and in phrases that often seem to deny their own meaning, but with as much plainness as he thought prudent—that he believed that peace should be based upon the principles which we had declared would be our own in the final settlement. At Brest-Litovsk her civilian delegates spoke in similar terms; professed their desire to conclude a fair peace and accord to the peoples with whose fortunes they were dealing the right to choose their own allegiances. The action accompanied and followed the profession. Their military masters, the men who act for Germany and exhibit her purpose in execution, proclaimed a very different conclusion. We cannot mistake what they have done—in Russia, in Finland, in the Ukraine, in Rumania. The real test of their justice and fair play has come. From this we may judge the rest. They are enjoying in Russia a cheap triumph in which no brave or gallant nation can long take pride. A great people, helpless by their own act, lies for the time at their mercy. Their fair professions are forgotten. They nowhere set up justice, but everywhere impose their power and exploit everything for their own use and aggrandizement; and the peoples of conquered provinces are invited to be free under their dominion!

Are we not justified in believing that they would do the same things at their Western front if they were not there face to face with the armies whom even their countless divisions cannot overcome? If, when they have felt their check to be final, they should propose favourable and equitable terms with regard to Belgium and France and Italy, could they blame us if we concluded that they did so only to assure themselves of a free hand in Russia and the East? Their purpose is undoubtedly to make all the Slavic peoples, all the free and ambitious nations of the Balkan Peninsula, all the lands that Turkey has dominated and misruled, subject to their will and ambition and build upon that dominion an Empire of force upon which they fancy that they can then erect an Empire of gain and commercial supremacy—an Empire as hostile to the Americas as to the Europe which it will overawe—an Empire which will ultimately master Persia, India, and the peoples of the Far East. In such a programme our ideals, the ideals of justice and humanity and liberty, the principle of the free self-determination of nations upon which all the modern world insists, can

play no part. They are rejected for the ideals of power, for the principle that the strong must rule the weak, that trade must follow the flag whether those to whom it is taken welcome it or not, that the peoples of the world are to be made subject to the patronage and overlordship of those who have the power to enforce it.

That programme once carried out, America and all who care or dare to stand with her must arm and prepare themselves to contest the mastery of the world, a mastery in which the rights of common men, the rights of women, and of all who are weak, must for the time being be trodden under foot and disregarded, and the old, age-long struggle for freedom and right begin again at its beginning. Everything that America has lived for and loved and grown great to vindicate and bring to a glorious realization will have fallen in utter ruin, and the gates of mercy once more pitilessly shut upon mankind! The thing is preposterous and impossible; and yet is not that what the whole course and action of the German armies has meant wherever they have moved? I do not wish even in this moment of utter disillusionment to judge harshly or unrighteously. I judge only what the German arms have accomplished with unpitying thoroughness throughout every fair region they have touched.

What, then, are we to do? For myself I am ready, ready still, ready even now, to discuss a fair and just and honest peace at any time that it is sincerely proposed—a peace in which the strong and the weak should fare alike. But the answer when I proposed such a peace came from the German commanders in Russia, and I cannot mistake the meaning of the answer. I accept the challenge. I know that you accept it. All the world shall know that you accept it. It shall appear in the utter sacrifice and self-forgetfulness with which we shall give all that we love and all that we have to redeem the world and make it fit for free men like ourselves to live in. This now is the meaning of all that we do. Let everything that we say, my fellow-countrymen, everything that we henceforth plan and accomplish, ring true to this response till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who float and misprize what we honour and hold dear. Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether right as America conceives it, or dominion as she conceives it, shall determine the destinies of mankind. There is therefore but one response possible from us: force, force to the utmost, force without stint or limit, the righteous and triumphant force which shall make right the law of the world and cast every selfish dominion down in the dust.

(4) Speech of July 4, 'The Four Ends'

Gentlemen of the Diplomatic Corps and my Fellow-citizens,

I am happy to draw apart with you to this quiet place[1] of old counsel in order to speak a little of the meaning of this day of our nation's independence. The place seems very still and remote. It is

[1] Mount Vernon.

as serene and untouched by the hurry of the world as it was in those great days long ago when General Washington was here and held leisurely conference with the men who were to be associated with him in the creation of a nation. From these gentle slopes they looked out upon the world and saw it whole, saw it with the light of the future upon it, saw it with modern eyes that turned away from a past which men of liberated spirits could no longer endure. It is for that reason that we cannot feel even here, in the immediate presence of this sacred tomb, that this is a place of death. It was a place of achievement. A great promise that was meant for all mankind was here given plan and reality. The associations by which we are here surrounded are the inspiriting associations of that noble death which is only a glorious consummation. From this green hillside we also ought to be able to see with comprehending eyes that world that lies about us, and should conceive anew the purposes that must set men free. It is significant of their own character and purpose and of the influences they were setting afoot that Washington and his associates, like the Barons at Runnymede, spoke and acted not for a class but a people. It has been left for us to see to it that it shall be understood that they spoke and acted not for a single people only but for all mankind. They were thinking not of themselves and of the material interests which centred in the little groups of landowners and merchants and men of affairs with whom they were accustomed to act in Virginia and the colonies to the north and south of her, but of a people which wished to be done with classes and special interests and the authority of men whom they had not themselves chosen to rule over them. They entertained no private purpose, desired no peculiar privilege. They were consciously planning that men of every class should be free and America a place to which men out of every nation might resort who wished to share with them the rights and privileges of free men. And we take our cue from them, do we not? We intend what they intended. We here in America believe our participation in this present war to be only the fruitage of what they planted. Our case differs from theirs only in this, that it is our inestimable privilege to concert with men out of every nation what shall make not only the liberties of America secure, but the liberties of every other people as well. We are happy in the thought that we are permitted to do what they would have done had they been in our place. There must now be settled once for all what was settled for America in the great age upon whose inspiration we draw to-day. This is surely a fitting place from which calmly to look out upon our task that we may fortify our spirits for its accomplishment. And this is the appropriate place from which to avow, alike to the friends who look on and to the friends with whom we have the happiness to be associated in action, the faith and purpose with which we act. This, then, is our conception of the great struggle in which we are engaged. The plot is written plainly upon every scene and every act of the supreme tragedy. On the one hand stand the peoples of the world—not only the peoples actually engaged, but many others also who suffer under mastery but cannot act; peoples of many races and in every part of the world—the people of stricken Russia still among the rest, though they are for the moment unorganized and

helpless. Opposed to them, masters of many armies, stands an isolated friendless group of Governments who speak no common purpose, but only selfish ambitions of their own, by which none can profit but themselves, and whose people are fuel in their hands—Governments which fear their people and yet are for the time their sovereign lords, making every choice for them and disposing of their lives and fortunes as they will, as well as of the lives and fortunes of every people who fall under their power—Governments clothed with the strange trappings and primitive authority of an age that is altogether alien and hostile to our own. The past and the present are in deadly grapple, and the peoples of the world are being done to death between them. There can be but one issue. The settlement must be final. There can be no compromise. No half-way decision would be tolerable. No half-way decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace: *First*, the destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world, or, if it cannot be presently destroyed, at the least its reduction to virtual impotence. *Second*, the settlement of every question, whether of territory or sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery. *Third*, the consent of all nations to be governed in their conduct towards each other by the same principles of honour and of respect for the common law of civilized society that govern the individual citizens of all modern States, and in their relations with one another to the end that all promises and covenants may be sacredly observed, no private plots or conspiracies hatched, no selfish injuries wrought with impunity, and a mutual trust established upon the handsome foundation of a mutual respect for right. *Fourth*, the establishment of an organization of peace which shall make it certain that the combined power of free nations will check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that cannot be amicably agreed upon by the peoples directly concerned shall be sanctioned. These great objects can be put into a single sentence. *What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.* These great ends cannot be achieved by debating and seeking to reconcile and accommodate what statesmen may wish, with their projects for balances of power and of national opportunity. They can be realized only by the determination of what the thinking peoples of the world desire, with their longing hope for justice and for social freedom and opportunity. I can fancy that the air of this place carries the accents of such principles with a peculiar kindness. Here were started forces which the great nation against which they were primarily directed at first regarded as a revolt against its rightful authority, but which it has long since seen to have been a step in the liberation of its own people as well as of the people of the United States.

And I stand here now to speak[1]—speak proudly and with confident hope—of the spread of this revolt, this liberation, to the great stage of the world itself. The blinded rulers of Prussia have aroused forces they knew little of, forces which once roused can never be crushed to earth again, for they have at their heart an inspiration and a purpose which are deathless and of the very stuff of triumph.

(5) SPEECH OF SEPTEMBER 27, 1918, 'THE FIVE PARTICULARS'

. . . I have come to seek an opportunity to present to you some thoughts which I trust will serve to give you, in perhaps fuller measure than before, a vivid sense of the grave issues involved, in order that you may appreciate and accept with added enthusiasm the grave significance of the duty of supporting the Government by your men and your means to the utmost point of sacrifice and self-denial. No man or woman who has really taken in what this war means can hesitate to give to the very limit of what they have, and it is my mission here to-night to try to make it clear once more what the war really means. You will need no other stimulation or reminder of your duty.

At every turn of the war we gain a fresh consciousness of what we mean to accomplish by it. When our hope and expectation are most excited, we think more definitely than before of the issues that hang upon it, and of the purposes which must be realized by means of it. For it has positive and well-defined purposes which we did not determine and which we cannot alter. No statesman or assembly created them, no statesman or assembly can alter them. They have arisen out of the very nature and circumstances of the war. The most that statesmen or assemblies can do is to carry them out or be false to them. They were, perhaps, not clear at the outset, but they are clear now.

The war has lasted more than four years, and the whole world has been drawn into it. The common will of mankind has been substituted for the particular purposes of individual States. Individual statesmen may have started the conflict, but neither they nor their opponents can stop it as they please. It has become a peoples' war, and peoples of all sorts and races, of every degree of power and variety of fortune, are involved in its sweeping processes of change and settlement.

We came into it when its character had become fully defined and it was plain that no nation could stand apart or be indifferent to its outcome. Its challenge drove to the heart of everything we cared for and lived for. The voice of the war had become clear, and gripped our hearts. Our brothers from many lands as well as our own murdered dead under the sea were calling to us, and we responded fiercely and of courage. The air was clear about us. We saw things in their full, convincing proportions as they were, and we have seen them with steady eyes and unchanging comprehension ever since. We accepted the issues of the war as facts, not as any group of men either here or elsewhere had defined them, and we can accept no outcome which does not squarely meet and settle them.

The issues are these: Shall the military power of any nation or

[1] Made beside the tomb of Washington.

group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule except the right of force? Shall strong nations be free to wrong weak nations and make them subject to their purposes and interest? Shall peoples be ruled and dominated even in their own internal affairs by arbitrary and irresponsible force or by their own will and choice? Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress? Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?

No man, no group of men, chose these to be the issues of the struggle. They are the issues of it, and they must be settled—by no arrangement or compromise or adjustment of interests—but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weakest is as sacred as the interest of the strongest. This is what we mean when we speak of a permanent peace, if we speak sincerely, intelligently, and with a real knowledge and comprehension of the matter we deal with. . . .

If it be indeed and in truth the common object of the Governments associated against Germany and of the nations whom they govern, as I believe it to be, to achieve by the coming settlements a secure and lasting peace, it will be necessary that all who sit down at the peace table shall come ready and willing to pay the price, the only price, that will procure it, and ready and willing to create in some virile fashion the only instrumentality by which it can be made certain that the agreements of the peace will be honoured and fulfilled.

That price is impartial justice in every item of the settlement, no matter whose interest is crossed, and not only impartial justice, but also the satisfaction of the several peoples whose fortunes are dealt with. That indispensable instrumentality is a League of Nations, formed under covenants that will be efficacious. Without such an instrumentality by which the peace of the world can be guaranteed, peace will rest in part upon the word of outlaws, and only upon that word. *For Germany will have to redeem her character not by what happens at the peace table but by what follows.*

And as I see it, the constitution of that League of Nations and the clear definition of its objects must be a part, in a sense the most essential part, of the peace settlement itself. It cannot be formed now. If formed now, it would be merely a new alliance confined to the nations associated against a common enemy. It is not likely that it could be formed after the settlement. It is necessary to guarantee the peace, and the peace cannot be guaranteed as an afterthought.

The reason—to speak in plain terms again—why it must be guaranteed is that there will be parties to the peace whose promises have proved untrustworthy, and means must be found in connection with the peace settlement itself to remove that source of insecurity. It would be folly to leave the guarantee to the subsequent voluntary action of the Governments we have seen destroy Russia and deceive Rumania.

But these general terms do not disclose the whole matter. Some details are needed to make them sound less like a thesis and more like a practical programme. These, then, are some of the particulars, and

I state them with the greater confidence because I can state them authoritatively as representing this Government's interpretation of its own duty with regard to peace:

First, The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favourites and knows no standards but the equal rights of the several peoples concerned.

Second, No special or separate interest of any single nation or any group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all.

Third, There can be no leagues or alliances or special covenants and understandings within the general and common family of the League of Nations.

Fourth, And, more specifically, there can be no special selfish economic combinations within the League and no employment of any form of economic boycott or exclusion, except as the power of economic penalty, by exclusion from the markets of the world, may be vested in the League of Nations itself as a means of discipline and control.

Fifth, All international agreements and treaties of every kind must be made known in their entirety to the rest of the world. Special alliances and economic rivalries and hostilities have been the prolific source in the modern world of the plans and passions that produce war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms.

The confidence with which I venture to speak for our people in these matters does not spring from our traditions merely and the well-known principles of international action which we have always professed and followed.

In the same sentence in which I say that the United States will enter into no special arrangements or understandings with particular nations, let me say also that the United States is prepared to assume its full share of responsibility for the maintenance of the common covenants and understandings upon which peace must henceforth rest. We still read Washington's immortal warning against 'entangling alliances' with full comprehension and an answering purpose. But only special and limited alliances entangle, and we recognize and accept the duty of a new day in which we are permitted to hope for a general alliance which will avoid entanglements and clear the air of the world for common understandings and the maintenance of common rights. . . .

It is the peculiarity of this great war, that, while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is they are fighting for. National purposes have fallen more and more into the background; and the common purpose of enlightened mankind has taken their place. The counsels of plain men have become on all hands more simple and straightforward and more unified than the counsels of sophisticated men of affairs, who still retain the impression that they are playing a game of power and playing for high stakes.

That is why I have said that this is a peoples' war, not a statesmen's. Statesmen must follow the clarified common thought or be broken. I take that to be the significance of the fact that assemblies and associations of many kinds, made up of plain workaday people, have demanded almost every time that they came together, and are still demanding, that the leaders of their Governments declare to them plainly what it is, exactly what it is that they are seeking in this war, and what they think the items of their final settlement should be.

They are not yet satisfied with what they have been told. They still seem to fear that they are getting what they ask for only in statesmen's terms—only in the terms of territorial arrangements and discussions of power, and not in terms of broad-visioned justice and mercy and peace, and the satisfaction of these deep-seated longings of oppressed and distracted men and women and enslaved peoples that seem to them the only things worth fighting a war for that engulfs the world. . . .

And I believe that the leaders of the Governments with which we are associated will speak, as they have occasion, as plainly as I have tried to speak. I hope that they will feel free to say whether they think that I am in any degree mistaken in my interpretation of the issues involved or in my purpose with regard to the means by which a satisfactory settlement of these issues may be obtained. Unity of purpose and of counsel are as imperatively necessary in this war as was unity of command in the battle-field; and with perfect unity of purpose and counsel will come assurance of complete victory. It can be had in no other way. 'Peace drives' can be effectively neutralized and silenced only by showing that every victory of the nations associated against Germany brings the nations nearer the sort of peace which will bring security and reassurance to all peoples, and make the recurrence of another such struggle of pitiless force and bloodshed for ever impossible, and that nothing else can. Germany is constantly intimating the 'terms' she will accept, and always finds that the world does not want terms of peace. It wishes the final triumph of justice and fair dealing.

APPENDIX IV

NEGOTIATIONS PRECEDING THE ARMISTICE

The German Note to President Wilson, October 4, 1918.[1]

(*Transmitted through the Swiss Government.*)

'The German Government requests the President of the United States of America to take steps for the restoration of peace, to notify

[1] Extract from Austro-Hungarian Peace Note to President Wilson not dated, sent 15th September 1918, received Washington 16th September:

'The Royal and Imperial Government would like, therefore, to propose to the Governments of all belligerent States to send delegates to a confidential and non-binding discussion on basic principles for the conclusion of peace in a place in a neutral country and at a near date which would have to be agreed on, the delegates who are appointed to make known to one another the conception of their Governments regarding those principles, to receive

all belligerents of this request, and to invite them to delegate plenipotentiaries for the purpose of taking measures to avoid further bloodshed.

'It accepts the programme set forth by the President of the United States in his Message to Congress of January 8th. The German Government requests the President of the United States to bring about the immediate conclusion of a general armistice on land, on water, and in the air.

'(*Signed*) Max, Prince of Baden.
'Imperial Chancellor.'

The date of this communication is marked October 3, in 'Vorgeschichte des Waffenstillstands'. It appears to have been sent late on the 4th to Switzerland, transmitted via Switzerland on the 5th, and to have reached Washington on the 6th. It is here therefore called the Note of the 4th.

THE AUSTRO-HUNGARIAN NOTE TO PRESIDENT WILSON, OCTOBER 7, 1918.

From the Minister of Sweden to the Secretary of State.

'LEGATION OF SWEDEN, WASHINGTON, D.C.,
October 7, 1918.

'EXCELLENCY,

'By order of my Government I have the honour confidentially to transmit herewith to you the following communication of the Imperial and Royal Government of Austria-Hungary to the President of the United States of America:

'The Austro-Hungarian Monarchy, which has waged war always and solely as a defensive war and repeatedly given documentary evidence of its readiness to stop the shedding of blood and to arrive at a just and honourable peace, hereby addresses itself to his Lordship the President of the United States of America, and offers to conclude with him and his allies an armistice on every front, on land, at sea, and in the air, and to enter immediately upon negotiations for a peace for which the fourteen points in the Message of President Wilson to Congress of January 8, 1918, and the four points contained in President Wilson's address of February 11, 1918, should serve as a foundation, and in which the view-points declared by President Wilson in his address of September 27, 1918, will also be taken into account. Be pleased to accept, etc.

'(*Signed*) W. A. F. EKENGREN.'

analogous communications, and to request and give frank and candid explanations on all those points which need to be precisely defined.

'The Royal and Imperial Government has the honour to request the Government of ——, through the kind mediation of your Excellency, to bring this communication to the knowledge of the Government of ——.'

To which the President replied on the 16th September:

'The Government of the United States feels that there is only one reply which it can make to the suggestion of the Imperial Austro-Hungarian Government.

'It has repeatedly and with entire candour stated the terms upon which the United States would consider peace, and can and will entertain no proposal for conference upon a matter concerning which it has made its position and purpose so plain.'

President Wilson's Reply to the first German Note, October 8, 1918.

(*Addressed to the Swiss Chargé d'Affaires at Washington.*)

'Sir,

'I have the honour to acknowledge on behalf of the President your Note of October 6th enclosing a communication from the German Government to the President, and I am instructed by the President to request you to make the following communication to the Imperial German Chancellor:

'Before making a reply to the request of the Imperial German Government and in order that the reply shall be as candid and straightforward as the momentous interests involved require, the President of the United States deems it necessary to assure himself of the exact meaning of the Note of the Imperial Chancellor.

'Does the Imperial Chancellor mean that the Imperial German Government accepts the terms laid down by the President in his Address to the Congress of the United States on January 8th last and in subsequent Addresses, and that its object in entering into discussion would be only to agree upon the practical details of their application?

'The President feels bound to say with regard to the suggestion of an armistice that he would not feel at liberty to propose a cessation of arms to the Governments with which the Government of the United States is associated against the Central Powers so long as the armies of those Powers are upon their soil.

'The good faith of any discussion would manifestly depend upon the consent of the Central Powers immediately to withdraw their forces everywhere from invaded territory.

'The President also feels that he is justified in asking whether the Imperial Chancellor is speaking merely for the constituted authorities of the Empire who have so far conducted the war. He deems the answers to these questions vital from every point of view.

'Accept, sir, the renewed assurances of my high consideration.'

The second German Note of October 12, 1918, in reply to President Wilson's Note of October 8th.

'In reply to the questions of the President of the United States of America the German Government hereby declares:

'The German Government has accepted the terms laid down by President Wilson in his address of January the 8th and in his subsequent addresses on the foundation of a permanent peace of justice. Consequently its object in entering into discussions would be only to agree upon practical details of the application of these terms.

'The German Government believes that the Governments of the Powers associated with the Government of the United States also adopt the position taken by President Wilson in his address. The German Government, in accordance with the Austro-Hungarian Government, for the purpose of bringing about an armistice, declares itself ready to comply with the propositions of the President in regard

to evacuation. The German Government suggests that the President may occasion the meeting of a mixed Commission for making the necessary arrangements concerning the evacuation.

'The present German Government, which has undertaken the responsibility for this step towards peace, has been formed by conferences and in agreement with the great majority of the Reichstag. The Chancellor, supported in all of his actions by the will of this majority, speaks in the name of the German Government and of the German people.

'SOLF,
'*State Secretary of Foreign Office.*'

PRESIDENT WILSON'S REPLY TO THE SECOND GERMAN NOTE OF OCTOBER 12TH, OCTOBER 14TH, 1918.

'In reply to the communication of the German Government dated the 12th inst., which you handed me to-day, I have the honour to request you to transmit the following answer:

'The unqualified acceptance by the present German Government, and by a large majority of the German Reichstag, of the terms laid down by the President of the United States of America in his addresses to the Congress of the United States on the 8th of January, 1918, and in his subsequent addresses, justifies the President in making a frank and direct statement of his decision in regard to the communications of the German Government of the 8th and 12th of October, 1918.

'It must be clearly understood that the process of evacuation and the conditions of an armistice are matters which must be left to the judgment and advice of the military advisers of the Government of the United States and the Allied Governments, and the President feels it his duty to say that no arrangement can be accepted by the Government of the United States which does not provide absolutely satisfactory safeguards and guarantees of the maintenance of the present military supremacy of the armies of the United States and of the Allies in the field. He feels confident that he can safely assume that this will also be the judgment and decision of the Allied Governments.

'The President feels that it is also his duty to add that neither the Government of the United States nor (he is quite sure) the Governments with which the Government of the United States is associated as a belligerent will consent to consider an armistice so long as the armed forces of Germany continue the illegal and inhumane practices which they persist in.

'At the very time the German Government approaches the Government of the United States with proposals of peace its submarines are engaged in sinking passenger ships at sea, and not the ships alone, but the very boats in which their passengers and crews seek to make their way to safety; and in their present enforced withdrawal from Flanders and France the German armies are pursuing a course of wanton destruction which has always been regarded as in direct violation of the rules and practices of civilized warfare. Cities and villages (if not destroyed) are being stripped not only of all they contain, but often of their very inhabitants.

'The nations associated against Germany cannot be expected to agree to a cessation of arms while acts of inhumanity, spoliation, and desolation are being continued which they justly look upon with horror and with burning hearts.

'It is necessary also, in order that there may be no possibility of misunderstanding, that the President should very solemnly call the attention of the Government of Germany to the language and plain intent of one of the terms of peace which the German Government has now accepted. It is contained in the address of the President delivered at Mount Vernon on the 4th of July last. It is as follows:

'"The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world, or if it cannot be presently destroyed at least its reduction to virtual impotency."

'The power which has hitherto controlled the German nation is of the sort here described. It is within the choice of the German nation to alter it.

'The President's words just quoted naturally constitute a condition precedent to peace if peace is to come by the action of the German people themselves.

'The President feels bound to say that the whole process of peace will, in his judgment, depend upon the definiteness and satisfactory character of the guarantees which can be given in this fundamental matter. It is indispensable that the Governments associated against Germany should know beyond a peradventure with whom they are dealing.

'The President will make a separate reply to the Royal and Imperial Government of Austria-Hungary.

'Accept, sir, the renewed assurances of my high consideration.

'(*Signed*) ROBERT LANSING.'

PRESIDENT WILSON'S NOTE OF OCTOBER 18TH, IN REPLY TO THE AUSTRO-HUNGARIAN NOTE OF OCTOBER 7TH.

From the Secretary of State to the Minister of Sweden.

'SIR,

'I have the honour to acknowledge the receipt of your Note of the 7th inst., in which you transmit a communication of the Imperial and Royal Government of Austria-Hungary to the President. I am now instructed by the President to request you to be good enough, through your Government, to convey to the Imperial and Royal Government the following:

'The President deems it his duty to say to the Austro-Hungarian Government that he cannot entertain the present suggestion of that Government because of certain events of the utmost importance which, occurring since the delivery of his Address of January 8th last, have necessarily altered the attitude and responsibility of the Government of the United States. Among the fourteen terms of peace which the President formulated at that time occurred the following: "The peoples of Austria-Hungary whose place among the nations we wish

to see safeguarded and assured should be accorded the freest opportunity of autonomous development."

'Since that sentence was written and uttered to the Congress of the United States the Government of the United States has recognized [1] that a state of belligerency exists between the Czecho-Slovaks and the German and Austro-Hungarian Empires, and that the Czecho-Slovak National Council is a *de facto* belligerent Government, clothed with proper authority to direct the military and political affairs of the Czecho-Slovaks.

'It has also recognized in the fullest manner the justice of the nationalistic aspirations of the Yugo-Slavs for freedom.

'The President is therefore no longer at liberty to accept a mere "autonomy" of these peoples as a basis of peace, but is obliged to insist that they, and not he, shall be the judges of what action on the part of the Austro-Hungarian Government will satisfy their aspirations and their conception of their rights and destiny as members of the family of nations.

'Accept, sir, the renewed assurances of my highest consideration.

'(*Signed*) ROBERT LANSING.'

THE THIRD GERMAN NOTE OF OCTOBER 20TH, 1918, IN REPLY TO PRESIDENT WILSON'S NOTE OF OCTOBER 14TH.

'In accepting the proposal for an evacuation of the occupied territories, the German Government has started from the assumption that the procedure of this evacuation and of the conditions of armistice should be left to the judgment of the military advisers, and that the actual standard of power on both sides in the field has to form the basis for arrangements safeguarding and guaranteeing this standard.

'The German Government suggests to the President that an opportunity should be brought about for fixing the details. It trusts that the President of the U.S. will approve of no demand which would be irreconcilable with the honour of the German people and with opening a way to a peace of justice.

'The German Government protests against the reproach of illegal and inhumane actions made against the German land and sea forces, and thereby against the German people. For the covering of a retreat destructions will always be necessary, and are, in so far, permitted by International law.

'The German troops are under the strictest instruction to spare private property and to exercise care for the population to the best of their ability. Where transgressions occur in spite of these instructions the guilty are being punished.

'The German Government further denies that the German Navy in sinking ships has ever purposely destroyed lifeboats with their passengers.

[1] On the 3rd September 1918 the President had 'recognized' the Czecho-Slovak National Council as a 'belligerent Government'. On the 28th June 1918 he had defined the position of the United States Government, as that 'all branches of the Slav race should be completely freed from German and Austrian rule'.

'The German Government proposes, with regard to all these charges, that the facts be cleared up by neutral Commissions.

'In order to avoid anything that might hamper the work of peace, the German Government has caused orders to be dispatched to all submarine commanders precluding the torpedoing of passenger ships, without, however, for technical reasons, being able to guarantee that these orders will reach every single submarine at sea before its return.

'As the fundamental condition for peace, the President prescribes the destruction of every arbitrary power that can separately, secretly, and of its own single choice disturb the peace of the world. To this the German Government replies: Hitherto the representation of the people of the German Empire has not been endowed with an influence on the formation of the Government. The Constitution did not provide for a concurrence of the representation of the people in decisions of peace and war.

'These conditions have just now undergone a fundamental change. The new Government has been formed in complete accordance with the wishes of the representatives of the people, based on equal, universal, secret, direct franchise. The leaders of the great parties of the Reichstag are members of this Government.

'In future no Government can take, or continue in, office without possessing the confidence of the majority of the Reichstag. The responsibility of the Chancellor of the Empire to the representatives of the people is being legally developed and safeguarded.

'The first act of the new Government has been to lay before the Reichstag a Bill to alter the constitution of the Empire, so that the consent of the representatives of the people is required for decisions on war and peace. The permanence of the new system is, however, guaranteed not only by constitutional safeguards, but also by the unshakable determination of the German people, whose vast majority stands behind these reforms and demands their energetic continuance.

'The question of the President, with whom he and the Governments associated against Germany are dealing, is, therefore, answered in a clear and unequivocal manner by the statement that the offer of peace and an armistice has come from a Government which, free from any arbitrary and irresponsible influence, is supported by the approval of the overwhelming majority of the German people.

'(*Signed*) SOLF,
'*State Secretary of the Foreign Office.*'

PRESIDENT WILSON'S NOTE OF OCTOBER 23RD, 1918, IN REPLY TO THE THIRD GERMAN NOTE OF OCTOBER 20TH.

(*Addressed to the Chargé d'Affaires of Switzerland at Washington.*)

'From the Secretary of State to the Chargé d'Affaires of Switzerland, *ad interim* in charge of German interests in the United States.

'SIR,

'I have the honour to acknowledge the receipt of your Note of the 22nd transmitting a communication under date of the 20th from the

German Government and to advise you that the President has instructed me to reply thereto as follows :—

'Having received the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in his Address to Congress of the United States on January 8, 1918, and the principles of settlement enunciated in his subsequent Addresses, particularly the Address of September 27th, and that it desires to discuss the details of their application, and that this wish and purpose emanate, not from those who have hitherto dictated German policy and conducted the present war on Germany's behalf, but from Ministers who speak for the majority of the Reichstag, and for an overwhelming majority of the German people; and having received also the explicit promise of the present German Government that the humane rules of civilized warfare will be observed both on land and sea by the German armed forces, the President of the United States feels that he cannot decline to take up with the Governments with which the Government of the United States is associated the question of an armistice.

'He deems it his duty to say again, however, that the only armistice he would feel justified in submitting for consideration would be one which should leave the United States and the Powers associated with her in a position to enforce any arrangements that may be entered into, and to make a renewal of hostilities on the part of Germany impossible.

'The President has therefore transmitted his correspondence with the present German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments are disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such an armistice as will fully protect the interests of the peoples involved, and ensure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government has agreed, provided they deem such an armistice possible from the military point of view.

'Should such terms of armistice be suggested, their acceptance by Germany will afford the best concrete evidence of her unequivocal acceptance of the terms and principles of peace from which the whole action proceeds. The President would deem himself lacking in candour did he not point out in the frankest possible terms the reason why extraordinary safeguards must be demanded.

'Significant and important as the constitutional changes seem to be which are spoken of by the German Foreign Secretary in his Note of October 20th, it does not appear that the principle of a Government responsible to the German people has yet been fully worked out, or that any guarantees either exist or are in contemplation that the alterations of principle and of practice now partially agreed upon will be permanent.

'Moreover, it does not appear that the heart of the present difficulty has been reached. It may be that future wars have been brought under the control of the German people, but the present war has not been; and it is with the present war that we are dealing. It is evident that the German people have no means of commanding the acquiescence of the

military authorities of the Empire in the popular will; that the power of the King of Prussia to control the policy of the Empire is unimpaired; that the determining initiative still remains with those who have hitherto been the masters of Germany.

'Feeling that the whole peace of the world depends now on plain speaking and straightforward action, the President deems it his duty to say, without any attempt to soften what may seem harsh words, that the nations of the world do not and cannot trust the word of those who have hitherto been the masters of German policy, and to point out once more that in concluding peace and attempting to undo the infinite injuries and injustices of this war the Government of the United States cannot deal with any but veritable representatives of the German people who have been assured of a genuine constitutional standing as the real rulers of Germany.

'If it must deal with the military masters and the monarchical autocrats of Germany now, or if it is likely to have to deal with them later in regard to the international obligations of the German Empire, it must demand not peace negotiations but surrender. Nothing can be gained by leaving this essential thing unsaid.

'Accept, sir, the renewed assurances of my high consideration.

'(*Signed*) ROBERT LANSING.'

THE FOURTH GERMAN NOTE OF OCTOBER 27TH IN REPLY TO PRESIDENT WILSON'S NOTE OF OCTOBER 23RD.

The German Government takes cognizance of the reply of the President of the United States.

The President knows the deep-rooted changes which have taken place and are still taking place in German constitutional life. The peace negotiations will be conducted by a People's Government, in whose hands the decisive legal power rests in accordance with the Constitution, and to which the Military Power will also be subject.

The German Government now awaits the proposals for an armistice which will introduce a peace of justice such as the President in his manifestations has described.

THE AUSTRO-HUNGARIAN NOTE OF OCTOBER 27TH IN REPLY TO PRESIDENT WILSON'S NOTE OF OCTOBER 18TH, 1918.

In reply to the Note which President Wilson on October 18th addressed to the Austro-Hungarian Government, and in the sense of the decision of the President to deal in particular with Austria-Hungary in regard to the question of an armistice and peace, the Austro-Hungarian Government has the honour to declare that, as in the case of the preceding statements of the President, it also adheres to his point of view as laid down in his last Note regarding the rights of the peoples of Austria-Hungary, particularly those of the Czecho-Slovaks and the Yugo-Slavs.

Consequently, as Austria-Hungary accepts all conditions upon which the President makes an entry into the negotiations regarding an armistice and peace dependent, nothing now stands in the way, in the

opinion of the Austro-Hungarian Government, of the commencement of *pourparlers.*

The Austro-Hungarian Government declares itself in consequence prepared, without awaiting the result of other negotiations, to enter into *pourparlers* regarding peace between Austria-Hungary and the States of the opposing party, and regarding immediate armistice on all the fronts of Austria-Hungary.

It begs President Wilson to be good enough to make overtures on this subject.[1]

PRESIDENT WILSON'S NOTE OF NOVEMBER 5TH, 1918, IN REPLY TO THE FOURTH GERMAN NOTE OF OCTOBER 27TH.

'SIR,

'I have the honour to request you to transmit the following communication to the German Government.

'In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that, if those Governments were disposed to effect peace upon the terms and principles indicated, their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such an armistice as would fully protect the interests of the peoples involved and ensure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view. The President is now in receipt of a memorandum of observations by the Allied Governments on this correspondence, which is as follows:

'The Allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's Address to Congress of January 8, 1918, and the principles of settlement enunciated in his subsequent Addresses.

'They must point out, however, that Clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept.

'They must therefore reserve to themselves complete freedom on this subject when they enter the Peace Conference.

'Further, in the conditions of peace laid down in his Address to Congress of January 8, 1918, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies.

[1] The terms of the Austro-Hungarian Armistice were signed on the 3rd November. That with Bulgaria had been signed on the 30th September, and with Turkey on the 30th October.

'By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air.

'I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted.

'I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the Allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of an armistice.[1]

'Accept, sir, the renewed assurances of my highest consideration.

'(*Signed*) ROBERT LANSING.

'*To* MR. HANS SULZER, *Minister of Switzerland, in charge of German interests in the United States.*'

APPENDIX V

TEXTS OF ALL THE ARMISTICES

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[1] The German Government then approached the Allied military authorities, and on 6th November an Armistice Commission was appointed in Germany. On the 8th they received the Allied military conditions at the Allied General Headquarters with an official demand that they must be accepted or rejected in seventy-two hours, which gave them till 11 a.m. on the eleventh day of the eleventh month. It was actually signed at 5 a.m. on 11th November at Rethondes station in the Forest of Compiégne.

PART I

CONDITIONS OF AN ARMISTICE WITH GERMANY[1]

Signed November 11, 1918

(Translation.)

BETWEEN Marshal Foch, Commander-in-Chief of the Allied Armies, acting on behalf of the Allied and Associated Powers, in conjunction with Admiral Wemyss, First Sea Lord, of the one part; and Secretary of State Erzberger, President of the German Delegation, Envoy Extraordinary and Minister Plenipotentiary Count von Oberndorff, Major-General von Winterfeldt, Captain Vanselow (German Navy), furnished with full powers in due form and acting with the approval of the German Chancellor, of the other part;

An Armistice has been concluded on the following conditions:

CONDITIONS OF THE ARMISTICE CONCLUDED WITH GERMANY

A.—On the Western Front.

I.—Cessation of hostilities on land and in the air six hours after the signature of the armistice.

II.—Immediate evacuation of the invaded countries:—Belgium, France, Luxemburg, as well as Alsace-Lorraine, so ordered as to be completed within fifteen days from the signature of the Armistice. German troops which have not evacuated the above-mentioned territories within the period fixed will be made prisoners of war. Joint occupation by the Allied and United States

ENTRE le Maréchal Foch, Commandant en Chef les Armées Alliées, stipulant au nom des Puissances Alliées et Associées, assisté de l'Amiral Wemyss, First Sea Lord, d'une part; et M. le Secrétaire d'État Erzberger, Président de la Délégation allemande, M. l'Envoyé extraordinaire et Ministre plénipotentiaire Comte von Oberndorff, M. le Général-Major von Winterfeldt, M. le Capitaine de Vaisseau Vanselow, munis de pouvoirs réguliers, et agissant avec l'agrément du Chancelier allemand, d'autre part;

Il a été conclu un armistice aux conditions suivantes:

CONDITIONS DE L'ARMISTICE CONCLU AVEC L'ALLEMAGNE

A.—Sur le Front d'Occident.

I.—Cessation des hostilités sur terre et dans les airs six heures après la signature de l'armistice.

II.—Évacuation immédiate des pays envahis:—Belgique, France, Luxembourg, ainsi que de l'Alsace-Lorraine, réglée de manière à être réalisée dans un délai de quinze jours, à dater de la signature de l'armistice. Les troupes allemandes qui n'auront pas évacué les territoires prévus dans les délais fixés seront faites prisonnières de guerre. L'occupation par l'ensemble des troupes

[1] The French version is the official text of the Armistice.

forces shall keep pace with evacuation in these areas. All movements of evacuation or occupation shall be regulated in accordance with a Note (Annexe No. 1), drawn up at the time of signature of the Armistice.

III.—Repatriation, beginning at once, to be completed within fifteen days, of all inhabitants of the countries above enumerated (including hostages, persons under trial, or convicted).

IV.—Surrender in good condition by the German Armies of the following war material:

5,000 guns (2,500 heavy, 2,500 field).

25,000 machine-guns.

3,000 trench mortars.

1,700 fighting and bombing aeroplanes—in the first place, all D 7's and all night-bombing aeroplanes.

The above to be delivered *in situ* to the Allied and United States troops in accordance with the detailed conditions laid down in the Note (Annexe 1) determined at the time of the signing of the Armistice.

V.—Evacuation by the German Armies of the districts on the left bank of the Rhine. These districts on the left bank of the Rhine shall be administered by the local authorities under the control of the Allied and United States Armies of Occupation.

The occupation of these territories by Allied and United States troops shall be assured by garrisons holding the principal crossings of the Rhine (Mainz, Coblenz, Cologne), together with bridgeheads at these points of a 30-kilometre (about 19 miles) radius on the right bank, and by garrisons similarly holding the strategic points of the area.

alliées et des États-Unis suivra dans ces pays la marche de l'évacuation. Tous les mouvements d'évacuation ou d'occupation sont réglés par la Note Annexe No. 1, arrêtée au moment de la signature de l'armistice.

III.—Rapatriement, commençant immédiatement et devant être terminé dans un délai de quinze jours, de tous les habitants des pays énumérés ci-dessus (y compris les otages et les prévenus ou condamnés).

IV.—Abandon par les Armées allemandes du matériel de guerre suivant en bon état:

5,000 canons (dont 2,500 lourds et 2,500 de campagne).

25,000 mitrailleuses.

3,000 Minenwerfer.

1,700 avions de chasse et de bombardement (en premier lieu tous les D 7 et tous les avions de bombardement de nuit).

A livrer sur place aux troupes des Alliés et des États-Unis dans les conditions de détail fixées par la Note Annexe No. 1, arrêtée au moment de la signature de l'armistice.

V.—Évacuation des pays de la rive gauche du Rhin par les Armées allemandes. Les pays de la rive gauche du Rhin seront administrés par les autorités locales sous le contrôle des troupes d'occupation des Alliés et des États-Unis. Les troupes des Alliés et des États-Unis assureront l'occupation de ces pays par des garnisons tenant les principaux points de passage du Rhin (Mayence, Coblentz, Cologne) avec, en ces points, des têtes de pont de 30 kilomètres de rayon sur la rive droite, et des garnisons tenant également les points stratégiques de la région. Une zone neutre sera

A neutral zone shall be reserved on the right bank of the Rhine, between the river and a line drawn parallel to the bridgeheads and to the river and 10 kilometres (6¼ miles) distant from them, between the Dutch frontier and the Swiss frontier.

The evacuation by the enemy of the Rhine districts (right and left banks) shall be so ordered as to be completed within a further period of 16 days, in all 31 days after the signing of the Armistice.

All movements of evacuation and occupation shall be regulated according to the Note (Annexe 1) determined at the time of the signing of the Armistice.

VI.—In all territories evacuated by the enemy, evacuation of the inhabitants shall be forbidden; no damage or harm shall be done to the persons or property of the inhabitants.

No person shall be prosecuted for having taken part in any military measures previous to the signing of the Armistice.

No destruction of any kind to be committed.

Military establishments of all kinds shall be delivered intact, as well as military stores, food, munitions and equipment, which shall not have been removed during the periods fixed for evacuation.

Stores of food of all kinds for the civil population, cattle, &c., shall be left *in situ*.

No measure of a general character shall be taken, and no official order shall be given which would have as a consequence the depreciation of industrial establishments or a reduction of their personnel.

VII.—Roads and means of communications of every kind, railroads, waterways, roads,

réservée sur la rive droite du Rhin entre le fleuve et une ligne tracée parallèlement aux têtes de pont et au fleuve, et à 10 kilomètres de distance depuis la frontière de Hollande jusqu'à la frontière de la Suisse. L'évacuation par l'ennemi des pays du Rhin (rive gauche et rive droite) sera réglée de façon à être réalisée dans un délai de seize nouveaux jours, soit trente et un jours après la signature de l'armistice. Tous les mouvements d'évacuation ou d'occupation sont réglés par la Note Annexe No. 1. arrêtée au moment de la signature de l'armistice.

VI.—Dans tous les territoires évacués par l'ennemi, toute évacuation des habitants sera interdite; il ne sera apporté aucun dommage ou préjudice à la personne ou à la propriété des habitants. Personne ne sera poursuivi pour délits de participation à des mesures de guerre antérieure à la signature de l'armistice. Il ne sera fait aucune destruction d'aucune sorte.

Les installations militaires de toute nature seront livrées intactes; de même les approvisionnements militaires, vivres, munitions, équipements, qui n'auront pas été emportés dans les délais d'évacuation fixés. Les dépôts de vivres de toute nature pour la population civile, bétail, etc., devront être laissés sur place.

Il ne sera pris aucune mesure générale ou d'ordre officiel ayant pour conséquence une dépréciation des établissements industriels ou une réduction dans leur personnel.

VII.—Les voies et moyens de communications de toute nature, voies ferrées, voies navigables,

bridges, telegraphs, telephones, shall be in no manner impaired.

All civil and military personnel at present employed on them shall remain.

5,000 locomotives and 150,000 wagons, in good working order, with all necessary spare parts and fittings, shall be delivered to the Associated Powers within the period fixed in Annexe No. 2 (not exceeding 31 days in all).

5,000 motor lorries are also to be delivered in good condition within 36 days.

The railways of Alsace-Lorraine shall be handed over within 31 days, together with all personnel and material belonging to the organization of this system.

Further, the necessary working material in the territories on the left bank of the Rhine shall be left *in situ*.

All stores of coal and material for the upkeep of permanent way, signals and repair shops shall be left *in situ* and kept in an efficient state by Germany, so far as the working of the means of communication on the left bank of the Rhine is concerned.

All lighters taken from the Allies shall be restored to them.

The Note Annexe 1 defines the details of these measures.

VIII.—The German Command shall be responsible for revealing within 48 hours after the signing of the Armistice, all mines or delay-action fuzes disposed on territories evacuated by the German troops, and shall assist in their discovery and destruction.

The German Command shall also reveal all destructive measures that may have been taken

routes, ponts, télégraphes, téléphones, ne devront être l'objet d'aucune détérioration. Tout le personnel civil et militaire actuellement utilisé y sera maintenu. Il sera livré aux Puissances Associées : 5,000 machines montées et 150,000 wagons en bon état de roulement, et pourvus de tous rechanges et agrès nécessaires, dans les délais dont le détail est fixé à l'Annexe No. 2, et dont le total ne devra dépasser trente et un jours. Il sera également livré 5,000 camions automobiles en bon état dans un délai de trente-six jours.

Les chemins de fer d'Alsace-Lorraine dans un délai de trente et un jours seront livrés, dotés de tout le personnel et matériel affectés organiquement à ce réseau. En outre, le matériel nécessaire à l'exploitation dans les pays de la rive gauche du Rhin sera laissé sur place. Tous les approvisionnements en charbon et matières d'entretien, en matériel de voies, de signalisation et d'atelier, seront laissés sur place. Ces approvisionnements seront entretenus par l'Allemagne en ce qui concerne l'exploitation des voies de communication des pays de la rive gauche du Rhin. Tous les chalands enlevés aux Alliés leur seront rendus. La Note Annexe No. 1 règle le détail de ces mesures.

VIII.—Le Commandement allemand sera tenu de signaler, dans un délai de quarante-huit heures après la signature de l'armistice, toutes les mines ou dispositifs à retard agencés sur les territoires évacués par les troupes allemandes et d'en faciliter la recherche et la destruction. Il signalera également toutes les dispositions nuisibles qui auraient pu être prises (tel qu'empoisonne-

(such as poisoning or pollution of wells, springs, &c.).

Breaches of these clauses will involve reprisals.

IX.—The right of requisition shall be exercised by the Allied and United States armies in all occupied territories, save for settlement of accounts with authorized persons.

The upkeep of the troops of occupation in the Rhine districts (excluding Alsace-Lorraine) shall be charged to the German Government.

X.—The immediate repatriation, without reciprocity, according to detailed conditions which shall be fixed, of all Allied and United States prisoners of war, including those under trial and condemned. The Allied Powers and the United States of America shall be able to dispose of these prisoners as they think fit. This condition annuls all other conventions regarding prisoners of war, including that of July 1918, now being ratified. However, the return of German prisoners of war interned in Holland and Switzerland shall continue as heretofore. The return of German prisoners of war shall be settled at the conclusion of the Peace preliminaries.

XI.—Sick and wounded who cannot be removed from territory evacuated by the German forces shall be cared for by German personnel, who shall be left on the spot with the material required.

B.—Clauses relating to the Eastern Frontiers of Germany.

XII.—All German troops at present in any territory which before the war formed part of

ment ou pollution de sources et de puits, etc.). Le tout sous peine de représailles.

IX.—Le droit de réquisition sera exercé par les Armées des Alliés et des États-Unis dans tous les territoires occupés, sauf règlement de comptes avec qui de droit. L'entretien des troupes d'occupation des pays du Rhin (non compris l'Alsace-Lorraine), sera à la charge du Gouvernement allemand.

X.—Rapatriement immédiat, sans réciprocité, dans des conditions de détail à régler, de tous les prisonniers de guerre, y compris les prévenus et condamnés, des Alliés et des États-Unis. Les Puissances Alliées et les États-Unis pourront en disposer comme bon leur semblera. Cette condition annule les conventions antérieures au sujet de l'échange des prisonniers de guerre, y compris celle de juillet 1918 en cours de ratification. Toutefois, le rapatriement des prisonniers de guerre allemands internés en Hollande et en Suisse continuera comme précédemment. Le rapatriement des prisonniers de guerre allemands sera réglé à la conclusion des préliminaires de paix.

XI.—Les malades et blessés inévacuables, laissés sur les territoires évacués par les Armées allemandes, seront soignés par du personnel allemand qui sera laissé sur place avec le matériel nécessaire.

B.—Dispositions relatives aux Frontières orientales de l'Allemagne.

XII.—Toutes les troupes allemandes qui se trouvent actuellement dans les territoires qui

Austria-Hungary, Roumania, or Turkey, shall withdraw within the frontiers of Germany as they existed on 1st August, 1914, and all German troops at present in territories which before the war formed part of Russia, must likewise return to within the frontiers of Germany as above defined, as soon as the Allies shall think the moment suitable, having regard to the internal situation of these territories.

XIII.—Evacuation of German troops to begin at once, and all German instructors, prisoners and agents, civilian as well as military, now on the territory of Russia (frontiers as defined on 1st August, 1914), to be recalled.

XIV.—German troops to cease at once all requisitions and seizures and any other coercive measures with a view to obtaining supplies intended for Germany in Roumania and Russia (frontiers as defined on 1st August, 1914).

XV.—Annulment of the treaties of Bucharest and Brest-Litovsk and of the supplementary treaties.

XVI.—The Allies shall have free access to the territories evacuated by the Germans on their Eastern frontier, either through Danzig or by the Vistula, in order to convey supplies to the populations of these territories or for the purpose of maintaining order.

C.—Clause relating to East Africa.

XVII.—Evacuation of all German forces operating in East Africa within a period specified by the Allies.

faisaient partie avant la guerre de l'Autriche-Hongrie, de la Roumanie, de la Turquie doivent rentrer immédiatement dans les frontières de l'Allemagne, telles qu'elles étaient au 1er août 1914. Toutes les troupes allemandes qui se trouvent actuellement dans les territoires qui faisaient partie avant la guerre de la Russie devront également rentrer dans les frontières de l'Allemagne, définies comme ci-dessus, dès que les Alliés jugeront le moment venu, compte tenu de la situation intérieure de ces territoires.

XIII.—Mise en train immédiate de l'évacuation par les troupes allemandes, et du rappel de tous les instructeurs, prisonniers et agents, civils et militaires, allemands, se trouvant sur les territoires de la Russie (dans les limites du 1er août 1914).

XIV.—Cessation immédiate par les troupes allemandes de toutes réquisitions, saisies, ou mesures coercitives en vue de se procurer des ressources à destination de l'Allemagne, en Roumanie et en Russie (dans leurs limites du 1er août 1914).

XV.—Renonciation au traité de Bucarest et de Brest-Litovsk, et traités complémentaires.

XVI.—Les Alliés auront libre accès aux territoires évacués par les Allemands sur les frontières orientales, soit par Dantzig, soit par la Vistule, afin de pouvoir ravitailler les populations et dans le but de maintenir l'ordre.

C.—Dans l'Afrique orientale.

XVII.—Évacuation de toutes les forces allemandes opérant dans l'Afrique orientale dans un délai réglé par les Alliés.

D.—General Clauses.

XVIII.—Repatriation without reciprocity, within a maximum period of one month, in accordance with detailed conditions hereafter to be fixed, of all interned civilians, including hostages and persons under trial and condemned, who may be subjects of Allied or Associated States other than those mentioned in Clause III.

XIX.—*Financial Clauses.*—With the reservation that any subsequent concessions and claims by the Allies and United States remain unaffected, the following financial conditions are imposed:

Reparation for damage done.

While the Armistice lasts, no public securities shall be removed by the enemy which can serve as a pledge to the Allies to cover reparation for war losses.

Immediate restitution of the cash deposit in the National Bank of Belgium and, in general, immediate return of all documents, specie, stocks, shares, paper money, together with plant for the issue thereof, affecting public or private interests in the invaded countries.

Restitution of the Russian and Roumanian gold yielded to Germany or taken by that Power.

This gold to be delivered in trust to the Allies until peace is concluded.

D.—Clauses générales.

XVIII.—Rapatriement, sans réciprocité, dans le délai maximum d'un mois, dans des conditions de détail à fixer, de tous les internés civils, y compris les otages, les prévenus ou condamnés, appartenant à des Puissances Alliées ou Associées, autres que celles énumérées à l'article III.

XIX.—*Clauses financières.*—Sous réserve de toute renonciation et réclamation ultérieure de la part des Alliés et des États-Unis:

Réparation des dommages.

Pendant la durée de l'armistice, il ne sera rien distrait par l'ennemi des valeurs publiques pouvant servir aux Alliés de gages pour le recouvrement des réparations de guerre. Restitution immédiate de l'encaisse de la Banque nationale de Belgique, et, en général, remise immédiate de tous documents, espèces, valeurs (mobilières et fiduciaires avec le matériel d'émission) touchant aux intérêts publics et privés dans les pays envahis. Restitution de l'or russe et roumain pris par les Allemands ou remis à eux. Cet or sera pris en charge par les Alliés jusqu'à la signature de la paix.

E.—Naval Conditions.

XX.—Immediate cessation of all hostilities at sea, and definite information to be given as to the position and movements of all German ships.

Notification to be given to neutrals that freedom of navigation in all territorial waters is

E.—Clauses navales.

XX.—Cessation immédiate de toute hostilité sur mer et indication précise de l'emplacement et des mouvements des bâtiments allemands. Avis donné aux neutres de la liberté concédée à la navigation des marines de guerre et de commerce des Puis-

given to the Navies and Mercantile Marines of the Allied and Associated Powers, all questions of neutrality being waived.

XXI.—All Naval and Mercantile Marine prisoners of war of the Allied and Associated Powers in German hands to be returned without reciprocity.

XXII.—To surrender at the ports specified by the Allies and the United States all submarines at present in existence (including all submarine cruisers and minelayers), with armament and equipment complete. Those that cannot put to sea shall be deprived of armament and equipment, and shall remain under the supervision of the Allies and the United States. Submarines ready to put to sea shall be prepared to leave German ports immediately on receipt of a wireless order to sail to the port of surrender, the remainder to follow as early as possible. The conditions of this Article shall be completed within 14 days of the signing of the Armistice.

XXIII.—The following German surface warships, which shall be designated by the Allies and the United States of America, shall forthwith be disarmed and thereafter interned in neutral ports, or, failing them, Allied ports, to be designated by the Allies and the United States of America, and placed under the surveillance of the Allies and the United States of America, only care and maintenance parties being left on board, namely :

6 battle cruisers.
10 battleships.

sances Alliées et Associées dans toutes eaux territoriales, sans soulever de questions de neutralité.

XXI.—Restitution, sans réciprocité, de tous les prisonniers de guerre des marines de guerre et de commerce des Puissances Alliées et Associées au pouvoir des Allemands.

XXII.—Livraison aux Alliés et aux États-Unis de tous les sous-marins (y compris les croiseurs sous-marins et tous les mouilleurs de mines) actuellement existants, avec leur armement et équipement complets, dans les ports désignés par les Alliés et les États-Unis. Ceux qui ne peuvent pas prendre la mer seront désarmés de personnel et de matériel, et ils devront rester sous la surveillance des Alliés et des États-Unis. Les sous-marins qui sont prêts pour la mer seront préparés à quitter les ports allemands aussitôt que des ordres seront reçus par T.S.F. pour leur voyage au port désigné de la livraison, et le reste le plus tôt possible. Les conditions de cet article seront réalisées dans un délai de quatorze jours après la signature de l'armistice.

XXIII.—Les navires de guerre de surface allemands qui seront désignés par les Alliés et les États-Unis seront immédiatement désarmés, puis internés dans des ports neutres, ou, à leur défaut, dans les ports alliés désignés par les Alliés et les États-Unis. Ils y demeureront sous la surveillance des Alliés et des États-Unis, des détachements de garde étant seuls laissés à bord. La désignation des Alliés portera sur :

6 croiseurs de bataille.
10 cuirassés d'escadre.

8 light cruisers (including two minelayers).

50 destroyers of the most modern type.

All other surface warships (including river craft) are to be concentrated in German Naval bases, to be designated by the Allies and the United States of America, completely disarmed and placed under the supervision of the Allies and the United States of America. All vessels of the Auxiliary Fleet are to be disarmed. All vessels specified for internment shall be ready to leave German ports seven days after the signing of the Armistice. Directions for the voyage shall be given by wireless.

XXIV.—The Allies and the United States of America shall have the right to sweep up all minefields and destroy all obstructions laid by Germany outside German territorial waters, and the positions of these are to be indicated.

XXV.—Freedom of access to and from the Baltic to be given to the Navies and Mercantile Marines of the Allied and Associated Powers. This to be secured by the occupation of all German forts, fortifications, batteries and defence works of all kinds in all the routes from the Cattegat into the Baltic, and by the sweeping up and destruction of all mines and obstructions within and without German territorial waters without any questions of neutrality being raised by Germany, and the positions of all such mines and obstructions to be indicated, and the plans relating thereto are to be supplied.

XXVI.—The existing blockade conditions set up by the Allied and Associated Powers are to

8 croiseurs légers (dont 2 mouilleurs de mines).

50 destroyers des types les plus récents.

Tous les autres navires de guerre de surface (y compris ceux de rivière) devront être réunis et complètement désarmés dans les bases navales allemandes désignées par les Alliés et les États-Unis, et y être placées sous la surveillance des Alliés et des États-Unis. L'armement militaire de tous les navires de la flotte auxiliaire sera débarqué. Tous les vaisseaux désignés pour être internés seront prêts à quitter les ports allemands sept jours après la signature de l'armistice. On donnera par T.S.F. les directions pour le voyage.

XXIV.—Droit pour les Alliés et les États-Unis en dehors des eaux territoriales allemandes de draguer tous les champs de mines et de détruire les obstructions placées par l'Allemagne, dont l'emplacement devra leur être indiqué.

XXV.—Libre entrée et sortie de la Baltique pour les marines de guerre et de commerce des Puissances Alliées et Associées, assurée par l'occupation de tous les forts, ouvrages, batteries et défense de tout ordre allemands, dans toutes les passes allant du Cattégat à la Baltique, et par le dragage et la destruction de toutes mines ou obstructions dans et hors les eaux territoriales allemandes, dont les plans et emplacements exacts seront fournis par l'Allemagne, qui ne pourra soulever aucune question de neutralité.

XXVI.—Maintien du blocus des Puissances Alliées et Associées dans les conditions actuelles, les

remain unchanged, and all German merchant ships found at sea are to remain liable to capture. The Allies and United States contemplate the provisioning of Germany during the Armistice as shall be found necessary.

XXVII.—All Aerial Forces are to be concentrated and immobilized in German bases to be specified by the Allies and the United States of America.

XXVIII.—In evacuating the Belgian coasts and ports, Germany shall abandon, *in situ* and intact, the port material and material for inland waterways, also all merchant ships, tugs and lighters, all Naval aircraft and air materials and stores, all arms and armaments and all stores and apparatus of all kinds.

XXIX.—All Black Sea ports are to be evacuated by Germany; all Russian warships of all descriptions seized by Germany in the Black Sea are to be handed over to the Allies and the United States of America; all neutral merchant ships seized in the Black Sea are to be released; all warlike and other materials of all kinds seized in those ports are to be returned, and German materials as specified in Clause XXVIII are to be abandoned.

XXX.—All merchant ships at present in German hands belonging to the Allied and Associated Powers are to be restored to ports specified by the Allies and the United States of America without reciprocity.

XXXI.—No destruction of ships or of materials to be permitted before evacuation, surrender or restoration.

XXXII.—The German Government shall formally notify all the

navires de commerce allemands trouvés en mer restant sujets à capture. Les Alliés et les États-Unis envisagent le ravitaillement de l'Allemagne pendant l'armistice dans la mesure reconnue nécessaire.

XXVII.—Groupement et immobilisation dans les bases allemandes désignées par les Alliés et les États-Unis de toutes les forces aériennes.

XXVIII.—Abandon par l'Allemagne, sur place et intacts, de tout le matériel de ports et de navigation fluviale, de tous les navires de commerce, remorqueurs, chalands, de tous les appareils, matériel, et approvisionnements d'aéronautique maritime, toutes armes, appareils, approvisionnements de toute nature en évacuant la côte et les ports belges.

XXIX.—Évacuation de tous les ports de la mer Noire par l'Allemagne et remise aux Alliés et aux États-Unis de tous les bâtiments de guerre russes saisis par les Allemands dans la mer Noire; libération de tous les navires de commerce neutres saisis; remise de tout le matériel de guerre ou autre saisi dans ces ports, et abandon du matériel allemand énuméré à la clause XXVIII.

XXX.—Restitution, sans réciprocité, dans des ports désignés par les Alliés et les États-Unis de tous les navires de commerce appartenant aux Puissances Alliées et Associées actuellement au pouvoir de l'Allemagne.

XXXI.—Interdiction de toute destruction des navires ou de matériel avant évacuation, livraison ou restitution.

XXXII.—Le Gouvernement allemand notifiera formellement à

neutral Governments, and particularly the Governments of Norway, Sweden, Denmark and Holland, that all restrictions placed on the trading of their vessels with the Allied and Associated countries, whether by the German Government or by private German interests, and whether in return for specific concessions, such as the export of shipbuilding materials, or not, are immediately cancelled.

XXXIII.—No transfers of German merchant shipping of any description to any neutral flag are to take place after signature of the Armistice.

tous les Gouvernements neutres et en particulier aux Gouvernements de Norvège, de Suède, de Danemark et de la Hollande, que toutes les restrictions imposées au trafic de leurs bâtiments avec les Puissances Alliées et Associées, soit par le Gouvernement Allemand lui-même, soit par des entreprises allemandes privées, soit en retour de concessions définies, comme l'exportation de matériaux de constructions navales, ou non, sont immédiatement annulées.

XXXIII.—Aucun transfert de navires marchands allemands de toute espèce sous un pavillon neutre quelconque ne pourra avoir lieu après la signature de l'armistice.

F.—Duration of Armistice.

XXXIV.—The duration of the Armistice is to be 36 days, with option to extend. During this period, on failure of execution of any of the above clauses, the Armistice may be repudiated by one of the contracting parties on 48 hours' previous notice. It is understood that failure to execute Articles III and XVIII completely in the periods specified is not to give reason for a repudiation of the Armistice, save where such failure is due to malice aforethought.

To ensure the execution of the present convention under the most favourable conditions, the principle of a permanent International Armistice Commission is recognized. This Commission shall act under the supreme authority of the High Command, military and naval, of the Allied Armies.

The present Armistice was

F.—Durée de l'Armistice.

XXXIV.—La durée de l'armistice est fixée à trente-six jours, avec faculté de prolongation.

Au cours de cette durée l'armistice peut, si les clauses ne sont pas exécutées, être dénoncé par l'une des parties contractantes, qui devra en donner le préavis quarante-huit heures à l'avance. Il est entendu, que l'exécution des articles III et XVIII ne donnera lieu à dénonciation de l'armistice pour insuffisance d'exécution dans les délais voulus, que dans le cas d'une exécution mal intentionnée. Pour assurer dans les meilleures conditions l'exécution de la présente convention, le principe d'une commission d'armistice internationale permanente est admis. Cette commission fonctionnera sous la haute autorité du Commandement en Chef militaire et naval des Armées Alliées.

Le présent armistice a été signé

signed on the 11th day of November 1918, at 5 o'clock a.m. (French time).

(Signed)

F. Foch. Erzberger.
R. E. Wemyss. Oberndorff.
Winterfeldt.
Vanselow.

11th November 1918.

The representatives of the Allies declare that, in view of fresh events, it appears necessary to them that the following condition shall be added to the clauses of the Armistice:

"In case the German ships are not handed over within the periods specified, the Governments of the Allies and of the United States shall have the right to occupy Heligoland to ensure their delivery."

(Signed)

R. E. Wemyss, *Admiral.* F. Foch.

The German delegates declare that they will forward this declaration to the German Chancellor, with the recommendation that it be accepted, accompanying it with the reasons by which the Allies have been actuated in making this demand.

(Signed) Erzberger.
Oberndorff.
Winterfeldt.
Vanselow.

Annexe No. 1.

I.—The evacuation of the invaded territories, Belgium, France and Luxemburg, and also of Alsace-Lorraine, shall be car-

le 11 novembre 1918, à 5 heures (heure française).

(Signé)

F. Foch. Erzberger.
R. E. Wemyss. Oberndorff.
Winterfeldt.
Vanselow.

11 novembre 1918.

Les Représentants des Alliés déclarent qu'en raison des événements nouveaux, il leur paraît nécessaire que la condition suivante soit ajoutée aux clauses de l'armistice :

"Dans le cas où les bateaux allemands ne seraient pas livrés dans les délais indiqués, les Gouvernements des Alliés et des États-Unis auront le droit d'occuper Héligoland, pour en assurer la livraison."

(Signé)

R. E. Wemyss, *Amiral.* F. Foch.

Les délégués allemands déclarent qu'ils feront parvenir cette déclaration au Chancelier Allemand, avec la recommandation de l'accepter, en l'accompagnant des raisons qui ont motivé cette demande de la part des Alliés.

(Signé) Erzberger.
Oberndorff.
Winterfeldt.
Vanselow.

Note Annexe No. 1.

I.—Évacuation des pays envahis : Belgique, France, Luxembourg, ainsi que de l'Alsace-Lorraine, se fera en trois phases

ried out in three successive stages according to the following conditions :

1st stage.—Evacuation of the territories situated between the existing front and line No. 1 on the enclosed map, to be completed within 5 days after the signature of the Armistice.

2nd stage.—Evacuation of territories situated between line No. 1 and line No. 2 to be carried out within 4 further days (9 days in all after the signing of the Armistice).

3rd stage.—Evacuation of the territories situated between line No. 2 and line No. 3, to be completed within 6 further days (15 days in all after the signing of the Armistice).

Allied and United States troops shall enter these various territories on the expiration of the period allowed to the German troops for the evacuation of each.

In consequence, the Allied troops will cross the present German front as from the 6th day following the signing of the Armistice, line No. 1 as from the 10th day, and line No. 2 as from the 16th day.

II.—*Evacuation of the Rhine district.*—This evacuation shall also be carried out in several successive stages :

(1) Evacuation of territories situated between lines 2 and 3 and line 4 to be completed within 4 further days (19 days in all after the signing of the Armistice).

(2) Evacuation of territories

successives, dans les conditions suivantes :

1re *Phase.* — Évacuation des territoires situés entre le front actuel et la ligne No. 1 de la carte jointe, terminée dans un délai de cinq jours après la signature de l'armistice.

2e *Phase.* — Évacuation des territoires situés entre la ligne No. 1 et la ligne No. 2, terminée dans un délai de quatre nouveaux jours (neuf jours au total après la signature de l'armistice).

3e *Phase.* — Évacuation des territoires situés entre la ligne No. 2 et la ligne No. 3, terminée dans un délai de six nouveaux jours (quinze jours au total après la signature de l'armistice).

Les troupes alliées et des États-Unis pénétreront dans ces différents territoires après l'expiration des délais accordés aux troupes allemandes pour l'évacuation de chacun d'eux.

En conséquence, le front allemand actuel sera franchi par les troupes alliées à partir du sixième jour qui suivra la signature de l'armistice, la ligne No. 1 à partir du dixième jour, la ligne No. 2 à partir du seizième jour.

II.—*Évacuation des Pays du Rhin.*—Cette évacuation se fera également en plusieurs phases successives :

(1) Évacuation des territoires situés entre les lignes No. 2, 3 et la ligne No. 4, terminée dans un délai de quatre nouveaux jours (dix-neuf jours au total après la signature de l'armistice).

(2) Évacuation des territoires

situated between lines 4 and 5 to be completed within 4 further days (23 days in all after the signing of the Armistice).

(3) Evacuation of territories situated between lines 5 and 6 (line of the Rhine) to be completed within 4 further days (27 days in all after the signing of the Armistice).

(4) Evacuation of the bridge-heads and of the neutral zone on the right bank of the Rhine to be completed within 4 further days (31 days in all after the signing of the Armistice).

The Allied and United States Army of Occupation shall enter these various territories after the expiration of the period allowed to the German troops for the evacuation of each; consequently the Army will cross line No. 3, 20 days after the signing of the Armistice. It will cross line No. 4 as from the 24th day after the signing of the Armistice: Line No. 5 as from the 28th day: Line No. 6 (Rhine) the 32nd day, in order to occupy the bridge-heads.

III.—*Surrender by the German Armies of war material specified by the Armistice.*—This war material shall be surrendered according to the following conditions: The first half before the 10th day, the second half before the 20th day. This material shall be handed over to each of the Allied and United States Armies by each

situés entre la ligne No. 4 et la ligne No. 5, terminée dans un délai de quatre nouveaux jours (vingt-trois jours au total après la signature de l'armistice).

(3) Évacuation des territoires situés entre la ligne No. 5 et la ligne No. 6 (ligne du Rhin), terminée dans un délai de quatre nouveaux jours (vingt-sept jours au total après la signature de l'armistice).

(4) Évacuation des têtes de pont et de la zone neutre de la rive droite du Rhin, terminée dans un délai de quatre nouveaux jours (trente et un jours au total après la signature de l'armistice).

Les troupes d'occupation alliées et des États-Unis pénétreront dans ces différents territoires après l'expiration des délais accordés aux troupes allemandes pour l'évacuation de chacun d'eux. En conséquence, la ligne No. 3 sera franchie par elles à partir du vingtième jour qui suivra la signature de l'armistice; la ligne No. 4 sera franchie par elles à partir du vingt-quatrième jour qui suivra la signature de l'armistice; la ligne No. 5 à partir du vingt-huitième jour; la ligne No. 6 (Rhin), à partir du trente-deuxième jour, pour l'occupation des têtes de pont.

III.—*Livraison par les Armées allemandes du matériel de guerre fixé par l'Armistice.*—Ce matériel de guerre devra être livré dans les conditions suivantes: la première moitié avant le dixième jour; la deuxième moitié avant le vingtième jour; ce matériel sera remis à chacune des Armées Alliées et des États-Unis par

larger tactical group of the German Armies in the proportions which may be fixed by the permanent International Armistice Commission.

chacun des groupements tactiques de l'Armée allemande dans les proportions qui seront fixées par la Commission permanente d'Armistice.

Annexe No. 2.

Conditions regarding communications, railways, waterways, roads, river and sea ports, and telegraphic and telephonic communications:

I.—All communications as far as the Rhine, inclusive, or comprised, on the right bank of this river, within the bridgeheads occupied by the Allied Armies shall be placed under the supreme and absolute authority of the Commander-in-Chief of the Allied Armies, who shall have the right to take any measure he may think necessary to assure their occupation and use. All documents relative to communications shall be held ready for transmission to him.

II.—All the material and all the civil and military personnel at present employed in the maintenance and working of all lines of communication are to be maintained in their entirety upon these lines in all territories evacuated by the German troops.

All supplementary material necessary for the upkeep of these lines of communication in the districts on the left bank of the Rhine shall be supplied by the German Government throughout the duration of the Armistice.

III.—*Personnel.*—The French and Belgian personnel belonging to the services of the lines of communication, whether interned or not, are to be returned to the French and Belgian Armies during the 15 days following the

Note Annexe No. 2.

Conditions intéressant les Voies de Communication (voies ferrées, voies navigables, routes, ports fluviaux et maritimes, télégraphes et téléphones):

I.—Toutes les voies de communication situées jusqu'au Rhin inclus, ou comprises sur la rive droite de ce fleuve à l'intérieur des têtes de pont occupées par les Armées Alliées, seront placées sous l'autorité pleine et entière du Commandant en Chef des Armées Alliées, qui aura le droit de prendre toutes les mesures qu'il jugera nécessaires pour en assurer l'occupation et l'exploitation. Tous les documents relatifs aux voies de communication seront tenus prêts à lui être remis.

II.—Tout le matériel et tout le personnel, civil et militaire, utilisés actuellement pour l'entretien et l'exploitation des voies de communication, seront maintenus intégralement sur ces voies dans tous les territoires évacués par les troupes allemandes.

Tout le matériel supplémentaire nécessaire pour l'entretien de ces voies de communication dans les pays de la rive gauche du Rhin sera fourni par le Gouvernement Allemand pendant toute la durée de l'armistice.

III.—*Personnel.*—Le personnel français et belge, appartenant au service des voies de communication, qu'il soit interné ou non, sera remis aux Armées français et belge dans les quinze jours suivant la signature

signing of the Armistice. The personnel belonging to the organization of the Alsace-Lorraine railway system is to be maintained or reinstated in such a way as to ensure the working of the system.

The Commander-in-Chief of the Allied Armies shall have the right to make all changes and substitutions that he may desire in the personnel of the lines of communication.

IV. — *Material.* — (*a*) *Rolling stock.*—The rolling stock handed over to the Allied Armies in the zone comprised between the present front and Line No. 3, not including Alsace-Lorraine, shall amount at least to 5,000 locomotives and 150,000 wagons. This surrender shall be carried out within the period fixed by Clause VII of the Armistice and under conditions, the details of which shall be fixed by the permanent International Armistice Commission.

All this material is to be in good condition and in working order, with all the ordinary spare parts and fittings. It may be employed together with the regular personnel, or with any other, upon any part of the railway system of the Allied Armies.

The material necessary for the working of the Alsace-Lorraine railway system is to be maintained or replaced for the use of the French Army.

The material to be left *in situ* in the territories on the left bank of the Rhine, as well as that on the inner side of the bridgeheads, must permit of the normal working of the railways in these districts.

(*b*) *Permanent way, signals and workshops.*—The material for

de l'armistice. Le personnel affecté organiquement au réseau exploité par les chemins de fer d'Alsace-Lorraine sera maintenu, ou remis en place, de façon à assurer l'exploitation du réseau.

Le Commandant en Chef des Armées Alliées aura le droit de faire dans le personnel des voies de communication toutes les mutations et tous les remplacements qui lui conviendront.

IV. — *Matériel.* — (*a*) *Matériel roulant.*—Le matériel roulant remis aux Armées Alliées dans la zone comprise entre le front actuel et la ligne No. 3, non compris l'Alsace-Lorraine, sera d'une importance au moins égale à 5,000 locomotives et 150,000 wagons. Cette livraison sera effectuée dans les délais fixés par la clause VII de l'armistice, et dans des conditions de détail à arrêter par la Commission d'Armistice internationale permanente.

Tout ce matériel sera en bon état d'entretien et de roulement et pourvu de toutes les pièces de rechange ou agrès usuels. Il pourra être utilisé avec son personnel propre, ou tout autre, sur un point quelconque du réseau ferré des Armées Alliées.

Le matériel affecté organiquement au réseau exploité par les chemins de fer d'Alsace-Lorraine sera maintenu, ou remis en place, à la disposition de l'Armée française.

Le matériel à laisser sur place, dans les pays de la rive gauche du Rhin, ainsi qu'à l'intérieur des têtes de pont d'autre part, devra permettre l'exploitation normale des voies ferrées de ces territoires.

(*b*) *Matériel de voie, de signalisation et d'atelier.*—Le matériel

signals, machine tools and tool outfits, taken from the workshops and depôts of the French and Belgian lines, are to be replaced under conditions, the details of which are to be arranged by the permanent International Armistice Commission.

The Allied Armies are to be supplied with railroad material, rails, incidental fittings, plant, bridge-building material and timber necessary for the repair of the lines destroyed beyond the present front.

(c) *Fuel and maintenance material.*—The German Government shall be responsible throughout the duration of the Armistice for the release of fuel and maintenance material to the depôts normally allotted to the railways in the territories on the left bank of the Rhine.

V.—*Telegraphic and Telephonic Communications.*—All telegraphs, telephones, and fixed W/T stations are to be handed over to the Allied Armies, with all the civil and military personnel and all their material, including all stores on the left bank of the Rhine.

Supplementary stores necessary for the upkeep of the system are to be supplied throughout the duration of the Armistice by the German Government according to requirements.

The Commander-in-Chief of the Allied Armies shall place this system under military supervision and shall ensure its control, and shall make all changes and substitutions in personnel which he may think necessary.

He will send back to the German Army all the military personnel who are not in his judg-

de signalisation, les machines-outils et l'outillage prélevés sur les ateliers, les dépôts des réseaux français et belge seront remis dans des conditions de détail à arrêter par la Commission d'Armistice internationale permanente. Il sera fourni aux Armées Alliées le matériel de voie, rails, petit matériel, appareils, matériel de pont, et les bois nécessaires à la remise en état des lignes détruites au delà du front actuel.

(c) *Combustible et matière d'entretien.*—Pendant la durée de l'armistice, les combustibles et matières d'entretien seront libérés par les soins du Gouvernement Allemand aux dépôts normalement affectés à l'exploitation dans les pays de la rive gauche du Rhin.

V. — *Communications télégraphiques et téléphoniques.*—Toutes les lignes télégraphiques et téléphoniques, tous les postes de T.S.F. fixes seront passés aux Armées Alliées, avec tout le personnel civil et militaire et tout leur matériel, y compris tous les approvisionnements constitués sur la rive gauche du Rhin.

Les approvisionnements supplémentaires nécessaires pour l'entretien du réseau devront être fournis pendant la durée de l'armistice par le Gouvernement Allemand au fur et à mesure des besoins.

Le Commandant en Chef des Armées Alliées occupera ce réseau militairement, en assurera la direction, et fera dans le personnel tous les remplacements et mutations qu'il jugera utile.

Il renverra à l'Armée allemande tout le personnel militaire qu'il n'estimera pas nécessaire

ment necessary for the working and upkeep of the railway.

All plans of the German telegraphic and telephonic systems shall be handed over to the Commander-in-Chief of the Allied Armies.

pour l'exploitation et l'entretien du réseau.

Tous les plans du réseau télégraphique et téléphonique allemand seront remis au Commandant en Chef des Armées Alliées.

CONVENTION PROLONGING THE ARMISTICE WITH GERMANY, 13TH DECEMBER, 1918

CONVENTION

The undersigned, in virtue of the powers with which they were endowed for the signing of the Armistice of the 11th November, 1918, have concluded the following additional agreement:

1. The duration of the Armistice signed on the 11th November, 1918, has been prolonged for a month, i.e. till 5 a.m. on the 17th January, 1919.

The one month's extension will be further extended until the conclusion of Peace preliminaries, provided this arrangement meets with the approbation of the Allied Governments.

2. The clauses of the Convention (11th November) which have been incompletely fulfilled will be carried out during the period of extension, according to the conditions laid down by the Permanent International Armistice Commission following the orders given by the Allied Generalissimo.

3. The following clause is added to the Convention of the 11th November, 1918:

'From now onwards the Generalissimo reserves to himself the right of occupying (when he deems it advisable), as an additional guarantee, the neutral zone on the right bank of the Rhine, north of the bridgehead of Cologne, and as far as the Dutch frontier.

'Six days' notice will be given by the Generalissimo before the occupation comes into effect.'

Trèves, 13th December, 1918.

(Signed) F. Foch.
Wemyss, Admiral.

Erzberger.
A. Oberndorff.
Winterfeldt.
Vanselow.

CONVENTION PROLONGING THE ARMISTICE WITH GERMANY, 16TH JANUARY, 1919

CONVENTION

The undersigned Plenipotentiaries (Admiral Browning taking the place of Admiral Wemyss), vested with the powers in virtue of which the Armistice Agreement of 11th November, 1918, was signed, have concluded the following supplementary Agreement:

1. The Armistice of the 11th November, 1918, which was prolonged until the 17th January, 1919, by the Agreement of the 13th December, 1918, shall be again prolonged for one month, that is to say, until the 17th February, 1919, at 5 a.m.

This prolongation of one month shall be extended until the conclusion of the Peace preliminaries, subject to the approval of the Allied Governments.

2. The execution of those clauses of the Agreement of the 11th November which have not been entirely carried out shall be proceeded with and completed during the prolongation of the Armistice, in accordance with the detailed conditions fixed by the Permanent International Armistice Commission on the instructions of the Allied High Command.

3. In substitution of the supplementary railway material specified by Tables 1 and 2 of the Spa Protocol of 17th December, i.e. 500 locomotives and 19,000 wagons, the German Government shall supply the following agricultural machinery and instruments:

400 two-engined steam plough outfits, complete, with suitable ploughs,
6,500 drills,
6,500 manure distributors,
6,500 ploughs,
6,500 Brabant ploughs,
12,500 harrows,
6,500 scarifiers,
2,500 steel rollers,
2,500 Croskill rollers,
2,500 mowing machines,
2,500 hay-making machines,
3,000 reapers and binders,

or equivalent implements, according to the scale of interchangeability of various kinds of implements considered permissible by the Permanent International Armistice Commission. All this material, which shall be either new, or in very good condition, shall be delivered together with all accessories belonging to each implement, and with the spare parts required for 18 months' use.

The German Armistice Commission shall, between the present date and the 23rd January, supply the Allied Armistice Commission with a list of the material that can be delivered by the 1st March,

which must, in principle, constitute not less than one-third of the total quantity. The International Armistice Commission shall, between now and the 23rd January, fix the latest dates of delivery, which shall, in principle, not extend beyond the 1st June.

4. The officers in Germany delegated by the Allied and Associated Powers to organize the evacuation of the prisoners of war belonging to the armies of the Entente, together with representatives of the Relief Associations of the United States, France, Great Britain and Italy, shall form a Commission charged with the care of Russian prisoners of war in Germany.

This Commission, the headquarters of which shall be in Berlin, shall be empowered to deal with the German Government direct, upon instructions from the Allied Governments, regarding all questions relating to Russian prisoners of war.

The German Government shall accord the Commission all travelling facilities necessary for the purpose of investigating the housing conditions and food supply of such prisoners.

The Allied Governments reserve the right to arrange for the repatriation of Russian prisoners of war to any region which they may consider most suitable.

5. *Naval Clauses.*—Article XXII of the Armistice Agreement of the 11th November, 1918, shall be supplemented as follows:

'In order to ensure the execution of such clause, the German authorities shall be bound to carry out the following conditions:

'All submarines capable of putting to sea, or of being towed, shall be handed over immediately and shall make for Allied ports. Such vessels shall include submarine cruisers, mine-layers, relief ships and submarine docks. All submarines which cannot be surrendered shall be completely destroyed or dismantled, under the supervision of the Allied Commissioners.

'Submarine construction shall cease immediately, and all submarines in course of construction shall be destroyed or dismantled under the supervision of the Allied Commissioners.'

Article XXIII of the Armistice Agreement of the 11th November, 1918, shall be supplemented as follows:

'In order to ensure the execution of such clause, the German Commission shall furnish the Inter-Allied Naval Armistice Commission with a complete list of all surface vessels constructed or in course of construction (launched or on the stocks), specifying probable dates of completion.'

Article XXX of the Armistice Agreement of 11th November, 1918, shall be supplemented as follows:

'In order to ensure the execution of such clause, the Allied High Command informs the German High Command that all possible measures must be taken immediately for delivery, in Allied ports, of all Allied merchantmen still detained in German ports.'

6. *Restitution of Material carried off from Belgian and French Territories.*—As restitution of material carried off from French and

Belgian territory is indispensable for setting factories once more into working order, the following measures shall be carried out, viz.:

(*a*) All machinery, machinery parts, industrial or agricultural plant, accessories of all kinds and, generally, all industrial or agricultural articles carried off by German military or civilian authorities or individuals, under any pretext whatever, from territories formerly occupied by the German armies on the Western front, shall be placed at the disposal of the Allies for the purpose of being returned to their places of origin, should the French and Belgian Governments so desire.

These articles shall be returned without further alteration and undamaged.

(*b*) In view of such restitution, the German Government shall immediately furnish the Armistice Commission with all official or private accounts, agreements for sale or hire, or correspondence relating to such articles, together with all necessary declarations or information regarding their existence, origin, adaptation, present condition and locality.

(*c*) The delegates of the French or Belgian Government shall cause inventories or examinations of such articles to be made on the spot in Germany, should they think fit.

(*d*) The return of such articles shall be effected in accordance with special instructions to be given as required by the French or Belgian authorities.

(*e*) With a view to immediate restitution, declarations shall more particularly be made of all stocks of driving belts, electric motors and parts thereof, or plant removed from France or Belgium and existing in depôt parks, railways, ships and factories.

(*f*) The furnishing of the particulars referred to in Articles 3 and 6 hereof shall commence within 8 clear days from the 20th January, 1919, and shall be completed in principle before the 1st April, 1919.

7. As a further guarantee, the Supreme Allied Command reserves to itself the right to occupy, whenever it shall consider this desirable, the sector of the fortress of Strassburg formed by the fortifications on the right bank of the Rhine, with a strip of territory extending from 5 to 10 kilometres in front of such fortifications, within the boundaries defined on the map appended hereto.

The Supreme Allied Command shall give 6 days' notice prior to such occupation, which shall not be preceded by any destruction of material or of buildings.

The limits of the neutral zone will, therefore, be advanced by 10 kilometres.

8. In order to secure the provisioning of Germany and of the rest of Europe, the German Government shall take all necessary steps to place the German fleet, for the duration of the Armistice, under the

control and the flags of the Allied Powers and the United States, who shall be assisted by a German delegate.

This arrangement shall in nowise affect the final disposal of such vessels. The Allies and the United States shall, if they consider this necessary, replace the crews either entirely or in part, and the officers and crews so replaced shall be repatriated to Germany.

Suitable compensation, to be fixed by the Allied Governments, shall be made for the use of such vessels.

All questions of details, as also any exceptions to be made in the case of certain types of vessel, shall be settled by a special agreement to be concluded immediately.

Trèves, 16th January, 1919.

(Signed) FOCH.
BROWNING.

ERZBERGER.
OBERNDORFF.
VON WINTERFELDT.
VANSELOW.

CONVENTION PROLONGING THE ARMISTICE WITH GERMANY, 16TH FEBRUARY, 1919

CONVENTION

The undersigned Plenipotentiaries, possessed of the powers in virtue of which the Armistice Agreement of 11th November, 1918, was signed, have concluded the following additional agreement:

Admiral Wemyss being replaced by Admiral Browning, General v. Winterfeldt by General v. Hammerstein, and the Minister Plenipotentiary Count v. Oberndorff by the Minister Plenipotentiary v. Haniel.

I.—The Germans are to cease all hostilities against the Poles at once, whether in the district of Posen or any other district. With this end in view, they are forbidden to allow their troops to cross the following line—the old frontier between East and West Prussia and Russia as far as Louisenfelde, from thence the line west of Louisenfelde, west of Gr. Neudorff, south of Brzoza, north of Schubin, north of Exin, south of Samotschin, south of Chodziesen, north of Czarnikau, west of Miala, west of Birnbaum, west of Bentschen, west of Wollstein, north of Lissa, north of Rawitsch, south of Krotoschin, west of Adelnau, west of Schildberg, north of Doruchow, to the Silesian frontier.

II.—The Armistice of 11th November, prolonged by the Agreements of 13th December, 1918, and 16th January, 1919, until 17th February, 1919, is further prolonged for a short period, the date of expiry not being given, the Allied Powers and those associated with them reserving to themselves the right to terminate the period at 3 days' notice.

III.—The carrying out of those clauses of the Agreement of 11th November, 1918, and of the additional Agreements of 13th December,

1918 and 16th January 1919, the terms of which have not yet been fully carried into effect, will be continued and completed during the prolongation of the Armistice, according to detailed arrangements made by the Permanent Armistice Commission, acting on instructions issued by the Supreme Allied Command.

Trèves, 16th February, 1919.

(Signed) FOCH.
BROWNING.

ERZBERGER.
FREIHERR V. HAMMERSTEIN.
VON HANIEL.
VANSELOW.

PART II

PROTOCOL OF THE ARMISTICE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA-HUNGARY

Signed November 3, 1918

With Appendix

A.—MILITARY CLAUSES.

I.—Immediate cessation of hostilities on land, by sea, and in the air.

II. — Complete demobilisation of the Austro-Hungarian Army and immediate withdrawal of all units operating on the front from the North Sea to Switzerland.

There shall only be maintained in Austro-Hungarian territory, within the limits indicated below in Par. 3, as Austro-Hungarian military forces, a maximum of 20 Divisions reduced to their pre-war peace effective strength.

Half the total quantity of Divisional artillery, Army Corps artillery, as well as their respective equipment, beginning with all such material which is within the territories to be evacuated by the Austro-Hungarian Army,

A.—CLAUSES MILITAIRES.

I.—Cessation immédiate des hostilités sur terre, sur mer et dans l'air.

II.—Démobilisation totale de l'armée austro-hongroise et retrait immédiat de toutes les unités qui opèrent sur le front de la mer du Nord à la Suisse.

Il ne sera maintenu sur le territoire austro-hongrois, dans les limites ci-dessous indiquées au paragraphe 3, comme forces militaires austro-hongroises, qu'un maximum de 20 divisions réduites à l'effectif du pied de paix d'avant guerre.

La moitié du matériel total d'artillerie divisionnaire, d'artillerie de corps d'armée ainsi que l'équipement correspondant en commençant par tout ce qui se trouve sur les territoires à évacuer par l'armée austro-hongroise,

shall be concentrated within localities to be designated by the Allies and the United States of America, for the purpose of being surrendered to them.

III.—Evacuation of all territory invaded by Austria-Hungary since the beginning of the war, and withdrawal of Austro-Hungarian forces, within a space of time to be laid down by the Generals Commanding-in-Chief of the Allied forces on the different fronts, beyond a line fixed as follows :

From Piz Umbrail as far as the North of the Stelvio, it will follow the crest of the Rhætian Alps as far as the sources of the Adige and of the Eisach, passing then by Mounts Reschen and Brenner and on the heights of the Oetz and the Ziller.

The line thence turns south, crossing Mount Toblach as far as present frontier of Carnic Alps. It follows this line as far as Mount Tarvis, thence to watershed of Julian Alps by Col de Predil, Mount Mangart, the Tricorno (Terglou) and watershed Podberdo, Podlaniscam and Idria. From this point the line turns south-east towards the Schneeberg, excluding the whole basin of the Save River and its tributaries ; from Schneeberg it descends the coast in such a way as to include Castua, Mattuglia and Volosca in evacuated territories.

It will follow the administrative limits of present province of Dalmatia, including to the north Lisarica and Tridania and to the south, territory limited by a line from the shore of Cape Planka to the summits of water-

devra être réuni entre des points à fixer par les Alliés et les États-Unis d'Amérique pour leur être livré.

III.—Évacuation de tout territoire envahi par l'Autriche-Hongrie depuis le début de la guerre et retrait des forces austro-hongroises dans un délai à déterminer par les Généraux Commandants en chef les forces alliées sur les différents fronts, au delà d'une ligne fixée comme suit :

Du Piz Umbrail jusqu'au nord du Stelvio, elle suivra la crête des Alpes Rhétiennes jusqu'aux sources de l'Adige et de l'Eisach, passant alors par les monts Reschen et Brenner et sur les hauteurs de l'Oetz et du Ziller.

La ligne ensuite se dirigera vers le sud, traversera le Mont Toblach et rejoindra la frontière actuelle des Alpes Carniques. Elle suivra cette frontière jusqu'au Mont Tarvis, et après le Mont Tarvis, la ligne de partage des eaux des Alpes Juliennes par le Col Prédil, le Mont Mangart, le Tricorno (Terglou) et la ligne de partage des eaux des Cols de Podberdo, de Podlaniscam et d'Idria. A partir de ce point, la ligne suivra la direction du sud-est vers le Schneeberg, laissant en dehors d'elle tout le bassin de la Save et de ses tributaires ; du Schneeberg, la ligne descendra vers la côte, de manière à inclure Castua, Mattuglia et Volosca dans les territoires évacués.

Elle suivra également les limites administratives actuelles de la province de Dalmatie, en y comprenant, au nord, Lisarica et Tridania et au sud, jusqu'à une ligne partant sur la côte du Cap Planka et suivant vers l'est les

shed eastwards so as to include in evacuated area all the valleys and watercourses flowing towards Sebenico, such as Cicola, Kerka, Butisnica, and their tributaries. It will also include all the islands in the north and west of Dalmatia from Premuda, Selve, Ulbo, Scherda, Maon, Pago and Puntadura islands, in the north, up to Meleda, in the south, embracing Sant' Andrea, Busi, Lissa, Lesina, Tercola, Curzolä, Cazza and Lagosta as well as neighbouring rocks and islets and Pelagosa, only excepting the islands of great and small Zirona, Bua, Solta and Brazza.

All territories thus evacuated will be occupied by Allied and American troops.

All military and railway equipment of all kinds (including coal) within these territories to be left *in situ*, and surrendered to the Allies and America according to special orders given by Commander-in-Chief of forces of Associated Powers on different fronts.

No new destruction, pillage or requisition by enemy troops in territories to be evacuated by them and occupied by Associated Powers.

IV.—Allied Armies shall have the right of free movement over all road and rail and waterways in Austro-Hungarian territory which shall be necessary.

Armies of Associated Powers shall occupy such strategic points in Austria-Hungary at such times

sommets des hauteurs formant la ligne de partage des eaux, de manière à comprendre dans les territoires évacués toutes les vallées et cours d'eau descendant vers Sebenico, comme la Cicola, la Kerka, la Butisnica et leurs affluents. Elle enfermera aussi toutes les îles situées au nord et à l'ouest de la Dalmatie depuis Prémuda, Selve, Ulbo, Scherda, Maon, Pago et Puntadura au nord, jusqu'à Meleda au sud, en y comprenant Sant' Andrea, Busi, Lissa, Lesina, Tercola, Curzola, Lazza et Lagosta ainsi que les rochers et îlots environnants, et Pelagosa à l'exception seulement des îles Grande et Petite Zirona, Bua, Solta et Brazza.

Tous les territoires ainsi évacués seront occupés par les forces des Alliés et des États-Unis d'Amérique.

Maintien sur place de tout le matériel militaire et de chemin de fer ennemi qui se trouve sur les territoires à évacuer.

Livraison aux Alliés et aux États-Unis de tout ce matériel (approvisionnements de charbon et autres compris) suivant les instructions de détail données par les Généraux Commandants en chef les forces des Puissances associées sur les différents fronts.

Aucune destruction nouvelle, ni pillage, ni réquisition nouvelle par les troupes ennemies dans les territoires à évacuer par l'ennemi et à occuper par les forces des Puissances associées.

IV.—Possibilité pour les Armées des Puissances associées de se mouvoir librement par l'ensemble des routes, chemins de fer et voies fluviales des territoires austro-hongrois nécessaires.

Occupation par les Armées des Puissances associées de tous points stratégiques en Autriche-Hongrie

as they may deem necessary to enable them to conduct military operations or to maintain order.

They shall have right of requisition on payment for troops of Associated Powers wherever they may be.

V.—Complete evacuation of all German troops within 15 days not only from Italian and Balkan fronts but from all Austro-Hungarian territory.

Internment of all German troops which have not left Austria-Hungary before that date.

VI.—Administration of evacuated territories of Austria-Hungary will provisionally be entrusted to local authorities under control of the Allied and associated armies of occupation.

VII.—Immediate repatriation, without reciprocity, of all prisoners of war and interned Allied subjects and of civilian populations evacuated from their homes on conditions to be laid down by Commanders-in-Chief of forces of Allied Powers on various fronts.

VIII.—Sick and wounded who cannot be removed from evacuated territory will be cared for by Austro-Hungarian personnel who will be left on the spot with medical material required.

et à tous moments jugés nécessaires par ces Puissances, pour rendre possible toutes opérations militaires ou pour maintenir l'ordre.

Droit de réquisition contre paiement pour les Armées des Puissances associées dans tous les territoires où elles se trouveront.

V.—Complète évacuation, dans un délai de 15 jours, de toutes troupes allemandes, non seulement des fronts d'Italie et des Balkans, mais de tous territoires austro-hongrois.

Internement de toutes troupes allemandes qui n'auraient pas quitté avant ce délai le territoire austro-hongrois.

VI.—Les territoires austro-hongrois évacués seront provisoirement administrés par les autorités locales sous le contrôle des troupes alliées ou associées d'occupation.

VII.—Rapatriement immédiat, sans réciprocité, de tous les prisonniers de guerre, sujets alliés internés et populations civiles évacuées, dans les conditions à fixer par les Généraux Commandants en chef les Armées des Puissances alliées sur les fronts.

VIII.—Les malades et blessés inévacuables seront soignés par du personnel austro-hongrois qui sera laissé sur place avec le matériel nécessaire.

B.—Naval Conditions.

I.—Immediate cessation of all hostilities at sea and definite information to be given as to location and movements of all Austro-Hungarian ships.

Notification to be made to neutrals that free navigation in all territorial waters is given to the naval and mercantile marines

B.—Clauses Navales.

I.—Cessation immédiate de toute hostilité sur mer et indications précises de l'emplacement et des mouvements de tous les bâtiments austro-hongrois.

Avis sera donné aux neutres de la liberté concédée à la navigation des marines de guerre et de commerce des Puissances alliées et

of the Allied and Associated Powers, all questions of neutrality being waived.

II.—Surrender to the Allies and United States of America of 15 Austro-Hungarian submarines completed between years 1910 and 1918 and of all German submarines which are in or may hereafter enter Austro-Hungarian territorial waters. All other Austro-Hungarian submarines to be paid off and completely disarmed and to remain under supervision of the Allies.

III.—Surrender to the Allies and United States of America, with their complete armament and equipment, of 3 battleships, 3 light cruisers, 9 destroyers, 12 torpedo-boats, 1 mine-layer, 6 Danube monitors, to be designated by the Allies and United States of America.

All other surface warships (including river craft) are to be concentrated in Austro-Hungarian naval bases to be designated by the Allies and United States of America, and are to be paid off, completely disarmed and placed under supervision of Allies and United States of America.

IV.—Free navigation to all warships and merchant ships of Allied and Associated Powers to be given in Adriatic, in territorial waters and up River Danube and its tributaries, and Austro-Hungarian territory.

Allies and Associated Powers shall have right to sweep up all minefields and obstructions, and positions of these are to be indicated.

In order to ensure free naviga-

associées dans toutes les eaux territoriales, sans soulever des questions de neutralité.

II.—Livraison aux Alliés et aux États-Unis d'Amérique de 15 sous-marins austro-hongrois achevés de 1910 à 1918 et de tous les sous-marins allemands se trouvant ou pouvant pénétrer dans les eaux territoriales austro-hongroises. Désarmement complet et démobilisation de tous les autres sous-marins austro-hongrois, qui devront rester sous la surveillance des Alliés et des États-Unis d'Amérique.

III.—Livraison aux Alliés et aux États-Unis d'Amérique, avec leur armement et équipement complets, de 3 cuirassés, 3 croiseurs légers, 9 destroyers, 12 torpilleurs, 1 mouilleur de mines, 6 monitors du Danube à désigner par les Alliés et les États-Unis d'Amérique.

Tous les autres bâtiments de guerre de surface (y compris ceux de rivière) devront être concentrés dans les bases navales austro-hongroises qui seront désignées par les Alliés et les États-Unis d'Amérique et devront être démobilisés et complètement désarmés et placés sous la surveillance des Alliés et des États-Unis d'Amérique.

IV.—Liberté de navigation de tous les bâtiments des marines de guerre et de commerce des Puissances alliées et associées dans l'Adriatique, y compris les eaux territoriales, sur le Danube et ses affluents en territoire austro-hongrois.

Les Alliés et les Puissances associées auront le droit de draguer tous les champs de mines et de détruire les obstructions dont l'emplacement devra leur être indiqué.

Pour assurer la liberté de navi-

tion on the Danube, Allies and United States of America shall be empowered to occupy or to dismantle all fortifications or defence works.

V.—Existing blockade conditions set up by Allied and Associated Powers are to remain unchanged, and all Austro-Hungarian merchant ships found at sea are to remain liable to capture with the exceptions which may be made by a Commission nominated by Allies and United States.

VI.—All naval aircraft are to be concentrated and immobilized in Austro-Hungarian bases to be designated by Allies and United States of America.

VII.—Evacuation of all the Italian coast, and of all ports occupied by Austria-Hungary outside their national territory, and abandonment of all floating craft, naval materials, equipment and materials for inland navigation of all kinds.

VIII.—Occupation by Allies and United States of America of land and sea fortifications and islands which form defences, and of dockyards and arsenals at Pola.

IX.—All merchant vessels held by Austria-Hungary belonging to Allies and Associated Powers to be returned.

X.—No destruction of ships or of materials to be permitted before evacuation, surrender or restoration.

XI.—All naval and mercantile prisoners of war of Allied and Associated Powers in Austro-Hungarian hands to be returned without reciprocity.

The undersigned plenipotentiaries, duly authorized, signify

gation sur le Danube les Alliés et les États-Unis d'Amérique pourront occuper ou démanteler tous les ouvrages fortifiés et de défense.

V.—Maintien du blocus des Puissances alliées et associées dans les conditions actuelles, les navires austro-hongrois trouvés en mer restent sujets à capture, sauf les exceptions qui seront admises par une Commission qui sera désignée par les Alliés et les États-Unis d'Amérique.

VI.—Groupement et immobilisation dans les bases austro-hongroises désignées par les Alliés et les États-Unis d'Amérique de toutes les forces aériennes navales.

VII.—Évacuation de toute la côte italienne et de tous les ports occupés par l'Autriche-Hongrie en dehors de son territoire national et abandon de tout le matériel flottant, matériel naval, équipement et matériel pour voie navigable de tout ordre.

VIII.—Occupation par les Alliés et les États-Unis d'Amérique des fortifications de terre et de mer, et des îles constituant la défense de Pola, ainsi que des chantiers et de l'Arsenal.

IX.—Restitution de tous les navires de commerce des Puissances alliées et associées détenus par l'Autriche-Hongrie.

X.—Interdiction de toute destruction des navires ou de matériel avant évacuation, livraison ou restitution.

XI.—Restitution, sans réciprocité, de tous les prisonniers de guerre des marines de guerre et de commerce des Puissances alliées et associées au pouvoir des Austro-Hongrois.

Les plénipotentiaires soussignés, dûment autorisés, déclarent d'ap-

their approval of above conditions.

3rd November 1918.

Representatives of Italian Supreme Command.

Ten. Gen. PIETRO BADOGLIO.
Magg. Gen. SCIPIONE SCIPIONI.
Colonn. TULLIO MARCHETTI.
Colonn. PIETRO GAZZERA.
Colonn. PIETRO MARAVIGNA.
Colonn. ALBERTO PARIANI.
Cap. Vasc. FRANCESCO ACCINNI.

prouver les conditions susindiquées.

3 novembre 1918.

Les Représentants du Commandement Suprême de l'Armée austro-hongroise.

Signés :

VICTOR WEBER EDLER VON WEBENAU.
KARL SCHNELLER.
Y. VON LIECHTENSTEIN.
J. V. NYÉKHEGYI.
ZWIERKOWSKI.
VICTOR, FREIHERR VON SEILLER.
KAMILLO RUGGERA.

SUPPLEMENT TO PROTOCOL

Contains details and executive clauses of certain points of the Armistice between the Allied and Associated Powers and Austria-Hungary.

I.—MILITARY CLAUSES.

1.—Hostilities on land, sea and air, will cease on all Austro-Hungarian fronts 24 hours after the signing of the Armistice, *i.e.*, at 3 o'clock on 4th November (Central European time).

From that hour the Italian and Allied troops will not advance beyond the line then reached.

The Austro-Hungarian troops and those of her allies must retire to a distance of at least 3 kilometres (as the crow flies) from the line reached by the Italian troops or by troops of Allied countries. Inhabitants of the 3 kilometre zone included between the two lines (above-mentioned) will be able to obtain necessary supplies from their own army or those of the Allies.

All Austro-Hungarian troops who may be at the rear of the fighting lines reached by the Italian troops, on the cessation of hostilities, must be regarded as prisoners of war.

2.—Regarding the clauses included in Articles II and III concerning artillery equipment, and war material to be either collected in places indicated or left in territories which are to be evacuated, the Italian plenipotentiaries representing all the Allied and Associated Powers, give to the said clauses the following interpretation which will be carried into execution :

(*a*) Any material or part thereof which may be used for the purpose of war must be given up to the Allied and Associated Powers. The Austro-Hungarian Army and the German troops are only authorized to take personal arms and equipment belonging to troops evacuating the terri-

tories mentioned in Article III, besides officers' chargers, the transport train, and horses specially allotted to each unit for transport of food supplies, kitchens, officers' luggage and medical material. This clause applies to the whole army and to all the services.

(*b*) Concerning artillery—it has been arranged that the Austro-Hungarian Army and German troops shall abandon all artillery material and equipment in the territory to be evacuated.

The calculations necessary for obtaining a complete and exact total of the artillery divisions and army corps at the disposal of Austro-Hungary on the cessation of hostilities (half of which must be given up to the Associated Powers) will be made later, in order to arrange, if necessary, for the delivery of other Austro-Hungarian artillery material and for the possible eventual return of material to the Austria-Hungarian Army by the Allied and Associated Armies.

All artillery which does not actually form part of the divisional artillery and army corps must be given up, without exception. It will not, however, be necessary to calculate the amount.

(*c*) On the Italian front the delivery of divisional and army corps artillery will be effected at the following places—Trento, Bolzano, Pieve di Cadore, Stazione per la Carnia, Tolmino, Gorizia and Trieste.

3.—Special Commissions will be selected by the Commanders-in-Chief of Allied and Associated Armies on the various Austro-Hungarian fronts, which will immediately proceed, accompanied by the necessary escorts, to the places they regard as the most suitable from which to control the execution of the provisions established above.

4.—It has been determined that the designations M. Toblach and M. Tarvis indicate the groups of mountains dominating the ridge of Mts. Toblach and the Valley of Tarvis.

5.—The retirement of Austro-Hungarian troops and those of her allies beyond the lines indicated in Article III of the Protocol of Armistice Conditions, will take place within 15 days of the cessation of hostilities, as far as the Italian front is concerned.

On the Italian front, Austro-Hungarian troops and those of her allies must have retired beyond the line: Tonale—Noce—Lavis—Avisio—Pordoi—Livinallongo—Falzarego—Pieve di Cadore—Colle Mauria—Alto Tagliamento—Fella—Raccolana—Selle Nevea—Isonzo by the fifth day, they must also have evacuated the Dalmatian territory indicated above.

Austro-Hungarian troops on land and sea, or those of her allies, not having evacuated the territories indicated within the period of 15 days will be regarded as prisoners of war.

6.—The payment of any requisitions made by the armies of the

Allied and Associated Armies on Austro-Hungarian territory, will be carried out according to paragraph 1 of page 227 of 'Servizio in Guerra—Part II, Edizione 1915', actually in force in the Italian Army.

7.—As regards railways and the exercise of the rights confirmed upon the Associated Powers by Article IV of the Armistice agreement between the Allied Powers and Austria-Hungary, it has been determined that the transport of troops, war material and supplies for Allied and Associated Powers on the Austro-Hungarian railway system, outside territory evacuated in accordance with the terms of the Armistice, and the direction and working of the railways shall be effected by the employees of the Austro-Hungarian railway administration, under the supervision of special Commissioners selected by the Allied Powers, and the Military Italian Headquarters which it will be considered necessary to establish, the Austro-Hungarian authorities will give priority to Allied military trains, and will guarantee their safety.

8.—On territory to be evacuated at the cessation of hostilities, all mines on roads or railway tracts, all minefields and other devices for interrupting communications by road or rail must be rendered inactive and harmless.

9.—Within a period of 8 days from the cessation of hostilities, prisoners and Italian subjects interned in Austria-Hungary must cease all work, except in the case of prisoners and interned who have been employed in agricultural pursuits previous to the day on which the Armistice was signed. In any case they must be ready to leave at once on request of the Commander-in-Chief of the Italian Army.

10.—Austria-Hungary must provide for the protection, safety and supplies (expenses of these to be repaid) of the various Commissions selected by the Allied Governments to take over war material and to exercise general control, whether in the territory to be evacuated or in any other part of Austria-Hungary.

II.—Naval Clauses.

1.—The hour for the cessation of hostilities by sea will be the same as that of the cessation of hostilities by land and air.

Before that time the Austro-Hungarian Government must have furnished the Italian Government, and those of the Associated Powers, with the necessary information concerning the position and movements of the Austro-Hungarian ships, through the Wireless Station at Pola, which will transmit the information to Venice.

2.—The units referred to in Articles II and III, to be surrendered to the Associated Powers, must return to Venice between 8 a.m. and 3 p.m. on 6th November; they will take a pilot on board 14 miles from the coast. An exception is made as regards the Danube monitors, which will be required to proceed to a port indicated by the Commander-in-Chief of the forces of the Associated Powers on the Balkan front, under such conditions as he may determine.

3.—The following ships will proceed to Venice:

Teghethoff.	*Saida.*
Prinz Eugen.	*Novara.*
Ferdinand Max.	*Helgoland.*

Nine destroyers of *Tatra* type (at least 800 tons) of most recent construction.

Twelve torpedo-boats (200-ton type).

Minelayer *Chamaleon.*

Fifteen submarines built between 1910 and 1918, and all German submarines which are, or may eventually be, in Austro-Hungarian waters.

Premeditated damage, or damage occurring on board the ships to be surrendered will be regarded by the Allied Governments as a grave infringement of the present Armistice terms.

The *Lago di Garda* flotilla will be surrendered to the Associated Powers in the Port of Riva.

All ships not to be surrendered to the Associated Powers will be concentrated in the ports of Buccari and Spalato within 48 hours of the cessation of hostilities.

4.—As regards the right of sweeping minefields and destroying barrages, the Austro-Hungarian Government guarantees to deliver the maps of minefields and barrages at Pola, Cattaro and Fiume to the Commander of the Port of Venice, and to the Admiral of the Fleet at Brindisi within 48 hours of the cessation of hostilities, and within 96 hours of the cessation of hostilities, maps of minefields and barrages in the Mediterranean and Italian lakes and rivers, with additional notification of such minefields or barrages laid by order of the German Government as are within their knowledge.

Within the same period of 96 hours a similar communication concerning the Danube and the Black Sea will be delivered to the Commander of the Associated Forces on the Balkan front.

5.—The restitution of merchant ships belonging to the Associated Powers will take place within 96 hours of the cessation of hostilities, in accordance with the indications determined by each Associated Power, which will be transmitted to the Austro-Hungarian Government. The Associated Powers reserve to themselves the constitution of the Commission referred to in Article V, and of informing the Austro-Hungarian Government of its functions, and of the place in which it will meet.

6.—The naval base referred to in Article VI is Spalato.

7.—The evacuation referred to in Article VII will be effected within the period fixed for the retirement of the troops beyond the Armistice lines. There must be no damage to fixed, mobile or floating material in the ports.

Evacuation may be effected *via* the Lagoon canals by means of Austro-Hungarian boats which may be brought in from outside.

8.—The occupation referred to in Article VIII will take place within 48 hours of the cessation of hostilities.

The Austro-Hungarian authorities must guarantee the safety of vessels transporting troops for the occupation of Pola and of islands

and other places as provided for in the terms of the Armistice for the Land Army.

The Austro-Hungarian Government will give directions that the ships belonging to Associated Powers proceeding to Pola should be met 14 miles out by pilots capable of showing them the safest way into port. All damage to the persons or property of the Associated Powers will be regarded as a grave infringement of the present Armistice terms.

The undersigned duly authorized Plenipotentiaries have signified their approval of the above conditions.

3rd November, 1918.

Representatives of the Supreme Command of the Austro-Hungarian Army.

VICTOR WEBER EDLER VON WEBENAU.
KARL SCHNELLER.
Y. VON LIECHTENSTEIN.
J. V. NYÉKHEGYI.
ZWIERKOWSKI.
VICTOR, FREIHERR VON SEILLER.
KAMILLO RUGGERA.

Representatives of the Supreme Command of the Italian Army.

Ten. Gen. PIETRO BADOGLIO.
Magg. Gen. SCIPIONE SCIPIONI.
Colonn. GIULLIO MARCHETTI.
Colonn. PIETRO GAZZERA.
Colonn. PIETRO MARAVIGNA.
Colonn. ALBERTO PARIANI.
Cap. Vasc. FRANCESCO ACCINNI.

TEXT OF MILITARY CONVENTION BETWEEN THE ALLIES AND HUNGARY

Signed at Belgrade, 13th November, 1918.

MILITARY CONVENTION REGULATING THE CONDITIONS UNDER WHICH THE ARMISTICE, SIGNED BETWEEN THE ALLIES AND AUSTRIA-HUNGARY, IS TO BE APPLIED IN HUNGARY.

1.—The Hungarian Government will withdraw all troops north of a line drawn through the upper valley of the Szamos, Bistritz, Maros-Vásárhely, the river Maros to its junction with the Theiss, Maria-Theresiopel, Baja, Fünfkirchen (these places not being occupied by Hungarian troops), course of the Drave, until it coincides with the frontier of Slavonia-Croatia.

The evacuation to be carried out in 8 days, the Allies to be entitled to occupy the evacuated territory on the conditions laid down by the General Commander-in-Chief of the Allied Armies. Civil Administration will remain in the hands of the Government.

In actual fact only the police and gendarmerie will be retained in the evacuated zone, being indispensable to the maintenance of order, and also such men as are required to ensure the safety of the railways.

2.—Demobilization of Hungarian naval and military forces. An exception will be made in the case of six infantry divisions and two cavalry divisions, required for the maintenance of internal order and in the case of small sections of police mentioned in paragraph 1.

3.—The Allies to have the right of occupying all places and strategic points, which may be permanently fixed by the General Commander-in-Chief of the Allied Armies.

The Allied troops to be allowed to pass through, or to remain in any part of Hungary.

The Allies to have permanent right of use, for military purposes, of all rolling stock and shipping belonging to the State or to private individuals resident in Hungary, also of all draught animals.

4.—The rolling stock and railway staff usually employed in the occupied territory will remain (*see* paragraph 1), and a reserve of 2,000 wagons and 100 locomotives (normal gauge), and 600 wagons and 50 locomotives (narrow gauge), will also be handed over within the month to the General Commander-in-Chief. These will be for the use of the Allied troops, and to compensate for the deficiency of material from Serbia due to the war. Some portion of this material could be levied from Austria. The figures are approximate.

5.—The ships and crews, usually employed in the service of the occupied territory will remain, in addition to monitors will be surrendered to the Allies immediately at Belgrade. The rest of the Danube flotilla will be assembled in one of the Danube ports, to be appointed later by the General Commander-in-Chief, and will be disarmed there. A levy of 10 passenger vessels, 10 tugs, and 60 lighters will be made on this flotilla as soon as possible for the use of the Allied troops, to compensate for the deficiency of material from Serbia, due to the war. The figures are approximate.

6.—Within 15 days a detachment of 3,000 men from the railway technical troops are to be placed at the disposal of the General Commander-in-Chief supplied with the material necessary to repair the Serbian railways. These figures are approximate.

7.—Within 15 days a detachment of sappers of the Telegraph branch are to be placed at the disposal of the General Commander-in-Chief provided with material necessary for establishing telegraphic and telephone communications with Serbia.

8.—Within one month, 25,000 horses are to be placed at the disposal of the General Commander-in-Chief, together with such transport material as he may deem necessary. These figures are approximate.

9.—Arms and war material to be deposited at places appointed by the General Commander-in-Chief. A portion of this material will be levied for the purpose of supplying units to be placed under the orders of the General Commander-in-Chief.

10.—Immediate liberation of all Allied prisoners of war and interned civilians, who will be collected at places convenient for their despatch by rail; they will there receive directions as to time and place of repatriation, according to the orders issued by the General Commander-in-Chief. Hungarian prisoners of war to be provisionally retained.

11.—A delay of 15 days is granted for the passage of German troops through Hungary and their quartering meanwhile, dating from the signing of the Armistice by General Diaz (4th November, 3 p.m.). Postal and telegraphic communication with Germany will

only be permitted under the military control of the Allies. The Hungarian Government undertakes to allow no military telegraphic communication with Germany.

12.—Hungary will facilitate the supplying of the Allied troops of occupation; requisitions will be allowed on condition that they are not arbitrary; and that they are paid for at current rates.

13.—The situation of all Austro-Hungarian mines in the Danube and the Black Sea must be communicated immediately to the General Commander-in-Chief. Further, the Hungarian Government undertakes to stop the passage of all floating mines sown in the Danube up stream from the Hungarian and Austrian frontier and to remove all those actually in Hungarian waters.

14.—The Hungarian postal service, telegraphs, telephones and railways will be placed under Allied control.

15.—An Allied representative will be attached to the Hungarian Ministry of Supplies in order to safeguard Allied interests.

16.—Hungary is under an obligation to cease all relations with Germany and stringently to forbid the passage of German troops to Roumania.

17.—The Allies shall not interfere with the internal administration of affairs in Hungary.

18.—Hostilities between Hungary and the Allies are at an end.

Two copies made 13th November, 1918, at 11.15 p.m. at Belgrade.

Signed for the Allies by the delegates of the General Commander-in-Chief.

VOIVODE MISHITCH.
GENERAL HENRYS.

Signed for Hungary by the delegate of the Hungarian Government.

BÉLA LINDER.

PART III

THE ARMISTICE CONVENTION WITH BULGARIA

Signed September 29, 1918.

1.—Immediate evacuation, in conformity with an arrangement to be concluded, of the territories still occupied in Greece and Serbia. There shall be removed from these territories neither cattle, grain, nor stores of any kind. No damage shall be done

1.—Évacuation immédiate conformément à un arrangement à intervenir des territoires encore occupés en Grèce et en Serbie. Il ne sera enlevé de ces territoires ni bétail, ni grain, ni approvisionnement quelconque. Aucun dégât ne sera fait au départ.

on departure. The Bulgarian Administration shall continue to exercise its functions in the parts of Bulgaria at present occupied by the Allies.

II.—Immediate demobilization of all Bulgarian armies, save for the maintenance on a war footing of a group of all arms, comprising three divisions of sixteen battalions each and four regiments of cavalry, which shall be thus disposed: two divisions for the defence of the Eastern frontier of Bulgaria and of the Dobrudja, and the 148th Division for the protection of the railways.

III.—Deposit, at points to be indicated by the High Command of the Armies of the East, of the arms, ammunition, and military vehicles belonging to the demobilized units which shall thereafter be stored by the Bulgarian authorities, under the control of the Allies.

The horses likewise will be handed over to the Allies.

IV.—Restoration to Greece of the material of the IVth Greek Army Corps, which was taken from the Greek army at the time of the occupation of Eastern Macedonia, in so far as it has not been sent to Germany.

V.—The units of the Bulgarian troops at the present time west of the meridian of Uskub, and belonging to the XIth German Army, shall lay down their arms and shall be considered until further notice to be prisoners of war. The officers shall retain their arms.

VI.—Employment by the Allied armies of Bulgarian prisoners of war in the East until the conclusion of peace, without reciprocity as regards Allied prisoners of war. These latter shall be handed over without delay to

L'Administration bulgare continuera à fonctionner dans les parties de Bulgarie actuellement occupées par les Alliés.

II.—Démobilisation immédiate de toutes les armées bulgares, sauf en ce qui concerne le maintien en état de combattre d'un groupe de toutes armes comprenant trois divisions de seize bataillons chacune, quatre régiments de cavalerie qui seront affectés, deux divisions à la défense de la frontière est de la Bulgarie et de la Dobroudja, et la 148e Division pour la garde des voies ferrées.

III.—Dépôt en des points à désigner par le Haut Commandement des Armées d'Orient, des armes, des munitions, véhicules militaires appartenant aux éléments démobilisés, qui seront ensuite emmagasinés par les soins des autorités bulgares et sous le contrôle des Alliés.

Les chevaux seront également remis aux Alliés.

IV.—Remise à la Grèce du matériel du IVe Corps d'Armée grec pris à l'armée grecque au moment de l'occupation de la Macédoine orientale, en tant qu'il n'a pas été envoyé en Allemagne.

V.—Les éléments de troupes bulgares actuellement à l'ouest du méridien d'Uskub et appartenant à la XIe Armée allemande déposeront les armes et seront considérés jusqu'à nouvel ordre comme prisonniers de guerre ; les officiers conserveront leurs armes.

VI.—Emploi jusqu'à la paix par les Armées alliées des prisonniers bulgares en Orient sans réciprocité en ce qui concerne les prisonniers de guerre alliés. Ceux-ci seront remis sans délai aux autorités alliées et les déportés civils seront

the Allied authorities, and deported civilians shall be entirely free to return to their homes.

VII.—Germany and Austria-Hungary shall have a period of four weeks to withdraw their troops and military organizations. Within the same period the diplomatic and consular representatives of the Central Powers, as also their nationals, must leave the territory of the Kingdom. Orders for the cessation of hostilities shall be given by the signatories of the present convention.

(Signed)
General FRANCHET D'ESPEREY.
ANDRÉ LIAPCHEF.
E. T. LOUKOF.

General Headquarters,
September 29, 1918, 10.50 p.m.

complètement libres de rentrer dans leurs foyers.

VII.—L'Allemagne et l'Autriche-Hongrie auront un délai de quatre semaines pour retirer leurs troupes et leurs organes militaires. Dans le même délai, devront quitter le territoire du Royaume les représentants diplomatiques et consulaires des Puissances centrales ainsi que leurs nationaux. Les ordres pour la cessation des hostilités seront donnés par les signataires de la présente convention.

(Signé)
Général FRANCHET D'ESPEREY.
ANDRÉ LIAPCHEF.
E. T. LOUKOF.

Général Quartier-général,
le 29 septembre 1918,
22 heures 50.

THE ARMISTICE CONVENTION WITH TURKEY

Signed October 30, 1918.

I.—Opening o Dardanelles and Bosphorus, and secure access to the Black Sea. Allied occupation of Dardanelles and Bosphorus forts.

II. -Positions of all minefields, torpedo-tubes, and other obstructions in Turkish waters to be indicated, and assistance given to sweep or remove them as may be required.

III.—All available information as to mines in the Black Sea to be communicated.

IV.—All Allied prisoners of war and Armenian interned persons and prisoners to be collected in Constantinople and handed over unconditionally to the Allies.

V.—Immediate demobilization of the Turkish army, except for such troops as are required for the surveillance of the frontiers and for the maintenance of internal order. (Number of effectives and their disposition to be determined later by the Allies after consultation with the Turkish Government.)

VI.—Surrender of all war vessels in Turkish waters or in waters occupied by Turkey; these ships to be interned at such Turkish

[1] The original of this convention was signed in English.

port or ports as may be directed, except such small vessels as are required for police or similar purposes in Turkish territorial waters.

VII.—The Allies to have the right to occupy any strategic points in the event of any situation arising which threatens the security of the Allies.

VIII.—Free use by the Allied ships of all ports and anchorages now in Turkish occupation and denial of their use to the enemy. Similar conditions to apply to Turkish mercantile shipping in Turkish waters for purposes of trade and the demobilization of the army.

IX.—Use of all ship-repair facilities at all Turkish ports and arsenals.

X.—Allied occupation of the Taurus tunnel system.

XI.—Immediate withdrawal of the Turkish troops from North-West Persia to behind the pre-war frontier has already been ordered and will be carried out. Part of Trans-Caucasia has already been ordered to be evacuated by Turkish troops; the remainder is to be evacuated if required by the Allies after they have studied the situation there.

XII.—Wireless telegraphy and cable stations to be controlled by the Allies, Turkish Government messages excepted.

XIII.—Prohibition to destroy any naval, military, or commercial material.

XIV.—Facilities to be given for the purchase of coal and oil fuel, and naval material from Turkish sources, after the requirements of the country have been met. None of the above material to be exported.

XV.—Allied Control Officers to be placed on all railways, including such portions of the Trans-Caucasian Railways as are now under Turkish control, which must be placed at the free and complete disposal of the Allied authorities, due consideration being given to the needs of the population. This clause to include Allied occupation of Batoum. Turkey will raise no objection to the occupation of Baku by the Allies.

XVI.—Surrender of all garrisons in Hedjaz, Assir, Yemen, Syria, and Mesopotamia to the nearest Allied Commander; and the withdrawal of troops from Cicilia, except those necessary to maintain order, as will be determined under Clause V.

XVII.—Surrender of all Turkish officers in Tripolitania and Cyrenaica to the nearest Italian garrison. Turkey guarantees to stop supplies and communication with these officers if they do not obey the order to surrender.

XVIII.—Surrender of all ports occupied in Tripolitania and Cyrenaica, including Misurata, to the nearest Allied garrison.

XIX.—All Germans and Austrians, naval, military, and civilian, to be evacuated within one month from the Turkish dominions: those in remote districts to be evacuated as soon after as may be possible.

XX.—The compliance with such orders as may be conveyed for the disposal of the equipment, arms, and ammunition, including transport, of that portion of the Turkish Army which is demobilized under Clause V.

XXI.—An Allied representative to be attached to the Turkish Ministry of Supplies in order to safeguard Allied interests. This representative is to be furnished with all information necessary for this purpose.

XXII.—Turkish prisoners to be kept at the disposal of the Allied Powers. The release of Turkish civilian prisoners over military age to be considered.

XXIII.—Obligation on the part of Turkey to cease all relations with the Central Powers.

XXIV.—In case of disorder in the six Armenian vilayets, the Allies reserve to themselves the right to occupy any part of them.

XXV.—Hostilities between the Allies and Turkey shall cease from noon, local time, on Thursday, 31st October, 1918.

Signed in duplicate on board His Britannic Majesty's Ship *Agamemnon*, at Port Mudros, Lemnos, the 30th October, 1918.

(Signed) ARTHUR CALTHORPE.
HUSSEIN RAOUF.
RECHAD HIKMET.
SAADULLAH.

APPENDIX VI

ORGANIZATION OF THE PEACE CONFERENCE FOR THE GERMAN AND AUSTRIAN TREATIES

It is impossible here to give full details of the organization, and would, in fact, be misleading; for the *personnel* and the duties of many of the various bodies varied considerably at different times, but the following details may be of value:

I. THE CONFERENCE

President.

Georges Clemenceau (France).

Vice-Presidents.

Hon. Robert Lansing (U.S.A.).
The Rt. Hon. D. Lloyd George (British Empire).
M. V. E. Orlando (Italy).
Marquis Saionji (Japan).

Secretariat General.

M. P. Dutasta (France).
Paul Mantoux (France).

(i) *Committee for Verification of Powers.*

Hon. H. White (U.S.A.).
The Rt. Hon. A. J. Balfour (British Empire).
Jules Cambon (France).
Marquis G. F. Salvago Raggi (Italy).
M. K. Matsui (Japan).

(ii) *Drafting Commission.*

James Brown Scott (U.S.A.).
C. J. B. Hurst (British Empire).
M. Fromageot (France).
A. Ricci Busatti (Italy).
H. Nagaoka (Japan).

(iii) *Committee which drafted Answer to German Note sent 16th June, 1919.*

André Tardieu (France).
W. Hudson (U.S.A.).
Philip Kerr (British Empire).
Count Vannutelli-Rey (Italy).
M. Saburi (Japan).

II. The Conference in Plenary Session

United States	5	seats.
Great Britain	5	,,
Canada	2	,,
Australia	2	,,
South Africa	2	,,
New Zealand	1	,,
India	2	,,
British Empire Total	14	,,
France	5	,,
Italy	5	,,
Japan	5	,,

The representatives of the other States sat in alphabetical order. The following had three seats each :

Belgium. Brazil. Serbia (Yugoslavia).

The following had two seats each :

China. Hedjaz. Rumania.
Czecho-Slovakia. Poland. Siam.
Greece. Portugal.

The following had one seat each :

Bolivia. Haiti. Panama.
Cuba. Honduras. Peru.
Ecuador. Liberia. Uruguay.
Guatemala. Nicaragua.

Note.—The names of Plenipotentiaries are prefixed to the Text of the German Treaty (*v.* Vol. III). China did not sign the German Treaty.

III. Supreme Council of the Allies

United States	The President of the United States. Hon. Robert Lansing.
British Empire	The Right Hon. D. Lloyd George. The Right Hon. A. J. Balfour.

France	Georges Clemenceau.
	Monsieur Pichon.
Italy	V. E. Orlando.[1]
	Baron Sonnino.
Japan	Marquis Saionji.
	Baron Makino.

Secretariat.

France	Monsieur P. Dutasta.
United States	Joseph Clark Grew.
British Empire	Lieut.-Col. Sir Maurice Hankey (succeeded by Mr. H. Norman).
Italy	Count L. Aldrovandi.
Japan	Sadao Saburi.

This organization was superseded at the end of March 1919 by the 'Big Four', though the 'Five' (the Foreign Ministers) prepared business and took important decisions, subject to the approval of the 'Four'.[2] The 'Ten' still met occasionally for formal purposes. On the departure of two of the 'Four' on the 28th June, the Council of 'Five' became the Supreme Council. M. Clemenceau attended these meetings as President of the Conference, while M. Pichon acted as French representative. In July Mr. Polk succeeded Mr. Lansing as the American member of the 'Five', and in September Sir Eyre Crowe succeeded Mr. Balfour as the British member of the 'Five'. In December Signor Scialoja succeeded Signor Tittoni as Italian representative, and Mr. Polk left for America, so that the United States was not represented by a Plenipotentiary. The Council of 'Five' was at times superseded by a Council of Prime Ministers, including an American Plenipotentiary, but it sat *en permanence* at Paris as the Supreme Council until the 21st January, 1920, when Clemenceau resigned, and the Supreme Council as such formally ended. It was succeeded by the Ambassadors' Council, consisting of the American, British, Italian, and Japanese ambassadors at Paris and of a French representative. This body sits at Paris, and its function appears to be to execute the conditions of the German Treaty, and it will probably be used to execute all others. For all important matters the Supreme Council can be revived either as a meeting of Foreign Secretaries or of Prime Ministers, when occasion demands. But it appears to have terminated its existence as a body sitting *en permanence* at Paris. Since the 21st January, 1920, it has met in London and at San Remo, and Mr. Lloyd George has been its official head.

[1] On the 28th June, at the signing of the Treaty with Germany, MM. Nitti and Tittoni had already superseded the others, but as they had not arrived, Baron Sonnino, the Marquis Imperiali, and M. Crespi signed for them. M. Tittoni took his place immediately after as one of the 'Five'.

[2] During the early sessions of the 'Four', which began at the end of March, Monsieur Mantoux alone was present. Subsequently, he acted as interpreter, and Sir M. Hankey as secretary, to the 'Four'.

IV. Councils subsidiary to the Supreme Council

(1) *The Supreme War Council* (*S.W.C.*).

United States . .	General Tasker H. Bliss.
Great Britain . .	General Sackville-West.
France . . .	General Belin.
Italy	General Cavallero.

Note.—This body formally came to an end on the 10th January, 1920, but a permanent War Council of the representatives of France, Great Britain, and Italy has been formed. *v.* Vol. II, Chap. 2, Part i, p. 140, note.

(2) *The Supreme Economic Council* (*S.E.C.*), succeeding the Inter-Allied Supreme Council for Supply and Relief, appointed the 11th January, 1919. The S.E.C. was constituted on the 8th February, 1919 (first meeting 17th February), of five members of each of the Four Powers. The presidency was held in turn by a representative of each nation. There were the following sections :

(i) *Food and Relief.* President : H. Hoover (U.S.A.).
(ii) *Finance.* President : Norman H. Davis (U.S.A.).
(iii) *Means of Communication.* President : General H. O. Manee (British Empire).
(iv) *Raw Materials.* President : M. Loucheur (France).
(v) *Superior Blockade Council.* President : Vance McCormick (U.S.A.).
(vi) *Shipping, Allied Maritime Transport Executive.* President : Kemball Cooke (British Empire).
(vii) *Urgent Business.* President : Bernard M. Baruch (U.S.A.).

Note.—The American representatives on the S.E.C. withdrew after the 1st August, 1919. For later developments *v.* Vol. I, Chap. 8, Part iii, § 5. A Belgian representative was added after the first few meetings.

V. Commissions

(1) *League of Nations.* (Plenary Session, 25th January, 1919.)[1] The *personnel* of this is given in League of Nations Documents, Appendix II, Part III, Vol. III.

(2) *Responsibility for War and Guarantees.* (Plenary Session of 25th January, 1919.)

President, Hon. Robert Lansing (U.S.A.).

(i) Sub-committee—*Criminal Acts.*
President, Rt. Hon. W. F. Massey (New Zealand).
(ii) Sub-committee—*Responsibility for the War.*
President, Sir E. Pollock (British Empire).
(iii) Sub-committee—*Responsibility for violation of laws and customs of War.*
President, Hon. R. Lansing (U.S.A.).

[1] These dates may be taken roughly as indicating the time at which the commissions became of importance at the Conference.

(3) *Reparation for Damage.* (Plenary Session, 25th January, 1919.)
President, L. L. Klotz (France).
Vice-Presidents, Right Hon. W. M. Hughes (Australia); M. van der Heuvel (Belgium).

(i) Sub-committee—*Estimation of Damages.*
President, Right Hon. Lord Sumner (British Empire).
Vice-President, E. Chiesa (Italy).

(ii) Sub-committee—*Inquiry into the financial capacity of Enemy States, means of payment and reparation.*
President, Right Hon. the Lord Cunliffe (British Empire).
Vice-President, M. Loucheur (France).

(iii) Sub-committee.
President, Right Hon. W. M. Hughes (British Empire).
Vice-President, Bernard M. Baruch (U.S.A.).

(4) *International Labour Legislation.* (Plenary Session, 25th January, 1919.)
President, Samuel Gompers (U.S.A.).
Vice-Presidents, Right Hon. G. N. Barnes (British Empire); M. Colliard (France).

(5) *International Control of Ports, Waterways, and Railways.* (Plenary Session, 25th January, 1919.) *v.* also Vol. II, Chap. 1, Part v, for list of personnel.
President, M. Crespi (Italy).
Vice-President, The Hon. A. L. Sifton (Canada).

(i) Sub-committee—*Questions relating to Transit.*
President, Hon. Henry White (U.S.A.).
Vice-President, Sir H. Llewellyn Smith (British Empire).

(ii) Sub-committee—*Control of rivers, ports, and railways.*
President, André Weiss (France).

VI. Financial Questions

(Sessions of Supreme Council, 23rd January–1st March, 1919.)
President, Right Hon. E. S. Montagu (British Empire).
Vice-Presidents, S. Crespi (Italy); Viscount S. Chinda (Japan).

(i) Sub-committee—*Urgent problems relating to preliminaries of peace.*
President, S. Crespi (Italy).

(ii) Sub-committee—*Dealing specially with monetary questions* (in liaison with the Reparation Commission).
President, M. Lepreux (Belgium).

(iii) Sub-committee—*Enemy Debts.*

(iv) Sub-committee—*Inter-Allied problems and project of Financial Section of League of Nations.*
President, L. L. Klotz (France).

(v) Sub-committee—*Payment of Austro-Hungarian Coupons.*
President, Ed. Benes (Czecho-Slovakia).

VII. Economic Questions

(Sessions of Supreme Council, 27th January—1st March, 1919.)
President, M. Clémentel (France)

1st Section, Permanent Commercial Relations.
President, Sir H. Llewellyn Smith (British Empire).

(i) Sub-committee—*Tariffs and Customs.*
President, Professor A. A. Young (U.S.A.).

(ii) Sub-committee—*Navigation.*
President, M. Bouisson (France).

(iii) Sub-committee—*Disloyal methods of Concurrence.*
President, W. Temple Franks (British Empire).

2nd Section.

(i) Sub-committee—*Industrial Property.*
President, W. Temple Franks (British Empire).

(ii) Sub-committee—*Pre-War Contrasts.*
President, Hon. C. J. Doherty (Canada).

(iii) Sub-committee—*Liquidation of Enemy Debts.*
President, M. Petit (France).

3rd Section. Ex enemy Aliens (Étrangers ex ennemis).
President, A. Ricci-Busatti (Italy).

4th Section. Abrogation and putting into force of Treaties.
President, M. C. Drogani (Italy).

VIII. Aeronautic

(Session of Supreme Council, 12th March, 1919.)
President, Colonel Dhé (France).

(i) Sub-committee—*Military.*
President, Brig.-Gen. P. B. C. Groves (British Empire).
Vice-President, Gen. of Brig. Tanaka (Japan).

(ii) Sub-committee—*Technical.*
President, Lieut.-Col. A. D. Butterfield (U.S.A.).
Vice-President, Captain S. Fiuzi (Italy).

(iii) Sub-committee—*Legal, Commercial, and Financial.*
President, M. D'Aubigny (France).
Vice-President, M. H. White-Smith (British Empire).

IX. Territorial Questions

(Session of Supreme Council, 27th March 1919.)

(*a*) *Central Co-ordinating Commission on Territorial Questions.*
President, M. André Tardieu (France).
Vice-Presidents, Marquis G. F. Salvago Raggi (Italy); Doctor S. E. Mezes (U.S.A.); Sir Eyre Crowe (British Empire); M. Otchiai (Japan).

(*b*) *Committee for Protection of Minorities in 'New' and other States.*
(Appointed 1st May, 1919.)
President, M. Berthelot (France).

Commissions.

1. *Czecho-Slovakia.* (Session of Supreme Council, 5th February, 1919.)
   President, Jules Cambon (France).
2. *Polish Affairs.*
   (*a*) *Inter-Allied Mission sent to Poland.* (Session of Supreme Council, 29th January, 1919.)
   President, M. Noulens (France).
   (*b*) *Permanent Inter-Allied Committee for Teschen.* (Session of Supreme Council, 31st January, 1919.)
   President, M. Grenard (France).
   (*c*) *Permanent Committee of Polish Affairs, Paris.* (Session of Supreme Council, 12th and 26th February, 1919.)
   President, Jules Cambon (France).
3. *Rumanian and Yugo-Slav Affairs.* (Sessions of Supreme Council, 1st and 18th February, 1919.)
   President, André Tardieu (France).
   Vice-President, G. Martino (Italy).
4. *Greek and Albanian Affairs.* (Sessions of Supreme Council, 5th and 24th February, 1919.)
   President, Jules Cambon (France), succeeded, July, by A. Tardieu.
   Vice-President, Right Hon. Sir R. Borden (Canada).
5. *Belgian and Danish Affairs.* (Sessions of Supreme Council, 12th and 21st February, 1919.)
   President, André Tardieu (France).
   Vice-President, Sir Eyre Crowe (British Empire).
6. *Saar Valley.* (Appointed 1st April.)
   President, A. Tardieu (France).
   Vice-Presidents, J. W. Headlam Morley (British Empire); C. H. Haskins (U.S.A.).
7. *Alsace-Lorraine.* (Appointed 22nd April.)
   Same as No. 6.

X. Inter-Allied Naval and Military Committee

(Session of Supreme Council, 12th February, 1919.)
President, Marshal Foch.

XI. Control of Production of War Material in Germany for Disarmament of Germany

(Session of Supreme Council, 24th January, 1919.)
No President.

The members were:
General J. J. Pershing (U.S.A.).
Right Hon. Winston Churchill (British Empire).
Marshal Foch (France).
M. Loucheur (France).
General A. Diaz (Italy).

XII. Specification of War Material which can be demanded from Germany to prevent her from renewing the struggle

(Session of Supreme Council, 7th February, 1919.)
No President.

The members were :

Hon. R. Lansing (U.S.A.).
Right Hon. Viscount Milner (British Empire).
André Tardieu (France).
General U. Cavallero (Italy).

XIII. Inquiry into means for imposing the Armistice on Germany

(Session of Supreme Council, 10th February, 1919.)
President, Marshal Foch.

XIV. Drafting Commission for the Military, Naval, and Air Conditions of the Armistice

President, General Dégoutte (France).

XV. Morocco

(Session of Supreme Council, 28th March, 1919.)
President, De Peretti de la Rocca (Italy).

XVI. Submarine Cables

(Session of Supreme Council, 7th March, 1919.)
President, M. Fromageot (France).

Austrian Treaty

The following Special Committees were appointed :

(1) *Committee on Political Clauses.*
President, M. Laroche (France).
(2) *Committee for Drafting Reply to Austrian Note.*
President, Jules Cambon (France).

Note.—On the above Commissions, Sub-committees, etc.,

France had	25	Presidents,	3	Vice-Presidents
United States	13	,,	1	,,
British Empire	11	,,	8	,,
Italy	9	,,	7	,,
Japan	—	,,	3	,,
Belgium	—	,,	2	,,
Czecho-Slovakia	1	,,	—	,,

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PRINTED AT OXFORD, ENGLAND
BY FREDERICK HALL
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A HISTORY OF THE PEACE CONFERENCE OF PARIS

PUBLISHED BY THE JOINT COMMITTEE OF
HENRY FROWDE, HODDER AND STOUGHTON
17 WARWICK SQUARE, NEWGATE STREET
LONDON, E.C. 4

A HISTORY OF THE PEACE CONFERENCE OF PARIS

EDITED BY

H. W. V. TEMPERLEY

THE WEST BENGAL LEGISLATIVE ASSEMBLY

VOL. II

THE SETTLEMENT WITH GERMANY

Published under the auspices of the Institute of International Affairs

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NOTE.—The history of the Treaty in this Volume is not carried beyond the 10th January, 1920, when ratifications were exchanged, unless otherwise specifically stated.

THE SETTLEMENT WITH GERMANY

INTRODUCTION

NEGOTIATIONS AND EVENTS PRECEDING THE SIGNATURE OF THE TREATY

1. *Introductory.* No account of the Peace Treaty could be complete without some indication of the objections raised by the German Government to the Draft Peace Treaty, of the brisk paper warfare which ensued, of the concessions made and the concessions refused, and of the final scene in the Galerie des Glaces. The sixth chapter of this volume contains a detailed study of these matters from a legal point of view. Here it must suffice to indicate the general political bearing of a few of the more important aspects.

On the 20th April the Germans, replying to the invitation to attend the Conference, stated that, as verbal discussion of the terms would not be allowed, they would send only two secretaries to receive the document. The Four at once intimated that it was essential to have Plenipotentiaries, who must be prepared to sign, and not messengers whose function was simply to transmit, the Treaty. The Allied Military Advisers also began to prepare plans to enforce peace on Germany, in case of her refusal to sign. On the 21st the Germans agreed to send six Delegates, and on the 30th they arrived headed by Count Brockdorff-Rantzau. On the 7th May the Draft Peace Treaty was presented to the Germans in a Plenary Session by M. Clemenceau. The session was remarkable for two incidents; one distinguished spectator noted the atmosphere of tense and concentrated hatred, and every one observed that the Germans of course sat while Clemenceau spoke, but that, when Brockdorff-Rantzau replied, he found it unnecessary to rise from his seat. The style of his address was not more conciliatory and his references to the 'Fourteen

Points' would have carried more weight, if they had come from one whose demeanour was more suggestive of the new era. In short the attitude of Brockdorff-Rantzau damaged the legend that Germany was a regenerated and repentant democracy.

On the 29th May the German counter-proposals, which amounted to 443 pages, reached the Council of Four. Meanwhile the Germans had published in German and also in English the full Treaty, of which only portions or summaries were available in the Entente countries. On the 10th June Brockdorff-Rantzau declared to a journalist that Germany would never sign such a Treaty. He at least did not sign it, but he was wrong about Germany.

2. *The German Counter-proposals of the 29th May.*[1] It must be admitted that the time allowed did not permit of much more than a general outline of objections and of counter-proposals. But, even making all allowances, the German counter-proposals were not always well drawn. For instance, they quoted largely from the 'Fourteen Points' and from other addresses of President Wilson up to the date of the Armistice. These were all relevant enough, and indeed formed the legal basis of the Armistice which they claimed that Germany accepted expressly and exclusively. But they cited also the speeches of other Allied statesmen, which had only moral and political weight, while the lengthy quotations, which they made from Mr. Wilson's long ago published work on 'The State' and from a speech delivered by Mr. Asquith (26th September 1917), when out of office, had no practical value except for propagandist purposes. Thus their endeavour to prove that the Allies had not fulfilled the 'Fourteen Points' was marred by their blunders. Their strongest argument did not lie in their quotations[2], even when these were relevant or when they bore a legal or definite character. Their most important contention was that the new German constitution conformed to the strictest principles of democracy and that the German 'League of Nations' scheme gave stronger guarantees for limitation of armaments than did the Covenant

[1] They were drawn up at Berlin on the 27th and reached the Four on the 29th.

[2] Many of the quotations were inaccurate, but not usually in such a way as to distort their real meaning.

embodied in the Treaty. They urged that these facts had been overlooked by the Allies and in the Treaty. 'It is impossible to imagine what more stringent political conditions could have been imposed on an Imperialist Government.' After standing thus on the defence the German Delegation passed to the offensive. 'In the Peace document laid before us a moribund conception of the world, imperialistic and capitalistic in tendency, celebrates . . . its last horrible triumph.'

3. *German Views on the Territorial Clauses.* Dealing with the territorial proposals they commented in general terms as follows. 'Their basis is indifferently now . . . an immemorial historical right, now . . . ethnographic ownership, now the consideration of economic interests . . . In every case the decision is against Germany.' But the Germans laid themselves open to the very charge of inconsistency, which they condemned. Thus over the Saar Valley they 'refuse to carry out any reparation as a punishment'. Again, 'Only with Upper Silesia can Germany fulfil the obligations arising from the war but without it never. On this basis, if on no other, Germany could not acquiesce in the cession of Upper Silesia.' In the case of Alsace-Lorraine also they based their argument on the great importance of 'the economic connexion with Germany . . . since 1871'. It thus appears that, when it suited the German convenience, the economic argument blotted out that of the wishes or consent of the population concerned. They were ready to accept a plebiscite in Alsace-Lorraine, which they had agreed to forgo in the Armistice, provided it was taken by neutrals and after the conclusion of peace. But they would have no plebiscite in Moresnet or Malmedy or in Upper Silesia, and they refused to accept the arrangements with regard to Luxemburg or Danzig. There was little coherence in these views but their argument was better and more consistent, when they pointed out that the new Schleswig plebiscite boundary fixed in the Draft Treaty, was 'drawn through purely German districts and goes beyond the wishes of Denmark'. Subject to a redrawing of the line according to ethnic boundaries they were prepared to accept the Schleswig plebiscite in principle.

Under the head of the League of Nations they demanded that that body should consist of technical bodies and impartial courts. They demanded also that Germany should immediately

enter the League with equal rights, that commerce, trade, and agriculture should be equal between nations, and that the nationals of one member-State of the League should be on an equality with those of another as regards taxation and imposts. These last demands were very far-reaching and the concession of them would have been much to the German advantage. As for armaments, the Germans demanded a general reduction and limitation within two years, up to which time special arrangements could be made for Germany. Finally they demanded that negotiations should be carried on by word of mouth, and in justification for this, as for everything else, asserted that there are 'natural rights of nations as well as natural rights of man', and 'inborn rights of men and peoples'.

4. *German Proposals for the Polish Frontier.* It was in dealing with Poland, however, that it became apparent that the German mentality had changed little. The German Government stated that 'it had friendly relations with Poland'; but it betrayed no friendly feelings. Every possible concession to Poland was refused, every possible territorial claim denied, every possible attempt made to depreciate Polish civilization and capacity. The German Government rejected the 'proposed rape of Danzig', opposed the cession of Memel and denied the Lithuanian character of its inhabitants. It stated that East Prussia had been part of Germany for 300 years, and that no one wanted to part from her 'except foreign agitators'. It stressed the 'economic, cultural and social significance' of German work in West Prussia, and declared that the frontier as drawn there was against ethnic justice, quoting President Wilson's book on 'The State' to prove that the town of Netze was Prussian, though now assigned to Poland. The cession of Upper Silesia to Poland would mean 'industrial decay' for 'conditions of life, sanitary regulations, and social amelioration' were incomparably better in Upper Silesia 'than in the adjacent kingdom of Poland, where legislation for the benefit of the working classes has but scarcely begun'. In every other part of their reply the same hatred of Poland emerges. Thus they refused to cede railway stock to Poland under Art. 370–1 'since Germany has taken no railway material from Congress Poland.' Even in the Labour section they seized the opportunity to point to States 'like the future

Poland (which) possess no or insufficient qualification for the welfare of workers '.[1]

As regards the clauses relating to Russia and the Baltic States they put up a strong resistance. They declared they had renounced the Brest-Litovsk Treaties and had not ratified the Treaty of Bucharest. They could not do more, and they refused to recognize new States like Esthonia, Latvia, and the like.

Turning to German colonies they took occasion to point out that they were 'acquired justifiably and developed', and that Germany claimed to govern Colonies 'as one of the great civilized races' (Kultur Volk). 'The retention by Germany of her Colonies is, however, equally based on the interests of the coloured population of these territories.' She demanded therefore a mandate for the Colonies. As regards Kiaochow they were willing to renounce German claims though they demanded, here as elsewhere, indemnification for public property in general. They also pointed out that Germany by Art. 147 (recognition of British protectorate in Egypt) had to 'engage to run counter to the principle of self-determination'.

5. *German View of Reparation.* In respect to Compensation and Reparation the whole question is argued at length elsewhere in this volume.

The whole question of liability for compensation was made an occasion for demanding the return of the Colonies, in order to make good Germany's obligations under the Treaty. It

[1] This reply on the Polish question might have been almost textually reproduced from German pre-war professional utterances on the ancient Slavs, e. g. from the work of Dr. Peisker and Giesebrecht on the ancient Slavs, the former written just before the war. 'The primitive German was as savage in war as the mounted nomad (the Slav), but far superior in character and capacity for civilization. *The German with one leap into civilization, so to speak, from a plunderer becomes a founder of brilliant and well-ordered States, bringing to high perfection the intellectual goods which he has borrowed. On the other hand the lightest breath of civilization absolutely ruins the mounted nomad.* . . . It is then no wonder that the Slavs, incapable of resisting the terrible plundering raids and powerless to give themselves political organization, preferred to submit . . . Neither from the Germans nor from the Romans did they permanently wrest a span of ground; in spite of their enormous expansion their part is purely passive. . . .' Dr. Peisker goes on thus; 'Giesebrecht excellently characterizes the *Baltic Slavs*: "A mixed race, not seldom fluctuating in sharp contradiction in their belief, law, and customs, the Wends were already a fallen nation when they came in contact with the Franks. Thus from them could proceed much that was energetic as far as it could be carried out by individuals, families, or associations, *but nothing that pre-supposed national unity.*"' Dr. Peisker, *Cambridge Mediaeval History*, Vol. II, pp. 433–4, 453, 457.

will be remembered that, in the case of the Saar Valley, Germany refused 'to carry out any reparation as a punishment', while alleging that she could not cede Upper Silesia if she was to pay her debts. The German Government offered, however, to pay 20 milliards of gold on or before the 1st of May, 1926, and a total of not more than 100 milliards of gold.[1] They declined 'the ton for ton principle' as regards shipping, declared they must have a sufficient commercial fleet, and offered to build ships as required for compensation. Their final standpoint was expressed as follows: 'The German people cannot support any conditions which amount to its disorganization. It does not live only in order to perform acts of reparation, but rather to effect its reconstruction while discharging the burdens laid upon it.'

6. *General Conclusions.* Of the other questions raised by Germany only one demands notice here—the German claim to represent the new democracy.

The Labour section of the Treaty was used as a vehicle of propaganda for the new German Government to appeal to the workers of the world in the character of the most recent and most enlightened of governments. They ended on a note of warning. The Allies should remember that Bolshevism sprang from despair and that despair would result from forcing this treaty on Germany. It would be better for the world to enjoy 'a new common life based on liberty and labour'. 'Justice and the free consent of all parties to the Treaty will furnish the strongest—nay in course of time the only—guarantees of the treaty that is to be concluded.'

7. *Interval between German Observations and Allied Reply, 29th May to 16th June.* The Allied and Associated Powers took over a fortnight to reply to the Germans. During this period the wildest possible rumours were afloat, and one interesting development took place, the proclamation of a Rhineland Republic at Coblenz (4th June). This new internal revolt against Germany did not show great vitality or meet with the support of the 'Four', and consequently it speedily collapsed. Their attitude to this abortive attempt showed that the Powers did not wish to make the position of the German

[1] This offer was hedged round with some very perplexing and apparently prohibitive conditions, e. g. retention of her colonies and large merchant ships, her enjoyment of 'the same freedom of action as other people', &c.

Government too difficult. Meanwhile the Austrian Treaty was presented to the Austrian Delegation, and it is difficult to suppose that its terms could have encouraged the Germans in their demand for concessions. Finally on the 13th, after the Four had discussed and decided on the main points, the drafting of a reply was entrusted to a Committee of Five. These included for France M. Tardieu, perhaps the most widely learned of all the Plenipotentiaries, Mr. Philip Kerr representing the British Empire, Mr. Hudson the United States, Count Vannutelli Rey Italy, and M. Saburi Japan. Their reply was approved, signed by M. Clemenceau, and dispatched on the 16th.

8. *The Reply of the Allied and Associated Powers, 16th June.* The reply falls into two parts—a covering letter, summarizing the general terms, and a formal answer in detail to the German observations.

The latter may first claim our attention. The first section of this, and in principle the most important, gave the Allied view of the 'Basis of the Peace Negotiations'. Mr. Wilson had already been reported by the *Matin* as having said that he did not think that the Treaty violated the Fourteen Points. The Allied and Associated Powers as a whole, declared that they and the other principles of President Wilson, as laid down in his speeches from the 8th January to 27th September 1918, and as modified in the Allied memorandum included in the President's note of 5th November 1918, are the 'principles which have guided them in the deliberations which had led to the formulation of the Conditions of Peace'. They seized the opportunity to point out that the many quotations made by the Germans from the speeches of Entente statesmen other than Mr. Wilson were quite irrelevant to the issue, but that in point of fact in their note of the 10th January 1917, to the President of the United States, the Allies had laid down very similar terms for the conclusion of peace. They also quoted as apparently still applicable the Allied note of 10th January 1917, in the passage which refers to 'the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization'.[1]

[1] This quotation is important, and Mr. Lloyd George apparently considered that this foreshadowed an American mandate at Constantinople, *v.* speech in Parliament of 27th February 1920, and contrast this with his speech of 5th January 1918, 'Nor are we fighting . . . to deprive Turkey of its capital, or of the rich and renowned lands of Asia Minor and Thrace, which are predominantly Turkish in race.' This speech appears to contradict the note of 10th January 1917.

Turning again to President Wilson's speeches, they quoted and accepted as two of the agreed principles of the peace the giving of justice to the German people, and the destruction or reduction to virtual impotency 'of every arbitrary power everywhere that can separately, secretly, and of its own choice disturb the peace of the world'. They then quoted the German statement that 'in every case the decision (on territorial matters) is against Germany' and denied its application, stating that the fact that the decision was sometimes against Germany, was because an appreciable portion of the territory of the German Empire consisted of districts which had in the past been wrongfully appropriated by Prussia or by Germany.

9. *The Territorial Clauses.* These are analysed elsewhere. The concessions actually made were of much importance in the case of Poland and of Schleswig.

As regards Poland the idea of the Allies was to right the great wrong of a century ago, 'which has for long poisoned the political life of a large portion of the Continent of Europe . . and perverted the political life, first of Prussia and then of Germany'. They showed that as regards Posen and West Prussia, if historic rights were pressed, practically all the territory in each case would go to Poland. To avoid even the appearance of injustice, they had left to Germany those parts near the German frontier which had an undisputed German predominance of population. Certain areas, such as Bromberg, could not be brought under this head, and as the difficulty had been enhanced by German expropriation and artificial colonization, a recognition of German claims would have sanctioned injustice and oppression. In deference to German protests, however, concessions had been made, and a line nearer the ethnic line would now constitute the western Polish frontier in this area. In Upper Silesia the claim of Poland was not historic, but it was ethnic; yet again, in deference to German wishes a plebiscite was conceded (Art. 88 and Annex). They also made important concessions, in case of the transfer of Upper Silesia to Poland by plebiscite, to make the coal available to Germany for fifteen years on the same terms as to the Poles (Art. 90). Provisions were also inserted to give protection to Germans in any liquidation of their property in these areas (Art. 297). Finally, a new article (93) was passed by which Poland was to agree by a Treaty (eventually signed the 28th June) 'to protect the interests of the inhabitants

of Poland who differ from the majority . . . in race, language or religion.' Thus 'they will not be subjected to persecution similar to that which Poles had to endure from the Prussian State'. As regards East Prussia the Allies adhered to the plebiscite in the 'Allenstein area', and expressed surprise that the Germans, 'at the very moment when they profess assent to the principle of self-determination', refused to 'accept the most obvious means of applying it'. The Allies, however, revised the articles dealing with communications between East Prussia and other parts of Germany in a sense more favourable to the Germans (*v.* Art. 98).

As regards Memel, the Allies retained their point of view and reaffirmed the Lithuanian character of the whole district. In respect to Danzig the Allies admitted the predominantly German character of the city population, but based their solution on the fact that 'the economic interests of Danzig and Poland are identical', and that Poland was justified in having access to the sea.

As regards Schleswig, the Allies made a new concession and altered the article in the Peace Treaty at the desire of the Danish Government.

Finally, in regard to Russia and the Colonies the German protests and observations were uncompromisingly rejected.

As regards the Military clauses, a few small concessions were made. The reduction of the German military forces was made more gradual (Art. 163), and similar modifications were made with respect to the demolition of fortifications (Art. 180).

10. *Allied View of Penal Clauses and Reparation.* The reply of the Allied and Associated Powers dealt at some length with the German responsibility for the war. Effective use was made of some statements by the new Government. For instance:

> 'The view of the Allied and Associated Powers could not indeed be better expressed than in the words of the German Memorandum itself. "The real mistakes of German policy lay much further back. The German Chancellor who was in office in 1914 had taken over a political inheritance which either condemned as hopeless from the start his unreservedly honest attempt to relieve the tension of the internal situation, or else demanded therefor a degree of statesmanship, and above all a strength of decision, which on the one hand he did not sufficiently possess, and on the other, he could not make effective in the then existing conditions of German policy."'

These arguments justified the proposed punishment of

individuals and the arraignment of the Kaiser. In particular it was pointed out that the latter was not arraigned for juridical but for supreme moral offences.

On the general question of Reparation the Allied Reply took strong objection to the German description of the Reparations Commission, but did not enter much into detail.

After thus lodging a protest against the German view of the Reparations Commission, the Allied Reply proceeded to examine the German proposal to pay 100,000,000 marks in gold. This was described as not an 'extensive offer'. No interest was to be paid, and no substantial payment at all, except the surrender of military material 'and the devolution on other Powers of large portions of Germany's own debt', was to be made till 1927.

The only substantial Allied concession was to make an arrangement (v. chap. I, pt. 4) by which Germany might offer a lump sum in settlement of her liabilities within four months of the signature of the Treaty. As regards financial and commercial policy and private property there were no very serious modifications.

11. *Internal Communications of Germany.* As regards Part XII, Ports, Waterways, and Railways, the Allies put forward an extensive argument to show that all German rivers were really international, as having either their sources or their mouths in other countries. The concessions actually made were as follows: 'The freedom of transit between East Prussia and the rest of Germany is more clearly defined.

'The number of representatives from Germany on the Commission for the Oder is increased from one to three.

'Measures are taken to ensure the representation of Germany at the Conference which will be charged with the duty of establishing a definitive statute for the Danube.

'The (future) Rhine-Danube canal is to be subjected merely to the régime applicable to waterways declared to be international.

'The provisions relating to the possibility of an International Commission being required for the Kiel Canal and a large part of the provisions relating to railways to be constructed on German territory are deleted.' None of these concessions had the effect of putting the Germans in a majority on any river commission.

12. *Labour and Guarantees.* As regards Part XIII, Labour,

only one small point was altered in Article 312, concerning the protection of Labour in ceded territories. An additional clause provides for the reference to impartial technical commissions of 'all cases in which an early settlement was not reached by direct negotiation.'

As regards Part XIV, Guarantees, the Allied reply may be quoted in full:

'The German Delegation observe in their remarks on the Conditions of Peace: "Only a return to the immutable principles of morality and civilization, to sanctity of treaties, would render it possible for mankind to continue to exist."'

'After four and a half years of war which was caused by the repudiation of these principles by Germany, the Allied and Associated Powers can only repeat the words pronounced by President Wilson on September 27, 1918: "The reason why peace must be guaranteed is that there will be parties to the Peace whose promises have proved untrustworthy".'

13. *The Covering Letter.* The covering letter, which accompanied this detailed reply, summarized the whole argument in a few pages with great power and brilliance. The attitude taken up is of great consequence, for it explains the severity of some terms of the Treaty. Germany, being responsible for the war and for the 'savage and inhuman manner in which it was conducted', had committed 'the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilized, has ever consciously committed'. Seven million dead lie buried in Europe, more than twenty millions bear wounds and sufferings 'because Germany saw fit to gratify her lust for tyranny by resort to war'. Justice was indeed to be the basis of the peace, which Germany had asked and was to receive. 'But it must be justice for all. There must be justice for the dead and wounded and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism. . . . There must be justice for those millions whose homes and land, ships and property German savagery has spoliated and destroyed.' That was the reason for reparation, for punishment of criminals, and for the economic disabilities and arrangements to which Germany must temporarily submit. After detailing in brief the proposed modifications the letter concluded: 'The Allied and Associated Powers must make it clear that this letter and the memorandum attached constitute their last word'. In principle, despite concessions to Germany,

they stand by the Treaty, and the machinery has been created by which 'the settlement of 1919 itself can be modified from time to time to suit new facts and conditions as they arise'. It is not based on a general condonation of the events of the war. 'It would not be a peace of justice if it were. But it represents a sincere and deliberate attempt to establish "that reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind," which was the agreed basis of the Peace. As such the Treaty in its present form must be accepted or rejected.' A declaration was required from the German Delegation within five days that 'they are prepared to sign the Treaty as it stands to-day'. In default of such a declaration this communication would serve as the notification provided in Article 2 of the Convention for prolonging the Armistice signed on the 16th Febuary, 1919. 'The said Armistice will then terminate, and the Allied and Associated Powers will take such steps as they think needful to enforce their terms.'

14. *General Considerations on the Peace Terms.* It is convenient at this point to reflect a little on the general principles of the Treaty. It is worth considering first what sort of peace could have been proposed by the Allies if the 'Fourteen Points' had not stood in the way. The result would have been very different if strategic, and not ethnic, arguments had been advanced; if, for example, principles like those on which the Italians have secured the Tyrol up to the Brenner Pass had been adopted. To give back Heligoland to Great Britain, to advance Danish territory to the south so as to cover the Kiel Canal, to give France the frontier of 1814 in its entirety or even the left bank of the Rhine, none of these proposals were without strategic argument or some historic justification. Yet such principles were not accepted, and even the arrangement as to the Saar basin did not give France the sovereignty over it, still less did it give her the whole frontier of 1814. The territorial settlement was defensible on the basis of the 'Fourteen Points', and it should be recognized that in the present condition of the world the primary basis of a peace-settlement must always be territorial. Man is first of all a political, not an economic, animal, and territorial terms must always possess a permanence which no economic or financial conditions can approach. It is possible to reduce the financial claims on Germany without impairing any essential principle of the peace, but the return

of part of Alsace-Lorraine or of Posnania would at once involve a disavowal of the aims of the Treaty and a disruption of national integrity. The plebiscites as a whole are unique in their fairness to the defeated nation, and it is worth noting that the Allies have already conducted a plebiscite in Schleswig on lines which the Prussians bound themselves in 1866 by treaty to give, though they subsequently repudiated their obligation. The drawing of the Eastern frontier and the provisions for the Polish plebiscites are similarly marked by a conspicuous attempt to realize self-determination. The only objection that can be urged is that some of the voters may be influenced by their desire to escape from a country crushed under such financial burdens as Germany will have to shoulder. In other words that the German mark and not the German blood may be the decisive factor in some plebiscites.[1] But in general the measure of the success of the territorial arrangements is the difficulty which the Germans found in putting forward an effective criticism of them. To this there are two possible exceptions. The Free City of Danzig and the Saar valley do indeed raise difficult ethnic problems, but the necessity of Poland's 'access to the sea' and of enforcing reparation also present questions which legitimately conflict, and yet can ultimately be reconciled with the territorial principles advanced in the 'Fourteen Points'. On one point alone is this more purely territorial part of the German settlement open to criticism; that is, the refusal under Article 80 to permit Austria to join Germany if she wishes. The question can be raised in the League of Nations, but the Council has reserved the right of decision. It does, however, appear a legitimate criticism that the provision that the Council must be unanimous means that either Italy or France can forbid this union in the future.[2] But we cannot omit the consideration that the independence of Czecho-Slovakia was a condition of the Armistice accepted by Austria, and that this independence might be jeopardized, at least in its early days, if Austria and Germany unite. Moreover, it cannot be regarded as certain that a plebiscite in Austria at this moment would represent anything but the

[1] This may prove the case in Upper Silesia, it is evident that in the southern zone of Schleswig the inhabitants voted on ethnic, not on economic, lines.

[2] *v.* Vol. I, chap. 8 (iii).

Austrian desire to obtain more food at any cost.[1] It may be hoped that, when the question does come before the League, it will be settled in a manner consonant with the definitely ascertained wishes of the Austrian people.

The territorial part of the 'Fourteen Points' and of the subsequent addresses of the American President are the most definite of all the principles there enunciated. Those on reparation and indemnities are the most dubious, but it is of interest to observe that the most generally assailed provision in the treaty (Art. 231 and Annex I), that making Germany responsible for pensions and allowances, was proposed by General Smuts, whom no one can accuse of vindictiveness towards Germany.[2] While there were many who condemned the policy of including pensions in reparation, and it is unquestionably the largest financial item in Germany's indebtedness, it is also well not to forget that there were some high-minded men who supported it.

Of the Four Great Powers, which took part in the Conference, one had suffered from the war more deeply, perhaps, than any one can imagine, another came to the Conference in the full pride of victory and of unlimited strength, a third had interests concentrated on Austria and not on Germany, a fourth was fresh from a great electoral mandate which demanded that Germany should pay and be punished to the utmost. From the leaders of such Powers, whose peoples had suffered or wrought so much, it was not possible to expect that calm detachment from popular influences or that indifference to popular pressure which an ideal peace conference demanded. While the Conference was actually sitting neither Clemenceau nor Lloyd George nor the President lacked significant reminders from their respective nations as to the limits of their personal powers and as to the intensity of national

[1] It is important in this connexion to note that, in the case of one piece of territory to be ceded under the terms of another treaty than the German, the inhabitants showed their opinion emphatically in one direction, in the middle of 1919, but appeared equally emphatic in another direction early in 1920. Fear of Bolshevism or desire for food, i.e. temporary influences, have certainly prevented us from ascertaining the permanent wishes of a population in more than one instance.

[2] *v.* Letter of Mr. Dulles in *The Times* of 16th February 1920, in reply to J. M. Keynes's *Economic Aspects of the Peace*, chap. v. Mr. Keynes draws attention to the fact that the President's legal advisers gave a legal opinion that pensions did not come under the head of reparation. v. *infra*, chap. ii, pts. iii and iv.

feeling on many of the subjects under discussion, and Orlando and Sonnino were actually defeated in their Parliament and replaced by a new ministry. While it is true that certain decisions could be taken by the Four on their own responsibility, it is equally true that certain other decisions were not of this class. There were occasions when neither the French, nor American, nor British, nor Italian representatives could give way, on account of popular pressure in their own countries, and as decisions had to be unanimous, the veto of one Power might mean the complete reversal of a policy. Perhaps no one knows the history of all these occasions, perhaps it never will or can be known, but it is certain no democratic negotiators ever yet had such difficulties to confront or to surmount. When General Smuts wrote of the Treaty as 'the peace of the statesmen', he did not realize that it was the peoples as much as the statesmen, who at the moment had made it so difficult to negotiate a satisfactory peace.

A less recognized, but no less powerful, influence on the composition of the Treaty than popular excitement or international disagreement was the simple fact that the terms of the Treaty were worked out by different sections, political, economic, military, naval, and financial. The experts on one subject often had no time to communicate with the experts on another, so that common or general policy between the sections was difficult, and the total effect of the burdens laid upon Germany was probably not realized by the time that the Treaty was complete. The only persons who had certainly read the Treaty in its entirety, apart from the printers, were the Drafting Commission, and their task and their comments were legal, and not political. The complexity of conditions and the pressure of time compelled the Treaty to be drawn up in sections, and prevented the cumulative and converging effect of the provisions from being realized at the time. This cause, though one of the simplest and most obvious in its character and effects, is liable to be forgotten by historians of the future. Even if the 'Four' had not undertaken the executive direction of the world, in addition to framing its future legislative code, it is doubtful if they could have remedied this defect, which lay deep in the nature of things.

In summing up it is well to remember that the Allies viewed Germany sternly. They regarded themselves as playing the part of Rhadamanthus, the avenger of innocent blood. There

was no question of 'appeasement', as General Smuts wanted, but of hard justice, no less and no more. President Wilson's speeches in 1918 carry with them a distinct intimation that the wrongs done by Germany were to meet with stern and exemplary punishment. Above all, and most important and fundamental, it is clear that the President did not view the change in the German Government as a reason for trusting Germany to carry out the terms of peace or for admitting her into the League of Nations immediately after Peace was signed. Speaking of the League of Nations on the 27th September 1918, he had said 'it [the League] cannot be formed now . . . it must be a part, and in a sense the most essential part, of the peace'. Peace had to be guaranteed because 'there will be parties to the peace whose promises have proved untrustworthy'.[1] The fact that Germany was still on probation, and therefore could not enter the League at once, is at the basis of all the negotiations. This is essential, and it explains the connexion between the Wilsonian ideas and those of General Smuts. Wilson regarded the League as necessary to guarantee the territorial integrity of weak states, like Denmark, or Belgium, or Poland. He looked to it also to enforce the disarming of Germany, and to prevent the revival of arbitrary power there or elsewhere. But he looked to it also to prevent racial oppressions of Germans in Danzig or the Saar valley, and, above and beyond all this, to revise and modify and adjust the peace as occasion demanded. General Smuts' view of the Treaty and the League was different, but not irreconcilable. He pleaded not for severity but for appeasement, he expressed disapproval of the Treaty in some of its territorial terms as regards some guarantees, punishments, and indemnities, which he hoped would soon be revised. Yet he found also something to praise in the instrument which he condemned. 'The real peace of the world ought to follow, complete and amend the peace of the statesmen. In this Treaty, however, two achievements of far-reaching importance for the world are definitely recorded. The one is the destruction of Prussian militarism, the other is the institution of the League of Nations. *I am confident that the League of Nations will yet*

[1] General Smuts in his statement, published 29th June 1919, seemed to admit the same thing. 'The Germans must convince our peoples of their good faith, of their complete sincerity, through a real honest effort to fulfil their obligations,' and he warned them against subterfuges.

prove the path of escape for Europe out of the ruin brought about by this war.' And in a later statement in July: 'The great ideals of progress have won through; that is the real and abiding significance of this war and its tremendous conclusion. If that is so, then this war should leave no lasting bitterness behind it in the minds of the peoples. The baser elements of human nature have been defeated in the enemy; they should not re-establish themselves in the victors.' It is in this sense that President Wilson and General Smuts are agreed. For it is on the League and on the machinery it provides for wrongs to be stated and to be redressed, that the ultimate destinies of mankind must depend. Indeed, though it forms the sole immediate hope of Germany and of Austria, it is also the only ultimate hope of the world.

15. *The Germans sign the Peace Treaty, 17th–28th June.* The Germans had received the terms; it remained to be seen if they would sign them. Opinion fluctuated wildly in Germany, but the concessions had made a great impression. The anger of Germany against the cession of territory to Poland was, to some extent, assuaged by the offer of plebiscites in Upper Silesia. But the Government fell, and Bauer came into power and replaced Brockdorff-Rantzau by Hamel von Haimhausen (22nd June). In view of these changes the time limit was extended from five to seven days. On the 21st the Allied Governments dispatched a 'final last word' to Germany, assuring her that the concessions indicated in the 'first last word' of the 16th June were binding on the Allied and Associated Powers. On the 22nd Haimhausen, now in charge of the German negotiations, informed the Allies that Germany must decline all responsibilities for difficulties on her Eastern frontier, thus again indicating her sensitiveness in this area. He also sent a communication, in which he intimated that Germany would sign, if the Allies would not insist upon Articles 227–230, which provided for the surrender of the Kaiser and of war-criminals, and on Article 231, which declared Germany the sole and only author of the war. The Four met at Mr. Lloyd George's house in the Rue Nitot, and on the same evening despatched a reply rejecting both demands, and insisting on immediate compliance. The time-limit expired at 7 p.m. on the 23rd, but by 5.20 p.m. displays of flags on the *Hotels Crillon* and *Majestic* and *Astoria*, and the press of people in the streets announced to all Paris

that the Germans had consented to sign. It was arranged that Herr Müller, the new Foreign Secretary, and Dr. Bell should sign as plenipotentiaries. On the 27th June M. Clemenceau addressed a letter to the German Delegation to inform them that the blockade would be raised as soon as the Allied and Associated Governments were advised of 'the regular and complete ratification of the Treaty of Peace' by the German Assembly.

The contest was over, but the ceremony remained. It was staged with all that attention to finish and to detail, and that elaborate and picturesque art of which the French are masters. Though no negotiations had taken place in the great palace of Versailles, this was to be the scene of the signature. The Cour de Marbre had been filled with captured German guns on the Sunday before, but on the 28th June there was no trace of them. The environs of Versailles, its streets and its squares were filled with infantry and cavalry in sky-blue uniforms and steel helmets. On entering the palace the Delegates passed through a line of cuirassiers carrying naked swords and wearing helmets with horse-hair plumes and steel breastplates. The scene was set in the Galerie des Glaces, adorned with the painted victories of King Louis, the room in which a King of France had humiliated the Republic of Venice and declared his grandson to be King of Spain, where a King of Prussia had held his triumphant court and been declared German Emperor before the Kings and Princes of Germany and the generals of an army victorious over Frenchmen. In the Galerie itself, on the 28th, there were few soldiers, yet there were the delegates of thirty nations. As three o'clock sounded, a hush suddenly fell upon the assembly, and the German delegates appeared, preceded by four Allied officers. Müller was pale and nervous, Bell held himself erect and calm. They were led to their seats just opposite the table of rose and sandalwood on which the book of the Treaty was placed. Clemenceau rose quickly to his feet, and formally asked the German plenipotentiaries to sign. The nervous strain was such that all the actors played their parts awkwardly. Immediately after Clemenceau's speech the German delegates rose, bowed, and prepared to sign. It was explained to them that the speech must be interpreted, and they sat down. Mantoux—for once—stumbled in his interpretation, and was corrected by Clemenceau for speaking of the German 'Republic'

instead of 'the German Realm'. Then the German delegates signed. After them President Wilson and his plenipotentiaries signed, then the British delegates, including the Maharajah of Bikanir, then the French, then the Italians, and the rest in order. As Paderewski was signing the guns began to boom outside. Finally, about 3.40 p.m., the ceremony ended, and the delegates passed out of the building into the open air. In the garden the fountains, for the first time since the war had begun, were leaping in their famous cascades, and the crowds were cheering and pressing close—for all that their bodyguard could do—around the four men who had governed the world since the Armistice, and had now laid the German Empire in the dust in the very place where it had arisen in its glory.

Note.—The following account is given by M. Tardieu (*L'Illustration*, 29th May 1920, p. 325), with reference to the negotiations between the Allies preceding the signature of peace. On the 31st March 1919, he says that M. Clemenceau directed him to address a Memorandum to the first delegates of the Great Powers, pointing out that the existing suggestions as to the Treaty made by the other Great Powers were inadequate. They amounted to definite and total guarantees for the maritime powers, e. g. cession of all Germany's overseas possessions, surrender of Germany's war fleet, and most of her commercial fleet, and some exclusion of Germany from external markets. For the continental countries, however, there were only partial solutions, e. g. reduction of frontier suggested for Poland and Bohemia; the defensive engagement to protect French territory offered to France; the régime proposed for the Saar coal-fields, the subordination for all German payments to her capacity to pay 'à la capacité de paiement'. From these arrangements would result an inequality which must imperil the relations of the Allies after the war.

Discussion followed, and in the second fortnight of April 1919, Clemenceau 'obtenait les garanties essentielles jusqu'alors vainement réclamées' from the other Allied and Associated Powers. These consisted of occupation of the left bank of the Rhine, cession to France of the Saar mines, creation of the territory of the Saar valley, prohibition to Austria to unite

herself with Germany, and 'réparation intégrale des dommages et remboursement des pensions'. He goes on to say that, after the Germans had received the Treaty, further attempts were made to alter these terms, especially in respect to reparation, and to the earlier admission of Germany into the League. On 13th June he says that these attempts were finally defeated, and the French view prevailed.

Note.—On the 10th January 1920 the Protocol of the Peace Treaty was signed at Paris and the Peace Treaty came into force.

CHAPTER I: SECTION I

GENERAL AND INTERNATIONAL CLAUSES

PART I

THE LEAGUE OF NATIONS

General Indications

I

1. *Introduction.* Future historians, tracing the origin of the League of Nations, will doubtless examine the writings of essayists, the schemes of peace societies, and the speeches of statesmen, and will point out, article by article, how the main lines of the Covenant took gradual shape through study, discussion, and propaganda before it became the subject of official negotiations at Paris. The embryology of ideas is a science much in vogue, but for the purpose of this chapter it is of more importance to point out the connexion between the chief provisions of the Covenant and the immediate preoccupations of statesmen during the War. The League of Nations as constituted at Paris probably owed less than is generally supposed to its intellectual forerunners, though it owed much to general popular aspirations and idealism. The creative force behind it was the passionate hatred of war, but the practical problem how war could best be avoided or diminished, having in view the inveteracy of nationalist feeling, was presented for solution to men who for four and a half years had been absorbed in crushing administrative tasks. Such men learn mainly, not from books, but from experience. During these years experience had forced three main ideas upon Western statesmanship, and these became the foundation of the Covenant.

2. *Three Practical Causes of the Desire for a League.* In the first place, the course of negotiations in the twelve days immediately preceding the outbreak of war drew attention to the need for some settled Council of the Nations responsible for the maintenance of peace. This lesson was later reinforced by

recurrent disputes between the Allies on matters political, military, and economic. The Balkan failure, directly due to continuous disagreement between London, Paris, Petrograd, and Rome, discredited ordinary diplomatic machinery. Successive military disasters brought up the problem of unity of command. Bitter controversies in regard to equality of economic sacrifice, arising first out of the operation of the blockade and later out of the general shortage of supplies, indicated the need for a common economic policy. Hence the Supreme War Council, the Allied Military Committee at Versailles, and the Allied Maritime Transport Council.

In the second place, the violation of Belgium demonstrated the need for a more comprehensive guarantee of the safety of small nations than could be furnished by incidental treaties between a group of Powers. This truth was, however, hardly realized until the diplomatic conflict between the Allies and neutral nations, arising mainly out of the blockade, drew attention to the anomalies of the doctrine of neutrality in a world war.

Finally, the increasing exhaustion of Allied resources during the later stages of the War forced upon the Allies a co-operation not merely in the formulation of broad policies but in the detailed administrative execution of such policies. National resources, instead of being made the subject of general agreements between statesmen, were actually, in a measure, pooled under the joint management of international bodies. From the experience thus gained, it began to be realized how great were the possibilities of such co-operation, how meaningless had been many of the economic rivalries which had divided nations in the past and how beneficial in a practical way, apart from any question of conciliation or the settlement of problems of high policy, might be an organized system of international administration in affairs of common interest to all nations. Moreover, experience during 1917 and 1918 showed that Inter-Allied bodies tended to succeed or fail in proportion as they were provided with efficient secretariats capable of carrying out the detailed administrative work entailed by the policy laid down at periodical meetings. This point was particularly demonstrated by the efficiency of the Secretariat of the Allied Maritime Transport Council.

It was by some such process that the various provisions of the Covenant took shape. The first set of considerations, referred to above gave birth to the Assembly and Council of the

League and determined the functions of high policy and conciliation assigned to them by Articles 11 to 15 and Article 19.[1] The second found expression first in Article 10, with its guarantee of territorial integrity and political independence, and secondly, in Article 16, with the obligation it imposes on all members of the League to enforce the maintenance of peace. Finally, it was due to the practical experience of international administration acquired during the later stages of the War that the international secretariat, established by Article 6, occupied a more central position in the Covenant than the 'Secretarial Bureau' provided for in previous unofficial schemes, and was invested with functions, under Articles 22 to 24, of a definitely administrative character. These are the fundamental and essential provisions of the Covenant and all others are little more than corollaries.

3. *Arbitration in relation to the League.* It will be observed that the ideas of international law and arbitration played but a small part in these provisions. The only traces of them are contained in the Preamble, where the 'firm establishment of the understandings of international law' is placed after the promotion of 'international co-operation' among the objects of the League; in the mention of arbitration as an alternative to action by the Council or Assembly of the League in Articles 12 and 15, and in the more specific provisions of Articles 13 and 14.[2] Among all these provisions the only one which makes any appreciable advance upon the régime of arbitration treaties existing before the War is the Permanent Court of International Justice foreshadowed in Article 14.[3] In fact, owing to the experience of war, the idea of legal arbitration had to a considerable degree receded into the background, especially in the mind of statesmen at Washington and London, where, even before the War, the failure of the 1911 Arbitration Treaties and their supersession by the 'Bryan' Conventions had marked a tendency to seek peace in conciliation rather than in judicial procedure. It is important to note this fact because it may be regarded as

[1, 2] See Vol. III, Appendix III, pt. 2 for full text, and Appendix II, pts. 3–4.

[3] Article 14 is as follows: 'The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.'

certain that any scheme for a League of Nations worked out by European publicists would have taken a very different form from that embodied in the Covenant. The schemes worked out, with more or less of official sanction, not only in neutral countries such as Scandinavia, Holland, and Switzerland, but in Allied countries such as France and Italy, about the time of the Armistice, were indeed mainly built on the basis of the Hague Conventions. The German scheme, and even the American draft convention laid before the New York Bar Association in January 1918, though far more original and more comprehensive, were also marked by a tendency to lay special stress on the adjudication of disputes. The second paragraph of Article 13 must indeed be regarded to a certain extent as an afterthought—a concession made, perhaps, in direct response to M. Léon Bourgeois' protests against neglect of the work accomplished by the Hague Conferences. 'Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration' (Art. 13). This side of the Covenant must be further developed by the League, but at present it is important to emphasize the extent to which it has been left in the background.

II

4. *Schemes of a League previous to the Peace Conference.* The Covenant was the first part of the Peace Treaty to be completed and laid before the Plenary Conference, and the rapidity of its preparation is in some respects the most significant thing about it. There had been no cut-and-dried agreement as to its terms before the meeting of the Conference. The idea of the League had frequently been referred to by Allied statesmen, its principles had been the subject of many pronouncements by President Wilson, but neither President Wilson's speech of 27th September 1918, nor Lord Robert Cecil's address to the University of Birmingham of the 11th November, perhaps the two last authoritative pronouncements before the meeting of the Conference—contained anything which could be called

a definite project.[1] General Smuts's pamphlet alone put forward comprehensive proposals, but its author has always insisted that his work was intended to awaken interest and stimulate discussion, not to lay down policy.[2] As already stated, the official or semi-official schemes drawn up in France, Italy, Scandinavia, and Holland, and the unofficial American scheme bore no close relation to the Covenant itself. In England, where the subject had been under examination by the Foreign Office for more than two years, a Committee had worked out a scheme in the spring of 1918 which had been carefully considered by the Cabinet and much spade-work had been done on many phases of the problem, but no final detailed draft of British proposals had been prepared.

5. *The Commission of Nineteen.* All these schemes had been submitted to the Allied Governments before the end of 1918, but the Commission of Nineteen (see Vol. III, App. II, pt. 2), when it met for its first session at the Hotel Crillon on the 3rd February, made a practically fresh start. It is now common knowledge that it based its deliberations on a combination of two drafts, both drawn up at Paris, one by the British and one by the American Delegation, and consolidated in a series of informal conferences between the two delegations during the latter part of January. The Covenant, as it was laid before the Plenary Conference on the 14th February, represented the result of no more than ten days' concentrated work by the Commission on this combined draft and the modifications introduced into it later were all decided in a second series of sessions equally brief, between 22nd March and 11th April. In all, the Commission held only fifteen sessions, ten in February and five in April, and it did little work through sub-committees. A small Drafting Committee examined the Covenant in detail between 8th and 13th February, and a Committee on Revision redrafted the whole between 27th March and 10th April, during which time the Commission held no meetings, but with these exceptions the Commission itself sat too frequently to allow of any serious delegation of its work. Between 14th February and 22nd March, during President Wilson's absence in the United States, the Commission

[1] See Vol. III, Appendix II, pt. 1 for relevant quotations.

[2] See Vol. III, Appendix II, pt. 1. In practice General Smuts advocated almost all the actual proposals of the Covenant, as, e.g., the Mandatory Principle, the Economic boycott, the Limitation of Armaments, and the distinction between Council and Assembly.

did no work except that it held two formal conferences with the representatives of the thirteen neutral States, and received their proposals for amending the Covenant.

6. *The Resolutions of the 25th January.* We have here, therefore, no result of laborious spade-work by expert sub-committees of the conference or protracted negotiation between heads of governments such as went to make up the other twelve chapters of the Treaty. We have rather a stroke of statesmanship, a rapid focussing of fragmentary studies and discussions into a reasonable scheme of preliminary organization. The rapidity of its preparation explains its many imperfections of structure and phrasing, so evident in the draft of 14th February and only partly removed in the final document, but it would be a mistake to attribute its larger omissions and silences to this factor of haste. Its moderation was deliberate, and for an obvious reason. President Wilson and Lord Robert Cecil—for it is necessary to speak in personal terms of this negotiation—arrived in Paris with the dominant idea of settling the main lines of the Covenant and laying it before the world at the earliest possible moment, in order that it might be in some degree the centre and standard of the whole Treaty. They wished the League to emerge at once with a definite constitution and with definite responsibilities, but with its hands almost entirely free to mould its policy according to the future needs of the world. The preliminary discussions, which occupied the month of January, showed clearly enough that speedy agreement could only be reached by the elimination of controversial matter. One incident, in particular, indicated the difficulties of the task. The question of mandates, an essential feature of the League, was raised in the Council of Ten at an early meeting in January; it immediately became the subject of acute controversy, and the whole project seemed in danger of splitting on the rock of South African and Australian nationalism. The situation was saved by a carefully drafted compromise which appears bodily in Article 22 of the Covenant and was left untouched by the Commission of Nineteen throughout its deliberations. Such occurrences clearly warned the promoters of the League to shun embarrassing and inflammatory matter. The resolutions (see Vol. III, App. II, pt. 3) presented to, and passed by, the Plenary Conference of 25th January, the first public appearance of the

League at Paris, were thus drafted with deliberate simplicity and moderation, and the British and American Delegations co-operated in reducing their combined draft to a bare scaffolding for the essentials of international action.

7. *The Draft Covenant of 14th February.* Even so, their moderation was only just sufficient to secure the needed harmony in the deliberations of the Commission of Nineteen. That Commission was originally appointed by the Plenary Conference of 25th January as a Commission of Fifteen—two representatives nominated by each of the five Great Powers and one representative nominated by each of five minor Powers to be selected by the Conference of the smaller Allies. On the 27th January the smaller Allies nominated Belgium, Brazil, China, Portugal, and Serbia, and at its first three meetings the Commission was composed of these ten Powers only, but on 6th February it was obliged to recognize the claim of the smaller Allies to fuller representation by adding to its number the representatives of Czecho-Slovakia, Greece, Poland, and Rumania (see Appendix II). Immediately the Great Powers found themselves faced with the demand of the smaller States for full representation on the Council of the League. The problem of the 'equality of States' was raised in its acutest form. Later, the disarmament provisions of Article 8, taken together with the guarantee provided for in Article 10,[1] raised the whole question of international supervision and regulation of armaments and the idea of an international police force, and the debates on these points left their mark on the proceedings of the Plenary Conference of 14th February in the speeches of M. Bourgeois and Mr. Barnes. The whole group of articles relating to conciliation and the enforcement of peace gave rise to further differences of opinion, while an attempt to draft a provision for religious toleration involved the Commission in complex difficulties and ended by raising the analogous question of racial toleration as between the Western nations and Japan. If even the bare essentials embodied in the draft Covenant (see Appendix III) raised discussions so thorny as these, it became clear that to add to the fundamental law of the League any

[1] Article 10: 'The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independance of all Members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.'

provisions not absolutely vital to its proper constitution would be to invite disaster.

8. *The Revised Covenant of the 28th April.* This lesson was reinforced by the tone of public discussion between 14th February and 22nd March, and especially by the acute controversy aroused in the United States by the draft Covenant. The five last sessions of the Commission were therefore devoted to the task of improving the structure and wording of the draft, and meeting certain specific criticisms thrown up by public discussion and by the conferences with the neutral representatives. The two main additions to the Covenant made during these sessions were those embodied in the second paragraph of Article 4 [1] and in Article 21.[2] The first of these opened the way for the admission of Germany and Russia to the Council as permanent members, while the second was intended to recognize American policy in regard to the Monroe Doctrine. A third addition was that embodied in the eighth paragraph of Article 15, designed to allay American apprehension as to foreign interference in 'domestic affairs'. These amendments were sufficiently contentious, and the harmony of the Commission was further disturbed by the competition between Geneva and Brussels for the honour of providing the Seat of the League, and by the recrudescence of the debate on the race question following on an amendment to the preamble proposed by the Japanese representative. In these circumstances it was considered unwise to add fuel to the flame of debate by attempting to meet the other main criticism levelled at the Covenant, in the course of public discussion. The idea of an international parliamentary assembly never had many adherents in the Commission, and, while several tentative proposals were put forward, it was clear that no really satisfactory assembly of this kind could be devised without prolonged discussion, negotiation, and controversy.

[1] See full text in Vol. III, Appendix II, pt. 4, Appendix III, pt. 2, second paragraph of Article 4: 'With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council, with like approval, may increase the number of Members of the League to be selected by the Assembly for representation on the Council.'

[2] Article 21: 'Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace.'

The moderation of the Covenant has already justified itself. Its rapid completion enabled other Commissions of the Conference, and the Supreme Council itself, to turn to the League for the solution of various problems on which no immediate agreement seemed possible. This is true, not only of the functions specifically entrusted to the League by the German Treaty, such as the administration of the Saar Basin, the revision of Articles 321–30, 332, 365, and 367–9 (Ports, Waterways, and Railways), and the various provisions of the Labour Charter, but also of many functions nominally assigned to the Allied and Associated Powers, but clearly demanding machinery for continuous consultation and administrative action such as could only be realized through the League. Not only as a matter of general spirit and atmosphere, but in innumerable practical ways, the Covenant did actually become the centre and focus of the Conference, and with all its imperfections it may claim to have demonstrated a truth too often forgotten by the Conference as a whole—that restraint, simplicity, and self-limitation are the essence of statesmanship as they are the essence of art.

III

9. *Difficulties inherent in the Covenant.* This sketch of the history of the League during the first three or four months of the Conference would be incomplete without a brief summary of the main underlying difficulties disclosed by the negotiations and necessarily inherited by the League itself from its birth. These difficulties were three in number: the doctrine of the equality of States or nations; the question of 'sanctions'; and the constitution of the United States. We can do no more here than indicate the effect of these three factors on the provisions of the Covenant.

The doctrine of the equality of States was, of course, the palladium of the smaller nations. No Council could be constructed except at the cost of some hardly logical compromise with this doctrine. A parliamentary assembly based on proportional representation of populations was repugnant to it. It stood in the way of any elaboration by the Commission of the project for a Permanent Court of International Justice. By appealing to it Japan was able to enlist the smaller States in support of the analogous doctrine of racial tolerance.

The question of 'sanctions' was also of great interest to the smaller States, but France throughout took the lead in attempting to strengthen the provisions of the Covenant dealing with the enforcement of peace. This was indeed the central point of difference in the proceedings of the Commission. The French representatives made repeated attempts, not only to increase the scope of the obligations assumed by members of the League under Article 16, but to provide for international machinery to supervise national armaments, with power to pass upon their adequacy from the point of view of an international police force as well as upon their compliance with any limitations that might be imposed upon them as the result of the procedure foreshadowed in Article 8. The moderation of the Covenant in this respect was only maintained at the cost of considerable resentment in French circles, a resentment only eventually allayed by the scheme for Franco-British and Franco-American treaties of guarantee.

As regards the third factor, it would be easy to exaggerate the limiting effect of the constitution of the United States on the terms of the Covenant. Broadly speaking, it probably did little more than supply a standard of national feeling by which the authors of the Covenant were guided in estimating the possibilities of international action. Its rigidity as a written constitution gave force to warnings which might have passed unheeded if they had been illustrated only by less tangible examples of nationalist feeling, such as British parliamentary sentiment or Polish public opinion. Except, possibly, in the case of the proposals for an international parliament, which were perhaps finally killed by the technical difficulties of reconciling them with its provisions, the influence of the American constitution upon the drafting of the Covenant was probably beneficial and, in general, coincided closely with British feelings and policy.

Note.—A correspondence in *The Times*, under the dates 20th–24th March 1920, shows exactly the preparation made by the British Government. Lord Robert Cecil brought forward the subject of the League of Nations in a paper before the British Cabinet in 1916, which was presented to the Imperial War Cabinet in 1917. This paper contained a rough sketch of what are now Articles XV and XVI of the Covenant. This paper

was considered by a Committee appointed by the Foreign Office and presided over by Lord Phillimore, including Sir Eyre Crowe, Sir William Tyrrell, Mr. C. J. B. Hurst, all of the Foreign Office, and Professors A. F. Pollard, J. Holland Rose, and Sir Julian Corbett, with Mr. Alfred Kennedy as Secretary. Their report was presented in 1918, and was communicated to the Government of the United States and subsequently used by General Smuts. Its nature is defined 'as including the general substance of those parts of the Covenant, which are directly concerned with International disputes'. Subsequent developments are indicated in Vol. III, Appendix II, *passim*. The evidence of Mr. Lansing and the communications of President Wilson, published by the Committee of Foreign Relations of the United States Senate, give much information about the American draft.

CHAPTER I: SECTION II

GENERAL AND INTERNATIONAL CLAUSES (*continued*)

PART II

INTERNATIONAL LABOUR AT THE CONFERENCE

1. *Origin of the Commission for International Labour Legislation.* When at the first plenary session of the Peace Conference Clemenceau announced that one of the three first commissions to be appointed was to deal with International Labour Legislation, the general opinion seemed to be that this action was to be explained as a counter move to the labour conventions of the Socialists and Trade Unionists, which were at that moment threatening to throw the whole weight of the international labour movement in opposition to the work of the Paris Peace Conference. This interpretation, whatever its justification, implied a certain unreality in the work of the Labour Commission; for an attempt to meet the large industrial problems, which it would have to face, in the spirit of temporizing expediency, might easily discredit anything it should attempt to do. The taint of a suspicion that this was the case lingered all through the Peace Conference, and a certain indifference towards its work was noticeable upon the part of those occupied with the more normal labours of treaty-making, in the preparation of maps for new boundaries, and statistics for indemnities. It is possible, however, that the Labour section of the Treaty, in spite of the relatively unfavourable circumstances under which it was prepared, may prove of as definite and lasting significance as the political and economic sections. There was indeed a grotesque side to the work of those exact scientists, the geographers, mapping the frontiers of a new Europe that was in the midst of an eruption, with the molten currents of revolution sweeping away all old-time barriers in both the political and the economic realm. Whatever could be done by the Labour section to stem this international revolutionary current by way of positive promises for the future, if

not through achievement at the moment, was as effective a stabilizing action as the tracing of frontiers on the illusive, blood-stained map of Europe.

2. *Relation to the 'Internationale'*. But if it was a mistake to think too lightly of the work of the Commission for International Labour Legislation it would be wrong to expect too much of it. The relations of Labour to Capital, with which it was to concern itself in the main, are, in spite of a common belief to the contrary, primarily matters for home governments, and only to a slight extent international. This obvious fact has been obscured by the paradox that the Labour movement has so largely cast its programme in terms of international action. *The 'Internationale'* of pre-war days has been a Labour organization; but when one examines the setting of this revolutionary movement, it becomes clear that the international aspect has been worked up by parties in opposition to the various established Governments in a way that would have little relation to international labour legislation through and by those same Governments. The *Internationale*—as this revolutionary movement is generally termed—implies international direct action which would eliminate or subordinate altogether the very Governments through which the international labour legislation of the Peace Conference would be carried out. Every one of these Governments considers Labour problems essentially as home problems, and the last thing that Labour leaders would demand would be that they should be under the surveillance of a Foreign Office. How, therefore, could the Commission for International Labour Legislation accomplish anything world-wide, so long as it remained inside the existing governmental framework?

3. *Programme of the Socialist Convention.* A little glimpse of history will make the problem clear. Two International Labour Conventions were meeting in Switzerland while the Paris Conference was taking shape. The first of these was an International Socialist organization, which dated in the first instance from the days of Karl Marx and Bakunin, but which had been remade at a congress held in Paris in 1900, from which date it had maintained a standing secretariat and had even during the War attempted, with varying success, to continue its periodical congresses.

This Socialist international movement, although it had played

a prominent rôle in pre-war Socialist policies, did not have the practical effect upon either internal or foreign policies which its prestige seemed to warrant. The War played still more serious havoc with it; and the first meeting after the War revealed its essential weakness. For its programme was too far-reaching to be effective, mixing as it did political and economic aims. In attempting to cover the whole field of social justice, it was losing sight of even that class struggle upon which the Socialist movement to such a large degree depended and which at least gives it coherence and purpose. In short, the programme of the Socialist Convention was too diluted with things in general to offer any important clue toward Labour policies in the Peace.

4. *The 'Labour Charter' of the International Federation of Trade Unions.* Much more definite was the programme of the International Federation of Trade Unions which met side by side with the Socialists to participate in the same gesture of opposition to the Peace Conference. While its programme also included much that was not specifically Labour—for one of the most striking facts in the whole situation was the extent to which the Peace programmes of Labour parties extended over all sorts of questions from Balkan boundaries to tariffs and finance—it drew up a definite Labour Charter, which elaborated the points raised at previous Trade Union Congresses, and elaborated them along lines set forth by the Imperial Labour Office in Berlin during December. This charter of Labour was before the Paris Commission for International Labour Legislation as a model or a challenge during the whole of its work, and bearing as it did the marks of its origin, was used by the German Government as the basis of the counter-proposal to the Labour section of the Treaty.

This so-called Charter concentrates upon immediate and definite reforms, but makes slight provision for their continuance, or for international control of their administration. The machinery which it proposed to set up is simply the formal recognition of the work of the International Association for Labour Legislation, a private and at most semi-official institution with national self-governing branches in thirteen different countries and maintaining a secretariat at Basle in Switzerland. This International Association for Labour Legislation dates from 1900, and is an offshoot of the series of Government Congresses on Labour Legislation with which the Paris Peace Con-

ference was more logically connected than with either of the two Labour bodies—Socialist and Trade Union.

5. *Previous International Government Congresses on Labour Legislation.* The history of these official International Conferences for Labour Legislation is a slight one, and owes its chief impulse to the Swiss Federal Council which proposed a European Conference of this character as far back as 1876. Bismarck opposed the idea, but the young Emperor William II not only accepted it but made it his own, and the first International Conference on Labour Protection met in Berlin in 1890. It accomplished nothing however, for the Governments of that day were unwilling to go further than the discussion of general humanitarian principles even in the question of the labour of women and children. Further conferences have been held at Brussels and in Switzerland (especially in 1905 and 1906), but the total result of a generation of International Labour Legislation by way of these Government Congresses is exceedingly slight. Two general treaties only have resulted; one suppressing the use of phosphorus in match-making, and the other limiting night work for women in industry. When one compares these insignificant results with the vast and intricate amount of Labour legislation in force in the different countries, one sees how delusive would be the hope of securing from the Conference at Paris any large measure of social reform for universal adoption. Had the Commission for Labour Legislation limited itself to specific points to be incorporated in the Treaty of Peace, it could have accomplished very little. A Charter of Labour can be drawn up with relative ease so long as it is merely an expression of ideals to be aimed at by a party not responsible for carrying them out. For instance, the ideals of an Eight Hour Day could be expressed in a single sentence in the Labour Charter; actual enactment of that ideal into law under the varying conditions of both industry and social development in the different countries, becomes a delicate and difficult task. Even the abolition of Child Labour carries with it complications in the readjustment of family budgets and the elaboration of educational facilities, which in their turn react upon the whole economic and social structure. No one Treaty of Peace could elaborate all these conditions into workable formulae. Moreover, to apply them successfully would mean adapting them not only to the different conditions of the different nations, but

to the varying conditions which are bound to arise as the result of industrial progress. A Ten Hour Day was as far as the International Labour Congress ventured to go in 1913; an Eight Hour Day seemed hardly enough in 1918. The progress of invention constantly modifies the basis of social legislation.

6. *The Constitution of a Labour Parliament; British and American Attitude.* The Commission for Labour Legislation was saved from the dilemma of preparing impossible projects in a Treaty which was supposed to be final, by the proposition of the British Delegation that it should concentrate rather upon the preparation of a Constitution for Labour Parliaments than upon specific items in the present Treaty.

The scheme worked out by the British Delegation is one of the most interesting in the history of political theory. It preserves the functions of the national legislative bodies by leaving to each the chance to discuss, and if need be to modify, the propositions of the International Labour Conference. But the Labour Conferences themselves have the outward marks of parliamentary action, sufficient at least to win for them the support of those internationally minded Labour leaders who think, or dream, in terms of a World-State.

The conclusions of the Conferences were to be drawn up for the most part in treaty form, so as to secure coherence and to permit of international inspection in questions of enforcement; but as this would work too much toward rigidity, and is too suggestive of outside interference to be acceptable to a country like the United States, an alternative had to be found to this legalistic method of procedure which would leave it possible under certain conditions for the propositions of the Labour Conference to be treated as recommendations only for legislation by National Parliament. This alternative, proposed by the United States, was at first opposed by those who conceived of the organization in terms of a World-State, especially the Continental European representatives. But it was claimed on the other hand that unless some such alternative were offered, the work of the International Labour Conference would be so narrowed in scope as to be ineffective, and in support of this view attention was called to the relatively futile history of Labour Treaties in connexion with the International Conferences of the past. If the International Labour Conferences are to be regarded as forums for discussion, looking towards securing that general

acceptance of principles which is necessary to ensure success in imposing standards of Labour legislation, then its work in preparing recommendations for Labour legislation is a preliminary and contributing part in the preparation of more binding obligations. In short, the difficulties which showed themselves in connexion with the participation of the United States in the Labour Conferences, resulted in widening their scope and giving them a larger promise of influence, without which their treaty-making powers would soon become atrophied.

7. *The Attitude of Japan.* Similarly the difficulty which Japan experienced in fitting its newer industrial conditions to the more developed organization of the West, resulted in the improvement of the scheme as a whole. The tendency toward rigidity and uniformity which characterized the first draft of the Labour Constitution, owing to its emphasis upon treaty obligations, would have narrowed the scope of the Labour Conferences, if indeed it were not to prevent the participation of those Powers which had not reached the relatively uniform standards of Western Europe or America. Some provision had to be made for a 'drag' in the curve of Labour legislation, a provision by which backward countries could participate in the drafting of the propositions with a delay in the obligation to carry them out. This had been granted in the case of previous international Labour legislation, but the representatives of Labour at Paris were anxious to avoid any too great concession to backward States, for fear it would work towards a nullification of the legislation itself. The compromise was finally adopted with the co-operation of the Japanese delegates that 'In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries'. This secured that degree of elasticity which would make possible general legislative action, and yet adapt the details to the circumstances of participating States. The value of this became apparent at once in the adhesion of the small States to a compact which otherwise they could not have accepted; and as the general purpose of international Labour legislation is to raise the level of the backward States so that

there shall be a common standard recognized by the public opinion of the world, any international organization which would have failed to take account of the circumstances of those very States for which the legislation was specially designed, would have been a partial and imperfect affair.

The value of the participation of Japan, secured in this manner, was evident in the first conference held at Washington in October and November 1919. Although a disagreement arose between the Government and the Labour delegates of Japan concerning the Eight Hour Day, the action of the Japanese delegation in accepting modified but real advances towards the standards of the most advanced States concerning child labour and the conditions of women in industry, showed that the special provisions for the less industrially developed States made possible their participation in a way which may have very large results in the future.

8. *Relation of the Labour Parliament to the League of Nations.* The Commission for Labour Legislation attempted a most difficult task—perhaps the most difficult that a Commission could undertake—namely to prepare within and through the framework of existing Governments the means for co-ordinating the action of industrial democracy. Its international aspirations were to be realized as far as possible under the existing order, and those questions of social justice which had a common human background, were to be developed into parallel and consistent codes of law over which the League of Nations should keep watch and ward. Fortunately for itself, this Labour Constitution was worked out with little relation to the League of Nations. It was even the opinion of a section of the Commission that it would be best not to have too close a relation with that more ambitious scheme. It was the claim of these advocates that the Industrial World-Parliament might develop a consistent, independent function along the lines laid out for it, whatever might be the fate of the more miscellaneous and ambitious League. Examination of the text will show that, although it has been finally articulated with the structure of the League of Nations, the Industrial section of the Treaty could be cut off from the rest by a very slight surgical operation, and could function by itself. The Governing Body would then be a Supreme International Council instead of a Commission under the Council of the League. In that case it would deal directly with

the appropriate departments of the different Governments and even act, some day, as the executive of a loosely knit Industrial World-State.

From the standpoint of the League, it is perhaps unfortunate that the Labour Conference does not receive the attention which is bestowed upon the administrative machinery for the Labour section; for, if the Labour machinery is to have any real influence, it must be through the International Conference rather than by the bureaux over which the Governing Body will preside. The Labour Office is a necessary and important part both of the International Labour Constitution and of the League of Nations, for it will prepare and collect material upon which the proposed legislation will be based, and thus for the first time give promise of securing comparative data from different nations—a necessary preliminary to the scientific treatment of Labour questions, and one which is sadly lacking at the present time. But this work of the Labour Office is after all subordinate to that of the Industrial Parliament which bears the rather misleading and ambiguous title of International Labour Conference. It is to this latter body that Labour will look for the embodiment of its demand of international representation, and upon its success or failure depends, to a larger degree than seems to have been realized, the stabilizing of opinion with the development of experience in international dealings, so that the restless current of industrial society may be, to some extent, guided and directed towards constructive ideals.

CHAPTER I: SECTION III

GENERAL AND INTERNATIONAL CLAUSES (*continued*)

PART III

REPARATION AND ECONOMIC ASPECTS[1]

General Indications

1. *Introduction.* In its economic aspect the work of the Conference resolved itself almost entirely into the solution of the problem of how Germany was to make good the damage she had caused. There were, it is true, many other points to be decided before normal relations could be renewed, but the majority of these were matters of detail and unsuitable for discussion here. The only important question of economic principle, other than reparation, had been settled in effect before the Conference came together, for none of the Allies were prepared, or could be expected, to establish trade relations with Germany on a basis of reciprocity until their own industries had had time to recover from the effects of the War. And even this imposition, for a minimum period of five years, of unilateral tariff and other conditions upon Germany must be regarded as a measure of reparation, rendered necessary by the acts of Germany herself. This was explained in the Allies' reply to the observations of the German delegates on the Conditions of Peace.

The moral basis of the Allies' claim to reparation does not need to be discussed at length. For her own unjust ends Germany had provoked a war, which brought on the world unparalleled loss and suffering. In defeat it was right that, like any other wrongdoer brought to justice, she should make all amends within her power. Nothing, it is true, could atone for the loss of life and the human misery which she had caused. But material damage could be made good, and, in so far as the

[1] A fuller and more detailed treatment of enemy debts and commercial policy in the German Treaty is to be given in Vol. IV in conjunction with similar aspects of the Austrian Treaty.

task could be placed upon Germany's shoulders, it was the duty as well as the interest of the Allies to see that this was done.

2. *The Three Main Questions.* This was the general principle upon which the action of the Allies was based. But before it could be put into execution the Conference had to decide three main questions: (1) Had the claim of the Allies been in any way limited by assurances given to Germany prior to the conclusion of the Armistice? (2) Whatever their claim might be, was it wise in the interests of the Allies themselves to exercise it to the full? (3) Finally, to what extent was Germany in a position to fulfil her obligations under this claim? When the history of this section of the Conference's work is written in detail it will be seen that there were widely divergent views on all three questions, and that the solution reached was a compromise—satisfactory perhaps to none. The first of these questions was one of interpretation alone. But a decision upon it was necessary before the economic aspects of reparation could be profitably discussed.

3. *The Right to recover the whole Costs of the War; Precedents from History.* Judged by historical precedent the right of the Allies to recover the whole costs of the War, or what soon began to be known in the discussions of the Conference as an indemnity, as opposed to reparation, or compensation for damage to civilian life and property, was without question. A long-continued international practice had consecrated the right of the victor to recover, if he could, the costs of war from his defeated enemy. In the seventeenth and eighteenth centuries indeed it had been customary, in the imposition of an indemnity, to specify a sum to be paid over without any explanation as to how that figure had been reached, but after the early years of the nineteenth century no demands for an indemnity had been put forward except for an amount which was at least ostensibly required to cover war costs. The best known examples of such indemnities are those imposed by Germany herself upon the other German States in the wars of the sixties and upon France in 1871, and the recognized connexion between indemnities and war costs was well illustrated by the negotiations preceding the Treaty of Frankfort. When, during these negotiations, M. Thiers and M. Favre urged that Germany should not regard its victory as a mere occasion for financial speculation, but should be content with the recovery of her actual war expenditure, Bismarck was

ready at once to do lip service to their argument. He proceeded to explain how his demand for £200,000,000 did not exceed Germany's war costs by specifying in detail the various claims on which it was based; so much for actual expenditure on the operations of war itself, so much for the renewal of war material, so much for pensions, for the indemnification of German subjects expelled from France, for the maintenance of French prisoners in Germany, etc. That the sum demanded was in fact almost double these costs is, for our present purpose, irrelevant.

It is true also that on the two occasions on which, during the course of the War, the Allied Governments had made official reference to indemnities, they had safeguarded the right to the recovery at least of full war costs. 'The disasters,' it is said in their reply of the 30th December to the German Peace Note of the 12th December 1916, 'caused by the German declaration of war and the innumerable outrages committed by Germany and her allies, against both belligerents and neutrals, demand penalties, reparation, and guarantees.' Again, in their note to President Wilson of the 10th January 1917, the Alliés had explained that their war-aims, 'with all the compensation and equitable indemnities for harm suffered', would only be set out in detail when the time came for actual negotiation.[1]

4. *The Position as affected by the Armistice Negotiations and the 'Fourteen Points'.* But the position was changed by the negotiations immediately preceding the Armistice. The basis of these negotiations, it will be remembered, was President Wilson's Speeches in 1918, especially the Fourteen Points. Now the Fourteen Points make no reference to indemnities for war costs, and even the conception of reparation for damage done which they express is a very limited one. 'Belgium,' it is stated in the Seventh Point, 'the whole world will agree, must be evacuated and restored.' 'All French territory,' says the Eighth, 'should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in . . . Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.' Finally, in the Eleventh

[1] It is doubtful whether it is right to assume from this modification in wording that the Allies, in the short space of three weeks that had intervened between the two Notes, had decided to abandon the claim for penal indemnities, which was hinted at in the first. It is more probable that the wording of both was intentionally vague, to be defined later as circumstances allowed.

Point, is added: 'Rumania, Serbia, and Montenegro should be evacuated and the occupied territories restored.'[1]

The interchange of notes following on the German request for an armistice, showed that this somewhat vague statement of principles was not considered sufficient by the Allies, and a further memorandum, dated the 5th November 1918, was communicated to Germany in order to make clear the exact nature of the Allied demand in this respect. 'Further,' says this document, 'in the conditions of peace laid down in his Address to Congress of the 8th January 1918, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to . . . exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air.'

It is this statement then which must be taken as the ruling document in any discussion as to what the Allies were entitled to claim by way of reparation in the Treaty of Peace, and it is difficult to interpret it otherwise than as a deliberate limitation of their undoubted right to recover the whole of their war costs.

It may be argued, as has been done with much insistence, that the Allies could not, by implication alone, have abandoned so well established and important a right as that of the recovery of war costs, and in support of this argument the terms of the Armistice Convention itself are quoted. The clause appealed to, Article 19, runs as follows:

> With the reservation that any subsequent concessions and claims by the Allies and the United States remain unaffected, the following financial conditions are required:—
>
> Reparation for damage done.
>
> While the Armistice lasts, no public securities shall be removed by the enemy which can serve as a pledge to the Allies to cover reparation for war losses.
>
> Immediate restitution of cash deposits in the National Bank of Belgium, and, in general, immediate return of all documents, specie, and securities of every kind (together with plant for the issue thereof) affecting public or private interests in the invaded countries.

[1] In his address of 11th February, which, with the 'Fourteen Points' formed part of the basis of settlement, President Wilson uses the phrase, 'There shall be no annexations, no contributions, no punitive indemnities.' These appear to be his own sentiments, though he speaks of them as the principles of 'the court of mankind'. v. *infra*. c. vi.

Restitution of the Russian and Rumanian gold removed by the Germans or handed over to them. This gold to be delivered in trust to the Allies until the signature of peace.[1]

What, it is said, can be the meaning of the reservation by which this clause is introduced unless it is that it safeguards the right to put forward further claims, and in particular the claim to war costs? It cannot be the right to reparation that is reserved, for this right itself heads the list of the financial conditions that follow.

It must be admitted that the whole question is lamentably obscure. It is true that, if the Armistice Conditions are to be taken as a Convention incorporating and modifying the conditions of peace which were laid down in the preceding exchange of notes, the reservation would appear to safeguard the right of the Allies to present later other financial claims, and among them a claim for war costs. But the Armistice Conditions are surely no such document. They are a military convention, regulating the surrender of the German armies and safeguarding the interests of the Allies during the period between the cessation of hostilities and the coming into force of the Treaty of Peace. It is inconceivable that a right to war costs could be inserted by implication into a convention of this character, if a right to war costs had formed no part of the preliminary conditions of peace. It is inconceivable, too, that the German delegation, had they thought otherwise, could have let such a clause pass without challenge. There is an unfortunate lack of precision in the drafting of Clause 19, but the financial terms of the Armistice are so badly drafted in other points as well as this that they can only be explained on the assumption that they were drawn up, in the hurry and confusion of the moment, without adequate technical advice on either side.

That the Conference itself, however, was not prepared to appeal to the Armistice terms in support of such a claim is shown by the reply of the Allies to the observations of the German delegates on the Conditions of Peace. For in this reply the Allies refuse 'to enter into a discussion of the principles underlying the Reparation Clauses', but explain that these clauses 'had been prepared with scrupulous regard to the correspondence leading up to the Armistice of 11th November 1918', and they proceed to cite as the basis of their reparation claim the above-quoted Note of the 5th November.

[1] Complete texts of all these documents, etc., are in Vol. I. App. III–V.

5. *The Allied Claims as contained in the Treaty.* The text of the Treaty itself will show that this fundamental question of what the Allies were entitled to claim was never satisfactorily settled.[1] Specific reference to Germany's liability are made in the opening clauses of the Reparation section, which runs as follows:

ARTICLE 231. The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

ARTICLE 232. The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage. The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, *and* in general *all* damage as defined in Annex I hereto.[2]

From these two clauses it will be seen that the Allies had decided to differentiate between their moral and their material claim. While imposing upon Germany a general confession of guilt for having by her aggression caused the war, and of responsibility for the resultant loss and damage, they had decided to limit their claims for actual compensation to the damage specified in the Note of the 5th November 1918, of which the relevant portions are reproduced textually in Article 232.

There is no doubt that the Allies were justified in exacting this confession of a moral obligation, for it in no sense disagrees

[1] A letter in *The Times* of 15th February 1920, from Mr. J. Foster Dulles, one of the American representatives at the Conference, has now made public the attitude of the American Delegation on this point. 'The American Delegation,' he writes, 'at the opening of the Peace Conference presented a carefully thought out and detailed statement of the principles to govern the exaction of reparation. The essential features were: no liability for war costs; liability for damage to non-military property and to the civilian population, and a special position for Belgium resulting from the fact that, as regards Belgium, the war in its entirety had been illegal and Germany had recognized the duty to make complete indemnification.' He also lays stress on the fact that opinion was divided as to 'the inclusion of pensions and separation allowances', and states that an argument in its favour was brought forward 'by General Smuts, . . .' 'who did not hesitate to express his disapproval of certain other features of the Treaty'. Cf. Keynes, *Economic Consequences of the Peace*, 47–9, 139–55. *v.* further, *infra*, c. vi.

[2] The equivalent Austrian Article 178 runs, 'and in general damage as defined in Annex I hereto.' The word 'all' is omitted.

with the statement of their claims set out in the Note of the 5th November, though that is concerned with claims for material compensation alone. But it is strange that it should have been thought necessary to justify the limitation set upon the claim for material compensation by reference, in Article 232, to the fact that the resources of Germany are not adequate to make complete reparation. Unless the Allies did not consider themselves bound by the statement of their claims set out in the Note of 5th November, these words are at the best irrelevant and misleading.

Unfortunately, however, there is a further complication. In the Annex referred to in Article 232 is given a list of the categories of damage for which reparation is claimed. These categories comprise, in the first place, damage to civilians or to their dependents by acts of war, acts of cruelty or violence, acts injurious to health, honour or capacity to work, or by being forced to work without just compensation or to pay fines, levies, etc., and damage in respect of the property of civilians. All these categories are clearly in accordance both with Article 232 and with the Note of 5th November.

To these, however, are added claims in respect of pensions and compensation to naval and military victims of war, and to their dependents, and in respect of allowances to dependents of mobilized persons and of prisoners of war. These claims, at first sight at least, seem difficult to reconcile with the Allied Note of the 5th November 1918. Nor is the difficulty solved by the words 'as damage caused to the people of the Allied and Associated Powers', which are inserted before the claim for pensions. For the damage on account of which the Allies were claiming reparation was damage to civilians, and the damage to civilians involved in the payment of pensions and separation allowances can hardly be other than damage resulting from the extra taxation necessary to meet these charges. If we include the damage resulting from taxation on this account, there is no logical reason why compensation should not have been claimed on account of taxation caused, for example, through expenditure on guns and shells. Unless an argument can be found to support, on the basis of the Note of 5th November, a claim on account of all increases of taxation due to the war—that is to say, to the costs of the war as a whole—it would seem hardly legitimate to base on it a claim for pensions and separation allowances.

6. *The Doctrine of 'Indirect Damage'.* As opposed to damage through the direct action of the enemy, the doctrine of 'indirect damage', of which the claim for pensions and separation allowances is an illustration, was the subject of much discussion at the Conference, and claims on account of indirect damage were finally abandoned, except in the case of pensions and separation allowances. It will be seen that there remained some doubt in the minds of those who drafted the Treaty as to the possibility of reconciling these claims with the Note of 5th November. Thus Article 232, after formulating in the words of that Note the demand for compensation on account of damage done to the civilian population, ends with the words '*and* in general *all* damage as defined in Annex I hereto'. By the insertion here of the significant word '*and*' the Allied demand is extended beyond the scope of 'damage done to the civilian population' in order to cover 'damage as defined in Annex I'. Those at least, who were responsible for the drafting of Article 232, were not willing to allow the Allied claim on account of pensions and separation allowances to rest alone on the words 'as damage done to the civilian population and their property' in Annex I. It is unfortunate that in order to safeguard this demand the Conference should have felt it necessary to supplement the wording of the Note of 5th November 1918. In this way they have made it possible to question the 'scrupulous regard' for that declaration which was expressed in their reply to the comments of the German delegates. Why the claim for pensions and separation allowances was put forward, and this awkward drafting adopted, will be considered when the work of the Reparation Commission is described in detail.

7. *Economic Problem: effect of indemnity payments on Allied interests.* The economic problem would have been much simplified had this question of interpretation been settled in the narrower and more obvious sense, and the claim of the Allies restricted, in consequence, to direct damage to civilians and to their property. For the total value of the claims on this account would have been nearer to the sum which can reasonably be expected from Germany. Moreover, the danger of injury to Allied interests through the transfer of this sum would have been less, though we need not waste time over the argument that an indemnity necessarily does harm to the country to which it is paid. The receipt of indemnity payments means nothing more than

the receipt of imports without the obligation of paying for them. No one denies that investments abroad are a valuable national asset, and interest on foreign investments differs only from indemnity payments in that interest, at least on good investments, continues to be paid indefinitely, while an indemnity sooner or later comes to an end. Even the financial crisis of the early seventies in Germany, which has often been cited as an instance of the evils of an indemnity, was, it is now agreed, due in the main to other causes than the French indemnity. In so far as it was accelerated and made more acute by the indemnity the fault lay in the method of payment chosen by the German Government and the use to which the payments were put, rather than in the indemnity itself.

At the same time there is another side to the question. The payment of any indemnity by Germany, beyond that which could be exacted in a very short period, pre-supposes that she is to be allowed to recover and maintain her productivity on a level sufficient for the creation of a surplus, over and above her own requirements, to the amount of the indemnity. By the enforcement of a more Spartan method of life Germany might possibly reduce her own consumption and, with the same production as before, increase the available surplus. But the amount that could be obtained in this way would be small, and every increase beyond it would involve a necessary increase in Germany's productivity. For the period of the indemnity this increase would be for the benefit of the Allies alone, but at a later stage, when the indemnity payments had been completed, Germany would to that extent have become a more powerful economic rival than before. In any case, an increase of this kind in the export surplus of Germany, whether obtained by reduced consumption or by increased production on her part, would mean increased competition of German goods with those of the Allies both in their own home markets and abroad, and would certainly not be to the advantage of the Allied industries. To prevent undercutting, however, would be to prevent Germany from paying the compensation required. Although up to a certain point the advantage of obtaining goods for nothing obviously outweighs any incidental disadvantage to the industries of the receiving country with which such goods compete, the disadvantage eventually becomes of greater weight unless the receiving country is content to let its own industries die

away and to become a *rentier* state incapable of holding its own when the indemnity is finally paid off.

It was difficult, however, for the European Allies at least, to pay much attention to such problematic dangers. All of them had the task of reconstruction before them, and all already, with the exception of Great Britain, were on the verge of economic exhaustion. In consequence, reparation, on however large a scale, seemed nothing but an unmixed blessing to them. Some of the delegates, no doubt, were well enough aware of these considerations, but those who took them into account could also foresee that the economic interests of the Allies were little likely to be injured by the amount of reparation which could in fact be obtained from Germany.

8. *Germany's Capacity to pay.* On the second of these two economic problems, the capacity of Germany to make reparation, opinion differed more widely perhaps than on any other subject discussed at the Conference. Between the sums of £24,000,000,000 and £2,000,000,000 (both of which figures were mentioned, although neither was put forward officially by the delegates of any Power) there was room for endless deliberation, and very little concrete evidence could be obtained on which to base a decision. When it became clear that the claim put forward by the Allies was not to extend beyond reparation, strictly so-called, together with compensation for pensions and separation allowances, the range for practical consideration was more limited. Even then, however, the difficulty of arriving at an agreement was extremely great.

It was obviously useless to calculate, as has occasionally been done, the amount of Germany's potential wealth by the simple process, for instance, of multiplying the estimate of her mineral resources by the pit-head price to-day, and then to suggest that the result formed a measure of her capacity to pay an indemnity. It was less unreasonable, but equally wide of the mark, to take any of the usual estimates of Germany's annual savings and to suggest that she could be forced to hand over this surplus. For, apart from the fact that Germany after the War was very different from that country in the full course of her rapid economic development, an annual surplus available for investment at home was very different from a surplus which could be sent abroad in order to pay an indemnity.

9. *Germany's Foreign Trade in 1913; Alterations produced*

the War. The essential characteristics of an indemnity is ıe transfer of wealth from one country to another, and the criterion, therefore, of capacity to pay an indemnity is the power to produce exportable wealth. Of this power no evidence is available beyond the figures of foreign trade, which at least supply a basis for discussion by showing what had been achieved in the past. In 1913, the best year in the history of Germany's foreign trade, her exports amounted to £505,000,000, her imports to £538,000,000; that is to say, there was an adverse balance of imports over exports amounting to £33,000,000. As a rule this adverse balance was much higher, for the average during the five years before the War amounted to £74,000,000. It has been estimated, however, that before the War Germany was investing abroad at the rate of some £100,000,000; so that, in order to arrive at her total exports, there must be added to the above figure of visible exports a sum, made up of earnings of shipping, foreign banking and insurance business, and returns on existing foreign investments, exceeding the adverse balance by that amount. On pre-war figures of foreign trade Germany would have been able to pay an annual indemnity of some £100,000,000 —that is to say, the amount left abroad each year for new investments—and could only have paid a larger sum by increasing exports or diminishing imports. To do this to any considerable extent would, even before the War, have been difficult. About two-thirds of Germany's imports were made up of raw materials and food. Of the exports only one raw material, coal, amounting in value to 7 per cent. of the total in 1913, was of any great importance. Even potash, for instance, only accounted for 0·6 per cent. By far the greater part of the remaining exports were manufactured articles, almost all of which, with the exception of iron and steel goods, depended for their production largely on imported raw materials. It will be seen then that imports could hardly have been reduced without in one way or another reducing the power to export, and so defeating the object of an increase in the export surplus. There were a certain number of luxuries with which the German people might have dispensed without impairing their efficiency, and the people as a whole might have worked harder. But the amount that could have been saved in this way is small, and to add another £150,000,000 to the export balance on this account would probably be far too optimistic an estimate.

In any case such estimates provide no more than an outside figure of very little use for the problem with which the Conference was faced. For the Germany with which the Allies had to deal was very different from the Germany before the War. Although the country had escaped invasion it was far nearer to complete economic collapse than any of the Allied countries themselves. Except for coal and iron ore its stocks of raw material had almost all been completely depleted. Agricultural land was exhausted through lack of essential fertilisers. Food rations for two years past had been on a scale considerably below that required to maintain normal health. Since the Armistice, even this scale had been kept up only (with the reluctant consent of the Allies, who were unwilling to see disappear one of Germany's few remaining immediately available assets) by the expenditure of the greater part of the gold reserves of the Imperial Bank. The labour supply had been reduced, not only by war losses but by the cutting off of the annual influx of Poles and Russians, upon whom Germany relied for much of her agricultural work before the War. What remained had been seriously affected by several years of underfeeding and by the complete collapse of discipline which accompanied the Revolution.

And this of course was not all. In consequence of the cession of Alsace-Lorraine and of Prussian Poland,[1] and the probable loss of Upper Silesia, Germany would surrender three-quarters of her iron ore, three-quarters of her zinc, one-third of her coal, one-third of her blast furnaces, one-tenth of her iron foundries, and a very considerable proportion of her richest agricultural land, together with a population amounting to about 8 per cent. of the country as a whole. It is clear that a country, disorganized by war and revolution and reduced to this extent in labour power and in other resources, could not produce an export surplus anything approaching that which might have been attainable before the War.

[1] Upper Silesia contains about 23 per cent. of the German output of hard coal, and 75 per cent. of the zinc production of Germany. The loss of iron ore in Upper Silesia would be small, but there are a good number of blast-furnaces. By Art. 90 of the Treaty Poland engages to permit the export to Germany for fifteen years (free of export duties or charges restrictive of exportation) of the products of any of the coal mines of Upper Silesia transferred under the Treaty. (*v.* also chap. 4, pt. ii, p. 207 *sqq.*) The terms of sale to Germany are to be as favourable as are applicable to live products sold under similar conditions to purchasers in Poland or any country.

10. *The Scheme of Reparation.* Faced with this situation, two courses were theoretically open to the Allies. One was to concentrate on getting out of Germany everything that could be got over a short space of time, and, having ruthlessly swept the country bare, to leave it alone to recover as best it could. The other was to levy little or nothing in the immediate future, but instead to assist Germany with food and raw materials until she was able, by an excess of exports over imports, to pay off the indemnity required by annual instalments. In the end, however, the Conference came to no clear decision between these alternatives. Nor did it ever fix in the Treaty itself the total amount of reparation to be paid by Germany.

Instead of stating at once the amount of reparation due a Reparation Commission was set up, which, after examining into all claims presented in accordance with the Categories already described, is to present to Germany by the 1st May 1921, a bill for the total of all such claims approved, and to devise a scheme by which the balance between this total obligation and the payment on account to be described later shall be liquidated within thirty years from that date.

At the same time, 'in order,' as it is explained, 'to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries' (Annex II, § 12 c) the German Government is to hand over to the Allies before 1st May 1921, the sum of £1,000,000,000[1] in gold or its equivalent. The form in which a large part of this payment is to be made is already laid down in the Treaty itself. Germany is to hand over practically the whole of her mercantile marine and one-quarter of her fishing fleet. She is to deliver, in quantities which are specified in some cases but in others left to the discretion of the Reparation Commission, animals, machinery, etc., similar to those removed from occupied territory, in case the return of the original articles is no longer possible. In addition, she is to deliver certain kinds of reconstruction material; and is to supply fixed annual quantities of coal or coke to France, Belgium, and Italy, with a further supply in the case of France, to compensate for damage to the mines of the Nord and the

[1] The 'gold marks' of the Treaty are here and elsewhere converted at par. The 20,000,000,000 gold marks expressed in sterling to-day is of course considerably more than £1,000,000,000; expressed in paper marks it is about 200,000,000,000 marks.

Pas de Calais. She is finally to give extensive options to the Allies for the delivery of dye-stuffs and chemical drugs. In addition, however, to these immediate payments Germany is required to pledge herself to further specific payments 'on account' after the 1st May 1921. She is to issue, immediately on the ratification of the Treaty, gold bearer bonds to the amount of £2,000,000,000. These bonds are to pay no interest up to the year 1921. After that date they bear interest at the rate of 2½ per cent. per annum until 1926, and from then onwards at the rate of 5 per cent. per annum, until their redemption through the operation of a 1 per cent. sinking fund beginning also in 1926. At the same time—that is to say, on ratification—she is to hand over to the Allies an undertaking to issue a second series of bonds, of the same amount and under the same conditions, at any time when, in the opinion of the Reparation Commission, interest and sinking fund charges on this second series can be met. In short, Germany is to pay £1,000,000,000 gold within the first two years, and annual instalments of an amount not yet known, but of either £50,000,000 or £100,000,000 at least, between 1921 and 1926, and from 1926 onwards either £120,000,000 or £240,000,000 at least.

11. *Difficulties of the Reparation Proposals.* The most striking feature of this scheme is the refusal to come to an immediate decision as to Germany's total liability. There were, it is true, insurmountable obstacles in the way of fixing, in time for presentation in the Treaty, an exact total arrived at by the summation of individual claims under the categories of damage. Indeed, the enormous number of claims, the difficulty of obtaining satisfactory proof and the difficulty of making valuations render it highly improbable that an exact total can be reached by this method within two years, or indeed at any time. When the effects of this postponement are taken into account, it may be doubted whether it would not have been preferable, in the interests of the Allies themselves, to have made an approximate estimate well within the total to which they were entitled and thus to have fixed Germany's liability once and for all. For there is perhaps nothing in the terms imposed which is so prejudicial to the chances of economic recovery in Germany, and in consequence to the prospects of the Allies being paid within a reasonable time, as this prolongation of the uncertainty as to Germany's obligations. That this was recognized by the Allies

is clear from their reply to the observations of the German delegates on the Conditions of Peace. In this they agree to consider any proposal for the establishment of the total liability which may be put forward by Germany within four months after the signature of the Treaty and to come to a decision within six months from the same date. It is unfortunate, however, that a more satisfactory solution could not have been found in the Treaty itself.

12. *A Parallel with the French Indemnity in 1871.* From the fact that the sum of £5,000,000,000 is fixed as nothing more than a payment on account it will be seen that the Conference placed a high estimate on the capacity of Germany—an estimate considerably higher than Germany's economic position would seem to justify. It is difficult when dealing with figures of the magnitude of £5,000,000,000 to convey any real impression of their significance, but perhaps some indication of the burden which even this provisional payment involves may be given by a comparison of the Allies' demands with those made in 1871 on France. The national wealth of Germany in 1913 (and of course during the War this wealth has been much reduced), is calculated to have been rather more than double that of France in 1871. If then Germany had been called upon to pay reparation on a scale proportionate to the indemnity of £200,000,000 imposed by Bismarck on France, the total sum would have amounted at the most to £500,000,000, or one-half that which has been imposed on Germany for the first two years. It is well known too (and it was here that Bismarck made his error in thinking that he had crushed France for a generation at least), that an exceptionally large proportion of France's wealth was in the form of foreign investments, which facilitated the rapid payment of the indemnity.

Before the war, as has been suggested above, Germany, at the very height of her economic development, might possibly have been able to pay an annual tribute of as much as £250,000,000, but even this is improbable, and it could only have been achieved by a complete transformation of her economic life and with great injury to Allied trade. Exhausted as Germany was after the War, and reduced in territory and natural resources by the Treaty of Peace, it is doubtful, even if she had been allowed to retain her ships and the remainder of her assets abroad, and if, in addition, food and raw materials

had been advanced to her by the Allies, whether she could have completed a payment of £5,000,000,000 within a period much longer than the thirty years provided under the Treaty.

In forming their decision as to Germany's capacity, the Allied statesmen at the Conference perhaps naturally hesitated to adopt an estimate so out of accord with the popular view of the time as that which has been suggested here, however much the facts before them tended to bear out the more pessimistic conclusion. To have done this would have involved the risk of discovering when too late that Germany could, after all, have paid a larger proportion of her obligations than had been asked of her. In their opinion it was perhaps wiser to lay on Germany an obligation which it was probably beyond her power to meet, and to leave to the future to decide the extent to which this obligation should be enforced. At the same time it is open to doubt whether in the end this policy will not secure for the Allies a smaller measure of reparation than the fixing of a sum more compatible with Germany's real capacity.

A further consequence of this over-estimate of Germany's capacity is that the Allies were not prepared either to allow to Germany such time for recovery as would seem to have been necessary in order to make possible annual payments on any satisfactory scale, or to take what they could at the moment and renounce further payments. At least such would appear at first sight to be the meaning of the reparation clauses. Provision is made for later annual payments, but at the same time the greater part of Germany's immediately transferable assets will be taken over during the first two years. Her ships, her assets in Allied countries, and most of her few available exports (coal, dyes, etc.) are taken over, and German concessions in Russia, Turkey, etc., are to be surrendered at the demand of the Allies. In so far as the sum credited to Germany on account of these various transfers falls short of £1,000,000,000 this sum is to be made up, before 1st May 1921, by the normal course of trade, although the development of German trade is deliberately handicapped by the obligation to give most favoured nation treatment to the Allies for a period of five years at least without any similar obligation on their side, and by the practical exclusion from Allied countries of German banking and other financial activities.

13. *Concessions to Germany.* There are, however, indications that the Conference was itself by no means confident that these

demands for immediate payment could be enforced if Germany was to be in a position to make annual payments by 1921. In its requisitions for live-stock and for various reconstruction materials the Reparation Commission is instructed to give due consideration to 'such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life . . . and the general interest of the Allied and Associated Governments that the industrial life of Germany be not so disorganized as to affect adversely the ability of Germany to perform the other acts of reparation stipulated for' (*Annex* IV, § 4); and, similarly, with reference to deliveries of coal, it is provided that 'if the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany the Commission is authorized to postpone or cancel deliveries' (*Annex* V, § 10).

There is another and more important concession. Out of the £1,000,000,000 to be paid within the first two years are to come, in addition to the expenses of the armies of occupation, 'such supplies of food and raw material as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation' (Art. 235). It is, of course, difficult to estimate the exact amount of food and raw material which will be required to enable Germany to meet her obligations, particularly as the full amount of these obligations is as yet unknown. But it is hardly possible to doubt that, if Germany is to pay within reasonable time even the £5,000,000,000 already imposed, little or none of any part of the £1,000,000,000 that can be collected during the first two years will be available for reparation, after the essential supplies of food and raw material have been met.

14. *Political Aspects of the Reparation Question.* The problem which the Allied statesmen had to solve was certainly a difficult one. They had been forced to recognize, as the above concessions show, the improbability of being able to get much from Germany immediately, without endangering the chances of further payments for a long time to come, and they were not prepared to sacrifice the future for the sake of the relatively small sum at best which could be got from Germany at once. At the same time they realized that immediate payments were of the utmost importance in order to facilitate the urgent work of reconstruction, and besides, they were determined that in any

case, even in order to pay reparation, Germany could not be allowed to recover more quickly than the Allies and so regain her old position of economic predominance.

It must be admitted, however, that the Conference has little reason to be proud of the solution finally reached. For this decision was just as much a refusal to face the issue before them, as was the postponement of the assessment of Germany's total liability, and the resultant uncertainty will be as detrimental in the one case as in the other. The motives that led the Allied statesmen to these decisions were, however, for the most part political rather than economic, and were based more on the fear of disappointing public expectation than on any reasoned study of Germany's position. As soon as it had become clear that the enemy's resistance was broken a demand sprang up in many quarters that Germany should be made to pay the whole costs of the war. Impossible of realization as this demand was from the beginning, it was natural enough that it should have been made. For to most of the Allies victory had opened the way to a period of economic exhaustion and unparalleled taxation, or even to bankruptcy itself, unless help could be obtained from one quarter or another. In England and the United States, where the strain had been less great, it would not have been difficult to show that little of this help could come from Germany, which was even more exhausted than the Allies themselves. But no responsible statesman took it upon himself to explain the real position, while bankers and other men of business who could not have failed to realize the folly of this demand chose to remain silent rather than incur the suspicion of considering the interests of Germany. In England indeed, instead of attempting to moderate the public demand, the Government took advantage of popular feeling for the immediate purpose of the elections of December 1918, and Mr. Lloyd George was returned to power largely on the cry of 'Make Germany pay for the War!' It is true that Mr. Lloyd George was cautious enough in most of his public speeches to qualify this by explaining that Germany would be made to pay up to the limit of her capacity.[1] His followers, however, were not, and there was no doubt in the public mind that the Government was pledged to the recovery of the whole war costs. It was further assumed that this was

[1] It will be seen that even this promise is difficult to reconcile with the declaration of the Allies in their Note of 5th November 1918, discussed above.

the policy of the Allies as a whole, for it was not thought possible that Mr. Lloyd George would have taken a step of this importance without previous consultation with his Allied colleagues. In any case, none of these colleagues gave any indication that they held other views, and when the Conference opened there was a general conviction that Germany was to be made to pay the war costs of the Allies. It is perhaps surprising that President Wilson made no protest against a claim which appeared to be in contradiction to his Fourteen Points. But the position of the United States at that time was a difficult one. Of all the Allies the United States alone had been, from the economic standpoint, comparatively untouched by the War. Indeed, it had emerged from it richer than before and had been transformed from a debtor into a creditor nation. Had the United States at that time preached moderation in the treatment of Germany the European Allies would have been forced from the start to turn elsewhere than to Germany for the help they required and they could have turned only to the United States. But the United States was not prepared to give any promise of continuing the advances which it had made on so large a scale during the War, and it was perhaps too much to expect that it would take up a position which would have made it difficult to resist the requests of the other Allies that this should be done.

By their refusal to face facts at the beginning and to make the public understand that, however desirable this might be, it was impossible to throw more than a very small proportion of the costs of the War on to Germany's shoulders, the Allied statesmen had very greatly increased the difficulties of their task at the Conference. For from the beginning it was impossible for them to fulfil the pledge to which in popular expectation they were bound.

15. *Summary.* The question of Germany's liability, it is true, was settled with relative ease by the distinction between moral responsibility and material compensation. But this was a matter of words alone and, after straining the interpretation of their pre-Armistice declarations in order to include pensions and separation allowances, the discrepancy between the total claims possible under the Treaty and the war costs as a whole was sufficiently glaring to add considerably to the attraction of postponing the presentation of this claim. It was, in view of public expectations, almost impossible to go farther and frankly

admit that, if Germany was ultimately to pay even this reduced amount, little or nothing could be expected during the early years when it was most needed. In result, an exaggerated amount was demanded from Germany during the first two years, while at the same time provisions were added which made it impossible to know whether the Allies would insist on its payment or not.

By this compromise the Allied statesmen have succeeded in satisfying public opinion for the time being. But it is doubtful whether this result is sufficient to justify their action. At a time when Europe is faced with the danger of a widespread economic crisis, nothing is more urgently necessary in the interests of all than the concentration of the energies of the Allies and of Germany alike on the common work of reconstruction. Instead of that the Treaty has introduced an element of confusion threatening seriously to retard this work. The resulting uncertainty directly deters Germany from making any serious attempt to set her house in order. As to the Allies, their own plans for reconstruction are complicated through ignorance as to what can be expected from Germany in the near future, to say nothing of the probability that, by asking too much, they have seriously risked the loss of what they might otherwise have obtained.

CHAPTER I: SECTION IV

GENERAL AND INTERNATIONAL CLAUSES (*continued*)

PART IV

FINANCE AND REPARATION

I. Introductory

1. *The Position of the Financial Delegations.* The relation of the Financial Delegations to the rest of the Peace Conference may be compared to that of the Treasury towards the rest of the Civil Service. They were concerned, as the Treasury is concerned, with practically the whole range of subjects dealt with by the various specialized departments. They stood in a central position towards which almost every question was apt at some stage or another to gravitate. But they were not armed with the same authority or required to exercise the same control as the Treasuries at home. On the contrary, decisions were frequently taken by agreement in other Sections on subjects which, in Civil Government, would have required Treasury sanction, on account of their financial implications. While, therefore, the Financial Delegations had a very wide range of interests and responsibilities, the field of their effective influence was far narrower: and this field was still further restricted by the fact that none of them—at least none of those who were visitors in Paris—were equipped, even in the later stages of the Conference, with the staff and the technical material necessary for the enormous volume of work that came to them.

2. *The Nature of their Work.* This work fell into three distinct parts. The first was concerned with the current financial questions of the immediate present; the second with the text of the strictly financial portions of the Treaty; the third with the financial implications of other Treaty Clauses. These three types of work differed both in the amount of time and attention which they demanded and in the procedure adopted to cope with them.

3. *Financial Problems of the immediate Present.* Problems of the immediate present—often having little or nothing to do with the terms of the Treaty—were prominent among the different claims on the time and attention of Financial Delegates. Such problems provided most of the work of the Supreme Economic Council, which met once a week, and nearly all the work of its Finance Section, which found that a weekly meeting was often inadequate if the Section was to keep abreast of current business.[1] To the same category of work belonged the conferences with German Delegates at Trier, Spa, and Brussels, the financial questions connected with the successive renewals of the Armistice, and the whole finance of Relief, with its great variety of technical difficulties, and its world-wide scope. In addition to this, a great number of national questions which in normal times would have been dealt with by the home Treasuries, and of international questions which would have reached the different Treasuries through diplomatic channels, had to be settled by negotiation between the financial representatives in Paris.

Two serious consequences resulted from the prominence of this type of work. In the first place, numerous momentary points of detail demanded an amount of time altogether out of proportion to their combined importance, with the result that the more serious and fundamental financial problems of the later Armistice periods were often thrust into the background, and could not receive sufficient consideration as a whole. In the second place the Treaty suffered from the preoccupation of Delegates of all nationalities with problems having only a remote or indirect connexion with the financial settlement to be made with the enemy.

4. *The Treaty Clauses.* Of the Treaty Clauses themselves, it may be said that Reparation overshadowed everything else. The Financial Clauses, it is true, were among the last to be submitted to the Council of Four, and a great deal of time was spent on their construction. But as finally submitted, they were easily disposed of in a short discussion, and they raised no differences of policy and principle at all comparable to those of the Reparation Chapter.

The work of the Commissions which dealt with the financial portion of the Treaty differed perhaps in two respects

[1] *v.* Vol. I, chap. 8, pt. ii.

—though only in degree—from the work of the other technical commissions of the Conference. In the first place the material information had for the most part been collected for them before they began their work. There had been various investigations and discussions of the economic position and of the capacity of Germany to pay, and there was a wealth of statistical material to draw upon. In this way the Financial Commissions differed, for example, from the Communications Section, which had not only to consider but also to collect the material information by means of special missions to various parts of Europe. In the second place the Financial Commissions were perhaps less rigidly confined than others by lines of general policy accepted and laid down beforehand by agreement between the different Allied Governments. The radical alterations made, up to the last moment, in the terms of Reparation, are evidence of the fact that in this case the details of policy were not definitively determined in advance.

5. *The Financial Implications of other Treaty Clauses.* The financial aspect of the Treaty as a whole fell, or should have fallen, within the sphere of the responsibility of Financial Delegations. In practice little time could be given to the subject. Different sections of the Conference would refer to their Financial Delegations any papers which obviously had a bearing on finance. But there was often little or no opportunity for the financial point of view to be represented while a decision was still under discussion. It was left to the private initiative of financial delegates to pick out from the mass of papers which at one time or another passed under their eyes, questions whose financial bearing might be less obvious or seemed not to have been sufficiently considered. There was no recognized machinery or routine to ensure that a single, consistent policy in economics and finance should be reflected in all the different parts of the Treaty drawn up by specialists who were not economists or financial experts. The structure of the Peace Conference had left no room for any other unifying authority than the Council of Four. It is true that at the weekly meetings of the British Empire Delegation, experts of every degree of specialization combined to discuss questions variously affecting their different special fields. But even if British policy could by these or other means have been effectively co-ordinated, it would have been impossible to achieve the same result inter-

nationally, and the Treaty was never watched as a whole from the financial or economic point of view.

6. *Personnel.* The personnel available was generally so limited that it would have been impossible—even if it had been desirable—to entrust different types of work to different individuals. The Financial Delegates who were concerned with Armistice conditions, Relief and other immediate problems, were usually the same individuals who had to deal with the Financial, Economic, and Reparation Clauses of the Treaty, and who were nominally responsible for the financial policy of the Treaty as a whole. The consequence naturally was that less was gained in unity and co-ordination than was lost through overwork and pressure of engagements. The British Delegation was able to some extent to specialize, by deputing such comparatively narrow subjects as Ottoman Debt or the Clearing House Scheme to the charge of different officials. But as a rule, principle, policy, and detail fell upon the same shoulders, and the fact is of some importance to the history of the Treaty on its financial side.

7. *Procedure.* (*a*) *Immediate Problems; the German Finance Committee; the Neutral Financiers' Committee.* Immediate problems were dealt with formally at the Supreme Economic Council, which dictated policy; less formally at the Finance Section of the Council, whose functions were largely executive; but for the most part by quite informal discussion and arrangement between the different sections concerned, or rather between the more active members of the various bodies charged with international administration.

A significant proof of the important part played by these immediate questions in the activities of the Financial Delegations is that it was found necessary by the Finance Section to make two innovations which are without parallel in any other part of the Peace Conference. A Financial Committee of German experts was summoned, while the German Treaty was still under discussion, and established at the Château de Villette, near Campiègne. Here they were visited by the Finance Section on different occasions for the settlement of outstanding questions, chiefly relating to the provisioning of Germany, by word of mouth. Similarly, a Committee of neutral financiers was invited to come to Paris to discuss with the Finance Section the question of German credits in neutral countries, many of

which were maturing while the Peace Conference deliberated. Several meetings of the Finance Section were attended by these neutral representatives.

(*b*) *Financial Terms.* For the drafting and discussion of the financial Terms of Peace the procedure was quite different and far more normal. A Drafting Committee was first formed to draw up a list of the questions which would have to be settled by the Financial Clauses of the Treaty. Only the five principal Powers were represented, and though some weeks were spent in discussing and drawing up the list of questions to be solved, the list as finally drafted differed little from that which had been originally proposed. The chief results of the Drafting Committee's work were, first, that it succeeded in limiting the field for discussion in the Financial Commission by the definite exclusion of questions not directly affecting the enemy and the Treaty terms themselves, and, secondly, in the course of drawing up its schedule of questions the Committee arrived at some indication of the answers that would have to be given. The Committee had completed its work by the end of February 1919.

These questions and their answers were then debated for a full two months in the Financial Commission, which met frequently and found progress difficult until it resolved itself informally into a far smaller body. This informal Commission of four members abandoned the attempt to arrive at an agreed document, and concentrated its efforts upon formulating the points of difference which would have to be decided by higher authority. The outstanding questions were in this way narrowed down to a round half-dozen, and it was these few points of disagreement which were taken for discussion to the Council of Four and there quickly determined.

(*c*) *Financial Policy throughout the Treaty.* For dealing with the third type of financial question—the economic implications of other parts of the Treaty—there was no procedure at all.

8. *Methods of Interpretation.* Of the genesis and metamorphoses of the Financial Treaty no more need here be said. Some knowledge of the way in which the different clauses and even the different phrases came to be embodied in the text may be essential to a full appreciation of their history and intention. But a detailed account of their growth is now probably impossible and would be largely irrelevant. Such practical interest as it

might have is derived from the fact that those who administer the Treaty will at first be often the same people who had a hand in the making of it, rather than from any likelihood of their attempting to remember the original intention of the Terms. When the terms of Peace are carried out in action, it will be the letter of the Treaty and the circumstances of the time that will be the controlling factors, not the letter of the treaty interpreted according to the spirit in which it was written. What the makers meant—an obscure and inexhaustible subject —will be forgotten, and what the words mean will be the criterion by which the limits of action will be fixed.

The Treaty in detail is the result of an untiring search for the 'formula' which, in spite of differences of opinion, would succeed, not so much in commanding the whole-hearted agreement, as in avoiding offence to the susceptibilities of all interested parties. Not unnaturally, the formula, when found, was only acceptable to all the signatories alike because each of them could interpret it in his own way. It merely postponed instead of solving the problems arising out of the divergence of their opinions. Consequently, it becomes a matter of the first importance to distinguish precisely between what the Treaty formally and definitely excludes, and what various practical possibilities might still be included within the letter of its terms. The progress of Inter-Allied discussion invariably tended to narrow the field of the former and to extend the possibilities of the latter. But the words of the Treaty, which were chosen, and will perhaps be interpreted, in a meticulous and legalistic spirit, describe the limits of practical action; and these are the only limits to the possibilities of the future except such as are superimposed by physical necessity or by explicit renunciation of the Terms of Peace.

In order to distinguish exactly what may be done from what must not be done, the clauses must therefore be studied in detail, with close attention to their phrasing. Often, indeed usually, there will remain a wide expanse of possibilities. The Treaty itself can provide no clue as to the precise point at which these possibilities will be translated into the actualities of practice. The determination of this point depends upon general considerations, which are often not financial, and estimates of the practical effect of the Terms of Peace therefore become conjectural and vary with personal temperament and opinion.

II. Finance

1. *The Financial Clauses. Article 248, Priorities.* The first of the Financial Clauses establishes the principle that all the assets and revenues of the German Empire and its constituent states are to be made available for the satisfaction of the obligations incurred by Germany under the Treaty. Strictly interpreted, these assets and revenues include nothing but State property and the revenue *actually* collected. It may be doubted whether anything is covered by the word 'assets' except what *was* State property at the time when the Treaty was signed; and certainly nothing is covered by the word 'revenues' that is not actually collected in the form of revenue by the State. Potential revenue is not included, and the private property of German nationals is definitely excluded. The Treaty therefore establishes no blanket mortgage on the assets of Germany in general. On the contrary, the assets and revenues specifically pledged to the satisfaction of Treaty claims amount to so little in value that it was necessary in the later articles of the Financial Clauses to lay down the order of priority in which the different obligations of Germany are to rank. Unless there was an admitted danger that the assets and revenues of German Governments would not suffice, or could not be used for the satisfaction of Treaty claims, there was little reason why priorities of any sort should be necessary. If creditors are certainly to be paid twenty shillings in the pound, it matters nothing which of them has the first claim. Taken in conjunction with one another, Article 248 and Article 251, which contains the list of priorities, therefore constitute a recognition of the fact that the Treaty claims on Germany might not, in practice, all be satisfied, and could certainly not all be adequately covered by the security given against them in Article 248. It would be too much to say that those who made the terms knew that Germany was not in a position to meet her financial—much less her moral—obligations: but when a claim was relegated to a low category in the list of priorities the chances of its being met were known to be sensibly diminished. Priorities, without necessarily prejudging the precise measure of Germany's capacity to pay, involve a recognition of the possibility of default. In practice, therefore, they have a fundamental importance on account of their limiting effect on the prospects of each of the many

different kinds of claim established against Germany by the Treaty.

Their importance is further enhanced by the limited nature of the general mortgage which Article 248 establishes in favour of the Allies. The assets pledged are to be available for Treaty claims, '*subject to such exceptions as the Reparation Commission may approve*': and no limit is imposed on the extent to which the Reparation Commission may permit the use of assets for other purposes, nor is their permission required to be unanimous in order to be valid. A majority of the Reparation Commission has power to diminish the assets actually available for the satisfaction of an obligation which only the unanimous Commission could cancel or postpone. Moreover, it must in practice be inevitable that the silence of the Commission should be interpreted as equivalent to its consent, in most cases where the use of assets for other immediate purposes than the satisfaction of allied claims is in question. Otherwise, the express permission of the Commission would be required not merely for the conclusion of such commercial treaties as have already been made by Germany with Poland and Holland—involving the delivery of coal from year to year—but also in order to enable the German Government to earmark revenue to any services, such as Education, which are not incidental to the fulfilment of the Terms of Peace. No neutral credit could be repaid and no loan negotiated by Germany without the consent of the Commission, and all the ordinary business of Government would be brought to a standstill by a rigid application of the terms of Article 248. But the reply to the German Delegation's observations gave the assurance that no such interference in the internal affairs of Germany was contemplated. It may be taken as certain that the consent of the Commission will not be sought or required in many of the cases in which it is technically necessary. The effect of Article 248 is merely to reserve to the Allies a right to insist that Treaty claims shall not be postponed to unessential expenditure, and that German Government assets shall not be disposed of with the purpose of prejudicing the satisfaction of Germany's obligations under the Treaty. If the limits within which the Allies may exercise supervision and control for this purpose are wide, that is not to say that the Treaty contemplates or would be likely to be held to justify any arbitrary interference with the commercial transactions of Germany or

any detailed control over the financial arrangements of the German Government.

2. *Order of Priority.* (*a*) *Special Debts to be met from Special Assets.* Certain assets of Germany are specifically exempted by the Treaty from the general mortgage imposed by Article 248, and are earmarked to the satisfaction of particular obligations which constitute an exception to the list of priorities and may be said therefore to rank above all others. They are of no great importance, except in the case of enemy assets and property within Allied jurisdiction at the outbreak of war and State property in ceded territories. The former are exempted by Article 252, and are made available for the payment of German debts outstanding to Allied nationals which, on account of the War, have not been paid. The latter will be considered later. Assets of Germany arising out of the Ottoman Debt are also exempted as well as the gold sent to Germany by her Allies in connexion with loans made to them by Germany, and the plunder obtained by the Treaties of Brest Litovsk and Bucharest (Article 259, par. 6). In certain special cases, Germany undertakes a particular liability in regard to the restoration of property or the continuance of an existing obligation : she is to restore, for example, the French flags captured in the Franco-Prussian War (Article 245),[1] and to make good the losses involved in the burning of the Library of Louvain (Article 247). The payments, due to Brazil under Article 263 for coffee requisitioned and sold in Germany, may also be held to involve the assignment of particular assets to the payment of this particular debt, even though the assets are monetary and indistinguishable. Finally, mortgages effected before the War, in favour of the Allied Governments or their nationals, are specially protected by Article 253 from being prejudiced in any manner by the priority list.

(*b*) *Restitution.* The restitution of recognizable articles of stolen property is, of course, not regarded by the Treaty as a part of Reparation. Integral restitution of such property must be made independently of all other claims : and since the property is not a German asset, but belongs still to its original owners, it does not constitute an exception similar to those considered above. But the specific claims for German cattle, etc., in *replacement* of stolen property are a part of Reparation,

[1] *v.* also Art. 246.

and rank as such, though in point of time they may be expected, to some extent at any rate, to take precedence.

(*c*) *Cost of Food and Raw Materials.* The first specific claim on *all* the assets and revenues of the German Empire and its constituent States is the cost of such 'supplies of food and raw material for Germany, and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation'. These claims will have priority only 'to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers', but in practice the liberty of Germany to make use of her own assets to equip herself for industrial recovery by the provision of food for her people and raw materials for her factories is not questioned. As will be seen later, the cost of such food and raw materials is only the second charge upon the first £1,000,000,000 to be *paid* by Germany. But logically and chronologically it ranks first among the claims on the assets and revenues of the German Empire. By expressly recognizing this priority in Article 251, the Treaty escapes from the dilemma which made the economic destruction of Germany incompatible with the enforcement of Reparation claims. The decision here implied is that Germany must be assisted to recover at least so much financial strength as is necessary to enable her to meet her obligations under the Treaty in addition to her normal expenditure. Though the claims of the Allies rank, for example, before the Internal Debt, the priority of these two claims upon her assets is to be reversed if internal default would, in the opinion of the Allied Governments, incapacitate Germany from making Reparation in full. The power to make the necessary concessions is reserved to the Allied *Governments* by Article 251, but is delegated by implication to the Reparation Commission by the first words of Article 248, in so far as those concessions concern German State property or revenue.[1]

At the time when the Treaty was ratified the Allied Governments had already permitted very considerable assets of Germany to be used for provisioning the country. By authority of the Supreme Economic Council, German gold had been exported for the payment of food supplies delivered to Germany by the

[1] Art. 248: 'Sous réserve des dérogations qui pourraient être accordées par la Commission des réparations, etc.'

Allies after the Armistice. By the month of June 1919, some £25,000,000 had been delivered by Germany in gold at Brussels or Amsterdam, and by September the stock of gold in the Reichsbank had already been diminished by about £60,000,000. It soon became evident that gold payments would not be available in sufficient quantities even to pay for the imports which the Relief authorities judged to be necessary. It was therefore decided to earmark foreign securities publicly or privately owned in Germany for the payment of supplies. A list of these securities had already been compiled by the German Government; a special decree was passed by them prohibiting their alienation; they were then requisitioned by stages, and a special Committee was formed to make arrangements with the German financial representatives for the long process of bringing them to market and selling them for the credit of the food account.

The value of foodstuffs actually delivered to Germany by Great Britain alone amounted to £15,149,667 on 13th February 1920, and the value of British contracts still to be completed was on the same day £655,473. Payment before delivery has been the invariable rule.

(*d*) *Other Necessary Payments.* Not only had the assets of Germany been applied in the first place to the payment of necessary supplies, but there had also been occasion, long before the Treaty was signed, to permit 'other necessary payments judged to be essential.' Gold, immobilized by the conditions of the Armistice, was allowed by the Allies, while the Armistice was still in force, to be exported from Germany for the payment of certain debts contracted in a neutral country during the War. These payments were judged to be essential if German credit was not to collapse altogether in neutral countries; and it may be assumed that similar motives will forbid the seizure of gold reserves now remaining in Germany, since they are scarcely adequate to maintain such confidence as still exists in German paper.

When the available assets and revenues of the German Empire and its constituent States have been first of all diminished by

1. The exemption of particular assets reserved by the Treaty for the satisfaction of particular claims, and

2. The exemption of such assets as the Reparation Com-

mission may by a majority decision allow to be applied to other purposes, and when the balance has been applied to

1. The payment of food and raw material and
2. Other payments judged to be necessary,

what remains is to be applied to meeting the demands of the Allies in the following order:

(i) The cost of the armies of occupation.
(ii) Reparation.
(iii) Other Treaty claims.

(*e*) *Cost of Armies of Occupation.* The claim for the costs of the armies of occupation covers not only the pay and keep of men and beasts but also the cost of all equipment, armament, and rolling stock and the subsidiary services of hospitals, transport, or administration. It applies to the costs of occupation both before and after the signature of peace, and it must be assumed to apply—though this is not definitely stated—to all armies of occupation, including the Allied forces temporarily in occupation of the plebiscite zones. No limit is assigned by the Treaty either to the amount of this claim or to the size of the forces in respect of which a claim may be made. The Treaty leaves it to the Allies to settle among themselves what forces are required, and it is for Germany to pay all expenses to which the Allies are put as a result of their employment. But France, Great Britain, and the United States have arrived at an agreement for limiting the total annual amount to be paid by Germany under this head. The question whether or not any part of these expenses would in any event have been incurred by the Allies cannot arise under the Treaty: nor is Germany less liable for the cost of conscripts drafted to occupied territory during their normal period of service than she would be for the cost of troops specially recruited for the purpose. The claim is for the whole cost integrally, and any expenses actually incurred in connexion with occupation are a valid claim under the Treaty, without regard to any other consideration.

(*f*) *Reparation.* Reparation will be considered later (*v.* Part III).

(*g*) *Other Treaty Obligations.* After Reparation rank all the other financial obligations assumed by Germany in the Treaty of Peace, or under the Armistice Conventions. These

obligations are scattered throughout the Treaty and need not be enumerated. They include, for example, the repayment to the Allies of the loans advanced by them to Belgium during the War (Article 232), the payments to be made to France in Equatorial Africa (Article 125) and the costs of the destruction of Heligoland (Article 115).

(*h*) *Obligations not specifically ranked.* Any obligations of Germany not specifically assigned to a place in this list of priorities must be assumed to rank after those included in the list. Pre-war obligations towards neutral countries must be held to be postponed to all Allied claims under the Treaty, except in so far as they may be judged to be essential to the preservation of German credit and so to the maintenance of Germany's ability to make reparation. And all post-war obligations of the German Government rank after the Treaty claims on Germany's assets, even if they are incurred towards one of the Allies. The special agreement, for example, which has now been concluded between the Belgian and German Governments for the redemption of the six milliards of marks withdrawn from circulation in Belgium, cannot affect the priority or the extent of Belgian claims against Germany under the Treaty. But these inferences are again subject to the proviso that the Reparation Commission have power—and might use that power—under Article 248 to make exception.

3. *Particular Provisions. Pre-war Debt, Details.* For the rest the Financial Clauses are concerned with regulating the financial conditions incidental to territorial changes consequent upon the Treaty and with certain matters of detail that may be summarized quite shortly.

In regard to the pre-war debt of Germany the general principle is laid down that ceded territory carries with it a proportion of both Imperial and State debt as they stood on the 1st August 1914. This proportion is determined by the ratio of the revenues derived from ceded territories to the whole revenue of the Empire or State (Article 254). Inasmuch as in 1871 Germany refused to undertake any portion of the burden of the French debt, France is exempted in respect of Alsace-Lorraine from this general principle (Article 255). Poland is also exempted from the obligation to assume that part of the pre-war debt of Germany which is attributable to the German colonization of Poland (Article 255); the amount of the German debt

transferred with the ceded territories is to be computed so as to exclude any debt which represents expenditure by Germany on property belonging to the German Empire or State, or to the former German Royal House. This deduction is due to the fact that Germany is, in general, to be credited (under Article 257) with the value of such property in the Reparation Account. In the case of former German territories assigned to a Mandatory no portion of the German debt is transferred with the territory, and no credit is given for the Government property situated within those territories (Article 257).

The Financial Clauses further continue the embargo imposed by the Armistice on the export or disposal of German gold (Article 248). They exclude Germany from representation on international economic organizations (Article 258), and they define the terms in which monetary obligations of Germany throughout the Treaty are expressed (Article 262). Except for purchases or requisitions of the Allied Governments in occupied territories (Article 249) German monetary obligations are assessed in terms of gold.

All other provisions included among the Financial Clauses relate to the Reparation account and are best considered in conjunction with the Reparation Chapter.

III. The Reparation Chapter [1]

1. *Moral Responsibility of Germany, but Limited Financial Responsibility.* The first of the Reparation Clauses (Article 231) asserts the responsibility of Germany and her Allies for *causing* all the loss and damage suffered by her enemies as a result of the War. This responsibility is a moral and not a financial responsibility. The Clause means simply that Germany caused the War. But the extent to which any debtor can be made *financially* responsible is limited by his ability to pay, and Article 232 acknowledges that the resources of the new Germany are not adequate for the reparation of all War damage. Germany is therefore to be held financially responsible only for part of the damage caused by the War, and this part is specified in the Treaty. The assertion of her moral responsibility for more does not affect her financial liabilities as detailed in the

[1] An uncompromising criticism of the Reparation clauses will be found in J. M. Keynes, *Economic Consequences of the Peace*, chap. v; his conclusions were questioned by Mr. J. F. Dulles (U.S.A.) in the *Times* of 16 Feb. 1920.

terms of Peace, nor does it enable her financial responsibilities eventually under any circumstances to be extended to cover other damage, however much Germany may have been responsible for causing such damage (cf. the precisely analogous logical structure of Annex III, par. 1).

2. *Methods of limiting Financial Responsibility.* The limits of Germany's financial responsibilities might have been fixed in various ways. The Treaty might have determined what Germany was to pay, and this method would perhaps have been in accordance with precedent. It is important to realize that the Treaty deliberately and consistently discards this method. It determines not what Germany is to pay, but what Germany is to pay for. It defines the nature of the damage for which compensation may be claimed; it refrains from assessing any particular claim or limiting the value at which the total of all valid claims may be assessed.

What Germany is to pay for by way of Reparation is defined generally by Article 232 and in detail by Annex I of the Reparation Chapter. No other kinds of damage than those there described can at any time be made the basis of a claim for Reparation under the Treaty.

3. *General Limitation as to Time.* Article 232 further restricts the liabilities of Germany by a general limitation as to time which governs all the particular categories of damage. A claim for Reparation, in order to be valid, must be not only for damage falling within the specified categories, but for damage suffered by one or other of Germany's enemies '*during the period* of the belligerency of each as an Allied and Associated Power against Germany'. This general limitation has a threefold effect. It excludes any claims for losses suffered at a time when the claimant was

(*a*) Not belligerent.
(*b*) Not recognized as an Allied or Associated Power.
(*c*) Not belligerent against Germany.

Under the Reparation Commission the United States would therefore not be entitled to compensation for damage—as for the *Lusitania*—suffered before America declared war on Germany. Poland can claim only for damage inflicted after the time when Poland was recognized as an ally of the Powers belligerent against Germany; and Italy can obtain no Reparation

from Germany for losses suffered when she was at war with Austria without being at war with Germany also.

4. *Belgian War Debt.* Article 232 contains one addition to the particular categories of damage for which Germany is to pay Reparation. Germany assumes responsibility for the reimbursement of all sums borrowed by Belgium from the Allied and Associated Governments between the outbreak of war and the signature of the first Armistice. The sums in question are said to have been advanced to 'Belgium' not to the Belgian Government. But the clause probably covers nothing more than the advances made from Government to Government, and its effect is to transfer to Germany the whole liability for these advances. Even if Germany were to default, the Allies have no claim against Belgium for sums advanced during the War, and Belgium, alone among the belligerents, enters upon the period of reconstruction without any burden of foreign debt contracted in this period.[1]

5. *Categories of Damage.* The other kinds of damage for which Germany is to make compensation are enumerated in Annex I, briefly as follows:

(1) Personal injuries suffered by *civilians* and damage suffered by the dependents of civilians killed, as a *direct* consequence of operations of war by any belligerent.

(2) Damage caused by Germany *or her Allies* to *civilian* victims of cruelty, violence, or maltreatment, or to the surviving dependents of such victims.

(3) The third category adds nothing that would not be included by a reasonable interpretation of the second.

(4) and (8) The fourth extends the claim to cover maltreatment of *prisoners of war*, and the eighth specifically includes the forced labour of civilians.

(5) The capitalized cost, at the date of the coming into force of the Treaty, of all pensions and compensations to *soldiers* and their dependents, calculated on the basis of the scales in force in France.

(6) The cost of assistance to *prisoners of war*, their families and dependents.

[1] Both this extension of Annex I, and the general limitation as to time already referred to, bear traces of having been introduced into the text of Article 232 at a late stage, as modifications of the original structure of the Reparation Chapter.

(7) Separation allowances on the French scale.

(8) Damage done to property—other than naval and military works or materials—directly in consequence of hostilities, and damage suffered by Allied nationals, through the seizure or injury of their property, wherever situated, by Germany *or her allies.*

(9) Fines, levies, and exactions imposed by Germany *or her allies* on the civilian population.

6. (a) *Damage by Germany's Allies.* The specific categories of damage here enumerated do not in all respects correspond with the general description of the damage for which Germany undertakes to make reparation by the terms of Article 232. In the first place Article 232 makes no specific mention of the damage caused by Germany's Allies. It is true that under Article 231 Germany and her Allies are declared to be jointly responsible for all war damage, but the *financial* liability of Germany is described in Article 232 without any specific statement that Germany is to be made financially responsible for damage caused by others than herself.

(b) *Indirect Damage.* 'Germany undertakes that she will make compensation for all damage done to the civilian population . . .' Besides omitting to mention by whom the damage must have been done, these words fail to distinguish between direct and indirect damage, and the Treaty does not in fact anywhere determine how far it is permissible to trace out the ulterior consequences of war losses and to charge them to Germany's account if they arise out of damage falling within the categories of admissible claims.

The question would have been of very great importance if the losses due to unrestricted submarine warfare had been charged to Germany's account. It may still be raised both in regard to categories where indirect damage is not mentioned, and in connexion with the assessment of indirect damages where they are definitely allowed by the Treaty. If the ulterior consequences of direct losses were to be traced out indefinitely, large amounts might be involved and estimates might be expected to vary considerably.

(c) *Damage to Civilians.* The most striking difference between the general description of the claims in Article 232 and their particular enumeration in Annex I, is in regard to damages suffered by combatants. These are formally excluded from

the general statement of Germany's liabilities quoted above, though they are of course included among the injuries for which Germany accepts moral responsibility by Article 231. It may be held that, though excluded by the general description 'damage done to the civilian population', they are covered by the addition at the end of Article 232 of the words 'and *in general* all damage as defined in Annex I hereto'. The accepted canons of legal interpretation would scarcely admit of the contention that 'and in general' here means 'and in addition', or that this phrase extends the limits of the claim as already defined. But it may, none the less, be taken for granted that in practice the terms of the Annex will in this case be held to override the main Treaty text. Differences of principle which had to be reconciled are here seen imperfectly fused together in the terms of Peace.

7. *Impossibility of confident Interpretation.* In a document of so wide a scope, dealing—especially in these chapters—with a subject-matter so necessarily complicated, and compiled, as we know the Treaty was compiled, in many separate parts by different people, it was perhaps inevitable that obscurities and inconsistencies should remain. They serve to emphasize the fact that international legislation of this kind stands in need, at least as much as national legislation, of the interpretation of the Courts and of development and modification by the authorities who are charged to administer it. They should also tend still further to diminish the confidence with which any one at this date can say what the Treaty, with its network of clauses, annexes, protocols, and provisos will be held to mean. Even if this were known it would not follow that its practical effect could be foretold.

8. *The Determination of Claims.* The Treaty, then, lays down not what Germany is to pay but what Germany is to pay for. But it also prescribes the method by which the amount that Germany is to pay shall be determined. The amount of the reparation claims admissible against Germany under the Treaty is to be determined by the Reparation Commission. The Commission must before the 1st May 1921,[1] notify to Germany both the total amount of reparation eventually to be paid and the time and manner for securing and discharging the entire obligation within a period of thirty years from that date.

[1] Article 233.

The Commission, in making its notification, need not specify the manner in which this total amount is distributed or assigned among the different categories of damage for which compensation is due. Their award will be expressed in the form simply of a lump sum in gold marks and a schedule or time-table giving the provisional programme up to 1951. But before the award is made or notified, the Commission is obliged by the Treaty to 'consider the claims and give to the German Government a just opportunity to be heard'.[1] Though the final award is expressed and notified in the form of an aggregate, it cannot be arrived at until the evidence on which the findings are based has been divulged and discussed before the Commission: and the German Government must be given an opportunity of being heard in regard to the separate elements that go towards the constitution of the final result. The case may therefore be argued before the Commission for and against each separate category of damage, both as to the amounts included and as to the admissibility of different items within the terms of any category.

The German Government is *not*, however, entitled, in these deliberations, to be heard on the subject of the capacity of Germany to pay any given *total*. Until the 1st May 1921, the Reparation Commission in considering the total amount eventually to be paid by Germany will be concerned purely with questions of fact and with valuations. It will be their task, for example, to determine whether in fact such and such damage was committed, whether it falls within the definition of damage for which Germany is liable under the Treaty, and what is a fair assessment of the damage in terms of money. It is not until *after* the 1st May 1921 (Article 234) that any consideration need be given to the resources and capacity of Germany in general or that the representatives of Germany need be given an opportunity to be heard on this subject as provided for in Annex II, 9.

Under other clauses of the Treaty German representations may be considered regarding the possibility of meeting any *particular* demand which may be made for part payment of the first £1,000,000,000. But this does not alter the fact that the Reparation Commission is to arrive at its award by the addition of a multitude of separate items, each of which

[1] Reparation, Annex II, 10.

Germany is allowed to dispute on other grounds, but which may neither individually nor collectively be disputed on the ground that the final total is thereby swollen to a figure beyond Germany's capacity to pay. The Commission are to assess the claims without regard to the total to which together they amount.[1]

9. *Method of discharging the Debt.* But the Allies have need to proceed at once to the restoration of their industrial and economic life. They cannot afford to wait for the first substantial payment from Germany until the whole amount due has been assessed. The Treaty therefore provides for a payment on account, to be made by Germany before the 1st May 1921, while the Reparation Commission are arriving at their final aggregate award through the assessment of particular claims. During 1919, 1920, and the first four months of 1921 Germany is to pay 'the equivalent of 20,000 million gold marks' (Article 235). Though the amount to be paid within this period is specified, there is no departure here from the general principle of avoiding immediate assessment. The Treaty merely requires that a determinate amount—not a determinate proportion—of Germany's debt shall be discharged within a stated time, in order to enable the Allies to proceed at once with reconstruction.

Just as the pressing needs of the moment require that a minimum of reparation should be paid within a certain time, so the particular needs of the Allies require that a certain minimum should be paid in a particular way. The Treaty consequently demands particular restitutions and prescribes particular modes of payment—in coal, shipping, dyestuffs and so on—for limited amounts (Annex V and VI). The time and method of discharging the balance of the debt—as eventually assessed by the Reparation Commission—are not laid down by the Treaty, but left to be adjusted in the light of the changing circumstances of the future.

10. *Argument of Mr. David Hunter Miller.* It would be unnecessary to dwell upon this point if a different view of the logical structure of the Treaty had not been taken by the legal adviser of the American Peace Commission. Mr. David Hunter Miller published in the *New York Tribune* of 9th February 1920, an entirely new and unexpected interpretation

[1] Reparation, Annex IV, 4; Annex V, 10.

of the Reparation Chapter. In his view the Treaty does not merely prescribe the method of discharging particular amounts of Germany's whole debt to the Allies, leaving the settlement of the greater part to be made as may seem best at a later date. He gives it as his opinion that 'payment is *solely* by means of bonds'.

The consequences of this interpretation are so important as to merit detailed consideration. The effect would be that nothing could be demanded from Germany beyond the 60,000 million marks to be delivered in bonds under par. 12 of Annex II, unless the Reparation Commission unanimously agreed to demand such payment. In that event, whatever were the amount of Germany's debt as fixed by the Commission, any single member could effectively veto the discharge of any part of that debt in excess of 60,000 million marks gold. The intention of the Treaty, it can scarcely be doubted, was that unanimity should be required of the Reparation Commission not for the discharge but for the postponement of the discharge or diminution of the amount of Germany's debt (Annex II, par. 13 (*d*)). But if the United States representative on the Commission took a different view, the consequences would be all the more serious in view of the fact that unanimity is certainly required in all 'questions of the interpretation of this Part' of the Treaty (Annex II, par. 13 (*f*)).

The argument of Mr. David Hunter Miller is as follows:

> 'Articles 231 to 233 relate simply to the total amount which Germany *owes*. As to payments, they are controlled wholly by Annex II of Part VIII. . . . It is of the utmost importance to distinguish the *debt* of Germany from the *payment* prescribed by the Treaty. . . . It is the payment that matters, and payment is *solely* by means of bonds (which are extinguished pro tanto by deliveries of coal, ships, &c.). . . . *No bonds other than the sixty billion marks* can be issued until the Reparation Commission is satisfied (the French text is 'convaincue') that Germany can meet the interest and sinking fund obligations thereof. . . . The Commission, to be convinced, must be *unanimously* convinced. This is *specifically* provided by Annex II, Clause 13 (*b*).'

The pivot of the argument is the assertion that payment is solely by means of bonds. The generally accepted opinion is that the Treaty does *not* lay down *any* general method for the discharge of Germany's obligations. A particular minimum (20,000 million marks gold) is to be paid by 1st May 1920, Art. 235, because of the pressing nature of the Allies'

needs: and particular commodities (coal, ships, dyestuffs, &c.) are to be delivered in certain specified quantities, which similarly represent the minimum required by the special nature of the Allies' needs.

Apart from these specified minima the Treaty determines neither the amount nor the method of the payments to be made by Germany. It resolves one problem only, namely, what Germany is to pay *for*: and after that it contents itself with laying down how the remaining problems—how much, when and what Germany is to pay—shall be resolved at a later date.

11. *Who determines how payment is to be made?* (a) *Until 1st May 1921.* The authority, which is deputed by the Treaty to decide how payment shall be made until 1st May 1921, is the Reparation Commission. 'Germany shall pay . . . in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may fix' (Article 235). The Commission is given by this clause absolutely unfettered discretion to demand payment up to £1,000,000,000 in any form whatever. This is by far the most comprehensive of all the powers conferred by the Chapter on representatives of the Allies, and it has been criticized both in Germany and in this country as being an infringement of the elementary rights of a sovereign State. No doubt it could be made so within the letter of the Treaty terms; for the Reparation Commission are hereby given a potential claim not merely to the State properties and revenues which by Article 248 are generally assigned to the satisfaction of Allied claims, but also to private property, both in Germany and elsewhere, and to anything else that might take the fancy of a *majority* of the Commission. But though the drafting of this clause is open to such criticism, there is no reason to suppose that its execution will in practice lead to the infringement of any of the legitimate interests of Germany.

(b) *After the 1st May 1921.* After the 1st May 1921, the method of discharging Treaty obligations is left by implication to the discretion of Germany except in so far as that discretion is limited by the provisions of the Treaty relating to the delivery of commodities. The total value of commodities specifically required is likely to amount to an insignificant proportion of the whole debt as eventually assessed, and the

discretion of Germany may therefore be said to be left unfettered after the payment of the first £1,000,000,000. The reply of the Allies to the German observations on the Reparation Chapter stated that 'if Germany raises the money required in her own way, the Commission cannot'—after the 1st May 1921—'order that it shall be raised in some other way.' From May 1921 onwards the Treaty therefore conforms to precedent in that the total amount to be paid will have been determined, and the method of payment will be left, subject to certain rights of inquiry and control, to the discretion of the Government which is responsible for finding the means of payment.

(c) *Bonds as Security.* 'Whatever part of the full amount of the proved claims is *not paid* in gold, or in ships, securities and commodities or otherwise, Germany shall be required . . . to *cover* by way of *guarantee* by an equivalent issue of bonds', etc. (Annex II, 12 (*a*)). The terms of this clause make it clear that the delivery of bonds is in no sense a discharge of Germany's obligations, and that in *delivering bonds* Germany is not *paying* Reparation. Even if the Reparation Commission were to refrain from demanding the delivery of any further security in the form of bonds than they are required by the Treaty to take, Germany's obligation to pay the balance of the Commission's award, and the obligation of the Commission to exact payment of the remainder of this balance, would not be affected. It was sufficiently obvious when the Treaty was drawn up that *payment* of reparation is only possible, apart from immediately realizable assets, by means of goods delivered or services rendered by Germany. The object of introducing bonds at all was twofold: first, that the Allies might obtain from Germany an 'acknowledgment of' the debt, and secondly that this acknowledgment might be in a marketable form, so that future payments of Reparation to be made by Germany in goods and services might, if possible, be discounted beforehand. By so discounting their claims on Germany it was hoped that the Allies might apply Reparation payments to 'the immediate restoration of economic life' before they were actually made.

12. *The Amount of Reparation to be Paid by 1921. Bonds* for the 20,000 million marks gold must be *issued* forthwith, payable not later than 1st May 1921, without interest (Annex II, 12, c. 1), but 'there shall be specially applied towards the

amortization of these bonds the payments which Germany is pledged to make, in conformity with Article 235, *after deduction* of the sums used for the reimbursement of expenses of the armies of occupation, and for payment of foodstuffs and raw materials.'

It follows, therefore, that the amount of *Reparation* to be paid by Germany by 1921 falls far short of the total sum of £1,000,000,000, whose payment is demanded by Article 235.

It is perhaps of no consequence that the amount of these deductions is to be determined by the *Governments* of the principal Powers, viz. United States of America, Great Britain, France, Italy, and Japan—and not by the Reparation Commission. Nor is it likely to be of any practical importance that deductions under the second head would, on a strict interpretation, be limited to the cost of food and raw materials, and would not extend to those 'other payments' which, under the Financial Priorities (Article 251) rank prior to Reparation among the various claims on the assets and revenues of the German Empire and its constituent States. Such 'other payments' must in practice be expected, if they are allowed at all, to diminish the amount available for Reparation by diminishing the total of actual payments that can be made by Germany to the Reparation Commission before 1921. Their effect would then be the same as if their deduction from the amounts actually paid were permitted by this clause. By allowing the use of assets and revenues for other purposes the Allied Governments would not merely be reducing the security pledged to the satisfaction of Germany's obligations towards the Allies, but would also be prejudicing the capacity of Germany to pay the amount demanded within a stated time. The balance of the bonds outstanding at the end of this period will tend to be increased by every concession, whether in the form of a deduction or of a permitted priority.

A certain amount of bonds will, however, be automatically cancelled—and a certain amount of reparation paid—by the mere execution of other portions of the Treaty terms.

13. *Credits to the Reparation Account.* Germany is to be credited in the Reparation Account with the value of certain assets which, under the territorial and economic conditions of the Treaty, are to be transferred to the Allies. By simply fulfilling the terms of the Treaty in regard to Alsace-Lorraine,

the Saar Basin, and the ports, waterways, and railways, Germany automatically discharges a part of her debt and thereby reduces the amount of the net balance to be found between the conclusion of Peace and 1921.[1] The Financial Clauses further provide that Germany is to be credited, at the discretion of the Reparation Commission, with the value of:

(i) Material surrendered under the Armistice, apart from material of purely military value (Art. 250).

(ii) Property of the German Empire or States situated in territory ceded by Germany under the Treaty—other than Alsace-Lorraine, territory ceded to Belgium (Art. 256), and territory ceded to a Mandatory (Art. 257).

(iii) The value of rights and interests of German nationals in public utility undertakings which the Reparation Commission may compel the German Government to acquire and transfer (Art. 260).

Under Articles 252 and 297 (*b*) the balance of the private property of German nationals controlled by the Allied and Associated Governments, will also be credited to Germany in the Reparation Account, if anything remains over after the payment of private debts and other prior claims (Annex XIV § 4).

14. *Ships.* A certain specified portion of the balance then remaining to be paid is to be delivered by Germany in kind both before and after 1921. These payments in kind are governed for the most part by the Annexes to the Reparation Chapter. Annex III provides that the German Government will within two months of the coming into force of the Treaty deliver to the Reparation Commission, free of all encumbrances, charges, and liens of all kinds, all German merchant ships of 1,600 tons or more, half the merchant tonnage consisting of ships from 1,000 to 1,600 tons, and a quarter of the tonnage of German steam trawlers and fishing boats. As an additional part of Reparation (Annex III, 5) Germany is to lay down ships for the account of the Allied and Associated Governments for five years after the coming into force of the Treaty: the tonnage to be built in this way is determined by the Reparation Commission and must not exceed 200,000 gross tons a year.

[1] Articles 243; 58, 72, 74, &c.; 50. Part XII.

15. *Coal.* Under Annex V, Germany contracts to deliver, if required to do so:

(i) to France (par. 2) 7,000,000 tons of coal a year for 10 years, and for a period not exceeding 10 years an amount of coal equal to the difference between the annual production before the war of mines in the invaded departments and the actual production of those mines in the year in question (Art. 260). A protocol of August 29th 1919, fixes the monthly amount of this difference for the time being at 1,660,000 tons. France should[1] therefore receive about 27,000,000 tons in the first year after the Peace. Deliveries for December 1919, are said to have amounted only to 600,000 tons, and for January 1920, to about 497,400 tons.

(ii) to Belgium, 8,000,000 tons annually for 10 years.

(iii) to Italy, 10,500,000 tons up to June 1921, and an average of rather more than 8,000,000 tons annually thereafter until June 1929.

If the Reparation Commission by a majority decision determine that these deliveries would interfere unduly with the industrial requirements of Germany, the Commission is authorized (Annex V, 10) to postpone or to cancel the demand for such deliveries.

16. *Dyestuffs.* By Annex VI Germany accords to the Reparation Commission an option to require as part of Reparation the delivery of such quantities and kinds of dyestuffs and chemical drugs as the Commission may designate, not exceeding 50 per cent. of the total stock of each kind at the signature of Peace.

17. *Other Goods and Services.* Other parts of the Treaty provide for the delivery of reconstruction materials (Annex IV, 2, 6), benzol, coal tar (Annex V, 8), and for the physical restoration of invaded areas by German labour (Annex IV, 1). The value of all these goods and services will be credited to Germany in the Reparation Account. But in no case will credit be given for property restored (Art. 243), and the animals, machinery, equipment, &c., demanded under Annex IV, 2 and 6, do not

[1] The interpretation of this Protocol is at present in doubt. *Contemporary Review*, April 1920, pp. 557-68.

contribute to the satisfaction of Germany's Reparation obligations, in so far as the materials delivered can be identified as being the materials taken away by Germany.

18. *Estimate of the Balance Sheet up to 1st May 1921.* Any estimate of the practical effect of these provisions is necessarily hazardous, and can have only a very wide margin of accuracy. So far as can be seen at present, at least one-third of the first £1,000 millions payable by Germany will have to be used to meet the combined cost of the Armies of Occupation between the 11th November 1918, and the 1st May 1921, and the payments required for necessary food and raw materials. Of the remainder—say £650 millions—perhaps £100 millions will be automatically credited to Germany in the Reparation Account for cessions made under the Treaty. If all deliveries in kind demanded by the Treaty are punctually made—and some of them have already had to be abated—Germany may by this means pay off a further £250 millions by the 1st May 1921. The result would then be that by the strict fulfilment of specified demands Germany would have paid £700 millions, of which £500 millions would be available for reparation. A balance of £300 millions would remain to be paid 'in such manner as the Reparation Commission may fix', in order to complete the first instalment of £1,000 millions. It is safe to say that this balance of £300 millions would have to be met from other sources entirely than those already drawn upon for the payment of the first £700 millions. Gold, foreign securities, ships, coal, cattle, agricultural machinery, reconstruction materials, and in fact everything over which the Allies obtained a specific claim for Restitution or Reparation under the conditions of the Armistice and the Peace, would already have been applied to the meeting of such claims in quantities sufficient to ensure that no surplus was available from these sources before 1921. It was no doubt intended that a part of the balance should be met by marketing the bonds delivered by Germany to the Reparation Commission.

19. *Reparation after 1921.* If estimates of the practical working of the Reparation chapter even until the 1st May 1921, are difficult and problematical, it is scarcely worth while attempting to gauge the prospects after that date. It is enough to say that the whole of the aggregate award of the Reparation Commission is to be covered eventually by bonds,

and that all these bonds bear interest from 1921 onwards. But 'questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government' (Reparation, Annex II, 13 (*b*)), require *unanimity* in the Reparation Commission, and the Commission has the right to vary the rate of interest (Annex II, 16). In general, it may be said that the powers of the Reparation Commission are of greater interest and importance than the precise terms or the remoter possible consequences of the financial parts of the Treaty as now drafted. The powers of the Reparation Commission are so wide as to give to the Terms an almost limitless elasticity.

20. *The Powers of the Reparation Commission.* The Treaty not only implies but definitely states that the Allied and Associated Governments have a general interest in ensuring that 'the industrial life of Germany be not so disorganized as to *affect adversely* the ability of Germany' (Annex IV, 4) to make reparation. The Commission is to take into account, even in regard to the preliminary acts of *restitution* required by the Treaty, 'such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life' (Annex IV, 4). It must give 'the *representatives* of the German Government an opportunity and a time to be *heard*'—and this implies more than an exchange of notes—even as to the capacity of Germany to replace what was taken from invaded territory, and (after the 1st May 1921) as to the resources and capacity of Germany in general (Art. 234). The Commission shall be required, if the German Government so desire, to hear, within a period which it will fix from time to time, *evidence* and *arguments* on the part of Germany on any question connected with her capacity to pay (Annex II, 9). It may extend the date and modify the form of payments to be made; and a Protocol to the Treaty leaves it to the German Government to remove all uncertainty as to the total volume of its eventual obligations by making to the Commission an offer for compounding the whole at an acceptable figure (Annex II, 10). The Commission 'shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity, and good faith (Annex II, 11)'. And on all questions relating to the interpretation of Part VIII of the Treaty (Reparation) the

Commission must be unanimous. 'The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem' (Annex II, 12).

21. *Limits on the Discretion of the Commission.* These provisions give to the Reparation Commission power to adapt the Treaty to the needs and circumstances of the time in a broad and liberal spirit. Whether the force of opinion or of circumstances will compel the use of this prerogative of mercy may be a debatable question. But it is clear that the demands which the Commission has no authority to relax are comparatively limited. The Commission has no authority to *cancel* any part of the debt of Germany as determined under the Treaty: and it may not amend the Annex which lays down its own constitution and functions. But it may interpret this Annex, and a single dissentient in a question of interpretation can produce a deadlock for which no solution is provided by the Treaty. Arbitration can only be resorted to on the question whether a given case is one which requires a unanimous vote for its decision or not, and in a question of interpretation (which certainly requires a unanimous vote), a difference of opinion obstinately insisted upon would bring the Commission to a standstill. Though it may not remit any part of the *debt* it has a wide discretion, after 1921, in the question of *payment.* Paragraph 13 (*c*) and (*d*) of Annex II is susceptible of an interpretation which would give the Commission authority, by a majority decision, to postpone until 1930 any part of the payments falling due between 1st May 1921, and the end of 1926; and also to postpone from year to year, similarly by a majority decision, any payment falling due after that date.

22. *Sanctions.* The German Delegation's commentary on the Reparation Chapter represented the Commission as possessing in Germany incomparably greater rights than the German Emperor ever possessed. Their view was based upon the clauses giving to the Commission a power of supervision and control for the purpose of ensuring that the sums for reparation which Germany is required to pay shall effectively become a prior charge on all German revenues. The Commission, for example, is to examine the German system of taxation and to satisfy itself that that system is proportionately as heavy as that of any of the Powers represented on the

Commission (Annex II, 12*b*). Germany is bound to put into immediate execution without further proceedings any decision of the Commission (Annex II, 14), to supply all information which the Commission may require (Art. 240), and to pass and maintain in force any legislation that may be necessary to give complete effect to the provisions of the Reparation Chapter (Art. 241). If these and other powers of the Commission were or could be systematically abused, there are scarcely any limits to the arbitrary interference and control which the Commission could exercise in the affairs of Germany. But the possibility of ruthless or even of rigorous exercise of power by the Commission is dependent upon the sanctions provided by the Treaty. In case of default by Germany in the performance of any obligation, the Commission 'will forthwith give notice of such default to each of the interested Powers' (Annex II, 17), and may make recommendations as to the action to be taken. The measures which the Powers have the right to take in case of *voluntary default* may take any form that the respective Governments determine and are not to be regarded as acts of war (Annex II, 18). In other words the Reparation Commission has no means of enforcing any decision except by invoking the authority of Governments. In this way the actions of the Commission are ultimately made subject to the sanction of public opinion in the different Allied countries, and pressure can only be brought to bear on Germany by international action which would, in other cases, amount to an act of war, and would in this case be attended by the hurtful consequences resulting from a partial renewal of a war of reprisals. The practical limitations, which this form of sanction will impose upon the authority of the Commission, are obvious. Except by postponing the date for the evacuation of the left bank of the Rhine, the Allies can only enforce a demand which Germany resists if public opinion is prepared to support the Government in taking action, which must result in further diminishing Germany's capacity to pay, in further postponing the receipt of reparation payments, and in further prejudicing the prospects of a return to normal economic life and normal international relations. Such action would conflict with the expressed intentions of the Treaty to maintain 'Germany's social and economic life' and not to 'interfere unduly with the industrial requirements of Germany'. It may confidently be expected that,

except in the last resort, action of this kind would not be taken.[1]

23. *Summary of Conclusions.* The logical structure of the Treaty, as regards finance and reparation, may now be summarized in outline as follows:

(i) Germany accepts the moral responsibility for having caused all damage suffered as a consequence of the war.

(ii) The Treaty specifies what portion of this damage is to become a financial liability of Germany.

(iii) It does this by determining precisely what Germany shall pay *for*; it does not determine in general how much Germany shall pay nor in what form her obligations are to be discharged.

(iv) *How much* Germany is to pay in all, both by way of Reparation and on account of other Treaty claims, is left to the decision of the Reparation Commission.

(v) The amount is to be determined by the Commission by valuation and addition of claims conforming to the different categories of damage for which compensation is due under the Treaty.

(vi) In arriving at its decision the Commission will have no regard to the ultimate total nor to the capacity of Germany to pay this total.

(vii) The decision is to be notified to Germany by 1st May 1921, after the German Government has been heard as to the admissibility and the valuation of particular claims.

(viii) The Reparation Commission will also decide *when* payment is to be made, except that the equivalent of £1,000,000,000 must be paid as a first instalment within the period assigned to the Commission for arriving at its decision as to the total Reparation debt.

(ix) *How* payment of the first £1,000,000,000 is to be made is also a question left to the discretion of the Commission.

(x) *How* payment is to be made after the 1st May 1921, is left to the discretion of the German Government

[1] Since this was written, the occupation of Frankfort has raised the question of Treaty sanctions. The course of events has tended to confirm what is said here about the nature and value of these sanctions.

except as regards certain specified amounts to be paid in kind.

(xi) The Commission has no discretion to abate its aggregate award for Reparation, when once it has been arrived at, except with the specific authority of the several Governments represented upon the Commission.

(xii) But though it may not vary the Reparation *debt*, the Commission has a wide discretion over *payments*: it may extend their date and modify the form even of such payments as are required by the Treaty to be made in a specified way.

(xiii) The sanctions by which the Commission is enabled to enforce its decisions are the ordinary international sanctions of force supported by public opinion. It has no special sanctions to support its authority against Germany.

CHAPTER I: SECTION V

GENERAL AND INTERNATIONAL CLAUSES (*continued*)

PART V

INTERNATIONAL COMMUNICATIONS POLICY EMBODIED IN THE TREATY

NOTE.—The references to the Articles are to the German Treaty except where otherwise stated.

1. *Comparison with Congress of Vienna.* The situation in January 1919, has been compared with that at the outset of the Congress of Vienna, 1814–15. It is therefore desirable to note the differences in the conditions as regards the transportation aspects. At the time of the Congress of Vienna the sole means of inland international communication, other than roads, consisted of international rivers. The Congress contented itself with laying down in Articles 108–116 certain general principles, leaving to subsequent conventions the settlement of the administrative régime of the principal rivers of Europe. On navigable rivers traversing or separating two or more states, the navigation along their whole course from the point where each of them becomes navigable to its mouth was to be entirely free and not prohibited to any one so far as commerce is concerned, subject to observing the necessary regulations which were to be alike for all and as favourable as possible to the commerce of all nations. The dues were to be regulated in a uniform and invariable manner, and drawn up and applied with a view to encouraging commerce and facilitating navigation. Each riparian state was to be at the expense of maintaining the navigable channel on its territory. The rivers were to be regulated by international commissions composed of representatives of the riparian states. The application of the above-mentioned articles has formed the subject of a great deal of controversy during the succeeding century, but their most liberal interpretation which has gradually been accepted

assures the liberty, equality, and continuity of navigation to all flags. The intentions of the Congress as regards the administrative régime of international rivers were only partially fulfilled.

During the century following the Congress of Vienna the rivers of international concern have greatly increased in number and cover the whole world. Irrigation, reclamation, hydraulic power, fishing, and other water rights have assumed a rapidly growing importance and have to be taken into account as well as navigation. The developments of artificial canals, railways, ports, telegraphs, telephones, and mechanical transport, not to mention flying, open up an enormous field which has never been reviewed as a whole from the standpoint of international right. Certain general understandings had, it is true, been arrived at before the War, in the form of established practice or even of specific conventions, but the conventional obligations were limited in extent, and certain notable exceptions existed to the generally accepted standards, such as, for example, the control of German transmigrant traffic by German steamship companies. Moreover, in the demoralization resulting from the War there was no guarantee that after a complete break of five years the pre-war standard of transportation ethics would be recognized.

2. *Nature of Problems to be Solved.* The transportation situation which had to be resolved by the Treaties of Peace was therefore one of great complexity. This was not only due to the natural technical difficulties of framing conditions safeguarding in the future an enlightened régime of international communications, but also to the special problems arising out of the vast and simultaneous changes in practically all the frontiers of Europe. The new landlocked, or nearly landlocked, states of Austria, Hungary, Poland, and Czecho-Slovakia had been created, the latter country having to cross two frontiers to reach its pre-war national ports on the Adriatic. Serbia, expanded to Yugo-Slavia, is no longer landlocked, though old Serbia will continue to be chiefly dependent on its pre-war outlets. The necessity for assuring access to the sea of states wholly or partly separated from the seaboard was self-evident. The creation of new states, whose national interests would inevitably tend to a considerable upheaval of the economic conditions obtaining before the War, was likely in many cases to result in fundamental changes in the

direction and intensity of international traffic. It was therefore necessary on the one hand to give reasonable time for the new régime to crystallize, while shielding it as far as possible from adverse influences directed to political ends, and on the other hand to minimize the real risk of common economic loss resulting from too sudden changes, and to ensure the necessary co-ordination between the separate parts of previous economic units. Finally there was the necessity during the period of reconstruction of safeguarding certain Allied interests from competition and granting them special temporary facilities.

3. *Formation of Ports, Waterways, and Railways Commission.* About the middle of January 1919, proposals were circulated by the secretariat-general of the Peace Conference for the formation of committees to deal with (*a*) the international navigation of rivers (Rhine, Danube, Elbe, Scheldt, Vistula), and (*b*) international railways, with specific reference to the railway on the 45th degree of latitude, communications from the Adriatic to the Baltic, the Bagdad railway, and the trans-African railways, Cape to Cairo and Cape to Algiers. On the 24th January the British Delegation proposed that an inter-allied committee should be established on transit and transport, and that this committee should deal, either itself or through sub-committees, with questions of freedom of transit, international rivers, aerial navigation, and railway routes of international interest. It was also suggested that this committee should deal with questions affecting roads of international interest, and that the bearing on transport policy of territorial adjustments should be referred to the committee before final decisions were taken on territorial questions.

At its plenary session on the 25th January, the Peace Conference decided to appoint a Commission to inquire into and report on the international régime of ports, waterways, and railways, this Commission to be composed of fifteen members, two for each of the Great Powers (U.S.A., British Empire, France, Italy, and Japan), and five elected by all the Powers with special interests. At a meeting of the latter Powers, held on the 27th January, Belgium, China, Greece, Serbia, and Uruguay were chosen to nominate each one representative, and after the first meeting of the Commission, it was decided to add delegates from Poland, Portugal, Rumania, and Czecho-Slovakia.

4. *Composition of Commission.*

As a result of the nomination of representatives by each of the states concerned, the composition of the Commission was as follows:—

Composition of Commission on the International Régime of Ports, Waterways, and Railways

United States of America :

Hon. Henry White (former United States Ambassador Extraordinary and Plenipotentiary at Paris and Rome).
Mr. David Hunter Miller.
Mr. Manley O. Hudson (Professor of Law at the University of Missouri), (alternate).

British Empire :

The Hon. Arthur L. Sifton, P.C. (Minister of Customs and Inland Revenue of Canada).
Sir Hubert Llewellyn Smith (Permanent Secretary to the Board of Trade).
Brigadier-General H. O. Mance, Director of Railways, Light Railways, and Roads, War Office (alternate) subsequently replaced the Hon. A. L. Sifton.

France :

Mr. Claveille (Minister of Public Works and Transport).
Mr. André Weiss (Jurisconsult of the Ministry of Foreign Affairs).

Italy :

Mr. S. Crespi (Minister of Supplies).
Mr. G. de Martino (Minister Plenipotentiary, Secretary-General of the Ministry of Foreign Affairs).

Japan :

Mr. Adatci (Japanese Envoy Extraordinary and Minister Plenipotentiary at Brussels).
Colonel Sato (Military Attaché of Japanese Legation at Berne).

Belgium :

Mr. Segers (Minister of State).
Mr. de Visscher and Mr. Hostie (alternates).

China :

Mr. Chengting-Thomas-Wang (former Minister of Commerce and Agriculture)
Mr. Chin-Chun-Wang (Managing Director of the Peking–Hankow Railway) (alternate).

Greece :

Mr. Coromilas (Envoy Extraordinary and Minister Plenipotentiary of Greece at Rome).

Poland :

Mr. C. Kasperski (Professor at College of Commerce at Warsaw) subsequently replaced by :
Mr. Joseph Gieysztor (Chief of Department, Ministry of Railways).

Portugal :

Count de Penha Garcia (former President of the Chamber of Deputies and former Minister of Finance), subsequently replaced by :
Colonel Norton de Mattos (former Minister for War).

Rumania :

Mr. N. Misu (Rumanian Envoy Extraordinary and Minister Plenipotentiary at London).
Mr. N. Stefanescu (Engineer-Inspector-General, former Director of River Navigation of the Rumanian State) (alternate).
Mr. Caracostea (Engineer-Inspector-General) (alternate).

Serbia : (Serb-Croat-Slovene State)

Mr. A. Trumbic (Minister of Foreign Affairs).

Czecho-Slovak Republic :

Mr. C. Kramar (President of the Council of Ministers), subsequently replaced by Dr. Beneš.

Uruguay :

Mr. Juan Carlos Blanco (Envoy Extraordinary and Minister Plenipotentiary of Uruguay at Paris, former Minister of Public Works).

5. *Early Procedure of Commission, Consideration of General Conventions.* The Commission, which was known as the 'Commission on the International Régime of Ports, Waterways, and Railways', first met on the 3rd February, and after the necessary formalities proceeded to discuss the general procedure. On the recommendation of the British and French Delegations, the Commission unanimously decided that before examining the conditions which should be laid down for specified rivers, ports, and railways, it was desirable to lay down general principles relating to freedom of transit, and rules for the general regulation of international waterways and railways, and ports of international concern. With this object in view, two subcommissions were formed, the first consisting of ten members, charged with the duty of drawing up a draft relating to freedom of transit, and the other, consisting of nine members, with the duty of drawing up draft regulations regarding rivers, ports, and railways. Draft general conventions were submitted as follows :

Freedom of Transit. By the British Delegation.
International Rivers. By the British and French Delegations.
International and Free Ports. By the French and British Delegations respectively.
International Railways. By the French Delegation.

In addition to these draft conventions, which involved a considerable amount of preliminary work by the respective

delegations, the conference was indebted to the French Delegation for the circulation of valuable reference papers, more particularly on the subject of the Rhine and the Danube, and to the British Delegation for undertaking a large amount of spade work in preparing information and drafts on both general and special questions prior to discussion by the Commission.

The procedure adopted in considering the draft general conventions was to start with a discussion on general principles, followed by a debate on the various articles, which served to bring out, and in many cases to adjust, the differences in views of the various delegates. This general discussion was followed by a detailed examination by drafting committees, who were in a position to present drafts relating respectively to freedom of transit, international rivers, and international ports.

6. *Diversion from General Conventions to Articles of Preliminary Treaty of Peace.* About the middle of March it became necessary for the Commission to concentrate on the preliminary Treaty of Peace with Germany, and in view of the large number of special cases to be considered it was found essential to suspend for the time being action on the above general conventions as such. Had it been possible to complete the work on the general conventions, and secure their adoption by the Allied and Associated Powers, subsequent discussion on the articles for the Treaty of Peace would have been simplified, and the form of the articles might have been much improved by consisting of the general conventions applicable to all the signatories, subject possibly to certain temporary exceptions, followed by the addition of special articles which were in any case necessary. As it is, a considerable number of articles were adopted *en bloc* from the draft conventions, thereby saving a large amount of discussion. On the other hand, the railway clauses of the Treaty of Peace, which were, however, possibly more complicated, were the subject of extended discussions owing to the lack of predetermined general formulae, and it was not found possible to separate the permanent provisions from those which could evidently only be regarded as transitory.

7. *Adjustment of Conflicting Views.* In considering the transit and transport articles for the Peace Treaty, the Commission had to deal with a large number of claims from individual nations, and among these claims it was natural that a proportion should be in conflict either with the above general

principles or with the interests of other allies. As the members of the Commission got to understand each other's point of view, it was found possible to reconcile or arrive at an agreement on all these conflicting claims. Gradually it became recognized that deviations from the general principles previously arrived at would only be accepted by the Commission if and to the extent that they were proved to be necessary for the special needs—reconstruction, access to the sea, etc.—for which exceptional treatment had been reserved. In certain cases, after reducing to its simplest expression the object which it was desired to attain by a particular draft article which had been submitted, a satisfactory solution in conformity with the accepted general principles was arrived at as a result of the labours of informal sub-committees of technical experts, and in a few residual instances the possible clashing between the interests of the Allies was adjusted by the withdrawal of certain claims and compromise on others.

8. *Submission of First and Second Reports.* Work was pressed forward, and on 7th April the first report of the Commission was submitted, accompanied by 61 articles, all unanimously agreed to, and although this first report assumed that the articles would be inserted in a preliminary Peace Treaty, very little would have remained to be added in the final Treaty. Subsequently, however, it was decided that there should be only one Treaty, and the Commission therefore submitted a further report on 25th April. The drafting of some of the original articles had been improved, and certain additions made to complete them, the total number of articles accompanying the report being 64, all of which had been unanimously agreed to by the Commission. Considering that fourteen Powers were represented on the Commission, this fact may be regarded as a remarkable achievement and a happy augury for future international relations in matters of transit and transport.

9. *Temporary Employment of Expressions 'A' and 'B' States.* In view of the fact that some of the new States had not been officially recognized as such, and to avoid long references to specific allied or enemy powers, it was decided at an early stage that the draft articles should throughout employ the abbreviated expressions 'A' States, meaning powers regarded as allied or associated powers at the time of the signature of the preliminary Peace Treaty, and 'B' States, meaning the re-

maining signatory powers. In this way certain awkward discussions were avoided, as the possible difficulties had ceased to exist by the time the final draft of the treaty was prepared.

10. *Consideration by Supreme Council of Articles in German Treaty, the German Observations, and the Allied Reply.* The draft articles regarding ports, waterways, and railways were considered by the Supreme Council on 26th April, and were adopted, with one or two modifications agreed to by the French representative who was principally concerned. The most important of these alterations was an undertaking by the French Government to pay to Germany either in money or in power the net value of half the water power developed by the French Government on the section of the Rhine where it forms the boundary between France and Germany.

The underlying motifs of the German observations, which were submitted on 29th May 1919, were, firstly, complaint as to interference with the sovereign rights of Germany, and, secondly, the claim that Germany should not be asked to subscribe to any engagements except on a basis of immediate reciprocity.

A further report from the Ports, Waterways, and Railways Commission to the Supreme Council on the 9th June, in reply to the German observations regarding the Peace Treaty, is of value as indicating the underlying principles which, in its own view, had guided the Commission in its labours. Briefly it was claimed that Part XII of the Conditions of Peace secured, on German territory, that freedom of communications and equal treatment for all nations, which is referred to in Article XXIII (e) of the Covenant of the League of Nations. Pending future general conventions of wider application, under the League of Nations, the enemy States were to observe the essential provisions of such general conventions, an obligation which was non-reciprocal for a limited period in order to prevent Germany from profiting from the devastation and ruin for which she was responsible. There was no intention of preventing the legitimate use by Germany of her economic independence, but it was proposed to prevent the abusive use thereof by obstructive procedure and for political reasons, and particularly to secure the necessary guarantees that the new landlocked States should not have gained their political independence only to fall once again under the economic tutelage of Germany. Certain specific observations

were more fully dealt with in explanation or justification of the intentions of the Allies. Apart from certain drafting improvements, the granting of increased German representation on the International Commission for the Oder,[1] and the modifications affecting the Kiel Canal referred to below, the concessions made to the Germans, in reply to their observations, amounted to the deletion of an article imposing temporary obligations regarding competitive railway traffic, on the utility of which there had been some divergence of opinion in the Commission; the admission of German representatives, though without voting power, to the future conference on the permanent régime of the Danube; the withdrawal of the proposal for the international administration of a deep draught Rhine–Danube navigable waterway, if constructed during the next twenty-five years, and the substitution of a stipulation providing for its becoming an international waterway whenever constructed (353); and the withdrawal, except in one small instance, where the cost is to be borne by Czecho-Slovakia (373), of the right of certain Allied States to require the construction of specified railway lines in Germany.

11. *Kiel Canal* (380–386). The future transport régime of the Kiel Canal and the question of its fortifications was referred to a joint committee of the representatives of the five principal powers on the Ports, Waterways, and Railways Commission, together with naval experts. The main question to be decided was whether the canal should be controlled by an international commission or left to the German Administration to operate. A compromise was adopted providing for administration by the German Government, who, however, are required to maintain a local organization for dealing promptly with any complaints, and for the institution of an international commission should the League of Nations consider this necessary.

It may here be observed that this last stipulation was subsequently withdrawn.

12. *Transportation Aspects of Frontier Questions.* Unfortunately, the importance of referring transportation aspects of questions not primarily affecting communications, such as frontier delimitation, was not sufficiently recognized for these questions to be referred to the Ports, Waterways, and Railways Commission except in special cases, and it was frequently left

[1] Such representation did not prevent Germany from being in the minority.

to the vigilance of the transportation representatives of the various delegations to identify such questions in time for the technical transportation aspects to be taken into consideration by the appropriate territorial commission. For a variety of reasons the 'transportation frontier' could not always be adopted. The communications clauses inserted in the treaties with the new States were, however, drafted as a result of joint sittings of political and technical experts, and were based on the principles of the Peace Treaties.

13. *Co-ordination with Supreme Economic Council.* There was no official liaison between the activities of the Ports, Waterways, and Railways Commission and those of the Communications Section of the Supreme Economic Council, except through the British, and later also the Belgian representatives, who belonged to both organizations. The respective functions of these two bodies were, however, sufficiently defined to render the avoidance of clashing between them comparatively easy in the circumstances.

14. *Suggestion to maintain Uniform Text in all Treaties.* In submitting their report of 25th April, the Commission pointed out the importance of treating as a whole the ports, waterways and railways articles, which had been drafted having in view all the enemy powers, and suggested that the text of the articles should be introduced in each of the treaties as an annex to an article to the effect that the enemy State concerned would assure their application as far as it was concerned. This recommendation was, however, not adopted.

15. *Austrian and Hungarian Treaties.* It therefore became necessary to prepare separate drafts for the treaties with Austria and Hungary, and to delete from the German Treaty the articles which did not concern that country. These modifications as regards Austria and Hungary were first submitted in a report, dated 12th May, and an additional article regarding freedom of transit for telegraphic and telephonic communications, which had not been inserted in the treaty with Germany, was added on the 18th June. A further special feature of the treaties with Austria and Hungary is the article in each case guaranteeing access for those States to the Adriatic. The concessions granted to Germany in reply to her observations were similarly adopted for the Austrian and Hungarian Treaties. The same procedure was adopted in a report of 21st June, covering the

draft articles for insertion in the Treaty of Peace with Bulgaria. In further discussions regarding the Treaties with Austria, Hungary, and Bulgaria, certain additions and modifications were adopted, which were included in all these treaties. The principal modifications affected the arrangements for the repartition of the river craft on the Danube, which, owing to that river having been the theatre of military operations, possessed certain complex features not existing on other rivers.

16. *Sudbahn.* Reference should be made to a report, dated 24th June, regarding the southern railways of Austria (Sudbahn) in which the Commission failed to reconcile the conflicting views of France and Italy, but a complete agreement was subsequently arrived at before the Supreme Council (Austria 320).

17. *Reply to Austrian Observations, important Modifications as compared with German Treaty.* In reply to the observations of the Austrian Government, the functions of the Provisional Commission for the Upper Danube were further defined, and it was decided, at the suggestion of the American Delegation, that the administration of the Cataract Navigation service should be entrusted to this Commission, pending the decisions of the Conference to settle the permanent régime of the Danube. The extensive alterations to the frontiers necessitated a special provision regulating the arrangements at the new frontier railway stations. In view of the definition of the international portion of the Danube river system not having included those tributaries or portions of tributaries which only served one State, it was further arranged that any excluded portions might be declared international with the consent of the riparian States concerned. The report dated 13th August, covering the draft reply to the Austrian observations, brought out a fresh point of considerable importance. Austria in her reply claimed firstly that she was in a very different position from Germany, as regards the measures necessary to ensure the reconstruction of the neighbouring allied States by means of non-reciprocal general clauses, and further, that the territories which were being transferred from the old Austro-Hungarian Empire should not be placed on the same footing with regard to such clauses as the original territories of the powers which had been at war with the late Austro-Hungarian Empire. The first point was met by reducing the period during which a certain number of general articles were non-reciprocal to three instead of the

five years in the case of Germany. The second point had a far wider bearing than purely transportation questions, and in conformity with a general decision as to policy it was agreed that the new States or portions of States lately forming part of the Austro-Hungarian Empire could not claim the fulfilment of the stipulations in these articles without granting reciprocal treatment. Austria signed the Treaty on 10th September.

The concessions and the revisions to the original draft Austrian Treaty were embodied in the draft treaties for Hungary and Bulgaria as far as they applied.

18. *Reply to Bulgarian Observations.* In a short report, dated 29th October 1919, the Commission pointed out that no new circumstances had been brought to light in the Bulgarian observations which justified any alteration of the articles. Bulgaria signed the Treaty on 27th November 1919.

19. *Hungary.* The Ports, Waterways, and Railways Commission was re-assembled in March 1920 and submitted a report on the 16th of that month with reference to the Hungarian observations on Part XII of the Peace Treaty. These observations were largely founded on the claim that pre-war Hungary was an economic unit which should not be broken up —a general question which was beyond the competence of the Commission. With one important exception the points raised were either based on a misunderstanding of the Treaty or were analogous to those which had already been fully considered in the replies to Germany or Austria. As all the concessions which it had been found possible to make to these latter countries had already been embodied in the Hungarian Treaty no further alterations were agreed to. The important exception referred to above related to a series of important Memoranda on the Hydraulic Régime of the Middle Danube Basin in matters outside the competence of the International Danube Commission, e. g. irrigation, reclamation, water power, hydrometric services including warnings of floods, navigation on National Waterways, and the correlated question of forestry. The existing situation as regards these questions had already been provided for in Article 293 of the draft Hungarian Treaty (equivalent to Austria 309), but the Hungarian Government urged the creation of an International Commission with extensive representation not only to execute the provisions of Article 293 but to control all future developments and divide

the benefits between the States of the Middle Danube Basin irrespective of the new frontiers. The Commission recognized, however, that while the preservation of existing Water Rights was an essential feature of the Treaty and might with advantage be entrusted in the special circumstances to an International Commission with wide functions, the inception of new schemes for future development should be a matter of agreement to which the State territorially interested is a party. It was therefore agreed to constitute a Commission with representatives of each of the States comprising part of the Old Hungarian Monarchy, and a president designated by the League of Nations. This Commission was to supervise, and in case of necessity assure the execution of the agreements provided for in Article 293. It was charged with maintaining and improving the unity of the hydraulic régime and of the services connected with it, including fisheries and navigation questions other than those within the competence of the Danube Navigation Commission with which it would keep in close touch. It was also authorized to undertake the preparation and execution of any new works or services which might be entrusted to it by unanimous agreement between the States concerned. The Commission was charged with framing its own procedure subject to ratification by the various States, and all disputes were to be referred to the League of Nations. Very serious results of unco-ordinated administration, exemplified as they have been by the results of the lack of proper attention during the last few years, render the Middle Danube hydraulic régime a promising field for the above machinery for international co-operation.

20. *Discussion of General Conventions resumed.* After completing the articles for insertion in the Peace Treaties with all the enemy powers except Turkey, the Ports, Waterways, and Railways Commission resumed consideration of the question of general conventions. As early as 9th May, a Delegation from the Swiss Government submitted an important statement on the subject of international right in questions of transit and transport, including a reference to freedom of innocent transit in time of war. At the same meeting a Note was submitted by the British Delegation reopening the question of general conventions, and recommending that the Commission should endeavour to conclude world-wide transit and inland transport conven-

tions, to which all members of the League of Nations would be parties. It was pointed out that the early conclusion of general conventions was of importance in connexion with the principal rivers of Europe, as the provisional régimes laid down in the Peace Treaty would be thereby eliminated. The British Delegation submitted that there was no intrinsic reason why world-wide conventions should not be agreed upon to establish the fundamental principles of freedom, equality, and continuity in the international régime of transit and waterways, and to a large extent of ports and railways, while maintaining a careful distinction between questions of international right and obligation, and questions of administration. The importance of taking advantage of the prestige of the Conference which had founded the League of Nations, and of the experience and cordial relations of the members of the Ports, Waterways, and Railways Commission, was emphasized. The American representative explained that his delegation had not available the special experts required to deal with the question of general conventions, and it would be necessary for the American Government Departments concerned to be more directly represented in dealing with the subject which, in his opinion, did not come within the scope of the Conference. At his suggestion, it was decided that a further decision should be sought from the Supreme Council of the Allies as to the advisability of the Ports, Waterways, and Railways Commission continuing the discussion of these conventions. Ultimately, in a letter dated 1st July, the American delegate on the Ports, Waterways, and Railways Commission informed the President of the Commission that the United States Government was not prepared to enter at that time into a consideration of conventions of world-wide application covering transit and waterways, and suggested that the drafting of such conventions could more properly be undertaken by the appropriate agencies of the League of Nations.

21. *General Tendencies affecting Future Developments as regards General Conventions.* In considering the question of General Conventions, as also in the discussion on many of the specific articles before the Commission, the shades of opinion advanced varied from complete internationalization on the one hand to repudiation of any proposal which effected the slightest limitation of national sovereignty on the other hand. It was

suggested that there would be difficulties in making general conventions applying to various parts of the world the same régime, owing to the difference in the geographical problems. The discussions on this point brought out the fundamental difference between questions of international right, such as of the navigation of international rivers or of freedom of transit and questions of international administration. Generally speaking, apart from international rivers, where physical considerations may render a certain measure of international administration essential, especially where there are several riparian States, the general trend of opinion was against international administration except in very special cases where political considerations rendered it inevitable, and then only in virtue of agreements to which the State or States territorially interested are parties. A most important development was the general acceptance of the principle of compulsory arbitration by the League of Nations for all disputes arising out of the Peace Treaties on transportation questions and the inclusion of the same principle in the draft General Conventions. Transit and transport questions are particularly susceptible to arbitration, and it may well be hoped that the experience gained by the successful application of the principle to transportation questions may create a valuable precedent for its extension to other matters. At the stage to which General Conventions were carried by the Ports and Waterways Commission, the outstanding differences were not such as to create insuperable difficulties in arriving at an agreed text.

Events have, however, justified the view of the American delegates as to the impracticability of embodying in the Treaties international agreements which were a wide departure from any previous experience in American foreign relations, and for which, therefore, they felt that the American nation were not well prepared, quite apart from the intrinsic merits of the proposals. It was this same feeling which precluded American participation in some of the more important European river commissions, notwithstanding the cordial invitation of the interested Allied riparian States.

RÉSUMÉ OF SOME OF THE SPECIAL PROVISIONS

Articles affecting International Rivers.

22. (i) The following international rivers are dealt with specifically in the treaties under review, Elbe, Oder, Niemen, Danube, with certain of their tributaries included in a general definition, and the Rhine. It will be noted (331) that the general definition referred to only comprises navigable tributaries themselves serving more than one state, and excludes the portion of such tributaries situated above the last frontier. On the other hand this definition can be expanded under Article 338 to conform with any future general convention, and as regards the Danube additional sections of tributaries can be included by agreement at any time (Austria 291).

(ii) Except for the latter part of Article 332, the provisional charter for the first four rivers (332–337) does not impose any obligation which is not equally accepted by all the contracting parties, and this also applies to the navigation provisions of the Rhine.

(iii) On the above rivers the administration will, or, in the case of the Niemen, may be controlled by international commissions on which non-riparian States will be represented. These provisions had been strongly criticized in the German observations, and were dealt with fully in the Allied reply, which pointed out that the rivers in question were already international as defined by the Congress of Vienna and by later conventions, that the general canal system of Germany was not affected as alleged, that the powers of the Commissions in each case extended to the territory of at least one of the Allied and Associated Powers, that the functions of the Commissions are limited to the practical application of the principles laid down in Articles 332–337, this being in accordance with all precedents, and finally that the non-riparian States were expressly included in the general interest of freedom of navigation and to act as a check on the strongest riparian State abusing her predominating influence to the detriment of others.

(iv) In the case of the Danube, the European Commission which is one of the conspicuous instances of the successful working of an international body, has been revived, with a provisional limitation of membership to Great Britain, France,

Italy, and Rumania (346). At the same time a second Commission has been formed for the whole of the Danube, and the tributaries referred to, above the sphere of the European Commission, this Commission replacing five independent pre-war administrations (347, 348). This second Commission takes over the administration of the cataract section previously carried out by Hungary. As it was felt that the whole question of the Danube was too complicated to settle definitely at such short notice, it has been provided that a conference of certain Allied and Associated Powers will take place within twelve months to determine the permanent statute of the Danube (349). Representatives of the enemy States may be present at this Conference.

(v) As regards the Rhine two neutral riparian powers are involved, and an understanding will be necessary, especially with Holland. Delegations from the Dutch and Swiss Governments were heard by the Commission. The Mannheim Convention, which is, on the whole, an extremely liberal one, has been provisionally maintained, subject to certain modifications necessary to assure equality of treatment to all flags (354, 356), and to important alterations in the composition of the Central Commission, both by the inclusion of several new States and by according unequal numbers of votes to the States (355). Except, however, in certain matters mentioned in the Treaty in which Germany is obliged to confirm the decisions of the Commission, the varying number of votes has a moral rather than a practical significance in view of Article 46 of the Mannheim Convention, under which the decisions of the Central Commission are only valid after the approval of the respective Governments. France is given the exclusive right to construct 'lateral' canals and to develop the water power from the Rhine where it forms her frontier, also to improve the navigation above Mannheim, but the interests of navigation are amply safeguarded, and Germany will receive half the net value of the power obtained (358, 360). The sphere of the Commission can be extended in certain circumstances to the Moselle, to the Rhine above Basle, to lateral canals, and to further tributaries if covered by a future General Convention.

(vi) *Rhine–Meuse Canal.* Provision is made for the construction of a Rhine–Meuse Canal, at the request of Belgium, under equitable conditions for sharing the cost of construction,

the administration to be under the Central Commission of the Rhine (361).

23. *Equitable Readjustments resulting from Territorial Changes.* An important series of clauses, designed to facilitate the resumption of normal conditions, is based on the principle of equity in the adjustment of questions such as (*a*) the re-distribution of rolling stock and river craft and installations, resulting from territorial changes, and from the conversion by the enemy States of the gauge of some of the Polish railways; and (*b*) the working of certain railways intersected by the new frontiers (339, 357, 371, 372, see also Austria 300).

24. Freedom of transit to the Adriatic is accorded to Austria and to Hungary (Austria 311).

25. *Hydraulic Régimes, Telegraphs, Telephones, Electricity.* In addition to dealing with ports, waterways, and railways, the Commission was at a later date called upon to submit articles referring to international telegraphic and telephonic communication; to hydraulic systems cut by the new frontiers; and to electricity and domestic water-supply in cases where a new frontier separated the source of production from the consumers.

The telegraphic and telephonic clauses are framed to accord continuity of the facilities for transit messages and to bring this under compulsory arbitration in the case of differences, as these points are not covered by the existing telegraph and telephone conventions. Certain stipulations were necessary to prevent increased charges which might, under the present agreements, have resulted from the territorial changes.

These latter stipulations are subject to modification by agreement, or after ten years by arbitration (Austria 311, 326, 327).

The Hydraulic Clauses (Austria 309, 310) are of great importance owing to the new frontiers having in several places cut across considerable hydraulic systems (canalization, irrigation, reclamation, etc.) on which the economic life of the territories depends. It is essential that existing water rights and obligations in both parts of such systems should be preserved and that every facility should be accorded for the joint regulation of such systems to avoid loss to all parties which will result if they are not treated as a whole. The same observations apply to areas which are cut off by the new frontiers from installations hitherto

supplying them with water for domestic purposes and with electricity. The special provisions in the case of Hungary are dealt with in paragraph 19 of this Part.

26. *Railway Tariffs to Adriatic Ports.* An important transitory provision (last para., Austria 312) provisionally maintains the existing régime of tariffs to the Adriatic ports, thus giving time for the best arrangements possible to be made to safeguard the interests of these ports under the new conditions.

27. *Railway Running Powers for Czecho-Slovakia.* Running powers under equitable conditions have been provided for Czecho-Slovakia over certain Austrian and Hungarian railways. The articles providing for these powers (Austria 322–324) form a good illustration of the principle adopted, whenever possible, of making clear the intention of the stipulations, leaving the details to be settled in agreement by the technical administrations concerned subject to arbitration on any points of difference.

28. *Transitory Facilities for Transport.* Article 375 provides for the necessary facilities being accorded for the diverse objects of

(1) The movement of troops and military stores resulting from the Treaty.

(2) The measures taken by organizations such as the Supreme Economic Council for the restoration of normal conditions in Central Europe.

29. *Revision of Transitory Stipulations. Future Reciprocity.* In order to safeguard the interests of States during reconstruction from the effects of the War and during the transition period of the new conditions, certain stipulations of a transitory nature were imposed. For various reasons it was found impossible in some cases, notably in certain general articles affecting railways, to separate or even to distinguish between the provisions which should govern the permanent relations between the signatories of the Treaty and the stipulations imposing transitory obligations on the enemy in favour of the Allied and Associated Powers. It was, moreover, felt that certain provisional stipulations which might at first appear to be onerous, would as the result of a trial be found to be mutually advantageous. With the object, therefore, of continuing provisions of proved utility with such modifications as experience might have shown to be justified in the common interest, an article was framed (*a*) permitting the revision of certain articles

by the League of Nations at any time after five[1] years, (*b*) failing such revision the benefits of the stipulations in these articles after five years, or such longer time as the League of Nations might prescribe, can only be claimed if reciprocity is accorded in respect of such stipulations (378).

30. *Revision of Articles referring to a Permanent Administrative Régime.* A further degree of flexibility was attained by an article providing that the League of Nations might recommend at any time the revision of any article relating to a permanent administrative régime (377).

31. *Disputes referred to League of Nations.* Attention has already been drawn to the importance of Article 376 which refers all disputes with regard to the interpretation and application of the preceding articles to the League of Nations.

32. *Revision to conform to future General Conventions.* Care was taken that on all general questions the stipulations—after the temporary period of non-reciprocity—should not stand in the way of more general arrangements arrived at through subsequent general conventions, whether entered into between the Allied and Associated Powers, in the first place, or through the auspices of the League of Nations. For this reason it was stipulated that the Central Powers should subscribe to such general conventions as might be agreed to with the approval of the League of Nations within five years of the coming into force of the Treaty (379).

In the case of the various river régimes, it was expressly stipulated that any general convention approved by the League of Nations would supersede the provisions of the Peace Treaty (338, 343), and the stipulations in Articles 377 and 378 between them would render possible the revision of any of the other articles which may be found to clash with general conventions.

33. *Transit and Communications in War.* It will be noted that there is no reference in the general transportation clauses of the Peace Treaty, to the international transit and transportation rights of neutrals or belligerents in case of war. The subject was not lost sight of in the discussions, but as it early appeared that the stipulations regarding transit and transport could not affect the rights and duties of neutrals and belligerents in time of war, it was not considered necessary for the Ports, Waterways and Railways Commission to deal with this question.

[1] Three years in the case of Austria, Hungary, and Bulgaria.

34. *Judgment on Result.* The transit and transport clauses of the Peace Treaties will be judged in the future by the standard set in the treaties themselves in Article XXIII (e) of the Covenant of the League of Nations, which reads as follows :

'Subject to and in accordance with the provisions of international conventions existing and hereafter to be agreed upon, the Members of the League.

. . . . . .

(e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connexion the special necessities of the regions devastated during the War 1914–1919 shall be borne in mind.'

The combined product of a number of delegations, whose outlook varied with national temperament and circumstances, is obviously not the ideal exposition of the views of any one of them. Nevertheless it is believed that in the light of the circumstances briefly indicated in the above review, the verdict will be that the section of the treaties dealing with transit and transport is a consistent whole which is founded on the principle of the greatest possible freedom of transit and communications ; that such derogations of this principle as were admitted to meet temporary conditions are transitory, and that these intentions of the framers are reflected in the stipulations assuring the flexibility necessary to enable the articles to conform, in the future, with altered conditions or to eliminate any features, which as a result of experience may be generally recognized as being contrary to the spirit of the League of Nations.

CHAPTER II: SECTION I

THE PRINCIPLES—APPLIED TO GERMANY

PART I

THE MILITARY OCCUPATION OF GERMANY

1. *The Campaign of 1918.* In the winter of 1917–18, after the collapse of Russia and the Italian defeat at Caporetto, the military situation of the Central Powers had improved considerably. It looked as if the War might well end in a stalemate, with German, Austrian, and Bulgarian armies in occupation of wide stretches of Allied territory. There was, however, the danger of an economic collapse; the German people were tired of the War, and had been suffering severely from the blockade for three years: their allies were still more war-weary, and could only be kept going by German military successes and promises of an early and victorious peace. It was certain that, if the immense resources of the United States were allowed to come into full play, the Central Powers must eventually be defeated. Everything depended, therefore, on forcing the European Powers of the Entente to conclude peace before America's full strength could be developed.

Under the influence of these considerations, and with full confidence in the power of the submarines to prevent the arrival of American reinforcements in sufficient force to weigh down the balance, the German Supreme Command determined to undertake an offensive on the Western Front in the early spring of 1918, which was to crush the Franco-British Armies and to force the Entente to acknowledge defeat. For four months the result was in doubt, until Marshal Foch's counter-stroke on the 18th July finally arrested the German offensive. The great British victory on the 8th August was the death knell to enemy hopes, and enabled the Allied armies to begin their advance, which soon became almost general along the whole line from Lorraine to the North Sea, and, after three months' desperate fighting, resulted in the defeat of the German Armies on the entire front of attack. Meanwhile, Germany's allies had

collapsed like a pack of cards, and, by the beginning of November, had all surrendered practically unconditionally. The defeat of the German Armies, the utter exhaustion of the German people, and the hopelessness of further resistance brought about a German revolution early in November, and forced them to sign the Armistice on the 11th November 1918.

The above short sketch should enable the reader to appreciate the actual conditions present at the time of the Armistice.

2. *Objects of the Armistice of 11th November.* The complete collapse of Germany, both military and political, enabled the Entente to dictate her own terms to the enemy, who was powerless to resist and would have been forced to accept any conditions, however severe.

The main objects of the Armistice were:

(*a*) To prevent all possibility of a renewal of the War by Germany.

(*b*) To place the Allies in a position to impose their will on Germany.

Under the terms of the Armistice, Germany was deprived of all power of effective resistance by the cession of so large a proportion of her guns, machine guns, trench mortars, and aeroplanes, as to place her in a position of hopeless inferiority. Further, Germany was compelled to hand over 5,000 locomotives, 150,000 railway waggons, and 5,000 motor lorries, which entirely crippled the mobility of her armies. Finally, the occupation by the Allies of German territory up to the Rhine, the last line of defence against their advance, and of the bridgeheads at Mainz, Coblenz, and Cologne, gave them the power to invade Central Germany at their will. Other conditions of particular military importance were the evacuation by Germany of all the invaded countries, including Russia, and the repatriation by Germany without reciprocity of all prisoners of war.

The handing over of all submarines, and of a large proportion of Germany's best surface warships, as well as the demobilization of the remainder of her fleet, rendered Germany completely innocuous at sea.

3. *Effect of the Armistice.* The result of the terms of the Armistice was to leave the Allies complete freedom to work out the conditions of peace to be imposed upon Germany, in full knowledge that the Germans were powerless to attempt any

further military action. At the same time, in spite of the partial disarmament of Germany and the utter war-weariness of her people, it was imperative for the Allies not to reduce their military strength too early, and to maintain sufficient forces in the field to check any attempt to profit by their demobilization. They had three main weapons at their disposal, viz.:

(*a*) The blockade of Germany. This was gradually relaxed during the spring of 1919, and considerations of humanity forbade its re-imposition, except as a last resort.

(*b*) The large numbers of German prisoners in our hands, whose repatriation could be delayed as a means of punishing Germany or of bringing pressure to bear upon her.

(*c*) The threat of further occupation of German territory. No resistance in Western Germany was at all likely, and indeed no effective opposition would have been possible in view of the numbers and condition of the German Army and of the war-weariness of the people.

4. *Germany during the Peace Negotiations.* As the months dragged on, and the demobilization of the Allied armies proceeded, scares arose from time to time, especially in the Press, and it was said that Germany was preparing for a fresh blow, to be struck as soon as the Allies had demobilized to a sufficient extent. Such scares were unfounded, for neither the German Government nor people were ready for, or desirous of, waging a fresh war.

In point of fact, the situation in Germany was extremely dangerous throughout the winter months and in the early spring of 1919, owing to the sporadic outbreaks of Spartacism all over the country, which threatened to develop into Bolshevism. The British and American policy was to strengthen the hands of the existing German Government, and to enable it to restore law and order. It may safely be said that it was largely owing to the efforts of the British Military Authorities and the excellent information they possessed as to the real state of Germany, that food supplies were sent into Germany as early as April—probably just in time to save the country from anarchy and possibly Europe from a serious catastrophe.

During the summer, conditions in Germany improved gradually, but, although the Peace Treaty was duly signed on the 28th June, the opposition to its signature was strong, and was only overcome by adroit tactics on the part of Herr Erzberger,

assisted by certain concessions made by the Allies, i. e. a plebiscite in Upper Silesia, slight relaxation of the time limit in the military terms, etc. But Herr Erzberger's efforts to obtain the signature of the Treaty were no guarantee of the execution of its terms, or even of his intention to acquiesce in them. They merely meant the adoption of the tactics of passive resistance instead of the issue of a direct challenge. Herr Erzberger may be right or wrong in his views and methods, but there is no reason to suspect him of treachery to his country, and his cleverness, ambition, and unscrupulous character render him a dangerous opponent. There were plenty of examples to encourage the German Government in a policy of resistance to the demands of the Peace Conference, e. g. the successful defiance of the authority of the Supreme Council by Béla Kun from May to July, the Fiume incident, and the Allies' failure to enforce their will with regard to the Baltic States.

5. *The German Attitude to the Peace Treaty.* There can be no doubt that, since the signature of peace, as well as on the eve of its final ratification, Germany's rulers and the great majority of her people have been bitterly hostile to the Peace Treaty and to the Entente Powers. They consider the peace terms to be harsh and unjust, and will do their best to avoid carrying them out. They have certain valuable allies, of whose help they are sure to take full advantage, viz. (1) Time: the Armistice was signed on the 11th November 1918, but the Peace Treaty had not come into force a year later, and the final ratifications were much delayed. (2) Dissensions among the Allies: these were, on the whole, remarkably small, but it was almost inevitable that occasional differences of opinion should arise. (3) International trade and labour questions, which rendered economic pressure by the Allies difficult. (4) The war-weariness of the Entente Powers and the difficulty of providing sufficient troops to ensure the execution of the terms of the Treaty. (5) The chaos in Russia, which has delayed the definition of a common Allied policy there, and has allowed Germany a certain latitude in evading the terms of the Treaty regarding Russia.

6. *German hopes of evading the Terms of the Treaty.* The majority of thinking Germans were, in general, opposed to the Treaty, but they seem to have realized that any immediate attempt to upset its provisions by force, at any rate in Western

Germany, must end in absolute failure in view of their military, naval, and economic inferiority. Germany's plans in the West are based on the hopes of dissensions between the Western Powers, on the probability of labour and political troubles in France, Belgium, and Great Britain, and especially on the increasing opposition shown by the German population in the area occupied by the French. The existence of this latter movement has already been shown by the opposition to the creation of the Rhineland Republic, and in general to the French local authorities in the Palatinate, Birkenfeld, and the Saar district, and finally by the German nationalist propaganda in Alsace-Lorraine.

The immediate danger, however, to the Peace Treaty arises on the Eastern frontier of Germany. It is in East and West Prussia and in Pomerania, that reactionary and monarchical, and consequently nationalist, feeling is at its strongest. German reactionaries look to a restoration of the monarchy in Russia as a step to the revival of the monarchy in Germany; and also look forward to Germany's future expansion in the East as a set-off to the losses incurred in the present War. Germany can therefore be expected to make every possible use of any internal weakness in either Poland or Czecho-Slovakia, in order to free the German population allotted to these States by the Peace Treaty, and, if possible, to reduce these States to the position of mere appendages of Germany. Similarly she will welcome any desire on the part of Austria for entry into the German Confederation as soon as the present accord between the Entente Powers shows any signs of weakening (see also vol. I, chap. 8 (iii)). It may also be regarded as certain that Germany will continue to support the Baltic-German minority in Latvia and in Esthonia, to secure the future economic and political control of these States. This movement is intimately connected with the German desire for the future exploitation of Russian trade.

The trend of Germany's Eastern policy has been clearly shown by the events of 1919:

(*a*) The policy of Generals von der Goltz, Eberhardt, and other Prussian Officers of the old régime in the Baltic States is of too recent a date to need further comment, and indicates the aims of the Prussian military party in that region.

(*b*) In June 1919, prior to the acceptance of the Peace Treaty, there existed a widespread military conspiracy, with the object

of setting up an independent East and West Prussian State, and of the resumption of war with Poland. It will be a matter of great difficulty for the Prussian military and Junker party to accept the cession to Poland of large slices of territory which had been German before the War, even though the majority of the inhabitants may be Poles.

(*c*) In June 1919 the Germans were actively supporting the German nationalist movement in Bohemia; had further operations against Germany become necessary, it is probable that the Germans in Bohemia would have risen against the present Czecho-Slovak Government then at grips with the Hungarian Bolsheviks. Such action, though it must have ended in the eventual victory of the Allies, would have increased the difficulty of the situation in Central Europe, and affected the final settlement with Germany.

Taking all these points into consideration, there is good reason to believe that the Germans will do their utmost to evade the execution of the terms of the Treaty, both in the economic and financial clauses, in relation to the Baltic States, and with regard to the provisions as to the military training of their manhood. It is therefore desirable for the Allies to maintain at least one weapon for the longest possible period, i. e. to have a sufficiently large and mobile force in military occupation of German territory, and in such a position as to be ready and able at any time to advance into Germany and enforce their will upon her.

7. *The Allied Advance into Western Germany after the Armistice.* When, after the signature of the Armistice, the Allied Armies moved forward into Germany, their advance took place on the front actually occupied at the time, viz. by the British in the north, with some Belgian troops on their left flank, by the Americans in the centre, by the French on the right. This was, from the administrative point of view, the most convenient arrangement, as it suited the existing positions of the various Armies and facilitated their subsequent lines of communication.

The terms of the Armistice included the Allied occupation of the three bridge-heads of Cologne, Coblenz, and Mainz, the evident object of which was to enable the Allied Armies to concentrate safely on the right bank of the Rhine if a further advance became necessary. Cologne was allotted to the British

sphere, Coblenz to the Americans, and Mainz to the French, the whole force remaining under the orders of Marshal Foch.

8. *Military Administration of the Occupied Territories.* The administration of the occupied territory was at first carried on by the Allied military commands, with the co-operation of the local German authorities; later on it was assisted by a civilian Inter-Allied Rhineland Commission which, working in close touch with the Supreme Economic Council in Paris, undertook the arrangements for feeding the civil population, and acted as an advisory body on financial and economic questions. This system has been in force since the signature of the Armistice in November 1918; it worked well, and was singularly free from friction or serious troubles. Germany's attitude was in general apathetic, and her people were glad to be able to rely on the maintenance of order, as opposed to the chaos which prevailed in unoccupied Germany during the early part of 1919. Strict discipline was maintained in the whole German territory under occupation and, although reasonable liberty was granted to the inhabitants, all strikes and other disorders were put down with a firm hand.

The Armies of the Rhine were always held in readiness to move at short notice, in view of the possibility of their being required to advance into Germany. In the second half of June, when it appeared possible that the German Government would refuse to sign the Peace Treaty, all preparations for an advance were made. Although the Allied Armies had German formations in front of them, these were small in number and of little fighting value, so that no serious resistance could have been intended; the best of the German troops were in the neighbourhood of Berlin and on the Eastern Frontier, where a regular Polish-German battle front existed throughout the spring and summer of 1919.

Originally the military occupation of German territory was intended to enable the Allies to carry out the terms of the Armistice, and to render Germany powerless for further resistance. As the deliberations of the Peace Conference progressed, it became clear that a continued occupation would be necessary, both to ensure the fulfilment of the conditions of the Peace Treaty and to guarantee France against an attack from Germany on the departure or serious reduction of the other Allied troops.

9. *Civilian versus Military Administration.* When, towards the end of April, the Supreme Council decided that the temporary military occupation of the left bank of the Rhine was to be a definite part of the Peace Treaty, a set of rules had to be framed to regulate the administration of the occupied territory. Such rules had already been drawn up by the military authorities, guided by their experience during the period of occupation. In view of the fact that their administration had been highly successful up to date, and for military reasons, the soldiers considered that their control of the occupied territory should continue and, moreover, were of opinion that this was the most effective solution of the question.

On the other hand, the Supreme Economic Council, acting on the advice of civilians who had been connected with the Rhineland administration, put forward the proposal that the administration of the territory under occupation should pass into civilian hands after the signature of the Peace Treaty. They expressed their disapproval of the rules framed by the soldiers, and produced a rival code, drawn up by civilian officials.[1]

Opinions on the merits of the two cases were divided among the French and British, but the Americans were strongly in favour of civilian control. After a mixed Committee of soldiers and civilians had been set up, and had failed to come to an agreement, the matter was finally settled in favour of the civilians by the Supreme Council; their scheme was consequently accepted, and the Convention for the occupation was drawn up by them. The actual administration of the occupied territory will therefore be in civilian hands.

10. *The Inter-Allied Rhineland Commission.* In view of the fact that, after final ratification of the Peace Treaty, the German occupied territory will be administered by the civilian Inter-Allied Rhineland Commission, it is of interest to examine the work of this body since its creation. It was formed in May 1919, to co-ordinate the dealings of the Armies of the four zones

[1] In view of these arguments it is noteworthy that, in October 1919, the British Commissioner, Sir Harold Stuart, informed General Sir William Robertson that, in his opinion, if the High Commission were not constituted when the Treaty came into effect, he could safely continue to administer the British zone of occupation under the Military Orders and Regulations then in force. This fact seems to show that the military administration was considered by both German and Allied civil authorities to be thoroughly satisfactory, and in no way unduly harsh or offensive. For civilian side, *v.* vol. I. p. 319.

(Belgian, British, American, and French) as regards economic and industrial matters: each of these nations was represented by a commissioner within the area occupied by its respective armies. It took the place of the Luxemburg Economic Committee, which had been an almost entirely French organization working directly under the Allied High Command. The Commission was entirely civil, and its functions were at first purely advisory; it could not issue any orders, and its rôle was merely to advise the High Command in cases where the action of the various Army Commands was at variance with economic requirements and desiderata. In the early stages, therefore, the scope of the Rhineland Commission was small and limited.

After the signature of the Rhineland Convention and the appointment of the German *Reichskommissar für die besetzten Gebiete* (High Commissioner for the Occupied Territories) in Coblenz, the four Commissioners were instructed by their Government to prepare for the formation of the High Commission, which is to be the Supreme Allied Administrative Executive in the Occupied Territories after the final ratification of peace. This entailed the gradual taking over by the Commission from the military authorities of all remaining Allied organizations for the control of food, coal, etc. The German *Reichskommissar*, though not officially recognized by the Commission until the final ratification of peace, is yet authorized to communicate with them on all matters connected with the preparation for the High Commission.

The Commission has a series of Sub-Committees, each dealing with one particular branch of the work, and each Sub-Committee consists of one expert from each of the four countries represented on the Commission. These Sub-Committees prepare all matters for decision by the Commission, unless they themselves are empowered to decide. The relations between the four nations on these Committees have been good throughout, and, in spite of the divergent views of the English-speaking and French-speaking members, they have rarely failed to reach a workable and satisfactory decision.

11. *General Considerations.* Now that the Peace Treaty has come into force, it remains to be seen for how long a period military occupation of Germany will be necessary. In the interests of trade and of the early resumption of normal conditions in Central Europe, the occupation should not

be unduly prolonged. On the other hand, it is essential that Germany should be held to the terms of the Treaty, and that the Allies should retain an effective weapon in their hands, to insist on Germany's fulfilment of her undertakings. We know perfectly well that most Germans regard the Peace Treaty as one of violence and injustice—as a *Gewaltfrieden*—and we may be quite certain that Germany will evade its conditions whenever she sees a loophole for escape. Until we have reasonable proof of a change in her attitude, it is unlikely that we shall be able to relax the measures of occupation.

In this connexion it is well to remember that France and Belgium are far more directly interested in the question than the United States or Great Britain. Most Frenchmen believed—and indeed still believe—that France was entitled to a real and permanent guarantee against German aggression. They had little confidence in the League of Nations, and considered that the Rhine should be utilized as a protective barrier against a Germany which would always be greatly superior numerically to France, and might be expected to regain her strength in a comparatively short time. When the course of the discussions in the Peace Conference made it clear that the Rhine could not be made the western frontier of Germany, and that the German provinces on the left bank of the Rhine must eventually be restored to Germany, uneasiness and disappointment were naturally great throughout France. The French sense of security was to some extent restored by the Treaty under the terms of which the United States and Great Britain pledged themselves to come to France's aid in case of need: on the other hand, this Treaty has not yet been ratified by the American Senate.[1] It is only natural that France, both in the interests of her own safety and to ensure the execution of the Peace Treaty, will desire to carry out to the full the conditions relating to the military occupation of German territory and will strenuously oppose any relaxation in favour of Germany. In this she will no doubt receive strong support from Belgium.

[1] This Treaty was signed on the 28th June 1919 between France and Great Britain, the United States executing a similar instrument with France. *v.* Appx. III. pt. 2 Annexes 1 and 2, Vol. III. After quoting Arts. 42, 43, 44 of the German Treaty this Treaty states that, in case these stipulations 'may not at first provide adequate security and protection to France, Great Britain agrees immediately to come to her assistance in the event of any unprovoked movement of aggression against her being made by Germany'.

The conditions of the Treaty contemplate military occupation of German territory up to 15 years, with power to delay evacuation if the Germans do not observe their obligations. For the first five years the whole of the German territory west of the Rhine, together with the bridge-heads, is to be occupied: at the end of this period, if Germany has faithfully carried out the conditions of the Treaty, the Cologne bridge-head and the northern portion of the West Rhine area will be evacuated. Five years later, the Coblenz bridge-head, plus a further slice of territory west of the Rhine will be handed over to Germany, the Mainz and Kehl bridge-heads, with the remaining territory west of the Rhine, being evacuated at the end of 15 years. This method of gradual withdrawal was not the outcome of military advice, and in fact offers few advantages from the military point of view. The best method of bringing pressure to bear upon Germany in the future would naturally be the occupation of the Ruhr Valley, with its coalfields and great industrial establishments; for this purpose the Cologne bridge-head should have been the last returned to Germany. If a purely defensive attitude were intended, affording a good guarantee against German aggression, the line of the Rhine should have been held as long as possible from Alsace-Lorraine to the Dutch frontier. Commercially it is advantageous for Germany to obtain control of the northern area with the least possible delay. Politically, on the other hand, it is desirable for France to retain her hold on the southern area for the full period, in order to protect Alsace-Lorraine and the Saar Valley from German influence and interference. Should Germany comply with all her undertakings before the expiration of the period of 15 years, the occupying forces will be withdrawn immediately.

The Army of Occupation will consist mainly of French troops, though it is intended that Americans, Belgians, and British should also be represented. The cost of the Army of Occupation is a first charge on the payments to be made by Germany. The Allies will of course do all in their power to respect the liberty of the people and the economic interests of the occupied territory, and will endeavour to interfere as little as possible with trade relations between the occupied areas and the remainder of Germany.

PART II. THE MILITARY TERMS

A. General Considerations

1. *Armistice of 11th November 1918.* Under the terms of the Armistice of the 11th November 1918, the Germans were forced to hand over a considerable portion of their material and transport, including the following:

5,000 guns (2,500 heavy, 2,500 field),
25,000 machine guns,
3,000 trench mortars,
1,700 aeroplanes (fighters and bombers),
5,000 motor lorries,
5,000 locomotives,
150,000 railway wagons.

A large part of Germany's surface warships and all her submarines had to be surrendered. All Allied and United States prisoners were to be repatriated immediately, without reciprocity.

As she had been abandoned by her allies, and deprived of so large a proportion of her military, naval, and air material, Germany was placed in so hopeless a position of inferiority that Marshal Foch did not consider it necessary to insist on the demobilization of the German Army.

2. *Assembly of the Peace Conference in Paris.* When the Peace Conference first assembled in Paris, in January 1919, the demobilization of the Allied Armies was already in full swing, and it became necessary to consider if any measures should be taken with regard to Germany. Although the majority of the German soldiers had already disbanded themselves, and the discipline and *moral* of almost all units had fallen very low, it was considered advisable to take early steps to render Germany innocuous. It was first proposed to do this by altering the conditions of the Armistice, but this was not done, chiefly owing to American and British opposition, and also because it became more and more apparent that Germany was totally incapable, as well as completely undesirous, of attempting any aggression on her Western Front.

On the 12th February, at a meeting of the Supreme Council, Mr. Balfour proposed that a set of Naval, Military, and Air terms should be drawn up, and presented to Germany as a

Preliminary Peace, the intention being to allow the general demobilization of the Allied Armies to proceed, whilst renewing the Armistice periodically as required. This proposal was accepted, and a Committee appointed to draft Naval, Military, and Air Terms for presentation to Germany as a Preliminary Peace, leaving the remainder of the Treaty to be settled subsequently. The Committee set to work at once, but, before they had had time to frame their proposals, the Supreme Council reversed their former instructions, and decided to present the entire Treaty to the Germans *en bloc*.

3. *French point of view with regard to Guarantees.* Before discussing the Military Terms in detail, it is well to examine the point of view held by the French, who were most directly interested in the question.

France and Belgium having suffered very heavily through the German invasion of their territory were naturally and rightly determined to secure the strongest guarantees against the possibility of similar aggression in the future. In reviewing the question, the French argued that the League of Nations would not provide an adequate safeguard against invasion, mainly owing to the cumbrous nature of its machinery, and to the fact that time would be lost by the United States of America and Great Britain being obliged to transport their armies across the sea to come to France's assistance. Besides, the League of Nations as yet existed on paper, and it was impossible to foresee its future power and scope; in any case, Germany would not and could not be admitted to it for some considerable time, and might organize a rival coalition. They pointed out the difficulty of ensuring the execution of any measures relating to the limitation of German armaments. For, as Napoleon had failed to achieve this between 1806 and 1813, it was at least doubtful whether the Allies would now be able to effect it. They drew attention to the potential strength of Germany for purposes of aggression, i.e. in her well-trained staffs, in the huge numbers of her trained officers of reserve, in her millions of soldiers inured to war, in her large population with its large pre-war excess of births over deaths, in her enormous manufacturing capacity; to control so vast and complex a system would be a gigantic task, especially when Germany's duplicity and her complete unreliability as regards the fulfilment of her engagements and promises were remembered.

They argued that the League of Nations and the limitation of German armaments only provided doubtful guarantees for the future security of the peoples of France and Belgium, whose losses and sufferings during the War entitled them to certainty as to their future safety from aggression. Such certainty could, in their opinion, only be provided by the occupation by Allied troops of the line of the Rhine, the sole natural barrier against a sudden German invasion. They proposed, therefore, as an essential part of the conditions of peace, that

(*a*) the western frontier of Germany should be established on the Rhine;[1]

(*b*) the bridges over the Rhine should be occupied by Allied troops;

(*c*) the above measures were not to involve territorial annexations for the benefit of any Power.

4. *Attitude of the Allies regarding Guarantees.* The French proposals merited and received serious consideration from the Allies. The great difficulty was, however, to dispose of the provinces west of the Rhine in such a way as to meet the French requirements. These provinces were German, and they wished to remain German, although there was a movement in favour of separation from Prussia. A small party of Rhinelanders were indeed in favour of complete autonomy, but their action developed prematurely, and met with the disapproval of the great majority of the German population. It was impossible, in the interests of fairness and justice, to include in the Peace Treaty any clause involving the separation from Germany of the German provinces west of the Rhine, unless the inhabitants of these provinces had expressed a desire for separation. Such a solution would have been contrary to the principles of a just peace, and could not have been durable.

It was inevitable that the peoples of the United States and of Great Britain would refuse consent to any arrangement by which millions of purely German subjects were compelled to accept a régime to which they were hostile. At the same time, it was essential to recognize the legitimate desire of the French people to receive adequate guarantees and to acquire the certainty of permanent security against German aggression.

[1] This does not mean that the French eastern frontier should extend to the Rhine, but that the German State west of the Rhine should be separated from the influence of the Government at Berlin (*v.* also vol. I, chap. 5, § 11) p. 184 *n.*

France has no sea to protect her frontier, and it was only natural that she should demand some obstacle or zone of safety which, if not offering a safeguard equivalent to that of a sea, would at least enable her to delay the advance of her numerically superior enemy and to gain time for the armies of her Allies to come to her assistance. The solution of the problem was found in the compacts between the United States and Great Britain on the one hand, and France on the other, by which the United States and Great Britain bound themselves to come to the assistance of France in the event of hostile aggression against her, and in the Military Terms of the Peace Treaty which, as long as Germany abides by their conditions, render her incapable of renewing her attack on France with any hope of success. Further guarantees were given by Articles 42–43, forbidding Germany to maintain fortifications or armed forces either on the left bank of the Rhine, or on the right bank to the west of a line drawn 50 kilometres to the east of the Rhine, and by Articles 428–32, involving the military occupation of certain portions of German territory for periods extending up to 15 years, or longer if necessary.

5. *Principles of the Military Terms.* The main principles which guided the Allies in framing the Military Terms were:

(*a*) To render possible the initiation of a general limitation of the armaments of all nations.

(*b*) To make Germany, which had been the cause of the colossal growth of armaments, begin the process of limitation.

(*c*) To prevent the danger of future aggression by Germany.

(*d*) To leave Germany with a military force sufficient to maintain internal order.

(*e*) To avoid all ambiguity, which might hereafter give Germany a pretext for evading her obligations.

6. *Compulsory versus Voluntary Service.* The Committee, which had begun its labours about the middle of February, soon found itself confronted by a serious divergence of opinion. Whilst the Allies were unanimous as to the necessity of reducing the German military forces to the utmost possible extent, their views varied considerably regarding the best method of solving the problem. The most important question was undoubtedly that of compulsory short service as against a voluntary long

term of enlistment,[1] and on this point our views were diametrically opposed to those of the French.

Universal compulsory service has a great deal in its favour. A national army provides a splendid training-ground for the whole manhood of a people, in discipline, patriotism, loyalty, unselfishness, intelligence, initiative, and in many other moral qualities, whilst its influence on the physique of a nation is enormous. Provided it is well administered, universal service need not interfere with the commercial or industrial life of a State; on the contrary, its effect on efficiency and productive power may be most valuable.

There is really only one valid argument against universal military service, that it increases the chances of war by developing the martial instincts of nations, and by placing in the hands of ambitious rulers a powerful instrument for imposing their will on weaker Powers. Such was Germany's attitude before the War; the strongest military Power in the world, she was always ready to invoke her military strength in order to achieve her political aims. Germany's past record, above all, the existence of the Prussian Junker class and military party, caused this last argument to outweigh all the rest. The British Prime Minister and General Staff thought it suicidal to allow Germany to continue a system of universal compulsory service, by which her entire manhood could be trained for war.

This was the reason for British opposition to the French proposals, which had at the outset the support of all our Allies, who were unanimous in supporting the continuance of the principle of universal compulsory national service. Nor is it difficult to understand the attitude of the representatives of these countries, most of whom had studied the effects of national service in the light of long experience, and who realized the serious loss which its abandonment, if also applied to them, would mean.

It is more difficult to accept the French contention that a voluntary long-service army will, if maintained in accordance with the terms of the Treaty, prove a greater menace to the peace of Europe than a compulsory short-service army, in which, sooner or later, the entire manhood of Germany would be trained for war.

[1] The principle of the Swiss militia system does not appear to have been considered as a practical alternative, since its applicability to the armies of the Great Powers offered considerable difficulties.

The main object of the Peace Treaty was to conclude an early and durable peace, which was necessary for the safety and welfare of Europe. As this object could only be attained by the abolition of universal military service in Germany, the British Delegation regarded the latter as an essential condition of the Peace Treaty.

B. The Military Terms in Detail

7. *The First Draft of the Military Terms.* The second half of February was a busy time for the Committee. Each Delegation drew up its recommendations, and frequent meetings were held to settle the details of each of the points under discussion. The Delegations were in general agreement, except on the all-important question of compulsory or voluntary service. Eventually, in the absence of Mr. Lloyd George, of Field-Marshal Sir Henry Wilson, and of Major-General Sir William Thwaites, the French gained the support of the other Delegations to the principle of universal compulsory service, and, after the numerous questions of detail had been decided, Marshal Foch presented the Military Terms to the Supreme Council on the 3rd March. The compulsory short-service system was adopted as the basis of the scheme, but a note was made of the British objection to it. The maximum number of troops allowed to Germany was to be 200,000 men, organized in not more than 15 infantry and 5 cavalry divisions. Further, the amount of arms, ammunition, etc., which Germany was to be allowed to keep, was definitely fixed at a low scale. In the absence of Mr. Lloyd George the discussion of the scheme was postponed.

8. *The Adoption of the Voluntary Service System.* On the 5th March Mr. Lloyd George returned to Paris. He at once objected to the principle of compulsory service on the grounds that the question was political, rather than purely military, and was a matter for the decision of the heads of the Governments. On the 7th March the British Prime Minister proposed, and, with the support of M. Clemenceau, carried a resolution to the effect that the Naval, Military, and Air Terms should be based on the principle of voluntary long service. The Military Committee received instructions to frame a new report accordingly.

9. *Strength of the new German Army.* When the Committee reassembled it immediately became clear that the French would

not accept the figure of 200,000 men for the strength to be allowed to a German Army under the voluntary long-service system. It was only after considerable discussion that agreement had been reached as to this figure of 200,000 men; an original suggestion had been 500,000, and the British Military Delegation were of opinion that Germany should be permitted to retain a standing army of 400,000 men, temporarily at any rate. The French regarded a voluntary long-service army as the potential cadre of a national army, and therefore as a standing menace to their security. They insisted therefore on its reduction to the lowest possible figure. It was felt, on the other hand, that this reduction should not be carried below the strength necessary to maintain internal order in Germany, and to protect her against Bolshevist aggression from the East. After much discussion it was agreed to propose 140,000 men as the strength to be allowed, and a fresh draft with this alteration was laid before the Supreme Council on the 10th March. The French were still dissatisfied, and contended that this force was too large. Their view was accepted by Mr. Lloyd George, with the result that the maximum strength of the German Army was reduced to 100,000 men, to include 4,000 officers, and not more than 7 infantry and 3 cavalry divisions. The remainder of the draft was passed, with slight alterations, for embodiment in the Treaty. On the 17th March, a few minor amendments were made, and later on, in April, two further clauses were added, viz., Articles 172 and 179.[1]

10. *Presentation of the Treaty and German Counter-Proposals.* When the Treaty was finally presented to the Germans on the 10th May, they accepted the Military Terms with comparatively few objections. They urged that the time-limit of three months, which had been fixed for the reduction of the existing German Army to 100,000 men, was altogether too short, and that, unless

[1] Article 172 provided that the German Government should reveal to the Allies the nature and mode of manufacture of all explosives, toxic substances, etc., used in the War, or prepared for the purpose of being so used, within the period of three months from the coming into force of the Treaty.

Article 179 states that Germany agrees, from the coming into force of the Treaty, not to accredit or send to any foreign country any military, naval, or air mission, and to take the proper measures to prevent German nationals from leaving her territory to become enrolled in the army, navy, or air service of any foreign Power, etc. The Allied and Associated Powers agree not to enrol German nationals in, nor attach to, their armies, naval, or air forces. There is a reservation as to the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations. *v.* Text of Treaty, Vol. III, § III, pt. 2.

this demand were modified, grave internal troubles might result. This request appeared reasonable, especially as it was not then realized how long a delay would ensue before the final ratification of the Treaty. The British Military Delegation recommended that concessions should be made on this point, suggesting a gradual reduction to a strength of 200,000 men, at which figure the German Army should be allowed to remain, at all events until the European situation had become more stabilized. As a result of the British recommendations, the Supreme Council decided to extend the time-limit to the 31st March 1920, by which date the strength of the German Army was, however, to be reduced to 100,000 men; the reduction was to be gradual, but the number was to be down to 200,000 within three months of the coming into force of the Treaty, the reduction of officers, guns, etc., being made in the same ratio.[1] With the exception of a few unimportant alterations in the Article on Fortifications, the Military Terms were accepted by the Germans without further demur.

11. *Personnel, Recruiting, and Military Training.* In drawing up the terms of Chapters I and III, it was of the greatest importance to avoid all ambiguity, and to eliminate loopholes, by means of which the Germans might evade the conditions regarding enlistment, length of service, and military training.

The provisions of Articles 174 and 175, limiting the discharges of officers and men before the expiration of their total term of enlistment, and fixing minimum periods for the length of service of all ranks, should be sufficient for the purpose.

A long-service army recruited by voluntary enlistment must necessarily be expensive. This is, on the one hand, a drawback, since it reduces Germany's power of complying with our financial demands; it is, on the other hand, an advantage, as it will render it difficult for Germany to make any material increase to her army in the future. Under the present system of 12 years' consecutive service for N.C.O.'s and privates, the pay must be high, as the men will be unfitted for ordinary trades at the end of their period with the colours; it will be easy, however, to provide them with Government employment, on the railways or other State service. The German Government is unlikely to experience any serious difficulty in recruiting an army of 100,000 men, either in officers or the other ranks.

Article 160 lays down the future maximum strength of the

[1] *v.* Supplementary note at end of chapter, p. 140.

German Army, and contains a paragraph to the effect that 'The maintenance or formation of forces differently grouped or of other organizations for the command of troops or for preparation for war is forbidden.' This paragraph is of considerable importance, for it is essential to prevent from the outset the creation of any semi-official military organizations, such as the *Einwohnerwehren* (local defence forces), and others.

The *Einwohnerwehren*, *Zeitfreiwillige* (temporary volunteers), and *Sicherheitspolizei* (security police) were all formed for the maintenance of order, and as a guarantee against Spartacist outbreaks. The *Einwohnerwehren* are local forces, liable for service in their own communes, only in the event of local disturbances. They carry on their civilian occupations and are practically civic guards, not unlike the British Special Constabulary, except that they are armed with rifles. They are organized in companies, under leaders elected by the men. Their rifles are kept in dépôts. In some cases they are armed with machine-guns. The *Zeitfreiwillige* also carry on their civilian occupations normally, and act as reserves to the *Reichswehr* for the preservation of order in Germany. They are organized in companies, affiliated to different regiments of the *Reichswehr*; they are liable to be called out in aid of the civil power in the event of disturbances. Their arms are kept in local dépôts, ready for issue when required. The organization and armament of the *Einwohnerwehren* and *Zeitfreiwillige* undoubtedly bring them under the heading of 'associations occupying themselves with military matters', which are prohibited under Article 177 of the Peace Treaty.[1]

The fact that Germany is allowed a maximum number of only 102,000 rifles and carbines, is clear proof of the illegality, under the terms of the Treaty, of local organizations—official or semi-official—armed with rifles.[2] The maximum stocks authorized by Table III of the Treaty are calculated on the strength of the regular army, and preclude the lawful existence of other forces armed with rifles.

[1] Article 177: 'Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with any military matters.

'In particular they will be forbidden to instruct or exercise their members, or to allow them to be instructed or exercised in the profession or use of arms. These societies, associations, educational establishments, and universities, must have no connexion with the Ministries of War or any other military authority.'

[2] *Vide* Table III, printed as an Annex to Articles 160 and 165.

The *Sicherheitspolizei* is largely recruited from N.C.O.'s of the former German Army, to supplement the police forces. It is mainly intended for action in big towns, with the object of dealing with organized disturbances on a large scale. The men are specially trained for street and house-to-house fighting, are quartered together in barracks, and are armed with all modern weapons.

Although the original formation of such organizations as *Einwohnerwehren* and *Zeitfreiwillige* may have been justifiable in the interests of the protection of the inhabitants against Spartacists, etc., their continued existence is a danger, and it must be made clear to Germany that they are contrary to the terms of the Treaty. If the German Government can prove that the national safety demands a larger force than 100,000 men, they should be made to refer the question of its increase to the Allies, but should on no account be allowed to create local semi-official organizations, of which it is impossible to foretell the ultimate development. It would be far preferable to authorize the maintenance of a larger force of regular long-service troops, i.e. 200,000 men, than to tolerate local levies, whose existence would permanently violate the military terms of the Peace Treaty. Their only justification would be on the grounds of economy, for local police forces would naturally be far less expensive than State long-service troops. The existence of such forces, however, involves too great a danger for this plea to be admitted.

The provisions of Article 177 [1] constitute a further attempt to prevent the formation of semi-official organizations of military character and value. The loyal execution of this Article is a matter of considerable importance, and will require careful attention, not only by the Commissions of Control, but after their departure from Germany. This Article lays down that no societies, associations, and educational establishments are to have any connexion with the Ministries of War or any other military authority. It is noteworthy that the *Einwohnerwehren*, *Zeitfreiwillige*, *Sicherheitswehren*, and other local bodies have been placed under the Ministry of the Interior, which may denote an attempt to evade the provisions of this Article. It must not be forgotten that Article 162 forbids any increase in

[1] See note, p. 132.

the establishment of Germany's police forces. This does not forbid the existence of *Sicherheitspolizei*, but definitely limits their strength.

Under the terms of the Treaty (Article 160) the German Army virtually became a police force, to 'be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.' At the same time it was not intended to deprive Germany of the power of home defence against unprovoked aggression by small States. A policy that left Germany so helpless as to prove a tempting prey to the new and warlike nationalities on her eastern and southern borders would be dangerous, and could only sow the seeds of future trouble.

Though a small General Staff will still be retained, the abolition of the Great General Staff was a natural consequence of the reduction of the Army.[1] The Great General Staff—the thinking department which had formulated Germany's aggressive plans in time of peace and had executed them during the war—had become an organization of such influence and power that its disappearance was a matter of necessity.

In general, it may be said that Chapters I and III of the Military Terms, those regarding personnel, recruiting, and military training, have been so carefully worded that their meaning can admit of no ambiguity. Any non-compliance or attempt at evasion on the part of Germany can have no legal justification, and can be stopped by the Allies as long as they retain sufficient control over Germany.

12. *Armament, Munitions, and Material.* The importance of Chapter II on Armament, Munitions, and Material, is really even greater than that of Chapters I and III. Whatever we may do to reduce the strength of the German Army, and to prevent the military training of the people, there are, and will for some time continue to be, in Germany several millions of men trained and inured to war. Similarly, there are large numbers of regimental and staff officers, with ample war experience. These are accomplished facts, which we are powerless to alter. On the other hand, it is quite possible to deprive Germany of the arms, ammunition, and material necessary for the equipment of a

[1] Extract from Article 160, Section 3: 'The Great German General Staff and all similar organizations shall be dissolved and may not be reconstituted in any form.'

great army. Articles 164–172, with Tables II and III, have been drawn up with this object in view, and if their conditions are executed, in conjunction with the Naval and Air Clauses of the Treaty, no aggression by Germany will be possible for a long time.

The German Army is only allowed to retain 204 field-guns and 84 field howitzers:[1] no heavy guns may be kept except the armament of a few forts and fortresses, and the number of these is restricted by the provisions of Article 167. It should be easy to ensure the handing over of guns, especially those of large calibre. A certain number have already been surrendered, and the balance should be fairly easy to trace, as it is known approximately how many Germany possessed at the end of the war.

Similarly, the total number of machine-guns and trench-mortars remaining in Germany was known with fair accuracy, and these arms would not be easy to conceal—at all events on a large scale. With regard to rifles, the matter is less simple. Our knowledge of the exact number in existence at the end of the War must have been somewhat vague, and their disposal during the last year cannot be known, even to the German authorities, with anything like accuracy. Many soldiers kept their rifles on demobilization, and considerable numbers have since been distributed to the various local forces. It is difficult to imagine that it will be possible to reduce the stocks of rifles and small-arm ammunition in Germany to anything approximating to the exact numbers allowed in Table III, i. e. 102,000 rifles and carbines, and 56,208,000 S.A.A. rounds, including machine-gun ammunition. But, although the number in excess may be considerable, it will be small in comparison to the enormous numbers required for modern warfare.

Article 168, ordering the closing down of all factories or arsenals not authorized by the Principal Allied and Associated Powers, is of great importance, as the rigorous enforcement of its provisions would make any renewed German aggression impossible. Articles 171 and 172 are also most important, but their strict execution will be more difficult to check and enforce, especially as regards the manufacture of gases or similar materials.[2]

[1] Articles 164–172, Tables II and III.

[2] For Article 172 see note on p. 130. Article 171: 'The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices

13. *General Effect of the Military, Naval, and Air Terms. Dismantling of Fortifications.* It is clear that the effect of Chapters I, II, and III, together with Tables I, II, and III, of the Military Terms, are such that no German aggression will be possible as long as the Allies have sufficient strength to enforce their loyal execution by Germany. Similarly, the Naval and Air Clauses of the Treaty will, if faithfully carried out, prevent all danger of a successful attack by sea or in the air.

It has been argued that all aeroplanes or dirigibles, built for commercial or civilian purposes, will be available for use in war. Up to a certain point this is true, as the conversion of the machines would not be difficult, although the pilots and observers would lack military training. Should Germany ever succeed in taking the lead in aerial navigation, she might be in a position to undertake bombing raids on a large scale on enemy towns, arsenals, and the like. But even so, her frontiers and coast-line would be practically defenceless and at all times open to attack if the Military and Naval Terms had been carried out. In this connexion it must not be forgotten that Chapter IV of the Military Terms provides for the dismantling of all fortifications in Western Germany, whilst Articles 42–44 forbid the maintenance of fortifications or troops in this area, thus leaving Western Germany open to invasion by Allied troops, and enabling the Allies—or members of the League of Nations—to carry out speedy retaliation for any unprovoked attacks such as bombing raids.

C. Execution of the Terms of the Treaty

14. *Inter-Allied Commissions of Control.* When framing the Military, Naval, and Air Clauses it was clearly necessary to set up adequate machinery to ensure that they would be effectively carried out. Articles 203–210 contain the provisions for the powers of the Inter-Allied Commissions of Control, which are charged with the duty of supervising the complete execution by Germany of the Military, Naval, and Air Terms of the Treaty.

being prohibited, their manufacture or importation are strictly forbidden in Germany. The same applies to materials especially intended for the manufacture, storage and use of the said products or devices. The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited.'

Each of the Principal Allied and Associated Powers has nominated an experienced senior officer as its representative on each of the main Commissions, which are again divided into a number of Sub-Commissions. The personnel of the Commissions, which has been supplied in varying proportions by the Principal Allied and Associated Powers and by Belgium, has been carefully chosen, and the work will extend over the whole of Germany.

These Commissions of Control, whose duties begin on the coming into force of the Treaty, have been provided with ample powers to investigate conditions in Germany, and on their work depends the execution of the terms of the Treaty. Supported as they will be by the moral force of the Allies and by the proximity of the Armies of the Rhine, they should be in a position to ensure the execution of so considerable a part of the terms of the Treaty as to leave Germany powerless for aggression for many years. It is unfortunate that the delays in the ratification of the Treaty should have enabled the Germans to utilize, sell, or otherwise dispose of much of the material to be handed over, but, in so doing, the Germans have not exceeded their legitimate rights in accordance with the terms of the Treaty.

Article 206 stipulates that the German Government must give all necessary facilities to the Commissions of Control for the accomplishment of their duties. Article 207 lays down that the cost and upkeep of the Commissions of Control, and the expenses involved by their work, shall be borne by Germany. The Military, Naval, and Aeronautical Commissions of Control act as direct representatives of the Governments of the Principal Allied and Associated Powers, and the German Government is bound, by the provisions of Articles 208–210, to furnish them with all such information and documents as they may require for the execution of their duties.

It is unnecessary to emphasize the importance of the work to be carried out by these Commissions of Control, whose duties are certain to extend over a minimum period of fully six months, and may not be completed in less than a year.

15. *Prospects of future Peace.* The Military Terms of the Treaty have been drawn up with the greatest care and ability, and should succeed in attaining their objects, as far as it is humanly possible to do so. In view of the fact that they were evolved by men belonging to five different Powers, whose ideas

and objects could not be expected invariably to coincide, the result can justly be regarded as highly satisfactory. Their effect cannot fail to render future aggression by Germany a matter of the greatest difficulty, and this is a great step towards the attainment of the aims of the Peace Conference, whose main object was to secure an early, just, and durable peace.

Apart from minor details, there appears to be only one point which affords reasonable ground for criticism. It remains to be seen whether the authorized strength of 100,000 men, as fixed for the German Army, will be enough to maintain internal order and to protect and control the German frontiers. This appears extremely doubtful, and, if so, it is a defect in the Treaty, for it is undesirable to leave Germany with an inadequate armed force, and still more undesirable to acquiesce tacitly in the existence of the local forces, such as the aforementioned *Einwohnerwehren*, etc. With a regular army of only 100,000 men for a nation of 60 millions, constant attempts are likely to be made to create local forces, the formation of which may be a real necessity for the safety of the people and to maintain order. There may be no present danger in the existence of such organizations, but they can well become 'the thin end of a wedge' and their potential menace in the future is too serious to neglect.

There is no suggestion of Germany being allowed to keep a large regular long-service army which she does not want, and in any case cannot afford. It is, however, a matter for consideration as to whether she should not be allowed to retain a force of 200,000 men until her internal situation has improved, or until she is admitted to the League of Nations. One method of reducing Germany's expenditure would be to allow her to keep a proportion of her armed forces in reserve, as has been done in the case of the new Austrian Army, the total of troops with the colours and with the reserves not being allowed to exceed 200,000 men.

With this possible exception, there is no ground for any alteration or relaxation of the Military Terms, which must be enforced strictly and completely. Owing to the unforeseen and regrettable delays in the ratification of the Treaty, the Germans have had frequent opportunities of evading the terms, as they do not become operative until the Treaty comes into force.

Although the present German Government has generally shown good faith in the performance of its engagements, it may be unable to resist the military party, headed by men like Ludendorff, Hoffmann, and Lossberg, which we know cannot be trusted. Ample evidence of this untrustworthiness has been provided by the German operations in the Baltic Provinces, which have been carried on by an elaborate system of intrigue, practically against the orders, though hardly without the knowledge or connivance of, the German Government, which stood greatly in need of the support of the military leaders, and dared not expose or thwart their plans. The long delay since the 28th June 1919, has also facilitated various transactions in Russia, or with Russians, which a prompt final ratification might have avoided.

There seems to be no visible prospect of fresh German aggression in the near future. The German people are tired of war, and will not willingly take up arms again—they require rest and the rehabilitation of their trade and industries. If Germany has no weapon ready at hand, she will have little power or inclination to enter upon the long and difficult process of forging one of sufficient strength to renew the struggle in which she has been so decisively beaten. There is only one factor which may change the situation in the near future, and that is the existence of a desire for revenge so intense as to obliterate all other feelings. The great majority of the German people now realize that the War was caused by the criminal ambitions of their Prussian ruling caste, and that, as they acquiesced in the War and welcomed it, they must bear the punishment and burdens of defeat. The punishment must be stern and the burdens heavy, but the German people must feel that they are dictated by justice and not by malice or hatred.

Without powerful allies, it would be absurd for Germany to attempt a fresh war of aggression for many years. Russia might provide her with the requisite men and material, but she is as tired of war as Germany. Only a strong feeling of hatred and revenge against the Allies could unite Russia and Germany against them.

The friendship and co-operation of Russia are necessary to complete the work of the Peace Treaty. For a successful solution of the Russian problem will alone make possible that general limitation of the armaments of all nations, for which

the disarmament of Germany, in accordance with the Military, Naval, and Air Clauses of the Peace Treaty, is to provide the essential first step.[1]

[1] The future military organization was arranged by the following resolution, which was passed at a meeting of the Supreme Council, held at the Quai d'Orsay on 10th January 1920:

'That the Inter-Allied military organization shall continue under the Presidency of Marshal Foch at Versailles, and shall have for terms of reference: (*a*) to act as advisory council to the Allied and Associated Governments in the military questions arising out of the execution of the Treaty of Peace with Germany; (*b*) to execute the orders given it by the Allied and Associated Powers in matters concerning the Commissions of Control and the Allied Forces of occupation in the Rhineland and plebiscite areas.

'It was further decided that, should the occasion arise, the Council could be consulted upon all military questions of common interest to the Allies which the latter might be agreed to submit to it.'

Supplementary Note.—It was announced in the Press on the 18th February 1920 that Mr. Lloyd George, as President of the Supreme Council, had informed the German Government that they recognized the difficulty of completing the reduction of 'the army of the States constituting Germany' to 100,000 by 31st March 1920 under Art. 160. 'As this Article was drafted on the assumption that the Treaty of Versailles would have been ratified at a much earlier date, the Supreme Council have decided to permit that the German forces should be reduced to 200,000 by April 10 1920; that is to say, three months from the coming into force of the Treaty as provided for in Art. 163, and to 100,000 men by July 10 1920.'

CHAPTER II: SECTION II

THE PRINCIPLES—APPLIED TO GERMANY (*continued*)

PART III

THE NAVAL CLAUSES—TERMS

1. *Terms of the Armistice.* Right up to the date of the Armistice, in spite of the overwhelming superiority of the Allies in above-water craft,[1] the enemy's submarine warfare remained a grave menace to our maritime position.

The naval conditions of the Armistice signed by Marshal Foch and Admiral Rosslyn Wemyss removed this menace and signified the entire collapse of German naval power.

All submarines in existence were to be surrendered at ports specified within fourteen days of signature. German surface warships designated by the Allies to the number of 10 battleships, 6 battle cruisers, 8 light cruisers (of which 2 were to be minelayers) and 50 destroyers were to be dismantled and interned in neutral or Allied ports designated by the Allies. All other surface warships were to be completely dismantled and placed under the supervision of the Allies and United States. Vessels specified for internment were to be ready to leave within seven days of signature. These were the principal conditions.

The Allies also demanded the right to sweep up all mines outside German territorial waters, and free access to the Baltic to be secured by the occupation of all German forts and batteries and defence works between the Cattegat and Baltic. The Blockade was to continue. Aerial forces were to be concentrated and immobilized in German bases specified by the Allies.

In the evacuation of the Belgian coast all materials, ships, and stores were to be left intact. The Black Sea ports were to be evacuated; all Russian warships taken in the Black Sea were to

[1] On 11th November the Allied and Associated Navies numbered 66 battleships, 16 battle cruisers, 138 light cruisers, 477 destroyers, 356 submarines, to a German and Austrian strength of 22 battleships, 6 battle cruisers, 41 light cruisers, 134 destroyers, and 239 submarines.

be surrendered, and all neutral merchant shipping seized in the Black Sea released.

All merchant ships in German hands belonging to Allied and Associated Powers were to be restored to ports specified without reciprocity.

No destruction of ships was to be permitted and no German shipping was to be transferred to a neutral flag.[1]

2. *Execution of the Terms.* With some minor exceptions, the principal conditions were fulfilled in the great surrender of the German Fleet at Rosyth on 21st November[2] and by the delivery of their submarine forces at Harwich between 17th and 21st November. One battle cruiser, the *Mackensen*, which had been asked for, was reported as not yet completed, and an additional battleship, the *Baden*, was demanded instead and left Germany to be interned in January. The principal point in dispute at this time was the status of Allied vessels duly condemned by German prize courts, which the German Government refused to deliver up as having passed outside the category of Article XXX (i. e. vessels belonging to Allied and Associated Powers) on condemnation.[3]

Between 3rd and 20th December a Naval Armistice Commission made a tour of inspection in the principal German ports and took account of 64 submarines capable of putting to sea or being towed and 125 other submarines in various stages of completion, as also a number of others at Danzig and in smaller Baltic ports. In view of this report it was considered that the German Navy still retained a considerable capacity for submarine offence, and in the renewal of the Armistice on 16th January the German authorities were required to agree that all submarines which could put to sea or be towed, were to be surrendered immediately and to proceed forthwith to Allied ports, including submarine cruisers, minelayers, lifting vessels and docks. Submarines which could not be surrendered or were under construction were to be totally destroyed or taken to pieces under the supervision of Allied Commissioners, and all submarine building was to cease forthwith.

The whole of the German fleet was also to be placed 'under

[1] Terms of Armistice with Germany, 11th November 1918, Articles XX—XXXIII.

[2] These included 10 battleships, 5 (instead of 6) battle-cruisers, 6 light cruisers, and 50 destroyers. The number of submarines finally surrendered numbered 156.

[3] German answer to note of 12th December.

the control and the flags of the Allied Powers and the United States, who shall be assisted by a German delegate.'[1]

3. *Essential Conditions of Peace.* Under these circumstances German naval power practically collapsed, and it was only left to the Admiralty to ensure that these conditions should be definitely embodied in the forthcoming Peace Terms.

In considering the terms of peace there were two dominant considerations to be taken into account—the severe limitation of Germany's Navy and the confiscation of any of her colonies which might serve as naval *points d'appui* against the commerce of the world.

Her naval forces fell into two categories—surface ships and submarines. So far as the latter were concerned, it was considered by the Admiralty that the surrender of the whole of Germany's submarine fleet was essential to our naval security, and the policy of a general international interdict on the construction of submarines was viewed with a considerable degree of favour. The fate of the German High Sea Fleet was regarded at this stage as of less importance. If her submarines were surrendered, Germany could not challenge our maritime position for a number of years, by which time her present High Sea Fleet would be a creation of the past.

The disposal of the German colonies was also a matter of supreme interest to the Navy. During the war enemy surface ships had destroyed some 600,000 tons of shipping, and in spite of our favourable position we had never been able to prevent entirely the escape of German raiders. It would be much more difficult to prevent their escape from bases overseas, and enemy bases at Duala in the Cameroons, Rabaul in New Guinea, Dar-es-Salaam in German East Africa, Walfisch Bay in German South-West Africa, and Apia in Samoa would offer immense opportunities for a world-wide campaign of commerce destruction. Under these circumstances it was considered that the security of the world's trade routes involved the taking from Germany of her possessions oversea.

The essentials of peace, then, so far as the Navy was concerned, required that:

(*a*) All completed submarines should be surrendered.

(*b*) All submarines building in German yards should be destroyed.

[1] Convention prolonging the Armistice, 16th January 1919.

(*c*) All German surface warships interned under the Armistice should be surrendered or destroyed.

(*d*) No German oversea possessions should be returned.

There remained the question of the German fortress of Heligoland and the Kiel Canal. The former presented peculiar difficulties. The war had shown its enormous value to Germany as an advanced naval base and as a fortress, severely restricting the operations of the British fleet in the 'wet triangle'.[1] Its retention by the British would, however, be a matter of great difficulty in time of war, and one solution offered was to raze it to low-water mark, which would have required the expenditure of some 2,000 tons of high explosive. It was finally thought sufficient to demand the destruction of all fortifications and harbour works. The Kiel Canal constituted a great naval asset to Germany, but it could be of little use to her if she had no fleet, and it was considered sufficient to demand that it should be open to commerce at all times.

There remained the question of the Dardanelles, where naval requirements called for:

(*a*) Free passage to all ships under international guarantee.

(*b*) Complete destruction of all forts and other defences.

(*c*) Administration of lighting and buoyage by Commissioners.

The replacement of the enormous amount of mercantile tonnage sunk by Germany was a question also affecting the naval position of the Empire, and the Admiralty were of opinion that the whole of existing German mercantile tonnage should be surrendered to the Allies to be controlled by the Allied Maritime Transport Council, who would allocate a portion of it to German use. Many other subsidiary questions presented themselves, such as the possibility of an international convention prohibiting submarine construction and the limitation of armaments, but these had no direct bearing on the terms of peace with Germany. There were also numerous territorial questions with a naval aspect such as the status of Antwerp and the Scheldt, of the Aaland Islands and the maritime situation in the Adriatic and Asia Minor, the North Sea declaration of 1908, and the future of the Baltic, but the question of prime importance was the reduction of German naval power to a minimum.

[1] Cuxhaven, Wilhelmshafen, Wangeroog.

The Admiralty accordingly asked that all German vessels interned during the Armistice and the nine[1] remaining Dreadnought battleships should be surrendered and sunk in deep water within three months of the signature of peace, and all warships interned in neutral ports should be dealt with similarly within three months of delivery. All vessels building and sufficiently advanced for launching should be surrendered and sunk, and all others should be broken up under Allied supervision within three months of signing the Treaty. Similar conditions were suggested for submarines, namely, that all submarines surrendered should be sunk within three months and all in course of building should be destroyed under Allied supervision. These were the principal conditions put forward by the Admiralty when the Conference opened in January, conditions sufficient to ensure the complete collapse of the whole structure of German naval power which had been for a score of years challenging British naval ascendency in the North Sea.

4. *League of Nations and Freedom of the Seas.* Outside the actual terms of Peace, two questions loomed in the foreground of the Conference, both with an important bearing on future Naval Policy. These were the formation of a League of Nations and the assertion of the Freedom of the Seas.

The former became an integral part of the Treaty, and the latter, though it never actually materialized, had been one of Wilson's fourteen points, and was a doctrine exercising a vast prospective influence on the conduct of naval war.

The phrase was open to various interpretations, but was generally taken to mean complete freedom of passage to all neutral shipping in time of war. As its more extreme exponents also asked for immunity of passage to all enemy private property at sea, it might be regarded as including freedom of passage to all enemy and neutral trade. In both senses the acceptance of the doctrine must severely handicap naval war.

Admiral Mahan had already formulated the principle that 'property' belonging to private individuals, but embarked in the process of transportation and exchange, which we call commerce, is like money in circulation. 'It is the life-blood of national prosperity on which war depends, and as such is national in its employment, and only in ownership private.'

[1] As stated above, one of these, the *Baden*, was handed over in January in place of the *Mackensen*.

Nothing can be clearer than the fact that war is an endeavour to exert pressure on an enemy, and that the primary object of victory at sea is to exert such pressure either by the strangulation of trade or by means of invasion. If trade in the form of so-called private property were to continue unchecked, the naval battle would be nothing more than a gladiatorial combat and would cease to have any real significance. The primary purpose of a Navy is to bring pressure to bear on an enemy by means of maritime power, and any convention which permits supplies of war to pass unrestrictedly to an enemy must break down when vital issues are at stake and an opposing navy is able to dispute their passage. Though the question did not come prominently before the Conference, it called for an answer. The Admiralty were generally opposed to any restriction of the traditional modes of war, on the grounds that any attempt at restriction was based on a profound misconception of the nature of war. Their view may be summed up as follows:

(*a*) A belligerent is entitled to bring every possible pressure to bear on an enemy, consistent with due regard for innocent neutral trade and in accordance with accepted dictates of humanity.

(*b*) A belligerent has the right to prevent oversea supplies reaching an enemy which may assist him in the prosecution of the war, and to attack his credit and resources by restricting his exports.

(*c*) The government of a neutral state must refrain from assisting belligerents or shielding them from the pressure of an enemy's hostility, but the responsibility of preventing trade in contraband rests with the belligerent concerned.

The whole case for Freedom of the Seas may be regarded as based on a deep-seated fallacy, which regards naval war as a combat between two opposing fleets, operating without any ulterior object. It is as absurd to ask for a free passage of supplies by sea in neutral ships as it would be to ask a general to permit supplies to reach an enemy on the plea that the goods were neutral and were being transported in neutral vehicles.

The larger question of a League of Nations was only a naval question in its commitments and methods of application. So

far as its commitments were concerned, until the League became an effective instrument wielding naval and military forces sufficient both in numbers and training to ensure the peace of the world, the responsibility of the Admiralty for the sea communications of the Empire would remain undiminished, and if His Majesty's Government were under obligation to go to war for any other considerations, and could not look for effective naval co-operation, then the responsibilities of the Admiralty would be increased and must lead to an increase in the estimates of naval requirements, which it would be difficult to reconcile with any agreement for the restriction of armaments.

It was clearly not possible to increase our responsibilities and at the same time enforce a drastic reduction in naval strength. Again, so far as the restriction of armaments was concerned, this must be largely dependent on technical considerations. For instance, the limitation, by international agreement, of Germany's Dreadnought fleet to half its strength in 1912 would not have affected her submarine campaign, which constituted the principal menace to the world in 1917.

From an Imperial point of view the situation and circumstances of the British Empire are unique. No other Power is in the same position or in anything like the same position, and it is difficult for any other Power to understand our position in all its aspects. The loss of the British Navy would mean the extinction of our national life, and the Admiralty were not prepared to agree to any proposals for the reduction of armaments which would mean placing in the hands of an international tribunal the responsibility of determining the naval force required for the protection of the Empire.

A further grave disadvantage lay in the general constitution of the League. The obligation to take concerted naval and military action with other Powers required something in the nature of a 'League Naval Staff'. But it is clearly impracticable to constitute such a body, for until the emergency arises the various Powers do not know with whom they will be associated, and it will be impossible under ordinary circumstances for members to formulate any general plans of which a subsequently recalcitrant member would not be cognizant. These large questions, however, were settled by the Supreme Council and remained outside the purview of the Naval Advisers.

5. *Disposal of German War Vessels.*—The question which

occupied the attention of the latter from the very first was the disposal of the German war vessels, which gave rise to considerable discussion, in which France found herself in general disagreement with the other Powers. In the case of surface craft the French adopted the view that while other countries had been in a position to make good their losses and even to increase their naval strength, France had been compelled by her vast military commitments to stop all work on Dreadnoughts under construction and to countermand orders sanctioned before the War. The French naval delegates were therefore in favour of sharing the German vessels among the Allied and Associated Powers in the ratio of their losses, to be disposed of as each might think fit. Powers such as the United States and Great Britain, whose increase in naval strength rendered such contributions superfluous, might then either destroy them or offer them to less fortunate Allies.

The great bulk of the naval losses had been borne by Great Britain,[1] and on this ratio Great Britain would be entitled to some two-thirds of the German battleship force, and France to about one-third. Great Britain, on the other hand, was in favour of sinking or demolishing all the surrendered vessels. Italy was in favour of demolition, as the materials could be usefully employed in her steel works and the fittings in the construction of merchant ships. The French naval staff put forward various later proposals based on the warship tonnage added to each fleet during the War. On this basis England had added some 20 per cent., the United States some 30 per cent.; France alone of all the combatants had hardly increased her tonnage at all, and her net loss amounted to some 100,000 tons. Excluding submarines the German tonnage surrendered, or to be surrendered, was reckoned at some 750,000 tons, and, in view of the substantial decrease in the French Navy during the war, the French asked for some 270,000 tons in the form of 5 battleships, 3 battle cruisers, 8 light cruisers, and 40 destroyers.

In the case of the submarines the Naval Advisers of all the Powers except France were in favour of their being broken up, but the French adopted the same attitude as in the case of surface craft, and asked for some to be added to their fleet.

[1] For instance, Great Britain had lost 13 battleships, 3 battle cruisers, 13 light cruisers, 65 destroyers, and 54 submarines. The corresponding figures for France were 4, nil, nil, 11.

The consideration of these proposals engaged the attention of the Naval Sections at the Conference during the whole of 1919, and no decision as to the final disposal had been arrived at in June 1919, when the Peace Terms were signed.

6. *Naval Terms of Peace.*—The naval conditions of the Peace Terms, signed in June, comprised 17 Articles, the first of which, Article 181, provided that within two months of the Treaty coming into force, the German naval forces in commission were not to exceed 6 battleships of the *Deutschland* type,[1] 6 light cruisers, 12 destroyers, and 12 torpedo boats. No submarines were to be included in the above. Article 182 required Germany to keep in commission such number of minesweeping vessels as the Allies might fix. Article 183 stipulated that the total personnel of the German Navy, including the reserves of the fleet, coast defences, signal stations, and other land reserves, was not to exceed 15,000 officers and men. Articles 184 and 185 dealt with all surface craft and stipulated that, from the date of the Treaty coming into force, all German surface warships not in German ports should cease to belong to Germany, and vessels interned in the ports of the Allied and Associated Powers were to be regarded as finally surrendered. Vessels interned in neutral ports were to be then surrendered to the Governments of the Allied and Associated Powers. Further, within two months from the same date, 8 Dreadnoughts,[2] 8 light cruisers, 42 modern destroyers, and 50 modern torpedo boats, were to be surrendered, disarmed, but with all guns on board. This would leave Germany with some obsolete battleships, most of which were disarmed, 6 light cruisers, and some 70 obsolescent destroyers. Article 186 dealt with surface warships under construction, stipulating that from the date of the Treaty being enforced the German Government should undertake their demolition under the supervision of the Governments of the Principal Allied and Associated Powers. Under Article 187 auxiliary cruisers[3] were to be disarmed and treated as merchant ships. Article 188 dealt with submarines, and required that at the expiration of one month from the Treaty coming into force, all German submarines,

[1] i. e. a pre-Dreadnought type. The article goes on 'or an equal number of ships constructed to replace them as provided in Article 190'.

[2] *Oldenburg, Thüringen, Ostfriesland, Helgoland, Posen, Westfalen, Rheinland, Nassau.*

[3] Four were specified as interned in neutral countries, and 28 lying in German ports.

submarine salvage vessels, and docks for submarines were to be handed over to the Governments of the Principal Allied and Associated Powers, and such as could proceed or be towed were to be taken by the German Government to Allied ports indicated. The remainder, and those in course of construction, were to be broken up entirely by the German Government under Allied supervision, the demolition to be completed within three months at most of the Treaty coming into force. Article 189 stated that all articles and material arising from the break-up of German warships were to be utilized only for purely industrial or commercial purposes, and were not to be sold or disposed of to foreign countries. Article 190 represents the final issue of the German Navy Law of 1900, which for twenty years had inspired Germany with the idea of naval power. No warships were to be constructed or acquired other than those intended to replace the 6 battleships, 6 light cruisers, 12 destroyers and 12 torpedo boats provided for in Article 181. The tonnage was limited to 10,000 tons for armoured ships,[1] 6,000 tons for light cruisers. Units of the different classes were only to be replaced at the end of a period of twenty years in the case of battleships and cruisers, and fifteen years in the case of the destroyers and torpedo boats.

Under Article 191 the construction or acquisition of any submarine, even for commercial purposes, was forbidden in Germany.

Under Article 192 the allowance of munitions for the warships in commission was to be fixed by the Principal Allied and Associated Powers, and within a month from the date of such quantities being fixed all munitions and war material in excess, including mines and torpedoes, were to be surrendered to the Allies, at such places as might be indicated, to be destroyed or rendered useless. All other stocks, dépôts, or reserves of army munitions or naval war material were forbidden, and their manufacture in German territory for foreign countries was also forbidden.

Article 193 laid down that Germany should sweep up the mines in the areas to the east of longitude 4° 00′ East, between the latitudes of 53° 00′ N. and 59° 00′ N., and to the northward of latitude 60° 30′ N.

[1] This precludes in practice the building of Dreadnoughts. Destroyers were limited to 800 tons, torpedo boats to 200 tons.

Article 194 enforced the principle of long service in the German Navy, and stipulated that its personnel was to be recruited entirely by voluntary engagements for a period of twenty-five consecutive years for officers and warrant-officers, and twelve consecutive years for petty officers and men.

The personnel discharged was not to receive any further training, and no officers or men of the German mercantile marine were to receive any training in the Navy.

Articles 195 and 196 dealt with fortifications and fortresses. Article 195 provided that, in order to ensure free passage into the Baltic to all nations, Germany was not to erect any fortifications in the area between the latitudes 55° 27′ N. and 54° 00′ N. and longitudes 9° 00′ E. and 16° 00′ E. of the meridian of Greenwich,[1] nor instal any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications existing in this zone were to be demolished, and the guns removed under the supervision of the Allied Governments, within periods to be fixed by them. All hydrographical information was to be placed at the disposal of the Principal Allied and Associated Powers.

Under Article 196, all fortified works and fortifications, other than those mentioned in Section XIII (dealing with Heligoland)[2] of Part III (Political Clauses), and in Article 195, at the time established, within 50 kilometres of the German coast were to be considered of a defensive nature and were to be permitted to remain in their existing condition.

No new fortifications were to be constructed; the particulars of the present armament were to be communicated to all European Powers, and the stocks of ammunition were to be reduced and maintained at a maximum figure of 1,500 rounds per piece for guns of 4·1 inch, and 500 rounds per piece for guns of higher calibre.

[1] That is on any of the Baltic coast of Germany as far east as a point about half-way between Rügen Island (Pommern) and the Gulf of Danzig.

[2] Under Article 115 (Section XIII) the fortifications, military establishments, and harbours of the Islands of Heligoland and Dune were to be destroyed under the supervision of the Principal Allied Governments by German labour at the expense of Germany within a period to be determined by the said Governments. The term 'harbours' was to include the north-east mole, the west wall, the outer and inner breakwaters and reclaimed land within them and all naval and military works, fortifications and buildings constructed or under construction. These fortifications and military establishments and harbours were not to be reconstructed nor any similar works constructed in future.

Article 197 stipulated that during the three months following the Treaty coming into force, the German high-power wireless stations at Nauen, Hanover, and Berlin were not to be used for the transmission of messages concerning naval, military or political questions of interest to Germany or any State allied to Germany in the War, without the assent of the Governments of the Principal Allied and Associated Powers, but their use for commercial purposes was not prohibited.[1]

A protocol of the same date provided for a Commission to be appointed by the Principal Allied and Associated Powers to supervise the destruction of the fortifications of Heligoland.

The conditions of the Treaty of Peace with Austria followed the same lines.[2] All Austro-Hungarian warships, including submarines, were declared to be finally surrendered, as well as all the armed vessels of the Danube flotilla. Her auxiliary cruisers and fleet auxiliaries were to be disarmed and treated as merchant ships. All warships, including submarines under construction, were to be broken up. The construction or acquisition of any submarine was forbidden. All arms, ammunition and other naval war material, including mines and torpedoes, was declared to be finally surrendered.

The high-power wireless station at Vienna was not to be used for the transmission of messages concerning military, naval, or political questions during the three months following the Treaty coming into force.

7. *The Scapa Flow Incident and its Consequences.* Before the signatures to the Treaty had been attached, the whole question of the disposal of ships was greatly complicated by the scuttling of the German ships at Scapa on the 21st June.

There were interned at Scapa on that date 11 battleships, 5 battle cruisers, 6 light cruisers, and 50 destroyers.[3]

The surplus crews had been embarked for Germany on the

[1] Treaty of Peace between the Allied and Associated Powers and Germany at Versailles, 28th June 1919.

[2] Treaty of Peace between the Allied and Associated Powers and Austria at St. Germain-en-Laye, 10th September 1919, Naval Clauses, Articles 136 to 143.

[3] Battleships: (*Baden*), *Bayern*, *Friedrich der Grosse*, *Grosser Kurfürst*, *Kaiser*, *Kaiserin*, *König*, *Kronprinz Wilhelm*, *Markgraf*, *Prinzregent Luitpold*.
Battle-cruisers: *Derfflinger*, *Hindenburg*, *Moltke*, *Seydlitz*, *Von der Tann*.
Light cruisers: (*Emden*), (*Frankfurt*), (*Nürnberg*), *Cöln*, *Dresden*, *Karlsruhe*, *Bremse*, *Brummer*.
Destroyers: 50 (20 salved or afloat, 30 sunk).
NOTE.—Brackets indicate vessels salved.

17th June. The period for signing the Peace Terms was about to expire, but had been extended to the 23rd June, of which, however, the German Admiral von Reuter was apparently ignorant. The action was evidently part of a pre-arranged scheme, for which definite instructions had been issued by the Admiral and for which preparation had been made by the German officers unknown to the men.

At about 11.15 a signal was made by the *Emden* ordering the instructions previously given to be carried out. The men, finding the ships sinking beneath them, began to take to the boats, which was the first symptom of any unusual occurrence. The ships began to settle down, and, though every effort was made to salve them, the attempt was fruitless except in the case of the *Baden* and the smaller craft, for in the larger ships the inlet valves were not so immediately accessible, and the water-tight doors were much more numerous and had been jammed to prevent closure. It was hoped at first that the *Hindenburg* might be saved, but she sank at about 4 p.m. as she was being towed ashore. The efforts to salve the smaller craft met with some success. The crews in several cases had been driven back on board by rifle fire, and made efforts to delay the sinking on their own behalf, and this, in conjunction with the greater facility for reaching the inlets in smaller craft, enabled three light cruisers and a number of destroyers to be saved.

The question of the actual disposal of enemy surface vessels had now to take into account the fact that 9 battleships, 5 battle cruisers, 5 light cruisers, and some 30 destroyers were lying at the bottom of Scapa Flow. The United States adhered to the view that all ships should be sunk or broken up. Great Britain was in favour of breaking up, but was prepared to place in one pool all the German ships to be surrendered, including those scuttled at Scapa, to be distributed on a basis of losses during the War, the tonnage lost at Scapa to be included in Great Britain's share, who would thus bear the whole brunt of the Scapa incident.[1] France was still anxious to have some ships to compensate her for her retardation in building, and claimed 5 capital ships, 6 light cruisers, and 32 destroyers to add to her Navy.

[1] The enemy surface ships proposed for surrender numbered at this time 27 battleships and battle cruisers, 20 light cruisers, 111 destroyers; of which there had been scuttled at Scapa 15 battleships and battle-cruisers, 5 light cruisers, and 32 destroyers.

Italy remained in favour of demolition, but, in the event of any ship being allotted to France, wished for a similar share. The Japanese were not opposed to the ships remaining at Scapa being given to the French, but, in the event of any further distribution to France or Italy, they thought it right that they should have a share.

In the case of submarines the United States, Great Britain, the British Colonies, Italy, and Japan, had been unanimous in recommending that all submarines, submarine salvage vessels, and docks surrendered by Germany should be broken up, a policy chiefly based on the undesirability of increasing submarine armaments by a distribution of submarines when the menace of the German fleet had been removed, and a general reduction of armaments was imperative. The French, however, were in favour of differentiating between those submarines which had taken part in the war on commerce and those which had not. The former they suggested should be destroyed, the latter should be divided among the Allied and Associated Powers, according to their losses during the war.

The British were in favour of allotting the submarines to the different Powers, on condition that they should be sunk or broken up. The question was still undecided late in the year, the French adhering to the view that they should be free to incorporate vessels in their Navy, and that their heavy sacrifices on land entitled them to special consideration.

After the surrender of the submarines in November 1918, it had been agreed that some should be sold to break up, but when 54 had been sold, the Supreme Council decided that no more should be broken up, pending the decision on the whole question of the disposal of enemy ships.

Further, some 40 submarines had been supplied to Allied Powers for propaganda purposes, and the situation of enemy submarines in November 1919, was :

Great Britain 49 (and 54 sold to break up)	103
France	46
Italy (18 Austrian, 10 German)	28
U.S.A.	6
Japan	7
Total	190

The opinion in favour of breaking up was practically unanimous, except in the case of the French delegates, who

were insistent that France should be allowed to incorporate some of them in her fleet, and it was finally decided that all should be broken up except ten to be handed to France.

The question of the disposal of the surface ships was still unsettled at the end of October 1919. Great Britain adhered to the policy of breaking up and distribution on a basis of losses sustained, but was prepared to let France have the *Baden*, the 3 light cruisers and 14 destroyers which were not sunk, or had been salved, and also to allow France and Italy to embody in their navies the vessels thus falling to their share.

France refused to withdraw her claim to the right of free disposal of whatever ships she received, and asked that the distribution should be on a basis of military value as well as tonnage, and that her share should be selected from the best units in view of the consecration of her naval arsenals during the war to the military needs of the Allies. With regard to the scuttling of the ships at Scapa, the Admiralty were of the opinion that reparation should be made for the loss of ships whose break-up value would have been considerable, for the cost of the salvage operations and the buoyage of the wrecks, and if this could not be settled on a financial basis, reparation should take the form of a surrender of floating docks and other material.

The Naval advisers therefore asked that, in the case of the capital ships, floating docks should be delivered equivalent to the tonnage sunk, that is to say, about 370,000 tons; that for the light cruisers sunk the light cruisers [1] remaining to Germany should be surrendered, and that for the 50 destroyers, small floating docks, cranes, tugs and dredgers should be demanded corresponding to their tonnage of some 42,000 tons, and in order to ensure the execution of this demand, the German Government should undertake to supply a complete list of all such material within ten days of ratification.

It was now the end of October. The French had gradually abandoned the idea of attaching to their fleets German capital ships of a type entirely different to their own; but the United States, late in the year, added to the points at issue by putting forward a proposal that in the event of it not being possible to agree to the sinking of surrendered ships, the distribution should

[1] The only warships of naval value left were the five light cruisers *Graudenz*, *Königsberg*, *Pillau*, *Regensburg*, *Strassburg*.

be on the basis of national effort,[1] as the surrender of the ships was the final outcome of all the efforts of the Allied and Associated Powers, military and naval, throughout the War.

8. *Decision as to Distribution of German Navy, December 1919.* The decision of the Supreme Council was made in December, very much on the basis suggested by the majority of naval advisers. The enemy tonnage of surface warships was to be divided up between the Allied and Associated Powers in accordance with the losses sustained in the War, viz.: Great Britain 70 per cent., France 10 per cent., Italy 10 per cent., Japan 8 per cent., United States 2 per cent.,[2] Greece, Rumania, and Portugal were each given a small vessel to compensate them for minor losses which they had sustained.

Enemy tonnage was to be allocated for breaking up or sinking under the superintendence of the Inter-Allied Commission, and the ships were to be sunk or rendered incapable of service within eighteen months.

Great Britain was prepared to bear the loss arising from the Scapa incident, but if compensation was made in the form of serviceable material, such compensation should be divided in a similar proportion to that adopted for surface warships.

France and Italy were each to receive 5 light cruisers and 10 destroyers[2] for use in their fleets in compensation for the cessation of their building during the War.

Each of the Principal Allied and Associated Powers were to receive 1 battleship, 1 light cruiser, and 3 destroyers on loan from the Inter-Allied Commission (presumably for experimental purposes) to be broken up or sunk at the expiration of one year.

Under Article 185 it had been stipulated that vessels surrendered should be disarmed, but France pointed out that this would seriously affect the military value of the vessels allotted to her for fleet service. This matter was adjusted, and the final outcome was the Protocol presented and signed at Paris on the 10th January.[3] This stated that the Allied and Associated Powers could not allow to pass without penalty such a violation of the Armistice as the destruction of the German Fleet at

[1] The standard was to be based on men enrolled, losses in the War, loss of material, cost of operations, and financial assistance. The war expenditure was estimated at:—Great Britain 38 per cent., France 26 per cent., United States 22 per cent., Italy 13 per cent., Japan 1 per cent.

[2] France also received 10 submarines for incorporation in her fleet. The United States subsequently refused to accept her share.

[3] Protocol signed by Germany, 10th January 1920, at Paris.

Scapa Flow, the destruction of U.C. 48 off Ferrol, and of various submarines in the North Sea on their way to surrender. Germany was to hand over, therefore, within 60 days from the signature of the Protocol, 5 light cruisers—*Königsberg, Pillau, Graudenz, Regensburg, Strassburg*—and within 80 days, in good condition, floating docks, floating cranes, tugs and dredgers, equivalent [1] to a displacement of 400,000 tons,[2] and to dispatch within 10 days a complete list of all German property of this description. Finally, to deliver within 10 days the engines and motors of U. 137 and U. 138 as compensation for the destruction of U.C. 48.

The responsibility for the execution of the terms was laid upon the Inter-Allied Commission, who were given instructions in December to supervise the transfer of ships, which were to be held in trust by them till definitely allocated, to make agreements with the naval authorities concerned to have ships sunk or rendered incapable of service, to arrange for visiting the yards where the breaking up was in progress, and generally to take all necessary steps to carry out the decisions of the Supreme Council.

9. *Conclusion.* The collapse of German naval power in 1918 was so complete that it is still difficult to see it in a clear perspective. The view is still blurred, but the scene enacted off the Forth on the 21st November 1918, when the *Cardiff* led the German fleet in between the massed lines of the British fleet looming dimly through the mist has no precedent in naval annals, or in the history of the world. It had been achieved by economic pressure and internal disintegration, based in its turn on the pressure of maritime power exerted by a superior fleet. There had been no overwhelming victory; but there can be no doubt that, had the great bulwark of the Grand Fleet once been broken, our supply system would have been paralysed, and our ships swept from the sea. Our position had been seriously menaced by the submarine campaign, and there had been moments when it appeared only a matter of time before we would reach the limit of our endurance, but the sands of that time never ran wholly out. Germany, strangled by sea power, and with a vast military spearhead levelled at her heart, collapsed,

[1] In lifting power, in the case of floating docks. *Vide* also for treatment of this incident, Vol. I, chap. 8, pt. 3, § 12.

[2] Reduced to 300,000 tons, 192,000 tons of which were to be delivered immediately. *v.* published letter of Clemenceau dated 10 Jan. 1920.

and by a strange fortune the year 1920, which was to have seen the final consummation of the Naval Law of 1900, in the form of a serried line of 61 large capital ships, 40 small cruisers, and 144 destroyers, saw the whole structure of German naval power shattered and destroyed. The finest vessels of her fleet were lying, sunk by her own officers, at the bottom of a desolate harbour in the north, the remainder were under the hammer of destruction, and the Emperor who had inspired the birth of German sea power, and who had fostered it from the first, was a fugitive in a foreign land, while a Commission, sitting in his capital, made arrangements for the destruction of the remnants of his fleet. The German officers had been taught to look forward to the 'Day'—a day of prospective triumph and victory—but neither they nor any one in Europe had ever seen the real day waiting for them in the misty approaches of the Forth.

The question naturally arises: Is it possible for Germany to recover any portion of her former naval position? The answer is plain for the next ten or fifteen years. She has practically no navy, and it will be the business of those who signed the Peace Terms to see that her present navy is rigidly restricted to the limits laid down in it. It is entirely possible for them to do so by entering her rivers and sinking any vessel built beyond the numbers prescribed, for vessels of any size cannot be hidden away in nooks and corners of the coast. It may be that as years pass, the battleship may be discredited, and maritime power may pass to the air. But that day has not yet arrived, and till it does arrive the Peace Terms signed at Versailles are sufficient to ensure the quiescence of German naval power for a score or so of years.

Disposal of German Commercial Fleet

Note.—According to official sources, *Times*, 20th February 1920, the tonnage of German vessels of over 1,000 tons surrendered was 1,824,828 gross tons, of which 1,384,610 tons to Great Britain, 421,335 tons to France, 2,691 to Italy, unallocated 43,900 gross tons. A revised estimate (*Times*, 20th April 1920) gives Great Britain 1,330,000 gross tons and 450,000 gross tons of prize and detained ships; and states that the U.S.A. still holds 575,000 gross tons of enemy shipping. (*v.* Vol. III, Treaty, pt. 8, Annex III for details of surrender).

CHAPTER III

THE TERRITORIAL SETTLEMENT OF EUROPE

PART I. THE SETTLEMENT OF THE WESTERN FRONTIERS OF GERMANY

I. ALSACE-LORRAINE

1. *Historical Sketch of French Administration up to 1871.* Alsace-Lorraine was acquired by the French through the methods which have led to the consolidation of most modern States, namely, conquest, trickery and cession. The method of acquisition and the ethnological and linguistic character of the population are, however, irrelevant to the question of rightful ownership. It is indisputable that the inhabitants became in a very short time 'more French than the Parisians',[1] owing to the liberal policy pursued by the French Government from the time of Louis XIV. The Intendants were carefully selected, the administration was good, and no attempt was made to substitute French for the German patois, then as now generally in use. The Revolution bound the two provinces even more closely to France. Strasbourg in particular welcomed the new ideas from the very first. The abolition of the rights belonging to the Princes of the Empire in 1790 snapped the last links which connected Alsace-Lorraine with Germany. The wars of the French Empire shed great glory on Alsatian troops, in whom Napoleon placed especial reliance. The number of Marshals and Generals supplied by the district was out of all proportion to its population.

In 1815 the influence of Wellington frustrated the effort made by Hardenberg to persuade the Congress of Vienna that retrocession to Germany was an act of justice, which alone could secure the future peace of Europe.

The period between 1815 and 1870, politically uneventful, was occupied by a steady economic development, which reached its height during the Second Empire. Mulhouse, the centre of

[1] An expression used by Baron Schmettau, the Prussian Plenipotentiary, in a memorandum handed to the Allies at the Hague in 1709.

the cotton industry, nearly trebled its population between 1844 and 1870. Half the existing railway system and most of the existing canals were completed under French rule.

Before the war of 1870 German military opinion viewed with alarm the presence of the French on the Upper Rhine. German Nationalists, led as often by professors, called for the emancipation of these old German lands from the foreigner, and produced in support of their demand those arguments drawn from anthropology, language and culture, which aroused the amused contempt of Bismarck. There was, however, no popular demand for a war with France to recover the two provinces, except possibly during the crisis of 1840–41.

2. *Bismarck's views on Alsace-Lorraine.* When Bismarck said in his Reminiscences that 'A war with France lay in the logic of history', he meant that he required war:

(i) to prevent France from keeping Prussia to the letter of the Treaty of Prague and thereby perpetuating that dualism in Germany, which has always proved the opportunity of France;

(ii) positively to ensure a political and military union between Prussia, the North German Confederation, and the South German States.

The war of 1870 had therefore at its inception to be presented to Germany as a purely defensive war; this was the only way by which Germany could be united against France. The folly of Gramont gave Bismarck the exact opportunity which he sought, as France appeared to be following up a diplomatic success by an unjustifiable attempt to humiliate a conciliatory king.

It was only after the first French defeats that Bismarck decided to insist on annexation as one of the indispensable conditions of peace.[1] Thenceforward he never wavered in his view:

[1] Compare the remarks of Busch, Bismarck's confidential secretary, written on 22nd August 1870: 'There is no longer any doubt that we shall take Alsace and Metz with its environs. It is astonishing how freely this idea of the Chief now flows from one's pen. What looked like a miracle ten days ago seems now quite natural and a matter of course' (Busch, *Bismarck: Some secret pages of his history*, Vol. I, pp. 99–101, Eng. ed. 1898). At the end of August 1870 Count von Bismarck Bohlen was appointed Governor of the two provinces, which were thus marked out from the rest of the occupied territory; and a map was prepared by the General Staff giving their requirements which was used as a basis for the subsequent cession. (See Article 1 of the Preliminaries of Peace signed at Versailles, 26th February 1871.)

(i) that annexation was necessary and could be defended only on strategical grounds:

(ii) that viewed from the standpoint of nationality it would be a source of weakness, and trouble to Germany.

Bismarck affected to believe that no durable peace with France was possible, since the French would begin a war of revenge as soon as they felt strong enough. It was therefore of primary importance to obtain a frontier which would secure Germany against such aggression. In consequence, he consistently placed the responsibility for the terms demanded on the General Staff. He expressed his personal opinion that Metz 'would bring too many Frenchmen into our house', but justified himself by saying that 'the military will not let Metz slip and perhaps they are right, as it is a glacis behind which the French could assemble 100,000 men'.

In a similar spirit he told the Alsatians, when speaking in the Reichstag, that while he hoped they would be happy they had not been annexed for that reason; and reminded them that they shared with the remainder of France the responsibility for the late war, which had resulted in their change of masters. The exceptional character of the Government, which, as will be shown, he consistently maintained in the Reichsland, proved that he meant what he said. How highly he rated the economic value of Alsace-Lorraine is uncertain. It was impossible to foresee the paramount importance of the great Lorraine iron-field to Germany, as the Minette ore could not be profitably turned into steel until after the discovery of the Gilchrist method in 1879. It is noticeable, however, that the only concession granted to France during the negotiations by which Belfort and its surroundings were relinquished, was paid for by the counter-cession of some of the richest mining communes round Moyeuvre. Further, a mining expert, von Hauchecorne, was included in the German Frontier Commission, who disputed every inch of ground in the iron areas, where the curiously twisted contour of the frontier showed on the map the covetousness of the conqueror. The annexed territory had a further importance for the newly founded German Empire. In Delbrück's words 'The Reich will grow out of the Reichsland'. Alsace-Lorraine became the symbol of the triumphant Empire, the precious pledge of blood shed in common for a common German aim. For this reason Bismarck defeated all

proposals either to annex it to Prussia, or to divide it among the South German States, and gave it a unique position in the federal system of Germany.

3. *The Protest at Bordeaux; Contemporary Opinion in Europe.* The intensity of bitterness provoked both in France and in Alsace-Lorraine permitted of no doubt. As is well known, the war was prolonged for five months owing to the refusal of the Provisional Government, which came into power after Sedan, to cede 'an inch of our soil or a stone of our fortresses'.

Bismarck, who afterwards bitterly regretted his action, allowed elections to be held in Alsace-Lorraine for the French National Assembly, which met at Bordeaux in February 1871. Gambetta, the partisan of war *à l'outrance*, was elected in each of the four departments affected. Every one of the fifteen deputies was pledged to vote against the proposed cession. They made their famous and touching protest in the Assembly on the 16th February 1871, in which they declared that they held in advance 'as null and void any act, treaty, vote or plebiscite which should abandon to the foreigner all or part of Alsace-Lorraine'. They proclaimed 'the right of Alsatians and Lorrainers to remain members of the French family to be for ever inviolable', and called upon Europe not to permit 'the seizure of a people like a vile herd of cattle'.

Though the wisdom of the annexation was doubted in Europe, few foresaw its future influence on international relations. The Germans were thought to have made a high-handed use of the rights of conquest, but not to have outraged the moral sense of civilized peoples. The Germans pointed plausibly to the numerous invasions by the French during the last two centuries. They claimed to possess 'the key to their house'. They would not or could not perceive that a united Germany, whose population was rapidly increasing, was in itself the best guarantee against attack by a stationary France. A mutilated France alone would be dangerous to Germany, since she would always be allied with Germany's enemies. The real object of the annexation was not so much to prevent a French attack as to make it possible for Germany to attack France at will. France was to be prevented by threat of war from pursuing an independent policy. Bismarck's whole attitude, and in particular his actions during the spring of 1875 prove this, and the same policy was continued by his

successors in the series of incidents which disturbed the peace of Europe between 1905–11. The main importance of Metz is offensive. It is no more a defensive necessity to Germany than the possession of the Southern Tyrol to Austria. The configuration of the Austrian frontier forced Italy for many years to be a member of the Triple Alliance against her natural interests. There can be little doubt that Bismarck hoped that the possession of Metz would give Germany a similar advantage over France. For this reason he carefully cultivated friendship with Russia, for he saw that a Franco-Russian alliance would most effectually break up the work of 1870.

Further, the method of annexation by simple transfer was anachronistic. It was the old method, which had appeared normal and natural at the Congress of Vienna. But the doctrine of 'nationality', as expounded and practised by Napoleon III, had made it normal to consult by a preliminary plebiscite the populations whose future it was proposed to alter. This course had been taken during the last ten years in Savoy and Nice, in Italy and Rumania. Bismarck had even allowed such a provision to be inserted into the Treaty of Prague for the benefit of the inhabitants of Northern Schleswig.[1] The refusal to take a similar course in 1871 was diplomatically retrograde and a confession of moral weakness.

4. *Character of the German Administration.* Finally German public opinion completely under-estimated the devoted attachment of the inhabitants to France. They were believed to be German at bottom, 'unconscious Germans', who had only to experience and appreciate the superiority of German Government and culture in order to renounce their false gods. Hence there was much goodwill towards the Alsatians immediately after the annexation, which turned all the more readily to hatred and contempt, when their continued faithfulness to France seemed a proof that they were sinning against light.

It is clear that the only method by which Alsace-Lorraine could be reconciled with Germany was by permitting the fullest possible expression of its individuality within the federal system. The view of the Imperial Government, however, was that the Alsatians could not be trusted with greater liberty, until they had become better Germans. Thus events moved in

[1] He never permitted it to be carried into effect, and the clause was expunged from the Treaty in 1879 with the consent of Austria.

that vicious circle so common in the relations between unsympathetic rulers and unwilling subjects. The German Government was not especially cruel or oppressive. The Statthalters, especially Manteuffel and Hohenlohe, were men of high character and good intentions, who enjoyed a measure of personal popularity. But the Alsatians were never allowed to choose their own constitution, and the successive doles of self-government meted out in 1874, 1879, and 1911, could be at any moment withdrawn by the Reichstag. The Statthalter, who was appointed and removable by the Emperor, could overrule the elected representatives of the Reichsland. Until 1902 the 'Dictatorship Paragraph' enabled him to proclaim at will a modified form of martial law, if he considered the public safety to be in danger.

5. *Effect of German Administration on the Inhabitants, 1871–1914.* The first elections to the Reichstag in 1874 had confirmed Bismarck in his view that the Alsatians could not be trusted. All their representatives, with one exception, renewed in the Reichstag their protest of 1871, and demanded a plebiscite. As late as 1887 the Protesting Deputies, as they were called, secured every seat and polled 247,000 out of a total of 314,000 votes. The subsequent repression which was rendered more violent by the belief that a war with France was imminent, was successful in changing the character of the constitutional opposition. The two provinces had become knit together in adversity far more closely than when they formed part of three French departments. Realizing that an attitude of blank protest would not aid them to return to France but must hinder their constitutional and economic development, the new Autonomist party devoted their energies towards securing the full status of a Federal State.[1] The repeal of the 'Dictatorship Paragraph' and the Constitution of 1911 were the fruits of their partial success.

The German official attitude towards Alsace-Lorraine has always varied in accordance with the relations prevailing between France and Germany. Therefore during the ten disturbed years which preceded the war there was a notable recrudescence of active pro-French sentiment in the Reichsland which led von Dallwitz, the Statthalter, to declare in the

[1] The leaders of this party expressly declared that they adopted this policy without prejudice to their French sympathies.

spring of 1914 that French influence and sympathies were stronger than ever.

The experiment of 1871 was, therefore, at the outbreak of war an acknowledged failure. Germany had, it is true, done much for the material prosperity of the country; but always in the interests of Germanization. The local officials were for the most part capable and honest, but they were almost without exception German. The educational system was extremely efficient, but the French language was shut out of all primary instruction, except in a few frontier communes of Lorraine. The University of Strasbourg was one of the finest in Germany; it received an annual Government grant of 1,800,000 marks, but almost all its professors and a majority of its students were Germans. The superb railway system was dominated by strategical rather than commercial considerations. Government orders were refused to firms, like the Grafenstaden locomotive works, which were believed to be animated by French sympathies. The jealousy of Bavaria and Baden was permitted indefinitely to shelve the construction of a lateral canal on the left bank of the Rhine, which was proposed by the Strasbourg Chamber of Commerce as early as 1871.

The ordinary native, who took little interest in political questions, was continually irritated in the course of his daily life, and felt that he was regarded as a foreigner or at best as 'a second-class German'. The garrison of 75,000 men, of whom two-thirds were Prussian, acted as if, in the words of von Jagow, 'they were camping in an enemy country'. When Colonel Reuter instituted a senseless reign of terror in Saverne in 1913, he was congratulated by the Crown Prince and upheld by the military authorities, whose only mark of censure consisted in transferring the regiment to another district.[1]

The Alsatian conscript, on the other hand, was seldom allowed to spend his military service in his own country. He was generally placed in a Guard Regiment at Berlin to complete his Germanization. He was the object of official suspicion, and consistently refused promotion.[2]

[1] New regulations governing the co-operation of the military with the civil authorities in putting down disturbances were, however, approved in April 1914 and made applicable to Alsace-Lorraine. They laid down that the military should not intervene independently unless the civil power was not in a position to demand their aid.

[2] It has been asserted on good authority that during the whole period 1871–1914 only 13 Alsatians became active officers and 12 reserve officers.

In civil life he could not get his children taught French, he was prohibited from putting up a French signboard over his shop, or placing a French inscription on the gravestone of his relatives. If he belonged to an athletic or social club he was at once suspected of conspiracy against the German Government. It is therefore not surprising that the minority which was won over to Germany was very small. It consisted of a certain number of officials, part of the Protestant clergy, and a few of the *petite bourgeoisie* and peasants of Alsace.

In spite of the economic prosperity of their own land, a constant stream of emigrants has left the country. The total number since 1871 cannot, on German official figures, be less than 400,000; their place was taken by an even larger influx of Germans and foreigners, who formed in many of the industrial towns of Lorraine an actual majority of the population.

6. *Alsace-Lorraine during the War.* The War proved to demonstration the irreconcilable hostility of Alsace-Lorraine to Germany. As early as the 28th July 1914 martial law was proclaimed, and several hundreds of inhabitants who figured in the police lists as suspect were deported. To speak French or to read a French newspaper was punished as 'a sign of hatred for Germany'. A lady of Mulhouse received ten months' imprisonment for reading *La Gironde.* The enthusiastic reception which the French troops met in their abortive invasion of August 1914 showed that the general feeling was too strong to be restrained by considerations of prudence.

Ludendorff has admitted in his *War Memories* that Alsatian troops proved completely unreliable on the Western Front, and that deserters constantly carried over valuable information to the Allied Armies.[1]

The repressive measures naturally became more complete as the War went on. In 1917, a German Socialist complained in the Reichstag that the system of delation employed in the Reichsland recalled the worst days of the Roman Empire. Count Hertling, when Chancellor, expressed himself in favour of a partition between Bavaria and Prussia, while Ludendorff pressed strongly for its incorporation with Prussia.[2] The eleventh-hour proposal of Prince Max to set up the Federal State, so often demanded in vain before the War, came too late

[1] Ludendorff, *War Memories*, ii. 642, &c. (English translation).
[2] Ludendorff, loc. cit., ii. 473, 535.

either to be translated into practice or to affect minds rendered entirely obdurate by four years of military oppression. Count Czernin has expressed his opinion that the War could have been ended at any time by the German consent to cede Alsace-Lorraine; he alludes in particular to the tentative peace proposals of Austria in the early spring of 1918, and it will be remembered that the Emperor Charles made a serious attempt to this effect in the previous year. To hold such a view is to ignore the German character. Bismarck's intention had been fulfilled in fact. The Reichsland had become to all except the Minority Socialists the symbol of victory and of unity, which could not be surrendered except in the extremity of defeat.[1] Moreover, a compromise, which provided for the retrocession of the French-speaking districts of Lorraine, was equally impossible both strategically and economically, since it would have deprived Germany of the whole of the invaluable iron-fields, and of Metz.

7. *Strategic and Economic effects of recovery of the Provinces by France.* France had never contemplated provoking a war for the recovery of her lost provinces, as German writers constantly assert. On the contrary, she was often reproached by patriotic Alsatians, especially after 1887, with having abandoned them for Colonial expansion. But their possession by Germany had proved a standing menace to France and to Europe. It was therefore just and inevitable that after war had been forced upon France, she should insist upon their recovery as one of the indispensable conditions of peace. The justice of this claim was acknowledged in President Wilson's 'Fourteen Points',[2] and consequently by the Germans when they accepted them as the basis of peace.

The French refused to allow the return to be contingent on the vote of a plebiscite, and they were right. In M. Pichon's words, 'the question of Alsace-Lorraine is a question of right, and therefore not a French question but a world question'. To allow a plebiscite was to admit that it was an open question whether a wrong was committed in 1871. The burden of proof lay with the Germans, and it was impossible for them in

[1] Ludendorff, loc. cit., ii. 442.

[2] 'The wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all' (Point VIII).

November 1918 to produce any evidence to show that the inhabitants wished to continue their connexion with Germany in any form. Moreover, even if the French had not objected on principle, they had conclusive reasons of detail for refusing in this case. For if the 400,000 immigrant Germans were allowed to vote, their votes would almost inevitably have been cast in favour of Germany; if so, the presence of such a large hostile minority in the polling returns would have led to misconstruction by the great majority of the world who read figures without troubling to analyse them. On the other hand, if they were excluded from the poll, the unfair methods of the French would have been proclaimed to the world by German propaganda. In any case the votes of the emigrants could not be collected; most of whom had been led to emigrate simply by the warmth of their devotion to France.

The Germans themselves have admitted that the welcome shown by the natives to the advancing French troops after the Armistice was universal and spontaneous beyond all cavil; and that the Landtag was expressing the manifest desire of the population in passing a resolution for reunion with France. On the other hand, the French have been officially accused by the German Government of carrying out wholesale expulsions and sequestrating the property of Germans resident in Alsace-Lorraine. Such charges are doubtless exaggerated, and there is evidence that certain Germans have been fomenting a 'Neutralist' conspiracy, the object of which is to create out of Alsace-Lorraine a neutral state, under the guarantee of the League of Nations.

The French have received back Alsace-Lorraine free of all public debts (Art. 55);[1] they acquire without payment of

[1] In their observations on the Peace Treaty, the German delegates complained of this. The Allies replied (16th June 1919): 'It is easy to justify the exception made in favour of France to the general principle admitted in the Treaty, according to which the State receiving territory takes over part of the public debt of the ceding State and pays for the property of the said State in the ceded territory. In 1871, Germany, when she seized Alsace and Lorraine, refused to take over any part of the French debt; she paid nothing for any French State property, and Herr von Bismarck boasted of this in the Reichstag on May 25th 1871. To-day the Allied and Associated Powers mean France to recover Alsace and Lorraine under exactly the same conditions, and consequently that she should take over no part of the German debt nor pay for any State property. This solution is just, for if German State property includes railways, the French owners of which Germany compensated in 1871 by sums drawn from the war indemnity, and if these railways have been developed since 1871, Germany on the

compensation all property and estates belonging to the German Empire or to individual German States (Art. 56), as well as all the Imperial Railways [1] (Art. 67) together with all the bridges over the Rhine (Art. 66), and have stipulated that the frontier railway stations shall be constructed on the right bank (Art. 67). They have thus carried out with logical completeness the principle that the wrong of 1871 demanded simple restitution; which is further emphasized by dating back the retrocession to the Armistice, 11th November 1918. Those provisions of the Treaty, which primarily affect the Alsatians themselves, will be dealt with later.

The restoration of Alsace-Lorraine will give France a vigorous hard-working and increasing population of nearly 2,000,000, which more than balances her total losses during the War, though it is of course only a fractional compensation for a man power diminished by 1,400,000 deaths. Strategically, the balance of advantage is very considerable. The frontiers of 1871 only permitted the French to rely on holding one solid defensive line in front of Paris, the line of the Meuse and Upper Moselle from Verdun through Toul and Epinal to Belfort. If this was forced, no natural obstacle bars the way to the capital, towards which on the contrary several river-valleys converge. The great barrier of the Vosges was at the mercy of a hazard; for as the frontier ran along the crest the whole range was liable to be overrun during the first weeks of mobilization. With the present frontier it is true that the French would probably be compelled to abandon Strasbourg and Mulhouse at the beginning of hostilities to avoid a pronounced and dangerous salient. But they would be able to make full use of the whole range of the Vosges, which ought to be impenetrable to attack. Further north, the fortresses of Metz and Thionville would bar the way to the Briey iron-fields, the seizure of which during the first month of the War alone enabled the Germans, on their own confession, to prolong it for the next four years.

contrary not having, at that time, assumed liability either for that portion of the French debt which belonged to Alsace and Lorraine or for the State property, the loss (capital and interest) imposed on France under this head exceeds the sum to which Germany makes a claim.'

[1] The capital invested in the railways was estimated in 1911 at 839,000,000 marks, which included a sum of 260,000,000 marks paid by the German Government to the private French Company who owned the railways in 1871. As, however, the railways became the property of the German Empire the French refused to pay compensation on their return to France.

The French line would be shorter, the German considerably longer; while a hostile concentration against the weakest portion of the French defences between Metz and Mt. Donon would be far less rapid than before the War.

Economically the possession of the Lorraine iron-field will place France second only to the United States in the production of iron ore. In 1913, 21,100,000 tons were produced in German Lorraine, while the total French production amounted to 21,700,000. The total French production may, therefore, be increased to 42,800,000 tons, while that of Germany sinks to 7,500,000. It is obvious, however, that the maintenance of output, and the development of the sister steel industry, depends upon an adequate supply of cheap coal. Even before the War France consumed 22,000,000 more tons of coal than she produced, the acquisition of Alsace-Lorraine will increase the net deficit by 5,200,000. The Saar coal-field will, it is true, provide about 10,000,000 tons available for use outside the district itself. This coal, however, is unsuited by character for supplying the coke necessary for the iron industry. It seems certain, therefore, that the cost of production, which before the War compared very unfavourably with that in England or the United States,[1] will become proportionately even more unfavourable. While the world shortage of coal and the heavy freight charges continue, and until the devastation in the northern coal-fields of France is repaired, it seems impossible that the vast resources of the French iron-fields can be adequately exploited.[2]

It seems probable that the inclusion in France of the great textile industries centred round Mulhouse[3] will by their competition have a stimulating effect on the mills at Lille and Rouen, as the former are better organized, obtain cheaper and more efficient labour, and before the War produced better goods at a lower price.

8. *Effect on the Alsatians and Lorrainers.* It now remains

[1] The pre-war cost price of cast-iron per ton was 21 francs higher than in England, and 25 francs higher than in the United States. The extraction of ore from the mines in German Lorraine was much cheaper than in the French area, as in the former the ore lay much nearer the surface.

[2] A Commission appointed by the British Ministry of Munitions in April 1919 to examine the conditions of the iron and steel works in Lorraine, stated that their dependence on Germany for fuel 'places them in a very unenviable position' (see Keynes, *Economic Consequences of the Peace*, p. 92).

[3] In 1913 there were 1,750,000 spindles in Alsace employing 78,000 workers.

to consider the effect upon the two provinces themselves of their incorporation with France, and the inevitable problems which the events of the last forty-eight years have left for solution. Elaborate precautions have been taken in the Treaty to destroy the powerful influence acquired by German immigrants and German capital since 1871.[1] No German can claim French nationality unless he or one of his ascendants was domiciled in Alsace-Lorraine before the war of 1870. In all other cases French nationality can only be acquired by naturalization, which is conditioned by domicile previous to the 3rd August 1914, and by three years' unbroken residence after the 11th November 1918 (Annex, §§ 2, 3).[2] Permission to reside without acquiring French nationality depends upon the permission of the French Government, which has undertaken to make a separate agreement dealing with the exercise of civil rights and professions in such cases (Art. 53). The French Government reserves the right to liquidate all property held by German nationals at the same date, who will be compensated by Germany for the losses ensuing (Art. 74); also to forbid all new German participation in the management of public services, and in the ownership of mines and metallurgical establishments (Art. 70). It will thus be seen that the French possess extremely wide powers; the methods of their exercise will doubtless be determined by the behaviour of the Germans affected and the future relations between the two countries.

The Alsatians themselves receive back all property belonging to them in any part of Germany on the 11th November 1918 (Art. 60); the civil population are entitled to receive compensation for all fines inflicted (under the general reparation clauses of the Treaty) (Art. 63); while all judgments given by German courts for political offences since the 3rd August 1914 are to be regarded as null and void (Art. 78). Moreover, natural and manufactured products of Alsatian origin may be imported free of customs duty into Germany for five years to a maximum of the average amount of each product imported during the years 1911–13 (Art. 68). Finally, the ports of Strasbourg and Kehl, on the left and right banks of the Rhine respectively, are to be treated for seven years as a single unit

[1] The total number of German immigrants since 1871 is at least 400,000: they formed in 1910, 12·3 per cent. of the total population.

[2] This applies even in the case of Germans who have been naturalized as Alsatians before the 11th November 1918.

under a manager of French nationality appointed by the Central Rhine Commission. Both ports are to be free, while this régime remains in force (Art. 65).

The port of Strasbourg, the development of which before the war had been neglected for the benefit of Kehl, is at present too small to handle the products of Alsace-Lorraine. The French propose therefore to develop the port of Strasbourg, and probably to construct a canal on the left bank, which has been unsuccessfully demanded by the Strasbourg Chamber of Commerce since 1871. They have the right to request the renewal of this temporary régime from the Rhine Commission for a maximum period of three years, if at the end of the sixth year the condition of the port of Strasbourg requires such further prolongation.

9. *Conclusion.* It has been pointed out that Alsace-Lorraine was welded into a compactness under German administration which it had never previously possessed. The constitution of 1911 gave its Landtag very extensive legislative power, including that of voting the yearly Budget, while the Ministry was nominally at least dependent upon it. Now divided again into three departments, and coming under the centralized French system of administration, it must inevitably lose much of its coherence as a self-governing unit. The French are, however, fully aware of the importance of showing consideration to the special interests involved, which are being studied by the late Commissioner, M. Millerand.[1] It is probable that the assimilation of Lorraine with the rest of France will be more rapid than that of Alsace for several reasons. Alsace is shut off by the Vosges, a formidable barrier connected with the West by comparatively few passes, and by no railway between Saverne and Belfort. It seems to be designed by nature as a self-contained unit with a stable population, and no deficiency of labour. Moreover in Alsace a German dialect is almost everywhere spoken,[2] while a national dress and customs testify to the conservative character of the population. German Lorraine on the other hand was a purely artificial creation.

[1] It is significant that the results of his work in Alsace-Lorraine induced him to put forward in his election address a programme of decentralization in French administration, which as Premier he will now have an opportunity of putting into effect.

[2] In Upper Alsace 93 per cent. and in Lower Alsace 95·8 per cent. of the population habitually spoke German (or rather the local German patois) in 1910.

During the period 1871–1914 precisely similar industries developed on either side of the frontier with similar results. Small mining towns have everywhere sprung up, the cantons of Briey and Thionville have both quadrupled their population since 1871. Cheap labour has poured into both areas, and in 1910 there were nearly 50,000 Italians, almost equally divided between the two areas. It is clear that the frontier was economically an unnatural division, and that the whole industrial region between Nancy, Etain, Longwy, and Thionville has similar character and interests. Again, the French-speaking minority in German Lorraine is very considerable; and in the three *arrondissements* adjoining the old frontier there is actually a French majority.

The language question, however, is not likely to cause any serious difficulty. The French policy in this respect was, as the Germans admitted, most liberal, and was largely instrumental in winning the attachment of the inhabitants. The error of the Germans in suppressing the French language is not likely to be repeated by the French in the contrary sense. Both French and German are necessary to this frontier population, and both ought to be taught in the elementary schools.

The religious question undoubtedly presents more serious difficulties. Alsace-Lorraine is still ecclesiastically administered under the Concordat of 1801, and the elementary schools are still Confessional. The people are deeply religious and would strongly oppose any separation of Church and State on the anti-Clerical lines which inspired the French Act of 1905. One of the best-known and most devoted of the French partisans, the Abbé Wetterlé, has constantly insisted on the great importance of this fact. It is, therefore, significant that he has been returned with three other Roman priests among the first Alsatian representatives to the French Chamber.[1]

There will clearly be many difficulties during the inevitable period of transition. The French legal system must be substituted for the German. The provinces will again have to adapt themselves to the changed economic conditions; since before the war about 80 per cent. both of exports and imports were exchanged with Germany. But, as has been shown, Alsatian

[1] It seems certain that the influential Protestant minority, who compose 21·3 per cent. of the total population, are equally averse to any radical changes in ecclesiastical matters.

goods are secured a free entry into Germany for five years after the Treaty.

It is easy to multiply examples of such difficulties to be faced, but it is essential to remember that in spite of them the vast majority of Alsatians passionately desired reunion with France. Alsace-Lorraine is a country of remarkably varied riches; some of which like the Mulhouse potash deposits are at present only partially developed.[1] The population is extremely hard-working and enterprising. There is no reason to suppose that its economic prosperity was dependent on its possession by Germany. On the contrary, it was the fixed principle of the Germans to get the capital and management of the chief industries into their own hands, to the detriment of the native Alsatian. The attachment of the Alsatians to France during the forty-eight years of alien rule is one of the most striking object-lessons in the meaning of nationality. Their future is henceforward bound up with the future of France.

APPENDIX

I. STATISTICS OF EMIGRATION FROM ALSACE-LORRAINE, 1875–1910

(*a*) Natural increase	337,250
Actual increase[2]	350,300
Deduct the number of Germans and foreigners who have immigrated since 1875	267,300
Actual increase of Alsace-Lorrainers	83,000
Deficit due to emigration	254,250[3]

The number of emigrants between 1871–5 cannot be exactly computed. About 60,000 left Alsace-Lorraine for France before 1st October, 1872.[4]

[1] The value of these before the war was calculated to be 62 milliards of marks. It has been asserted that their development was purposely restricted in the interests of the Prussian deposits.

[2] Allowing for conscripts from Alsace-Lorraine serving in other parts of Germany at the time of the Census of 1910.

[3] This deficit is increased by (1) the children of emigrants born after emigration; (2) the children of immigrants included in the Census as natives; (3) German residents who have become naturalized.

[4] 160,000 opted for French nationality, but only 60,000 left within the prescribed period. All other options were treated as void by the German authorities.

The figure of 400,000 may be taken as approximately correct for the total number of emigrants between 1871–1910.

The number of German and foreign immigrants during the same period is given by both French and German authorities as about 500,000.

(*b*) A figure of 414,470 can be reached as follows:

Excess of non-natives in 1910 over total for 1875 .	267,300
Excess of emigration over immigration, 1875–1910 .	147,170

This figure is not, however, wholly reliable as many emigrants are known to have returned to Alsace-Lorraine for their military service, and to have left again afterwards, and would thus be counted as emigrants twice over.

II. STATISTICS RELATING TO ALSACE-LORRAINE [1]

A. Language.

(i) The Census of 1910,[2] the latest available, gives:

	Total.	*Per cent.*	*Districts.* *Alsace.* *Upper.*	*Lower.*	*Lorraine.*
German speakers	1.634.260	*or* 87·2	93	95·8	73·5
French speakers	204.262	*or* 10·9 [3]	6·1	3·8	22·3 [4]
Bilingual .	3.395				

(ii) In three *arrondissements* of Lorraine, a majority of natives speak French (after deduction of German immigrants and foreigners):

	Total Native Population.	*French-Speakers.*
Château Salins . .	40,299	30,944
Metz-Land . . .	69.692	52,292
Thionville-West . .	36,492	21,007

B. Population.

(i) Growth of Population:

1871 . . .	1,549.700	1895 . . .	1,636,000
1875 . . .	1.535,700	1905 . . .	1,822,000
1885 . . .	1.566.200	1910 . . .	1,868,900

(ii) (A) Numbers of Germans and foreigners resident in Alsace-Lorraine in 1910:

(*a*) Germans . 295,436 [5] (including Prussians, 174,468)
(*b*) Foreigners . 76,386
Grand Total . 371,822

[1] All statistics are taken from the *Statistisches Jahrbuch für Elsass-Lothringen*, 1913–14, an official publication.

[2] The 76,386 foreigners are excluded.

[3] The percentage of French speakers is increased to 13·6 if the 295,436 German immigrants are omitted.

[4] Or 33 per cent. if German immigrants are omitted.

[5] Including garrison of 75,498.

(B) Growth of non-Native Element in detail:[1]

	Alsace-Lorrainers. per cent.	*Germans.* per cent.	*Foreigners.* per cent.
1875 . .	95·1	2·6	2·3
1885 . .	87·5	9·7	2·8
1895 . .	86·8	10·1	3·1
1910 . .	83·5	12·3	4·2

(C) Percentages in some towns in 1910:[1]

	Alsace-Lorrainers.	*Germans.*	*Foreigners*
Strasbourg . .	68	29	3
Mulhouse . .	80	14	6
Metz . . .	52	41	7
Thionville . .	51	38	11
Colmar . .	85	12	3
Sarrebourg . .	66	31	3

II. THE TERRITORY OF THE SAAR BASIN

1. *Introductory, Course of Treaty Negotiations.* The territory of the Saar, which is an artificial creation of the Peace Treaty, is mainly formed out of the Prussian *Regierungsbezirk* of Trier, but contains also on the East a small part of Rhenish Bavaria with a total area of about 1,920 square kilometres. It includes on the West the whole territory left to France by the Treaties of 1814. Its boundaries have been drawn to coincide almost exactly with the mines and their dependent industries, and with the residences of the workmen locally employed. The population which is fairly dense (337 to the square kilometre) amounted in 1910 to 649,509, of whom 105,089 were included in the town of Saarbrücken.[2] The output of coal amounted in 1912–13 to 17,473,000 tons;[3] and

[1] Excluding garrison, for which figures are not available for whole of period.

[2] Practically all German speakers. The French-speaking inhabitants of the whole of the *Regierungsbezirk* of Trier of which the Saar territory formed part is only 3,000. Only one Commune, Hémilly in the extreme south-west of the territory, has a French-speaking majority.

[3] As compared with the total production for the same year in:

(1) France . . .	40,844,000	
(2) Germany . .	191,510,000	
	87,476,000	Lignite.
Total	278,986,000	

The number of workmen employed was 72,700.

of steel to 2,080,000 tons. There are also important manufactures of glass and pottery.

The administrative régime, which has been set up by the Treaty, is an attempt to deal fairly with the various interests involved. The claims of the French for reparation, the rights of the inhabitants themselves, and the interests of Germany in a German population all gain recognition. It is probable that no part of the Treaty has met with more criticism; it is certain that no part received more anxious and detailed consideration. The work was done almost entirely by a small Commission of British, French, and American experts. Where serious political considerations were involved which it was beyond the powers of the Commissioners to decide they were referred back to the respective Plenipotentiaries. M. Tardieu, however, the chief French Commissioner, was himself one of the French Plenipotentiaries. The Council of Four considered the various schemes, which were hammered out by the Commissioners, referred them back for further amendment, and finally approved of the report as a whole. The French originally demanded that the frontier of 1814 should be ceded to them in absolute possession, and that they should also obtain in full ownership all the coal mines situated to the north of that frontier. They produced three lines of argument in favour of their territorial claim. Historically, their case was weak, as except for Saarlouis, which was founded by Louis XIV in 1680, none of the territory had been in their possession for more than twenty-three years; and was merely a portion of the Revolutionary conquests which was left in French hands in 1814. Moreover, though it may be true that a large part of the inhabitants regretted the severance of 1815, there is no evidence that the present homogeneous German population has any desire for reunion with France. This line of argument was not, therefore, strongly pressed by the French. Strategically it was recognized that the district possessed a real defensive importance. The frontier at the North of Lorraine runs dangerously close to the Thionville and Briey iron-fields, and makes it possible for a sudden *coup* to paralyse the French industrial system, as happened at the beginning of the late war.[1] The

[1] It is true that the French now possess the additional security of the fortresses of Metz and Thionville, but:

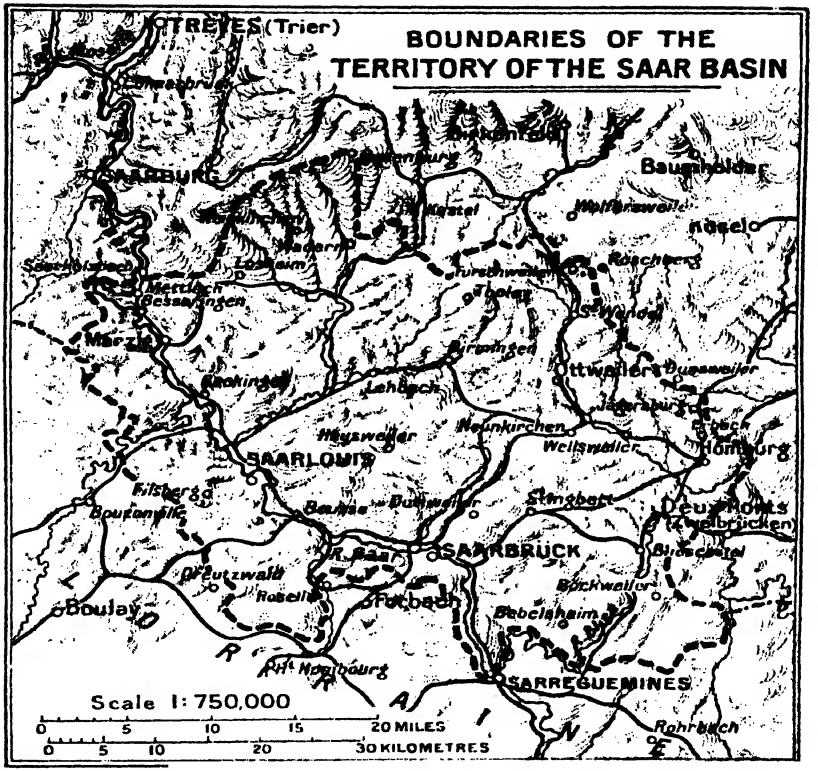
(i) the latter is only 20 kilometres distant from the French frontier;

(ii) a force investing either would have almost the whole of the iron-fields under effective long-range fire.

French fears on this account were, however, adequately met by the clauses in the Treaty providing for the demilitarization of the Left bank of the Rhine, and forbidding the construction of fortresses or the maintenance of armed forces within 50 kilometres of the Right bank. The security thus gained will be still further increased by the proposed defensive alliance with Great Britain and the United States, though the latter has not yet ratified the Treaty.

2. *French Claims in the Treaty based on Reparation not Annexation.* The claims of France to the possession of this territory on historical and military grounds were then rejected, but there was a complete agreement that the French should receive the coal-mines of the Saar as partial compensation for the wanton destruction of the mines in the north of France. The acts of the Germans in this district have been of such a nature that no serious defence has been put forward for them even by the German Government itself, and to use the language of the Allied Note of the 24th May, 'The Allied and Associated Governments have chosen this particular form of reparation because it was felt that the destruction of the mines in the North of France was an act of such a nature that a definite and exemplary retribution should be exacted; this object would not be obtained by the mere supply of a specified or unspecified amount of coal'. It was agreed that the coal-mines must be placed in French hands in order to ensure the effectiveness of the proposed compensation, as it was obvious that, even if the good faith of the Germans were assumed, it would be impossible to guarantee that a steady and adequate supply of coal would be forthcoming. If, then, the French received the mines in full ownership was it necessary that the territory involved should also be annexed to France? The British and American view was that such a solution was neither necessary nor desirable, and to this the French agreed. It was, however, considered that the secure exploitation of the mines by France was incompatible with complete political control by Germany. Such a régime would be provocative of constant and inevitable conflicts.

It was agreed without difficulty that the French must obtain the fullest economic facilities for exploitation, which would include exemption from taxation on the part of Germany, full mobility of labour and freedom to develop adequate means


BOUNDARIES OF THE
TERRITORY OF THE SAAR BASIN
TREVES (Trier)
SAARBURG
Baumholder
Kusel
Merzig
Lebach
Ottweiler
Neunkirchen
Wellesweiler
SAARLOUIS
Bexbach
Homburg
Bous
Bubach
Bubweiler
Stangbert
Deux-Ponts
(Zweibrücken)
K. Bast
SAARBRUCK
Bischmisheim
Bexbach
Bebelsheim
Boulay
Rosselle
Forbach
Alt Homburg
SARREGUEMINES
Rohrbach
Scale 1: 750,000
0 5 10 15 20 MILES
0 5 10 20 30 KILOMETRES

of transport and communication;[1] and that a special political and administrative arrangement would be necessary to secure these results. This could not take the form of a Franco-German condominium which contained the germ of perpetual disputes. Three possible alternatives remained. The Saar Territory might be made into an autonomous republic, of which France would have the protectorate. This proposal did not meet with any serious support, probably because it involved the working out of a new Constitution, and might also be interpreted as a disguised form of annexation to France. Alternatively, the Territory might be handed over to the League of Nations, as a trustee, in which case the League might either nominate France to act as its mandatory or might govern it itself. The latter of these two proposals was unanimously adopted. A Governing Commission of five members representing and appointed by the Council of the League is therefore to be set up in the Saar Territory, one member of which is to be a citizen of France, one a native inhabitant of the Territory, while the remaining three are to be natives of three countries other than France and Germany.[2] The Commissioners are appointed for one year and may be re-appointed. This Commission, acting by a majority, will possess all the powers belonging to the German Empire, Prussia, or Bavaria, including the sole right of levying taxes and dues. This provisional Government is to continue for fifteen years, when a plebiscite is to be held, the details of which will be considered later. It is interesting to note that this arrangement was developed out of a proposal for a Commission of Arbitration similarly constituted and with a majority appointed by the League to decide such disputes as might arise between France and Germany under a suggested scheme of condominium. Such then, in outline, is the scheme of government adopted. It follows to consider in detail how the interests of France, Germany, and the inhabitants themselves are concerned.

The French obtain in absolute ownership free of all debts all the deposits of coal within the Territory, including all those for which concessions have already been granted, together

[1] See chap. i, and particularly §§ 6–8 of the Annex to the Saar Articles in the Treaty.

[2] The French member has been appointed by the League of Nations as the first President of the Committee.

with all accessories belonging to the mines.[1] They can improve the existing railways and waterways and create such new methods of communication as they think necessary for the exploitation of the mines. They can create schools for the children of the employees and cause instruction to be given in the French language. Finally, the Territory is to be subject to the French customs régime, and French money is to circulate without restriction within it. This arrangement has been criticized on the ground that the admitted principle of reparation requires French management only for a period of years until the damage to their own mines is repaired and the output restored. Moreover, Germany has undertaken to deliver to France for a maximum period of ten years the difference between the pre-war production of the damaged mines, and an additional 7,000,000 tons for ten years.[2] These deliveries, however, are to be paid for at an agreed price, and therefore do not come strictly under the heading of reparation. Moreover, it is impossible to ensure that the annual quantities will actually be provided; and, in point of fact, the German deliveries since the signature of the Treaty have reached only a small fraction of the agreed amount.

As the value of the mines will be credited to Germany, as part payment of the amount due for reparation, and as the most pressing need of France is for coal to restart an economic life, which was largely ruined by German aggression, it seems unreasonable to maintain that an act of injustice has been committed.

3. *German Sovereignty in Abeyance, the League of Nations.* The position of Germany with regard to the Saar Territory is rather ambiguous. In Article 49 of the Treaty itself no mention is made of sovereignty and the word 'government' is substituted for 'rights of administration'. The practical effect seems to be that German sovereignty is in abeyance, and that its reassertion is contingent on the result of the plebiscite.[3] The League of Nations appears to act rather as the 'trustee' of the

[1] See the very comprehensive language of chap. i, § 3 of the Annex.

[2] See Annex 5, § 2 of Part VIII of the Treaty.

[3] A distinction of language is carefully drawn between the result of a plebiscite favourable to France, and one favourable to Germany. In the former event 'Germany agrees to cede to France . . . all rights and title over the territory'. In the latter the League of Nations will 'cause the German Government to be re-established in the government of the Territory' (Annex. chap. iii, §§ 34, 35).

Saar population than as the 'trustee' of Germany. The interests of Germany are, however, secured by the provision that the laws and regulations in force on the 11th November 1918, shall be continued, together with the existing fiscal and judicial system. The existing nationality of the inhabitants is not to be affected by the new régime. It would perhaps be preferable if Germany were directly represented, like France, on the Governing Commission. It is easy to see, however, that the French would have objected to the presence of two Germans as against one Frenchman on the Commission; and justice clearly demanded that the native inhabitants should be represented. Further, it was considered desirable that all the members should be appointed by the League of Nations; and it was obviously impossible that Germany could represent a League, from which she is at present expressly excluded. If, as the result of the plebiscite, German sovereignty is re-established, all the mines situated within the area are to be repurchased by Germany. The price is to be fixed by three experts, a Frenchman, a German, and a representative of the League of Nations. It is to be paid in gold within one year, and the Reparation Commission will allow Germany to make a prior charge on her assets for this purpose. If the payment is not made as stipulated, the Reparation Commission can, if necessary, liquidate part of the mines to ensure it. These conditions may, however, be modified by a separate agreement between France and Germany.

These provisions show important changes from the contents in the Treaty as originally presented to Germany; and are an answer to a well-founded German objection. By the earlier arrangement the price had to be paid in gold within six months. As a result of failure to pay, the Territory was 'thereafter to be occupied and administered by France as an integral part of French territory'. This implied a double injustice. The Germans would probably have no gold available, which had not already been earmarked by the Reparation Commission for other purposes; while the inhabitants would be handed over to France in spite of their preference for Germany as declared by the result of the plebiscite. The present provisions on the other hand, seem both just and reasonable.

4. *The new Constitution.* The interests of the inhabitants have been most scrupulously safeguarded. Except for the

fact that they do not send representatives to the Reichstag, their position remains almost wholly unchanged. They live under the same laws, pay the same taxes, which are applied exclusively to their own needs, are judged by the same procedure in the same tribunals. No modification can be made in the existing laws, and no new tax imposed except after consultation with the local elective assemblies, all of which remain in full vigour. Their religious liberties, schools, language, and nationality are left untouched. They are free to change their nationality or to leave the territory with full liberty to sell or retain their immovable property. Their interests abroad will be protected by the Governing Commission. They will work in the mines under the German laws and regulations, while the wishes of the local labour organizations are to be taken into consideration in fixing the conditions of labour. They will always have at their disposal, whatever the total output of the mines, the proportion existing in 1913 between local consumption and total output.

After fifteen years every resident inhabitant of twenty years of age, without distinction of sex, will be able to give a vote on the political future of the district. Three alternatives will be placed before them—either maintenance of the existing régime, or union with France, or union with Germany.

The future of the Territory will then be decided by the League of Nations 'taking into account the wishes of the inhabitants as expressed by the voting'. As the voting is to take place either by commune or districts, the rights of minorities will be as far as possible protected.

No difficulty was raised in the discussions either with reference to the plebiscite or to the term of years. The third alternative by which the population could vote for the continuance of the existing régime was introduced late in the negotiations. It was perhaps a result of the effort, of which the text of the Treaty bears evidence, to create a form of government which would be very advantageous to the population. We seem, indeed, in reading it, to feel that the authors were so pleased with their work that they thought it would not be fair to deprive the population against their will of the benefits which so admirable a constitution seemed to promise. It seems, therefore, quite probable that the third may be preferred, if the work of the Governing Commission proceeds smoothly;

as the inhabitants enjoy complete immunity from military service, and only pay such taxation as is sufficient for their local needs. Thus they escape on the one hand the compulsory service, which is still in force in France; and on the other are free from the very heavy financial burden with which the remainder of Germany is saddled.[1] Whatever opinions may be held of the motives which determined the arrangement as a whole, it is certain to operate for the advantage of the inhabitants themselves.

5. *Justice of the Solution.* It will be noticed that the whole fabric of the scheme depends upon a League of Nations in being; and that if the League breaks down a revision of the Treaty will at once become necessary. The Saar Territory probably provides the best justification of President Wilson's insistence that the League should form an integral part of the Treaty. It is very difficult to see how the conflicting interests involved could have been reconciled without some serious violation of justice, if the machinery of the League had not been available for a solution. Whether this novel experiment in international government will work harmoniously in practice remains to be seen. The Governing Commission will not be unduly hampered in any way by the action of the League. Although complete control is secured by their appointment for one year only, they are given a free hand in the executive task of government, and no appeal is permitted from their decisions to the League itself. At the same time the lines of government are laid down in the Treaty, and the Commissioners are prevented from using the inhabitants of the Saar as a *corpus vile* for constitutional experiments. As, moreover, the industrial prosperity of the Territory is equally in the interests of the French and of the inhabitants themselves, it is unlikely that any difficulties will arise out of the ownership and working of the mines, particularly as the French have not the power even if they had the desire to exploit the native labour. The French have always asserted that the output of these mines was restricted in favour of Westphalian interests; they will now have a practical opportunity of proving whether they were

[1] It is interesting to note that a petition has been sent to the League of Nations by the communes of Wadern, Weiskirchen, Losheim, and Britten, comprising a total of some 25,000 inhabitants who live just outside the area of the territory. They ask to be incorporated in the new administration on the ground that their omission will entail serious economic disadvantages.

correct in so thinking. On pre-war figures the Germans lose about 6 per cent. of their total output of coal; and the French gain about 40 per cent. It is clear, therefore, that the proportionate economic value of the mines is far greater to France (even apart from the question of reduced output owing to the war destructions) than to Germany. Though this fact does not of course justify their transference to France it proves that this form of reparation does not entail any intolerable economic hardship.[1]

The Saar Territory has come into existence owing to the distinction consistently drawn by the British delegates between reparation and annexation. They are largely responsible for the final political arrangements embodied in the Treaty, and they are entitled to the credit, if, as seems probable, this proves to be in practice one of the most successful creations of the negotiators at Versailles.

III. THE GRAND DUCHY OF LUXEMBURG

1. *History to the War* 1839–1914. The present Grand Duchy owes its existing boundaries to the Treaties of 1839, which settled in the interests of Europe the relations between Holland and the new Kingdom of Belgium.[2] The western half was incorporated in Belgium; while the remainder continued to remain a possession of the King of the Netherlands, and a member of the German Confederation with a garrison of Prussian troops as provided by the Treaty of Paris. The Duchy, which consisted of a fairly compact German-speaking population, was not incorporated with Holland, but obtained

[1] This argument would lose much of its value if the coal mines of Silesia are ceded to Poland as the result of the proposed plebiscite. A clause of the Treaty, however, provides for the purchase of coal by the Germans at the same rates as the Poles themselves for fifteen years. (See Article 90.)

[2] LUXEMBURG.

Area, 2,586 square kilometres.

Population (1910), 259,891 including

Germans	21,762	Italians	10,138
Belgians	3,964	French	2,103

Religion.

Roman Catholics	250,539	Protestants	4,007
Jews	1,270		

Language. French is the official language in the Chamber and the law-courts and public administration. German is predominant in the primary schools and in the press.

a separate constitution. It entered the German Zollverein in 1842, but rapidly developed a distinct particularist individuality. In 1867 the attempt by Napoleon III to buy the Duchy from Holland as compensation for the aggrandizement of Prussia by the war of the previous year with Austria nearly led to a war between France and Prussia. The status of the Duchy was consequently altered by the Great Powers at the Conference of London. It ceased to belong to the German Confederation, the right of garrison was taken away from the Prussians, and its fortifications were dismantled. In return it was declared a neutral State and placed under the collective guarantee of the Great Powers.

In 1868 the French Compagnie de l'Est acquired a long lease of the Luxemburg railways under the guarantee of the French Government. In 1871, however, Bismarck transferred these rights to the Prussian Government, and, owing to the cession to Germany of the districts north-west of Thionville, France and Luxemburg remained without direct railway communication until 1883. Luxemburg remained within the German customs system. Its prosperity increased enormously owing to the development of the 'Minette' iron-fields in its southern extremity; which produced in 1913 7⅓ million tons, and provided the raw material for important steel works.[1] In 1890 the personal link, which connected it with the Crown of Holland, was severed by the death of William III without male heirs. The Grand Duchy accordingly devolved on the agnate branch of the Dukes of Nassau-Weilburg; whose German origin naturally induced increasing German sympathies at Court. The population, however, had no desire to change their cherished political status. Their frame of mind is quaintly expressed by two lines of their national song: 'We want to remain what we are, We do not want to become Prussian.'

2. *The War.* On the 2nd August 1914, the Germans, realizing the strategic importance of the Luxemburg railways, committed two distinct breaches of faith in invading the Grand Duchy. Germany had been one of the guarantors of its neutrality in 1867, and had also promised (by the agreements of 1872 and 1902) that the Luxemburg railways should not be used for the transport of war material. The inhabitants, even

	Iron Ore.	*Pig Iron.*	*Steel.*
[1] Production in 1913.	7,333,000 tons.	2,547,000 tons.	1,330,000 tons.

if they had the desire, had been deprived of the means of resisting the invader by the Treaty of 1867, which had forbidden them to keep any military force except for police purposes. The British Government did not consider this violation of neutrality to be a *casus belli*, consistently with the opinion expressed by Lord Derby in 1867, that a 'collective guarantee' does not impose on each separate guarantor the obligation to vindicate neutrality by force of arms. There appears, however, to be no valid legal distinction between the Luxemburg and Belgian guarantees.[1]

The attitude of the Grand Duchess Adelaide during the War was equivocal. She received the Kaiser, accepted a decoration from him, and paid several visits to Germany, while a younger sister became engaged to Prince Rupprecht of Bavaria. There is no doubt that the mass of the population was pro-Ally, and that the military occupation of their country intensified their traditional dislike of the Prussians.

3. *Plebiscite—wishes of the Luxemburgers.* The Chamber has since the Armistice deposed the Grand Duchess, and a plebiscite held in October 1919 resulted in the election by a large majority of her younger sister Charlotte.[2] It also denounced the Customs Union with Germany, and the railway agreements, and their renunciation by Germany has been incorporated in the Peace Treaty. The Luxemburgers emerged from the War with the same determined particularism. They considered quite reasonably that in yielding to a violence, which their guarantors had done nothing to avert, they had not in any way compromised their position in the eyes of the Entente. These feelings were undoubtedly a serious disappointment to the Belgians, who hoped that they would desire some form of union with their country. It is true that in 1839 the Luxemburgers, who had been *de facto* incorporated in the Kingdom of

[1] See an article by Sir E. Satow in the *English Historical Review* for July 1918 (p. 411).

[2] *Plebiscite.*

	Votes on Register	127,775	
	Votes recorded	90,984	
(a) *Dynastic.*	For Grand Duchess Charlotte		66,811
	For another Grand Duchess		1,286
	For another dynasty		889
	For a Republic		16,885
	Spoilt papers		5,113
(b) *Economic.*	For an economic union with France		60,135
	Do. Do. Belgium		22,242
	Spoilt papers		8,607

Belgium since the revolution of 1830, protested almost unanimously against their enforced separation. A separate existence of eighty years has, however, quite obscured the memories of their old political aspirations. Economically it seems that they would have preferred to enter into a union with both France and Belgium. As this could not be arranged, a plebiscite was held to determine which alternative should be adopted. A decisive majority of nearly three to one has chosen an economic union with France.[1] The French have employed a skilful and successful propaganda since the Armistice. The Grand Duchy fell within the French sphere of military occupation, and the selected troops chosen for this duty were careful not to wound the religious susceptibilities of the inhabitants, who are almost without exception devout Roman Catholics. French Deputies, who have visited the country, have also been active in pointing out the economic advantages which are likely to follow a union with France. It is probable that the choice made by the Luxemburgers is a wise one, as the iron-fields which form almost the whole industrial wealth of the country are part of the far more extensive French area round Briey and Thionville. As the coal-mines of the Saar basin have also been brought by the Treaty within the French Customs system the whole of this mutually dependent industrial district will now be treated, to its own great advantage, as a single economic unit. The future of the railways has not yet been settled, but it seems almost certain that they will follow the lines of the economic settlement, and that France will secure rights of management similar to those which she possessed before 1871. It is obviously desirable for both countries, in the interests of efficiency, that the railways should all be under a single control.

The Belgians are afraid that a gradual economic penetration by the French will lead finally to political absorption. Past history suggests, however, that the Luxemburgers can be trusted to take care of their own nationality; and that this picturesque little State will continue to preserve its independence. Its national sentiment, if such a term can appropriately be used of a little community of 259,000 inhabitants, is interesting for two reasons. It seems to have no share in that desire to count in the world, which has led so many little

[1] See note 2 (b), p. 186, giving details of the recent plebiscite.

States to merge their political unity in a more powerful body during the last hundred years. Secondly, it owes its origin to the purely artificial arrangement agreed upon by the Great Powers in 1839 in the interests of the peace of Europe. At that time, as has been already mentioned, the Luxemburgers protested vehemently against the independence which they have since come to regard as their most cherished possession.

4. *Strategic Importance of Luxemburg.* But the real importance of Luxemburg, which makes its future a matter of serious international interest, lies in its commanding strategical position. After its seizure by Louis XIV in 1684, it was created into one of the most formidable fortresses in Europe by Vauban, who wrote that 'it will place our frontier in such a state that the Germans will never be able to attack the Kingdom from that side'. After 1815 its garrison was entrusted to the Prussians as one of the main advanced bulwarks of Germany against French aggression. It enjoys, indeed, the singular advantage of being of almost equal value, both for offence and defence, both to France and Germany. Its importance has been enormously enhanced during the nineteenth century by the admirable system of railways and main roads which radiate from the capital. Five of the former and nine of the latter connect Luxemburg directly with all the principal strategic points round the frontiers of France, Belgium, and Germany. Offensively, its possession was of inestimable value to the Germans during the first month of hostilities; it opened the way to the gap of Stenay by which the whole of the French defences on the Meuse were outflanked on the north. It enabled the armies advancing through Belgium to be supplied by the two lines running to Liège and through Namur to Brussels. It was in fact the vital link which made close co-operation possible between the two wings of the advancing German armies in their invasion of France. Its defensive value to Germany, on the other hand, is considerable, though much diminished by the French possession of Alsace-Lorraine, as it blocks an advance down the valley of the Moselle towards Coblentz.

5. *Difficulties in the way of Neutrality.* It is clear, therefore, that both France and Belgium have vital strategic interests in Luxemburg; and that, if, as seems almost certain, the two countries arrange for a common system of defence against the possibility of a fresh German attack, the inclusion of Luxemburg

in such a system is a logical necessity. The French line in Lorraine could not be bent back so far west as to exclude the Grand Duchy, without leaving a pronounced salient further south exposing the iron mines, and lengthening the Belgian portion of the combined lines. After the experience of the late War the provision for the neutrality of Luxemburg seems undesirable in the interests of all three countries concerned. It is essential that the provisions of 1867 should be modified to allow fortifications to be constructed in Luxemburg; that the inhabitants should be allowed to take part in their own defence, and that no obstacle should be placed in the way of military conventions between the three countries, which alone could enable any combined plan of defence to be effective. Belgian public opinion has already repudiated the restrictions which neutrality placed on their country, as incompatible with national security; and the Treaty has recognized that 'they no longer conform to the requirements of the situation'. The same reasoning requires the removal of the stricter limitations on the freedom of Luxemburg which have now become a dangerous anachronism.

IV. BELGIUM

In 1839, a series of Treaties settled the international position of Belgium and decided the territorial and economic questions in dispute between Holland and Belgium. Many of the provisions were at the time exceedingly distasteful to Belgium, but the régime which they established has remained unaltered. The events arising out of the War have led to a determined demand on the part of Belgium that they should be subjected to a comprehensive revision. As the Great Powers by their action in 1839 recognized that the question as a whole was of international interest, the Belgian demands were treated at the Conference as a part of the general work of the reconstruction of Europe. The preliminary result of their deliberations is embodied in Article 31 of the Treaty, by which Germany consents to the abrogation of the Treaties of 1839, as no longer conforming to the requirements of the situation and undertakes immediately to recognize and observe any conventions entered into by the Allies in concert with Holland and Belgium to replace those Treaties. These demands may be conveniently

divided into four sections, although the lines of division are to some extent overlapping; namely, those primarily affecting the international position of Belgium, her relations with Germany, with Luxemburg, and with Holland.

1. *International Position of Belgium.* Even before the War many Belgians disliked the perpetual neutrality which had been imposed on their country and guaranteed by the five Great Powers, which they thought both humiliating and inadequate as a security against German aggression. These arguments were pointed by the accumulation of strategic railways and great military camps on the eastern frontier, the construction of which was a clear indication of German intentions. The War has shown that in spite of the goodwill of Great Britain and France the country was at the mercy of the long-matured invasion. The Belgians, therefore, demand that all restrictions on their sovereignty shall be removed, that they shall be free to enter into such foreign alliances as they desire, and that they shall be able to arrange effectively for the combined defence of their country in conjunction with Great Britain and France. In any case, as a member of the League of Nations, Belgium will come under the mutual guarantee of territorial integrity and political independence, to which all the members are pledged. It seems, indeed, obvious that a country which has fought during the War on full equality with the Allies cannot be replaced in any position of inferiority. This feeling was expressed by the King in his speech at the opening of the Belgian Chamber in November 1918.

2. *Luxemburg.* The desires of the Belgians for some form of union with Luxemburg have been frustrated by the plebiscite recently held in the latter country, which has chosen an economic union with France.[1]

3. *Relations with Germany.* Belgium has been successful in obtaining from Germany the two districts of Eupen and Malmedy[2] together with the small contested area of Mores-

[1] See the discussion of this question in the section on Luxemburg.

[2] KREISE OF EUPEN AND MALMEDY
(Census of 1910)

	Inhabitants.
Eupen	26,156
Malmedy	34,768
	60,924

The total number of Walloons for the whole *Regierungsbezirk* of Aachen

net [1] on her eastern frontier. These small hilly localities, with a total population of about 64,000, had formed part of the Spanish and Austrian Netherlands for about 400 years before Prussia obtained them in 1815. A majority of the inhabitants, who are of Walloon origin, seem at that period to have spoken French. A system of Germanization, however, similar to that enforced in Alsace-Lorraine and Poland, has reduced the French-speaking element to less than one-sixth, which is chiefly centred in the town of Malmedy. The inhabitants will be able to express their preference for German sovereignty by recording their opinion in registers, which will remain open for six months after the Treaty is ratified. A final decision will then be taken by the League of Nations. As the Allies point out in their answer to the German objections to the Treaty, this territory has been elaborately organized by the Germans for their invasion of Belgium by the construction of strategic railways and the camp of Elsenborn.

The little district of Moresnet has been since 1815 under a joint Prussian and Belgian territorial administration. It owed this singular fortune to the obscure and inaccurate wording of two clauses of the Treaty of Vienna. Its total population is about 3,000.

The economic value of these acquisitions consists in the extensive forests, which are expressly assigned to Belgium as compensation for the partial destruction of her own, in the valuable zinc deposits of Vieille Montagne, and the textile industries of Montjoie and Eupen.

of which these two Kreise form part is 10,034. The French-speaking inhabitants of the two whole districts must therefore be less than one-sixth of the total population. In the whole district of Malmedy 28·7 per cent. speak French, in the town of Malmedy itself 94 per cent. The number of French speakers in the Eupen district seems insignificant. The inhabitants are almost without exception Roman Catholics.

[1] MORESNET

(a) Total population (including the 3 communes of Belgian, Prussian, and Neutral Moresnet)		3,038
Population of Neutral Moresnet		250
(b) *Nationality.*	Prussians	1,380
	Belgians	918
	Dutch	308
	No nationality	432

(c) *Language.* Speaking German only 48 per cent; speaking German 84 per cent. Speaking French only 2·8 per cent.; speaking French 48 per cent.

(d) *Economic.* Neutral Moresnet contains the zinc mine of Vieille Montagne, which is the richest of all the deposits in the Aachen area.

4. *Relations with the Netherlands.*[1] The questions at issue between Belgium and Holland are at once the most important, the most complicated, and the most difficult to settle. They have caused considerable excitement in both countries; the Belgians in particular consider that their strategic security, their economic prosperity and future good relations with Holland depend upon a solution favourable to themselves. They consider also that Belgium has a strong claim on the gratitude of Holland, whose independence was saved by the fight which the Belgians made for their own. The course of the negotiations, which are still in progress, has been as follows:

The Belgian case was presented to the Conference by M. Hymans, and was referred to a special Commission for Belgian Affairs whose terms of reference were to examine the neutral status of Belgium, as established in 1839, and to suggest modifications. The report of the Commission was adopted by the Supreme Council; it urged revision in order to remove the 'risks and inconveniences' which had been imposed upon Belgium, and stated that 'the territorial and fluvial articles' of the Treaties had 'seriously diminished the Belgian capacity for defence'. In communicating this view to the Dutch Government the Supreme Council invited it to send representatives to put the Dutch view before them.

The Dutch agreed to this proposal and sent their Foreign Minister, M. van Karnebeek, to take part in a Conference in Paris, which included the Foreign Ministers of the five Great Powers together with Belgian representatives. On the 4th June 1919 the question was referred back to a Commission of the five Great Powers with Belgian and Dutch representatives who were instructed to 'submit proposals which involve neither transfer of territory nor international servitudes'. The report of this Commission, which sat until the late autumn, has not yet been published, and a final agreement has yet to be reached.

It now follows to consider in detail the questions which have led to such prolonged and as yet inconclusive discussion. The natural anxiety of the Belgians about their future strategic security centres round two points, the defence of their eastern frontier, and the navigation of the Scheldt. Unfortunately in

[1] A good account of the earlier phases of the negotiations by M. Cammaerts will be found in *The New Europe*, 31st July 1919, the agreement reached in the Treaty of March 1920 awaits ratification.

both these cases they buttressed up strategic arguments with annexionist claims, the tactless advocacy of which in the Belgian press seriously affected the good relations of the two countries.

The Conference naturally decided that it was not within its province to consider any transfer of territory from a neutral State which was not represented at its sittings. The Dutch Government, no less naturally, refused to consider the possibility of any such cession, and a resolution of the 4th June definitely excluded it from subsequent negotiations. In consequence no detailed account will be given of territorial claims.

(*a*) The Belgians maintain that the long narrow salient of Dutch Limburg which projects southward into Belgian territory towards Liège is equally hampering to their own and to the Dutch system of military defence. This argument is theoretically valid for Belgium; since the map shows that a hostile force advancing westward through Limburg will completely turn the whole line of the Meuse. During the late war, however, it proved on the contrary an advantage to Belgium, as the Germans attached such importance to the neutrality of Holland that they made no attempt to pass through Limburg, and the effect of the salient was, therefore, to shorten the Belgian line of defence. The Belgians have dwelt with great emphasis on the incident which occurred immediately after the Armistice, when some 75,000 disorganized German troops escaped to Germany by this short route. This, however, only deprived the Belgians of prisoners and war material which they would otherwise have secured, but cannot be fairly described as a danger to the security of the country and is irrelevant to their main contention. That Limburg would be a grave danger to the Dutch in the event of invasion is obvious. It is indeed indefensible, as an enemy has only to stop the neck of the bottle in order to secure the surrender or internment of the whole of the defenders.

These considerations point, therefore, to a combined system of defence for the area between the two countries. The Dutch Government have, however, declared in the Chamber that they do not contemplate a military alliance with Belgium.

The Belgians further complain of the economic disadvantages which are imposed upon them by Dutch Limburg. They

declare that water-borne traffic between Antwerp and the Meuse is seriously hindered by the narrowness of the canal where it passes through Dutch territory. This, however, is clearly a matter for private negotiation between the two countries, on which there is reason to believe that the Dutch are ready to give complete satisfaction.[1]

It was perhaps natural that the Belgians should have suggested its cession, as like Luxemburg, it was both a *de facto* part of Belgium between 1830 and 1839, and protested against its surrender to Holland. But there is no evidence that the bulk of the population are now animated by the feelings of eighty years ago.

(*b*) The Dutch obtained control over the mouth of the Scheldt in 1648, when they were secured by the Treaty of Munster in their possession of the left bank. Except for the period between 1792 and 1814 they have maintained that control ever since. The Treaties of 1839 placed Antwerp under serious strategic and economic disabilities. The port, in accordance with the stipulations of Article XV of the Treaty of Paris of the 30th May 1814, was to continue to be *uniquement un port de commerce.* This implied that no Belgian warships could pass up and down the Scheldt in peace or war; and that Antwerp could not become a naval base. Further, the mouth of the Scheldt was closed by the Dutch on the outbreak of war in 1914, and it was therefore impossible for the garrison of Antwerp to be either succoured or evacuated by sea. On the other hand, these restrictions also prevented the Germans from attacking Antwerp by sea, or from developing it into a submarine base after its capture; and it is probable that the balance of advantage in the existing arrangement inclined towards the Allies.

It seems then that the status of Antwerp in time of peace is a question which almost exclusively concerns the Belgians and Dutch; and that it is reasonable for the Belgians as an important Colonial power to demand that the port should be available for the Navy which such possessions beyond the sea make necessary.

In war, on the other hand, the question is essentially international, and affects Great Britain in particular hardly less vitally than either Belgium or Holland. In view of the mutual obligations imposed by the League of Nations on each

[1] *v.* Note 2, p. 196.

of its members, it seems certain that the final solution of the question depends on the entrance of Holland into the League. If both Belgium and Holland were members of the League, its constitution makes it impossible for Holland to refuse a passage to naval and military forces coming up the Scheldt under the authority of the League of Nations.

It is difficult to estimate accurately how far the existing régime is injurious to Belgium commercially. The navigation of the Scheldt has been entirely free since the capitalization of the dues in 1863, and the prosperity of Antwerp has been largely enhanced in consequence. On the other hand, the Belgians complain that the Dutch members of the mixed Board of Control which regulates navigation constantly block suggested improvements owing to their lack of interest in the prosperity of Antwerp, which indeed they are bound to regard as the rival of Rotterdam. The Dutch are also able to prevent the dredging of the Western Scheldt, and thereby to make the navigation of the Channel a constant danger.

As the resolution of the 4th June excludes all transfer of territory or the creation of international servitudes but condemns the existing arrangements it seems that two alternative solutions may be adopted. The Scheldt may be completely internationalized, and placed under the exclusive control of the League of Nations. This would not involve any transfer of territory from Holland, but would involve her relinquishment of the sovereignty of the mouth and the channel of the Western Scheldt, which has indubitably existed since 1839. It seems certain that the Dutch would strongly resent such a proposal. Or again, a real and complete condominium may be established for these areas, in which the sovereignty would be equally divided between Belgium and Holland. This is the more satisfactory solution. It recognizes that the islands at the mouth and the two banks of the Scheldt are inhabited by a Dutch population, which has been politically united to Holland for 270 years. It recognizes also that Antwerp makes the Scheldt incomparably more important from a commercial and economic standpoint to the Belgians than to the Dutch.[1] It is probably true, as the Dutch allege, that the disadvantages of the pre-war régime have been exaggerated by the Belgians in the hope of inducing the Conference to look favourably on

[1] Note 3, p. 196.

their earlier demand for the cession of Dutch Flanders,[1] but it is manifestly unfair that the Dutch should possess the power of interfering with the conditions essential for the development of Antwerp. There is at present much discontent in Belgium at the condition of the country. The Great Powers are accused of neglecting Belgian interests. The large acquisitions of territory secured by France, Italy, and Serbia are contrasted with the minute fragments of Prussia which have only been handed to Belgium with a reservation. The extravagant hopes which were entertained at the opening of the Conference of territorial aggrandizement at the expense of Holland have been followed by a mood of irritation. It is pointed out that although freed from her pre-war restrictions, Belgium has at present lost even the imperfect protection of the European Guarantee, since the proposed alliance between Great Britain, France, and America does not extend to Belgium. The substituted protection of the League of Nations has not yet come into being, and its success is experimental.

Summary. This discontent, though natural, is unjust to the Allies. The requested revision of the Treaties has been undertaken, and Holland has been induced to take part in the conversations in an amicable spirit. Belgian prosperity is not bound up with an increase of territory at the expense of her neighbour, but with the cultivation of closer relations, which will facilitate the satisfactory solution of any questions which may arise between them.

Alone of all the Allies Belgium has been guaranteed the repayment with interest by Germany within a period of eight years of her entire war debt. Her most pressing need is not territorial expansion but the restarting of her industrial and economic life, which will not be attended by any insuperable difficulties.

[1] It seems certain, for example, that any prejudice which Ghent may have received as a port through the unsuitability of the Terneuzen Canal is the fault of the Belgians and not of the Dutch, as the canal was built in accordance with the views expressed by the Belgian experts.

[2] *Note to p. 194.* The position of Antwerp will be greatly improved by the consent of the Dutch Government to the construction of two canals suitable for barges of 2,000 tons. One runs from Antwerp to Moerdijk, the other from Antwerp to the Rhine, with connexion to the Meuse by branch canal.

[3] *Note to p. 195.* The Belgo-Dutch Treaty establishes a common management under a permanent Board of Control, with three representatives of each nation. The Board will manage the waterway and the technical administration and has powers to act in emergency. Provision is made for rapid settlement of all difficulties by arbitration.

CHAPTER IV: SECTION I

THE TERRITORIAL SETTLEMENT IN EUROPE (*continued*)

NORTHERN AND EASTERN FRONTIERS OF GERMANY

PART I. THE SCHLESWIG QUESTION

1. *The origin of the problem.* The Schleswig question forms one of a group which fell to the consideration of the Peace Conference in virtue of the terms upon which the Armistice was concluded.[1] By accepting the 'Fourteen Points' as a basis of peace, Germany pledged herself to the recognition of the principle of self-determination, and this was admitted by Dr. Solf, immediately after the Armistice, to Mr. Hanssen, the Schleswig delegate. But in confining the claim to self-determination to Schleswig Denmark broke with a principle rigidly insisted upon for four centuries, viz. the indissolubility of Schleswig-Holstein. It was for this she went to war with Prussia in April 1849 when, after the early Prussian successes, Denmark defeated the Schleswig-Holstein Army at Fredericia. On the diplomatic intervention of Great Britain in July negotiations were opened and peace was finally concluded at Berlin on the 2nd July 1850. This peace merely reserved to both contracting parties all the rights they had possessed before the war. The Duchies continued to fight until January 1851; but a year later were formally taken over by Frederick VII of Denmark, who promised them special constitutions with separate representative bodies included in a common constitution of the whole monarchy. The promises were not kept, and a revised constitution, which left the Duchies powerless in all matters common to the monarchy, was forced upon them in 1855. Eight years later the new Danish House, settled by the London Protocol of 8th May 1852, proclaimed a constitution by which

[1] Slesvig is the Danish form, but the majority of the province is German, so that Schleswig is the correct term for the whole province. The plebiscite will probably erect a Danish province of northern Slesvig and a German one of southern Schleswig. Throughout this article the German form, Schleswig, is used.

Schleswig became merely a Danish province, while Holstein, though retaining its independent position, was to be exploited financially in the interests of the whole Danish State. This action, involving the imposition of a Charter upon Holstein without consulting its representative, disregarded the rights of the Germanic Confederation; and by the annexation of Schleswig violated the terms of the London Protocol. Prussia and Austria, upon these grounds, declared war in January 1864. The Danes, defeated at Düppel and refusing to accept the terms suggested by the Conference of the Powers in London which, while uniting the Duchies as independent States under the sovereignty of Denmark, admitted Schleswig to the German Confederation, were compelled to agree to the handing over of both Duchies to Austria and Prussia by the Treaty of Vienna, 30th October 1864. The subsequent dispute between Prussia and Austria as to the fate of the provinces was temporarily settled by the Convention of Gastein, 14th August 1865, by which Austria undertook to administer Holstein and Prussia Schleswig. Thus, under cover of protecting the provinces, Prussia and Austria had made the first break in the historic union of the Duchies.

2. *The Peace of Prague.* But in less than a year the settlement was changed once more. Defeated at Königgrätz 3rd July 1866, Austria resigned all rights over the Duchies, which then passed by the Peace of Prague into the hands of Prussia. The effect of this peace was the formation of a Schleswig problem, and the final severing of the historic association between the two Duchies. Under the sovereignty of Denmark, Schleswig had protested its independence. Under the Germanizing policy of Prussia there developed a demand for incorporation with Denmark. This contention had been recognized by the Treaties of Vienna and Prague.

Article XIX of the former Treaty stipulated that subjects domiciled in the ceded territories had the right, within six years of the ratification of the Treaty, of opting for the Danish nationality and of transferring themselves and their families and property to Denmark while keeping their landed property in the Duchies.

Article V of the Treaty of Prague stipulated that 'the populations of the north of Schleswig shall be again united with Denmark in the event of their expressing a desire so to

be by a vote freely exercised'. As a result of these Treaties about 50,000 Danes opted for Denmark and crossed the frontier pending the plebiscite which was to restore North Schleswig to Denmark. Article V of the Prague Treaty, which had been inserted at the instance of Napoleon III, was, however, disregarded by Prussia. The Franco-German war rendered it unnecessary for her even to maintain the pretence of observing it, and in 1879 she abrogated this clause with the consent of Austria-Hungary. The Danish 'optants' had meanwhile, finding their hopes disappointed, begun to return to Schleswig, and in doing so lost their rights as Danish citizens while they did not secure those of Prussian subjects. Under German law the majority of those who had opted for Danish nationality had forfeited their rights as Prussian citizens, and this crying injustice was deliberately perpetuated by Germany as a means of inducing the recalcitrant Danish population to submit to Germanization. The 'optants' became outcasts subject to arbitrary arrest, confiscation, and expulsion, and the sufferings of these people were increased by the refusal of the Danes to permit them to settle in Denmark. This last regulation was eventually modified in 1898 by the Danish 'nationality law' in favour of the children of 'optants' born after the passing of the law. In 1907 these conditions were at last ended by a Convention between Prussia and Denmark which allowed children, born of Danish 'optants' before 1898, to acquire Prussian nationality. Although this measure has mitigated the grievances of the Danish population, the hostility between Germans and Danes in North Schleswig remains as bitter as ever; the former regarded the 1907 Convention as a betrayal of their cause and the Germanization of the territory has since then been enforced with the utmost ruthlessness. German has been substituted for Danish in churches and schools, the press has been rigidly controlled, and those who have displayed their determination to keep alive the ideals and the language of their Danish nationality have been persecuted by every means at the disposal of the State. Nevertheless, in spite of an enormous emigration, a census made in 1905 showed that out of the 148,000 inhabitants of North Schleswig 139,000 spoke Danish, while of the German-speaking immigrants more than a third spoke Danish in the first generation.

3. *The Kiel Canal.* Although Bismarck in 1864 had a

certain measure of political justification in going to war with Denmark on the question of Schleswig-Holstein, he was doubtless influenced still more strongly by the strategical results at stake.

In later years Bismarck stated that the acquisition of Kiel as a naval base and the natural starting-point of a canal connecting the North Sea and the Baltic was his object in bringing about the Danish War. The construction of the Kiel Canal was not begun, as a matter of fact, until more than twenty years later. But the resultant accretion of strength to Germany's sea-power after 1895, when the Canal was opened, testifies to the sagacity of the great statesman who systematically welded the German Empire.

The Kiel Canal has little economic importance; it has not proved productive as a commercial enterprise, nor has it conduced directly to increase the prosperity of Germany's Baltic ports. Its inception and construction aimed only at bettering the strategical position of the German Navy, and in this it has been highly successful. The defensive power of the German fleet has been greatly increased by cutting the 61-mile waterway which links the Baltic with the North Sea.

The Kiel Canal as originally constructed could only accommodate vessels of 26 feet draught, but in 1908 the work of enlarging the Canal was begun, and was completed by June, 1914, so that on the outbreak of the war the Canal could be used by the largest battleships.

In spite of various suggestions as to the internationalization of the Kiel Canal, the Treaty of Peace with Germany left that country with complete sovereignty over the Canal, only stipulating that all nations at peace with Germany shall have equal rights as regards its use. The actual terms are defined in Articles 380–6 of the Peace Treaty.

According to Article 195 of the Peace Treaty, Germany may not retain or erect any fortifications in Jutland north of latitude 54° 00′ N., which means that defensive works may only be maintained to protect the Brunsbüttel end of the Canal, where it enters the estuary of the Elbe.

In view of the above considerations, it seemed doubtful whether any practical benefit would accrue by internationalizing the strip of country through which the Canal runs. The inhabitants of this territory are indisputably German, and

have evinced no desire for separation. To hand this territory over to Denmark would be devoid of any ethnic justification, and would only prove a political and economic embarrassment such as no Danish Government would now face. So far as the Kiel Canal was concerned, therefore, there was no object in extending the Danish territory of Schleswig southwards as far as the Holstein border.

4. *The Little Belt.* Apart from the question of the Kiel Canal, the most important strategical aspect of the Schleswig question is the command of the Baltic entrances. One of these channels, the Little Belt, could be completely dominated from the islands of Aarö and Alsen which lie off the east coast of North Schleswig and were annexed by Germany in 1864. The former of these islands is situated east of Hadersleben, close to the northern extremity of German territory, and overlooks the Little Belt at one of its narrower points. The fertile island of Alsen is still more important strategically; not only does it overlook the entrances to the harbours of Apenrade and Flensburg, but it contains a good harbour at Sonderburg, which was a German naval station. It was important that these strategic points should not remain in German possession, even though Article 195 of the Treaty forbade their fortification. Fortunately this transfer is completely justified on ethnic grounds. In the *Kreis* of Hadersleben to which Aarö belongs, 80 per cent. of the population is Danish, while in *Kreis* Sonderburg the Danish element amounts to 72 per cent. of the population, in spite of the existence of the German naval station. The transfer of these two islands to Denmark would go far to secure the communications between Jutland and the island of Fünen, which were formerly at the mercy of Germany.

5. *The question of a defensive frontier.* Besides the international interests involved in the possession of the Kiel Canal and the shores of the Little Belt, there remains the question of providing Denmark with a defensible frontier *vis-à-vis* her powerful neighbour Germany. The preservation of Danish neutrality is a cardinal desideratum in the policy of Great Britain and of the other Entente Powers, and the experience of 1864 showed how desirable it was to provide Denmark with a defensible land frontier which might render Jutland secure from a sudden invasion and would cover the communications between the mainland and the islands of Fünen and Zealand.

South Jutland's historic line of land defence is the old 'Dannewerk', or Danish Wall, between Schleswig and Husum, a distance of 21 miles. East of the town of Schleswig this line is continued as a water obstacle by the narrow Gulf of Schlei, some 23 miles long, while to the south of Husum the western end of the line is covered by the Eider marshes. This natural and artificial line of defence was also the southern boundary of the Danish race and language up to the end of the eighteenth century, and it was this frontier which the Danes, supported by Great Britain, sought to maintain at the Conference of London in 1850.

Even in 1864, however, when Denmark possessed the whole of Holstein and Lauenburg as well as Schleswig, the Danish Army was easily driven from the Dannewerk in a frontal attack by the Prussians and Austrians and could make no real stand south of the lines of Düppel. There seems, therefore, to be no urgent strategic reason for fixing the Danish frontier farther south than Flensburg. Although the town of Flensburg itself could hardly be defended against attack from the south, a good defensive line could be drawn from the head of the Flensburg fjord westwards for some 23 miles to rest on the North Frisian marshes south of Tondern.

6. *The Problem before the Peace Conference.* It now becomes apparent that historical facts give no clue to the solution of the Schleswig question and that the problem can be settled solely on a racial basis. The strategic considerations in no way demand a violation of ethnic principles. Although the River Eider formed the racial boundary of Denmark up till the eighteenth century, the circumstances had greatly altered by 1864, and have altered still more since that date. Without reckoning the strip of Frisian-speaking territory fringing the North Sea coast between Hoyer and Husum, and the North Frisian islands, the German race and language has gradually infiltrated beyond the line of the Schlei, and now commands a distinct majority as far north as the latitude of Flensburg. There seems to be no particular reason that the Frisians should be allotted to Germany rather than to Denmark, beyond the fact that Germany already possesses a considerable Frisian population along her North Sea coast.

The total population of Schleswig-Holstein is some 1,600,000, of which not more than 150,000 can be claimed as Danish by

race. The great majority of these live north of the latitude of Flensburg. A just international frontier could therefore only be drawn somewhere in the neighbourhood of this line, and in the case which the Danish Government laid before the Council of Ten in Paris, on the 21st February 1919, no request was made for territory to the south of the Flensburg line, unless it could be proved that the inhabitants expressed an unmistakable desire for Danish nationality.

7. *The Peace Settlement.* The Schleswig question was remitted to the Commission on Belgian Affairs on the 21st February 1919. No steps had ever been taken by Prussia or the German Empire to allow the northern districts of Schleswig to express by vote their desire for incorporation in Denmark, as provided by the Treaty of Prague; and the Commission had to consider the propositions of the Danish Government to secure that this provision should be carried out. Their point of departure was the principle that 'the frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population'; but their aim was to remove all occasion for future agitation and uncertainty. It was this that led the Commission to include the so-called third zone in their recommendations. The proposals of the Danish Government comprised two voting areas and the evacuation of the third by the German troops and higher Prussian officials. The latter provision was inserted in order to secure that the voting should take place without fear or favour; but the Danish Government had no wish that voting should be extended to this strip of territory for reasons which gathered strength in the months after the Armistice. The Danish Government could not view with favour the possibility of the addition of a solid block of people who were German in language, thought, and feeling. If these people voted for the retention of German nationality the Danish minority might suffer. But as the exchange depreciated and the future economic prospects of Germany, owing to an inevitably heavy taxation, grew darker, the Danish Government feared that many might vote for incorporation in Denmark as a way of escape without thereby changing their sympathies. Vain fears they were perhaps; but they were really felt; and it is interesting to note this strange disturbing factor which in some cases, at least, might render nugatory every provision to secure a final settlement by plebiscite.

The report of the Commission presented to the Supreme Council on the 19th March constituted three zones, comprising an area of some 2,745 square miles with a population of 380,679 whose southern boundary was the historic Dannewerk line. The broader purpose of securing a final settlement which should be able to stand against future claims and counter-claims seemed to justify the inclusion of the southern area. But the Commission accepted the difference between the zones as suggested by the Danish Government. The first zone roughly follows the Clausen line (*v.* map) and includes an area over which the Danish language is supreme. With the exception of the partly German enclave of Tondern, the number of Danish-speaking people ranges from fifty to a hundred per cent. by common admission; and in this (the first zone) the result is to be determined by the majority of votes cast in the whole section. The Central Schleswig area covers a territory where the languages are mixed. In the west it is Frisian; in the centre Danish and German; and in the east, about Flensburg, chiefly German. The voting in this area is to be by commune (*Gemeinde*) (Article 109). The frontier is to be a 'line based on the result of the voting, and proposed by the International Commission, and taking into account the particular geographical and economic conditions of the localities in question' (Article 110).

A later report of the Commission carried the third zone farther south, to include the Eiderstedt peninsula where, by common consent, the people are German. This amendment was due to a Danish deputation; but it was carried in defiance of British opposition. Whatever the economic reasons for including this territory, the people are indisputably German, and on the publication of the first draft of the Treaty on the 8th May 1919, the Germans naturally objected to its inclusion in the voting area. The position at that moment was that both the Danish and German Governments objected to the voting in the third zone while the extremists on both sides desired it, the Germans presumably in the hope of providing Denmark with a disturbing factor which might result in a reconsideration of the whole question. Thus the matter stood until the 25th June, when the Supreme Council struck out the clause dealing with the third zone as amended and left the Treaty as it now stands. One immediate consequence of this summary

action is that the evacuation of the third zone which the Danish Government had desired and the Commission had accepted was no longer included.

8. *Conditions of the Plebiscite.* The Treaty provides that the German troops and higher authorities together with the Workmen's and Soldiers' Councils shall evacuate the voting area within ten days of its coming into force. The area is then to pass to the control of an International Commission composed of five members who at the request of the Danish Government were granted a small allied force to maintain order. A further provision to secure that the voting should be perfectly free is that the first zone should vote before the second, the former within three weeks after the coming into force of the Treaty and the latter in the five weeks following the first plebiscite. The right to vote is accorded to all persons without distinction of sex who have completed their twentieth year and were born in the zone, or domiciled there since a date before the 1st January 1900, or have been expelled by the German authorities.

The frontier is to be traced on the spot by a Commission of seven, including one Danish and one German member, within fifteen days from the date when the final result of the vote is known (Article 111). All inhabitants north of the frontier will acquire Danish and lose German nationality, except persons who had become habitually resident in this territory after the 1st October 1918, who require consent of the Danish Government to secure Danish nationality (Article 112). A final provision to secure the permanence of the settlement is the privilege of option. All persons in the territory restored to Denmark over eighteen years of age born in the territory 'not habitually resident' there can opt for Germany. Such persons must within twelve months transfer their residence to the State in favour of which they have opted, retaining their immovable property and removing their movable property at will. There can be few areas whose final disposition presents so complicated a problem which have received a treatment that is so just in itself and promises so full a pacification.

9. *The Result of the Plebiscite.* The voting took place in the first zone on the 10th February and resulted in a decision in favour of incorporation in Denmark. The economic factor seems to have had little if any influence on the voting and even

the considerable influx of voters from Denmark and Germany did not disturb the expected result.[1] The voting day passed off very quietly and the result was received with great enthusiasm in Denmark. The International Commission arranged for the voting in the second zone to take place on the 14th March, and the result was once more in accordance with expectations. The second zone voted for Germany by a greater majority than the first zone had shown for Denmark; and the result in Flensburg was decisive.[2] It is to be hoped that the plebiscite will form the basis of a stable solution of a question which has disturbed the relations of Denmark and Germany for over half a century.[3]

[1] The number of persons entitled to vote was 111,191 of whom 101,642 went to the poll, one of the biggest polls ever known in any election. Denmark obtained 75,431 votes and Germany 25,329.

[2] In the whole of the second zone 12,793 votes were cast for Denmark and 51,820 for Germany. In Flensburg 8,947 voted for Denmark and 26,911 for Germany. These are only the provisional figures, but there is no reason to think that they do not represent the result with sufficient accuracy.

[3] The Ambassadors' Conference finally decided to confirm the result of the voting, allocating to Denmark the first zone with some slight adjustments according to the 'economic and geographical conditions'. Certain Danes showed great anxiety as to the status and liberties of those who in the second zone had voted for incorporation in Denmark. This was met by granting the privilege of opting for Denmark to all such persons as were over 18 years of age, or who had been habitually resident since 1st January 1900, in the territories remaining German.

CHAPTER IV

THE TERRITORIAL SETTLEMENT IN EUROPE (*continued*)

NORTHERN AND EASTERN FRONTIERS OF GERMANY

PART II

MEANING, STRATEGIC AND OTHERWISE, OF THE LOSS TO GERMANY OF POLISH TERRITORY[1]

INTRODUCTORY

Sketch of Territories concerned. The territories concerned consist of the greater part of the provinces of Posnania (Posen) and West Prussia, with such portions of the plebiscite areas of the provinces of Silesia and of East and West Prussia as may be allotted to Poland.

The area ceded to Poland by the Treaty stretches from the northern boundary of Upper Silesia (*Kreis* Kreuzburg) northwards to the Baltic coast, attaining an average breadth of 80 miles. The length of this area is 260 miles, and the total population is just under 3,000,000, of which the Poles form just under 1,850,000.[2]

The plebiscite areas consist of:

(*a*) The greater part of Upper Silesia (*Regierungs-Bezirk* Oppeln.).

(*b*) *Regierungs-Bezirk* Allenstein and the *Kreis* of Oletzko.

(*c*) *Kreise* Rosenberg, Marienwerder (part), Stuhm, and Marienburg (part).

The Northern Area definitely severed from Germany is sometimes referred to as the 'corridor'. It contains the lower course of the Vistula, which, together with the railway systems Warsaw – Mlava – Deutsch-Eylau – Marienburg – Danzig, and Warsaw – Thorn – Danzig, constitutes the only direct means of communication by water and rail between Poland and the sea.

Rail connexion between East Prussia and the rest of Germany crosses this area in the north via Marienburg and Dirschau and

[1] The following sketch deals only with the purely German aspects of the Treaty. The Polish side will be dealt with in Volume V.

[2] For the population, according to the German census of 1910, see the tables at end of chapter.

further south via Thorn, whilst the Bromberg canal is available for water traffic from east to west.

In the plebiscite area of Upper Silesia the River Oder is the principal waterway which, besides affording the products of Silesia an outlet to Stettin, near its mouth, and to Berlin and Hamburg by means of an extensive system of waterways, may also at some future date play an important part in the transport relations of central and southern Europe. Through all the ceded territory, railway and road communications are amply sufficient for local requirements, though connexions with Congress Poland cannot be regarded as adequate.

Generally speaking, Posnania and West Prussia are agricultural districts, Upper Silesia is principally noted for its industrial character, whilst East Prussia is rich in timber.

SECTION I. STRATEGICAL EFFECT ON GERMANY OF THE POLISH SETTLEMENT

1. *The General Settlement of the Ceded Territories; the Peace Settlement and the Austro-German Solution of 1915.* The successful re-establishment of an independent Polish State on the lines of the solution embodied in the Peace Treaty will necessarily have very far-reaching consequences on the Germany of the future. Prior to the War it had always been one of the German aims to oppose the re-establishment of an independent Polish State. After the outbreak of hostilities it became evident to Germany that it would be impossible indefinitely to resist the Polish movement, and on 11th August 1916 an agreement was concluded between the German Chancellor and Baron von Burian, under which Germany and Austria-Hungary agreed to establish an independent Kingdom of Poland with a constitutional and hereditary monarchy and a national army;[1] the latter was, however, to be placed under German command. The incorporation of the Polish provinces of Germany and Austria-Hungary within the frontiers of the new State was specifically excluded; in fact, the retention of these provinces by the two Central Powers was to be further safeguarded by 'frontier rectifications'. On the other hand, Vilna was to be

[1] Falkenhayn, *General Headquarters*, p. 277, says he postponed the final decision till after his resignation. The independence of Poland was publicly proclaimed on the 5th November 1916. Cf. Czernin, *World War*, pp. 200–1 *sqq.*, Ludendorff, *War Memories*, pp. 397–8 *sqq.*

included in the new territory, whose frontiers were to be extended eastwards as far as possible, this being dependent on the terms which the Central Powers should be able to impose on a defeated Russia. General Ludendorff informs us, moreover, that the German Chancellor aimed at the economic incorporation of Poland within the German customs union.

A consideration of the solution of the Polish question envisaged in the agreement referred to above will show at once some of the more serious consequences to Germany of the solution established by the Peace Treaty—consequences which the Austro-German agreement sought to avoid. In the first place, a genuinely independent State has been created such as will become a buffer between Germany and Russia, whereas the Austro-German solution aimed in effect at advancing the German frontiers to the borders of Great Russian territory, as is clear from Ludendorff's Memoirs. The reconstitution of Poland interposes between Germany and Russia a State of some 25 million inhabitants, with a political orientation which cannot at any rate for a very considerable period, be inclined towards Germany. The anti-German sentiments of the Poles were clearly shown by their attitude with regard to the recruitment by Germany in 1915 for the Polish Legion, which met with no response whatever from the Russian Poles, with the result that recruits for the Legion were almost entirely drawn from Galicia. Ludendorff, himself a native of Posen, attributes the course of events with regard to Poland to the 'strong national sentiments of the Poles, and to the traditional hostility between Poles and Germans'.

The position of being a 'buffer State' always involves certain dangers for the State to which the term can be applied, and the Conference realized, perhaps better than the Polish Government, that these dangers would be increased for Poland in proportion to the number of Germans handed over to her under the Peace Settlement.

Rumania, situated between Hungary and Bulgaria on the one hand, and the Ukraine on the other, will find herself in a somewhat similar position to Poland, and it seems probable that community of interest—political, economic, and military—will result in a close union between the Polish and Rumanian States. The strategical effect of such a union can readily be deduced from the geographic situation indicated above, and it

would certainly tend to maintain the stability of the Peace settlement.

A most important consequence of the loss to Germany of the territory ceded to Poland is that East Prussia is isolated from the main block of German territory. German statesmen, when thinking of the possible resurrection of Poland, always feared that it would carry with it this eventuality, and it was to guard against this that a policy of artificial State-subsidized colonization was vigorously pursued in West Prussia and Posnania. The fact that the reconstitution of Poland coincides with a complete change in the social order and system of government in Germany may perhaps result in the population of East Prussia adapting itself more readily than would otherwise have been the case to a more or less independent régime. It is important to note that German activities in the Baltic provinces, not only during the War but prior to it, were very largely based on East Prussia, and the severance of the latter country from Germany will necessarily react on German enterprise—political and commercial—in the Baltic provinces.

From the military point of view, the establishment of the Polish 'corridor' between Germany and East Prussia gives rise to strategical problems of a new order. Taking into consideration the range and power of modern artillery, it is unquestionably a fact that such a corridor is militarily indefensible except by offensive operations resulting in a great extension of the width of the corridor in the direction of one or both of its flanks.

Regarded generally, perhaps the most important strategical effect of the Polish settlement and the cession of Germany's Polish possessions is the juxtaposition of two great salients—the Polish salient of Posnania, with its network of railways radiating from Posen, and the German salient of Middle Silesia, with a no less highly developed railway system radiating from Breslau. The narrowness of the latter salient constitutes a serious weakness from the military point of view.

2. *Strategical Aspects of the Plebiscite in the Allenstein and Marienwerder Areas.* The decisions to be made as to the frontier of East Prussia in the light of the plebiscites to be taken in the Allenstein and Marienwerder regions will have a considerable bearing on the vulnerability of the Polish 'corridor' already referred to. The Marienwerder plebiscite will directly affect the

width of the corridor, and will further decide whether the latter is to include that section of the important Danzig–Mlava railway which lies between Marienburg and Deutsch-Eylau. Should the whole of this plebiscite area be assigned to East Prussia, the latter will extend westwards to the right bank of the Vistula.

The result of the plebiscite in the *Regierungsbezirk* of Allenstein will very greatly influence the possibility of defending the Polish corridor by widening it in an easterly direction. Should this region ultimately be assigned to Poland, her northern frontier would be within fifty miles of Königsberg (instead of twice that distance), while the (militarily speaking) difficult *terrain* of the Mazurian Lake district would be situated behind the Polish frontier instead of immediately before it. Further, the attribution of Allenstein to Poland would give her excellent lateral railway facilities parallel to her northern frontier, which are otherwise lacking.

3. *Strategical Aspect of the Plebiscite in Upper Silesia.* Even before the War, German writers had laid frequent stress on the strategically unfavourable position of the Upper Silesian coalfields, and, in discussing in his Memoirs a peace settlement which he would have considered acceptable in the autumn of 1917, Ludendorff emphasized the necessity for Germany to have improved her situation in this respect. 'It was, however, strategically necessary to widen the narrow neck between Danzig and Thorn towards the South, and to provide a protective belt for the Upper Silesian coalfield.'[1] The loss of Posnania has made of Upper Silesia a German salient which is militarily far less defensible than it was with the pre-war international frontiers. Should Upper Silesia remain German, its defence in the event of a war with Poland could only be assured by a rapid and vast offensive movement resulting in the early occupation of the regions to the north and east of the salient, and the elimination of the Posnanian re-entrant.

On the other hand, the configuration of the western frontier of Poland is such as to facilitate the defence of the Upper Silesian coalfields should they be assigned to her as the result of the plebiscite, but much would depend on the width of the belt of rural territory west of the coalfields acquired by Poland at the same time.

[1] *War Memories*, ii. 520.

In the light of the experience of the late war, strategy must be largely dependent on national 'munition power', and from this point of view the loss of the Upper Silesian coalfields by Germany would not be without a very great strategical effect. In the event of her becoming engaged in a fresh war of the first magnitude, it would, if she loses Upper Silesia, be one of Germany's first objects either to obtain possession of the Upper Silesian coalfields, or of extensive coalfields elsewhere near her borders.

PART II. ECONOMIC EFFECT ON GERMANY OF THE POLISH SETTLEMENT

1. *Economic importance of the Territories definitely Ceded.* Apart from the loss to Germany of the wealth and produce of the territories ceded, the disappearance of a common Russo-German frontier will involve the re-casting of the commercial policy of Germany, which, before the War, was largely based on the contiguity of the Russian and German Empires.

The isolation of East Prussia by the establishment of the Polish corridor will necessarily affect the commercial value to Germany of that province. It must, however, be borne in mind that the most important item in the trade of East Prussia has always been the export of timber by long distance water-borne traffic from Königsberg, which will not be very materially affected by the new conditions.

As regards the produce of the Polish territories lost to Germany, it has already been stated that Posnania and West Prussia are rich agricultural districts. Their chief items of production are grain, potatoes, and beet sugar. In recent years the tendency has been to introduce intensive farming, as a result of which these provinces not only show a higher agricultural development than any other predominantly Polish region, but also compare advantageously with any country in Europe. In grain the annual export from Posnania alone from 1886 to 1908 amounted to 250,000 quintals of wheat, 410,000 quintals of barley, 2,080,000 quintals of rye, and 210,000 quintals of oats. Before the War, Germany derived annually from her Polish territories, now definitely ceded, some 170,000 tons of grain-stuffs, some 500,000 tons of sugar, and a considerable proportion of her supplies of beef, bacon, and spirits. During the War,

Germany became more and more dependent on these regions for making up the deficiency in her own production.

2. *Economic importance of the Allenstein and Marienwerder Plebiscite Areas.* The chief item of export of the *Regierungsbezirk* of Allenstein is timber. In 1911 wood to the value of over 10,000,000 marks was obtained from this area. In some districts also cattle and pigs are raised in considerable quantities.

The main economic importance of the Marienwerder region lies in the fact already mentioned, that it is traversed by the Danzig–Mlava railway, which is by far the shortest railway route from Danzig to Warsaw. The retention of this area by East Prussia as a result of the plebiscite to be held there, would leave an important section of this railway in German territory.

3. *Economic importance of the Upper Silesian Plebiscite Area.* The importance of Upper Silesia to Germany was most vigorously maintained by the German delegation which came to Paris in May 1919 to receive the preliminary peace proposals. It was asserted that without Upper Silesia Germany would be economically ruined, as the whole industry of Eastern Germany was said to depend on Upper Silesian coal. This argument does not, however, pass unchallenged, as although Germany, including Upper Silesia and Posnania, consumed in 1913 about 60 per cent. of the total output of the coalfields, little more than one-quarter of the output went to ethnically German parts of the Empire. Given the same rate of consumption, the cession of Upper Silesia to Poland as a result of the plebiscite would mean that Germany would have to import annually from Upper Silesia or otherwise procure, some 12,000,000 tons of coal to adjust the deficiency.[1]

A further loss would be suffered in regard to some 500,000 tons of zinc, *i. e.* about 75 per cent. of the total zinc-ore of Germany, and 50,000 tons of lead produced annually. Relatively little of the iron-ore used in the Upper Silesian iron works

[1] Upper Silesia contains about 23 per cent. of the total German output of hard coal, but by Art. 90 of the Treaty Poland engages to permit the export to Germany for fifteen years (free of export duties or other charges restrictive of exportation) of the products of any of the mines of Upper Silesia transferred under the Treaty. The terms of sale to Germany are to be as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or any country. It is probable that, taking local circumstances into consideration, Germany will be able to buy much of the coal production of Upper Silesia, even if the plebiscite incorporates it in Poland.

(about one-sixth) is of local origin, the greater part being imported from Russia, Slovakia, and Sweden. There are, however, numerous blast furnaces which are of great importance. Upper Silesia is also a source of supply of German cement.

4. *Danzig.* Danzig, which though not ceded to Poland, has yet been severed from Germany in the Polish interest, is Poland's natural port. Both Germany and Russia had for some time before the War planned to divert German trade from this port, the former by attracting traffic to Hamburg and Königsberg by means of reduced through-freight charges, the latter by neglecting to regulate the course of the Vistula in order to restrain the river traffic. The Russian Government by this action played into the hands of Germany by enhancing the importance of Königsberg, while also benefiting export trade to Libau. Though Danzig has in consequence remained of secondary importance, it still is an important port in which are situated large naval dockyards and shipbuilding establishments. Under the Peace Settlement, which gives the authorities of the Free City of Danzig the fullest possible opportunities for developing the port to meet the requirements of Poland, the commercial importance of Danzig will be greatly enhanced, to some extent at the expense of Hamburg, Stettin, and Königsberg.

TABLES ILLUSTRATING

POPULATION OF THE FORMER GERMAN EMPIRE CEDED TO POLAND OR FORMING PLEBISCITE AREAS

(*According to German Census of* 1910)

TABLE I. TERRITORY CEDED TO POLAND

	Total Population.	*Poles.*	*Germans.*	*Catholics.*	*Protestants.*
				(About)	(About)
West Prussia	913,000	528,000	385,000	57 per cent.	42 per cent.
East Prussia	25,000	15,000	10,000	25 ,,	75 ,,
Posnania.	1,955,000	1,273,000	682,000	75 ,,	25 ,,
Middle Silesia	38,000	28,000	10,000	40 ,,	60 ,,
Total ceded area	2,931,000	1,844,000	1,087,000		

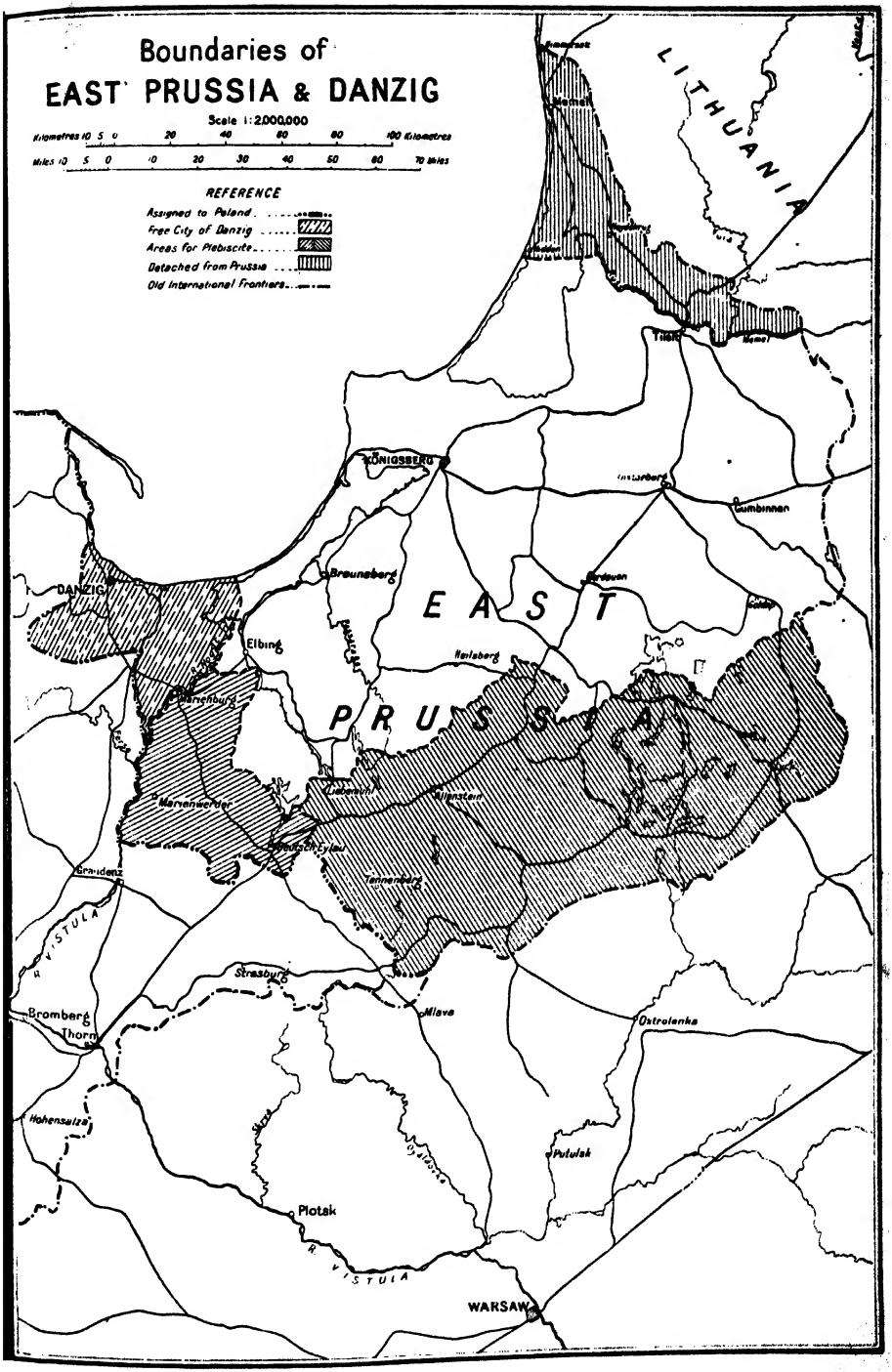

Boundaries of
EAST PRUSSIA & DANZIG
Scale 1:2,000,000
Kilometres 10 5 0 20 40 60 80 100 Kilometres
Miles 10 5 0 10 20 30 40 50 60 70 Miles
REFERENCE
Assigned to Poland
Free City of Danzig
Areas for Plebiscite
Detached from Prussia
Old International Frontiers
LITHUANIA
Memel
Tilsit
KÖNIGSBERG
Insterburg
Gumbinnen
Braunsberg
Goldap
DANZIG
Elbing
Neidenburg
Marienwerder
Graudenz
Tannenberg
Strasburg
Bromberg
Thorn
Mlawa
Ostrolenka
Hohensalza
Pułtusk
Plotsk
WARSAW
VISTULA
EAST
PRUSSIA

TABLE II. PLEBISCITE AREAS

	Total Population.	*Poles.*	*Germans.*	*Catholics.* (About)	*Protestants.* (About)
East Prussia .	556,000	268,000	288,000	14 per cent.	85 per cent.
West Prussia .	138,000	24,000	114,000	40 ,,	60 ,,
Middle Silesia .	4,000	3,000	1,000	48 ,,	52 ,,
Upper Silesia .	1,917,000	1,245,000	672,000	85 ,,	15 ,,
Total Plebiscite Areas . .	2,615,000	1,540,000	1,075,000		

TABLE III. FREE CITY OF DANZIG

	Total Population.	*Poles.*	*Germans.*	*Catholics.* (About)	*Protestants.* (About)
Danzig . .	324,000	16,000	308,000	38 per cent.	61 per cent.

CHAPTER V

THE TERRITORIAL SETTLEMENT IN AFRICA

THE DISTRIBUTION OF GERMANY'S COLONIES[1]

1. *The Expansion of Europe.* The most fundamental fact in the history of modern times has been the progressive extension of Western civilization over all the continents of the globe. In this prolonged process, whose intensity varied greatly in diverse regions, there were alternating periods of rapid advance and of comparative quiescence. A period of marked expansion set in after the Congress of Berlin of 1878, when the Continent of Europe was for the time being in a state of fairly stable equilibrium. Internal problems no longer necessitated continuous attention. Consequently, the European Powers had the opportunity to look without, and they sought for means to perpetuate and to spread their special types of civilization. As it were overnight, the Continent of Europe realized the essential significance of the English colonial movement from its inception in the days of Elizabeth and the first Stuarts. Ignoring the fundamental fact that this movement had been a process of slow growth, springing mainly from individual and private initiative, the Continental Powers deliberately embarked on a course that appeared to them to be essentially similar. It is true that the mere fact that Germany and Italy appeared late on the scene was bound, in conjunction with exploration and industrial expansion, to hasten the development of colonization. None the less, both Germans and Italians became convinced that they must embark on colonial enterprises if their future part in the world was not to be relatively insignificant in contrast to the assured destinies of the English-speaking peoples and those of Russia who had spread themselves over vast areas. In result therefore the last two decades of the nineteenth century witnessed a fevered competition in 'staking out' colonial claims.

[1] It has not been found possible, at this stage, to discuss all of the problems raised by the Mandatory principle in Africa, or the attribution of the German Pacific isles and Shan-tung peninsula. These will be reserved for fuller treatment in Vol. V, which will contain a sketch-map.

2. *Factors in the German Colonial Movement.* In the German colonial movement this broad political and cultural motive was most marked. It was reinforced by the fact that in the early 'eighties emigration suddenly increased at a most rapid pace. In 1878, the emigrants from Germany numbered only 46,371, while three years later their total was 247,332.[1] Such extensive emigration was regarded as a national calamity since it not only diminished Germany's cultural and military power, but increased that of other states, mainly those of English-speaking civilization. In addition, there were some persuasive, if not wholly convincing, economic arguments. Germany was becoming increasingly industrialized. Manufacturing had been stimulated by the adoption of the protective system in 1879, and the need for additional markets had been emphasized thereby. On the other hand, with the increase of population and the growth of industry, Germany was importing more and more foodstuffs and raw materials. As German political thought carried the theory of the sovereignty of the State to its logical limit and aimed at securing complete economic and political independence of other nations, this situation became increasingly irksome. Hence the demand both for fresh markets and for new sources of supply under exclusive German control, combined with professorial and pedagogic propaganda, became so insistent that Bismarck, though far from convinced, was ultimately unable to resist it. He had originally encouraged France to colonial ventures to divert her from Europe but, when the Balance of Power was secure, Germany could afford to indulge in a similar luxury. Subsequently attracted by the idea of protecting the trading interests of Germany, he was gradually led on by professors and business men to acquiring colonial dominions. Finally he yielded and, during 1884–5 he brought vast stretches of African land beneath the German flag.

3. *German Colonial Policy.* German colonial policy was gradually dominated by economic views. On the one hand, its aim was to create in Africa a 'new Germany' on the model of the English-speaking countries that had developed in America, Australasia, and South Africa; on the other, its

[1] German emigration reached high-water mark in the decade 1880–90, but the tide steadily ebbed from 1882 onwards. The figures for 1870–80 were given as 718,182, those for 1890–1900 at 505,152.

object was to free Germany from dependence upon foreign nations for colonial wares by producing them within her own African domain. In both respects the movement was a complete failure. In 1913, there were in all the German African colonies—including South-west with 14,830—but 22,405 whites, of whom 18,362 were Germans. Of these 18,362 Germans, a very considerable proportion were members of the military and administrative staffs, and many others were only temporarily domiciled in the colonies, being employed on railroad construction.[1] The number of actual German settlers was in the neighbourhood of 10,000. Moreover, these vast areas furnished Germany with less than two per cent. of her total consumption of those products known there generally as 'colonial wares', such as cotton, rubber, tobacco, copra, and palm kernels. Equally fundamental is the fact that of Germany's total foreign commerce only about one-third of one per cent. was with her African colonies. Finally, there was marked lack of success in planting the German language and civilization in Africa. In Togoland and the Cameroons, natives who had been taught German refused to speak the language of their masters and not infrequently denied their ability to do so. Herr J. K. Vietor, who was prominent in German colonial activities, reported in 1913 that during a month's visit in the Cameroons he heard scarcely a German word from native lips, though plenty of 'pidgin-English'. Upon addressing in German a native who had served ten years in the colonial military force, he received in English the reply: 'Excuse me, sir, I only talk English.'

4. *General Description of the Colonies.* Germany's African colonies comprised an area of approximately one million square miles with an estimated native population of twelve and a half millions.[2] Up to 1914, railroads of an aggregate length of 4,176 kilometres had been built and further extensions

[1] Distributed as follows: German colonists in 1913—total *in* Africa 18,362, *outside* Africa 5,106.

[2]

	Area.	Population. Natives.	Germans
German East Africa	384,000	7,646,000	4,107
The Cameroons	290,000	3,649,000	1,643
Togoland	33,700	1,032,000	320
South-west Africa	322,450	231,000	12,292
	1,030,150	12,558,000	18,362

had been planned or were under construction. Public works of an important and substantial character—roads, bridges, ports, docks, telegraphs, telephones, and wireless stations—had been successfully carried out. The public buildings in the chief ports, such as Lome, Swakopmund, Dar-es-Salaam, and Tanga, were of an exceptionally solid and imposing character. The foreign trade of these colonies was growing rapidly, having increased from 56 million marks in 1903 to 286 in 1913. Its volume was, however, quite insignificant from the European or American standpoint, and it was even small in contrast with that of the flourishing British colonies in their proximity. The foreign commerce of British West Africa alone was more than double that of all Germany's African possessions. The exports and imports in these German colonies were about equal. In order of value the exports in 1913 included diamonds (58·9 million marks), rubber (23·1), oil-palm products (10·7), sisal (10·3), copper ore (7·7), cocoa (5·7), hides and skins (7), and cotton (3). Although no preferential import and export duties existed in these colonies, 69 per cent. of their total trade in 1912 was with Germany. In the Cameroons and South-west Africa this proportion was respectively slightly below and slightly above 82 per cent. In East Africa, Germany was creating a mixed colony, establishing small white communities in the highlands by the side of a widely scattered, but large, native population of various tribes. In the Cameroons and Togoland were purely native societies with a few whites temporarily located there to rule them and to develop their natural resources. South-west Africa, on the other hand, was a predominantly European community with large estates and mining developments like those in the adjoining Union of South Africa. Here, as has been aptly said, the German was the lord of the manor and the African his serf.

5. *Native Policy.* While the material basis for an extensive economic development had been laid in the substantial public works, the outlook was far from favourable. Until shortly before the war the German Government showed virtually no appreciation of the fact that all sound and permanent progress in Africa depends essentially upon the conservation and elevation of the native population. The natives had been decimated by frequent punitive expeditions and, in many instances, tribal lands had been confiscated and turned over to Germans

for exploitation. Instead of endeavouring to stimulate native production, its aim was to establish large European plantations on which the native was to work as a hired labourer. The sparsity of population, however, in turn, necessitated the accumulation of natives in one centre from more or less distant villages. But the native had little inducement to leave his home to seek such work, when a bountiful nature supplied most of his needs. Hence, force in various forms was constantly used to procure labour for the plantations. Moreover, the general effect of drawing workmen from a distance was to disturb, and even to disrupt, tribal life. At the same time, native production was discouraged by the authorities so that the European plantations might not run short of labour. Failure was writ large over the whole system. The only colony which paid was Togoland, which was the smallest. In general the native population was declining and the European plantations were not successful. The contrast between conditions in the Cameroons and those in the neighbouring British Gold Coast Colony was most striking and instructive. In 1912, the Cameroons produced 4,550 tons of cocoa, of which all but one-seventh was grown on plantations owned by Europeans. In 1913 the British colony supplied 51,279 tons, which was about one-fifth of the world's total crop. Since it first gained headway ten years before this date, this Gold Coast industry had been entirely in the hands of natives. It was a marked civilizing influence. No sound progress was possible along the lines to which the Germans persistently adhered until just before the outbreak of the War, when they made some efforts to profit by the experience of others.

6. *The Situation in* 1914. The new policy, associated with Dr. Solf, the Colonial Minister, showed a belated appreciation of the fundamental fact that the native is Africa's main asset. The conservation of this asset implied the cessation of forced labour and the stimulation of native production. Very little progress had, however, been made in actual practice. There was bitter opposition on the part of the German planters. The elaborate colonial debates of 1912 to 1914 in the Reichstag revealed an appalling state of affairs. The general accuracy of the picture drawn there could not be assailed. Its chiaroscuro alone was brought into question. In the first place, the European plantation system in combination with forced labour

was steadily depopulating considerable areas in the colonies. Tribal, as well as family, life had been disrupted by it. In the plantations themselves, the sanitary conditions were execrable and disease was rampant. Syphilis was a veritable scourge. In numerous instances in East Africa and the Cameroons, the labourers were procured by processes scarcely distinguishable from slave raids. They were generally treated most brutally and were by fraudulent means detained on the plantations for far longer periods than was stipulated in their labour contracts. Naturally, the death-rate on these plantations was high. In one instance, an exceptional one of course, it even reached the incredible level of 26·8 per cent. in 1912. Erzberger emphatically stated that, if these German plantations could be made profitable only by being 'manured' with the blood of the natives, it would be a curse for all the colonies and for the German Fatherland.

7. *Attitude towards the Natives.* The native was almost universally looked upon as a means to an end, never as an end in himself, and his welfare and that of the colony were completely subordinated to the interests of the German on the spot and of Germany at a distance. In general, the attitude of the authorities and of the colonists was one of open contempt and studied rudeness. The native was regarded as an inferior being whose sole purpose was to subserve the white man's wants and needs. It was a régime of systematic brutality tempered by intermittent tolerance. For the most trivial offences, severe floggings, at times with fatal results, were administered. Throughout the West African littoral, the Cameroons were known as 'The Land of the Twenty-five' from the fact that this was the regular number of blows inflicted with the heavy hide whip for minor transgressions. As a part of the normal course of administration, the doctrines of 'frightfulness' were applied to break the spirit of subject peoples and to cow their chiefs into submission. Consequently, the natives became hostile to their foreign masters and to *Deutschtum* itself.

8. *Native Sentiment during the War.* The attitude of the natives during the War was determined by thirty years of more or less constant oppression, and it is not surprising that they welcomed the elimination of German rule. In South-west Africa, tribal life in the occupied districts had been ruthlessly

'smashed' and the native was virtually the serf of the German overlord. As a result of massacres and constant abuse, the native population had been reduced to the verge of extermination. The remnants of the original population in the settled areas naturally felt no loyalty towards their German masters. In the unoccupied northern section of the colony, known as Ovamboland, the general character of German rule in the South was well known and there was every desire to be spared from it. In Togoland, the relations between the natives and the Germans were better than elsewhere, yet even here the overthrow of German rule was welcomed. In part, this was probably due to the fact that ethnically two-thirds of Togoland belongs to French Dahomey, its eastern neighbour, and one-third to the Gold Coast on its western boundary. But in greater measure it was the direct consequence of Germany's unsympathetic and contemptuous rule. As no one of Germany's tropical colonies was entirely occupied, it is impossible to make a summary statement that will apply to all districts. This is true even of Togoland, whose northern section was beyond the area of effective German occupation. It is, of course, even more true of a large colony like the Cameroons, whose people range from cannibal tribes to organized Mohammedan states, and where German administration covered actually only a small portion of the colony. The significant thing, however, is the attitude of those natives who had been in closest contact with German rule. In the coastal region, disaffection was rife. When the British and French occupied the town of Duala, according to a German partisan who was present, 'the sky rang again with an indescribable shout of scorn and rejoicing' on the part of the natives. This disaffection was increased by the ruthless methods adopted by the Germans to intimidate the natives from giving any assistance to the British and French forces.

9. *German East Africa.* In German East Africa a considerable army was formed from the German soldiers and civilians in the colony and from its indigenous population. The native soldiers, known as askaris, were drawn from the warlike tribes and were granted special privileges as regards the rest of the community in conformity with the German doctrine of the superiority of the military caste over civilians. They proved remarkably loyal. In addition, thousands of natives were

impressed for service as porters, having been seized in their villages in the manner of the Arab slave-raiders who used to infest these regions. These porters were treated most brutally. They were often chained together and in many instances were literally worked to death. As the military pressure of the British and Belgian forces increased, the treatment of these porters and of the population as a whole became more oppressive. Whole areas were depopulated by the retreating German armies, which requisitioned food regardless of native needs and compelled women as well as men to act as carriers. As a result, disaffection spread widely, and over large sections of German East Africa was hanging the dread that the Germans might be allowed to return and to wreak vengeance for the resistance given by the natives to the British and Belgian forces. The native naturally could not see why he had been asked to shed his blood in ousting the Germans, if in the end there was to be a question of again subjecting him to his foreign taskmaster. From his standpoint, nothing could be more iniquitous than such a sequel to his sacrifices during the War.

10. *The Allied Conquest of the German Colonies*, 1914-18. As far as Africa was concerned, the first shot of the War was fired in Togoland, which by the end of August 1914, after a lightning campaign, was in the hands of British forces from the Gold Coast and French troops from Dahomey. The conquest of the Cameroons followed, but was more difficult of accomplishment owing to the tangled nature of the country. British and French columns crossed the frontier respectively from Nigeria and French Congo towards the end of August but made little or no progress, the British force in fact suffering a heavy reverse on the 29th August. About the same time two other expeditions from Nigeria met with a similar fate and it was then decided to make a joint attack from the sea. This was effected by an Anglo-French force covered by warships, and Duala fell on the 27th September. From this base the Allied troops pushed their way inland and by the 1st October the Cameroons was virtually in Franco-British hands, the German troops being reduced to defensive warfare on a small scale and in a difficult hinterland. The converging attacks of British and French columns gradually swept up this resistance, and the conquest of the Cameroons was complete in the early spring of 1916.

The proximity of German South-west Africa to the Union of South Africa influenced General Botha and his colleagues in their decision to invade the territory. Scattered fighting began early in September on the south-eastern frontier of the German colony. Lüderitz Bay was reached by the 18th. Heavier fighting followed, and a considerable reverse was sustained on the 29th September at Sandfontein by the South African Mounted Rifles and the Transvaal Horse Artillery. Foul play was suspected and shortly afterwards the Boer Commander, Colonel Maritz, in command of a Union force on the north-west border of the Cape Province, gave evidence of German sympathies and threatened an attack on the Union. The discovery of this treachery hardened a large section of public opinion in Africa. Martial law was proclaimed and Maritz's attempt at an invasion was repulsed and his commando broken up.

In certain districts of the Union, however, discontent was rife; and the rebellion which broke out in October postponed the main attack on German South-west Africa. But by the beginning of 1915 the insurrection was overcome and the Union Government resumed the campaign against the German colony. This was conducted by Generals Botha and Smuts with great skill, by means of enveloping movements, and by May the Union troops had driven the enemy into the north-east corner of the territory. The capture of Windhoek on the 12th May practically closed the campaign, which had been fought under intensely difficult climatic and physical conditions. The rounding up of the scattered German forces was finally accomplished by the beginning of July 1915.

The situation in German East Africa was different from that in West and South-west Africa, for here the German garrison was a compact and efficient fighting force, which, operating on interior lines, constituted a grave danger to British East Africa and Uganda. When war broke out, moreover, the British defence force was numerically weak and actually scattered over a wide area.

The campaign started on the 13th August 1914 with the bombardment of Dar-es-Salaam. Shortly afterwards two invading German columns were driven back from the Northern Rhodesian frontier. During the next month the fighting continued intermittently in this region, mostly in favour of the British.

The main German effort during September and October 1914 was directed across the British East African frontier. This offensive slackened with the last days of October, and after the costly British failures at Tanga (November 1914) and Jassin (January 1915) the position resolved itself into a stalemate, the honours lying with the Germans, who kept the initiative.

The second stage of the war was reached early in 1916, when General Smuts took command of a mixed force of British, South African, Indian, and native troops. The Boer General adopted the daring plan of driving the country from north to south, while his subsidiary forces, British and Belgian, moved eastward from the great lakes.

The year 1916, then, witnessed a series of turning movements to which the Germans offered stubborn and at times successful resistance. In the main, however, the progress of the Allied arms was steady if comparatively slow; and the Kilimanjaro Gap and the Ruwu crossings were forced in turn. On the western marches the Belgian force reached Kigale, while the British 'Lake' detachment compelled the enemy to evacuate Mwanza and so won a valuable base for an attack on Tabora.

By the end of September 1916, the German hold on East Africa had been reduced to the district between the Rufiji and Mgeta rivers in the north-east, and that between the Great Ruaha and Ulanga rivers in the south-west.

The 1917 operations followed the same ground plan. In January General Smuts, on being called to England to the Imperial War Conference, handed over the command to General Hoskyns who in turn was succeeded by General Van Deventer. The main centres of the country were in Allied hands, but there remained the task of rounding up a clever enemy in a country so thick that 'two considerable forces may pass within a mile unaware of each other's presence'. The months that followed General Smuts's departure proved a severe test of endurance. This most colossal 'drive', however, came to an end in the autumn, when the Belgians occupied the Mahenge plateau. Tafet's detachment made a last desperate effort to join hands with von Lettow but failed, and surrendered unconditionally at the end of November. Von Lettow, driven south-west, finally reached the Rovuma river on the 26th of this month, and crossing into Portuguese territory left German East Africa a conquered country. The rest of his operations,

which were conducted with great endurance and resolution, were not of sufficient importance to affect the ultimate future of Germany's African possessions, and General von Lettow Vorbeck and his handful of whites surrendered quietly after the Armistice.

11. *The Bases of the Colonial Settlement.* The course of military events, combined with the command of the seas, had brought all of Germany's oversea possessions under the occupation of the Allies and, hence, when the Peace Conference assembled in Paris, the Allied and Associated Governments were virtually unhampered in effecting a colonial settlement in accordance with the principles that they had announced. In the negotiations that led to the Armistice of the 11th November 1918, it was agreed that the future Peace Treaty was to be concluded on the basis of the Fourteen Points of President Wilson's Address of 8th January 1918, and the principles subsequently enunciated by him. Of the Fourteen Points, the fifth referred to the colonies and provided that there should be:

> 'A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.'

In addition, in this same speech, President Wilson had stated that 'the day of conquest and aggrandizement is gone by'; and in his Address to Congress of the 11th February 1918, he had enunciated, but without any explicit or even assured implicit reference to the German Colonies, that self-determination was 'an imperative principle of action' and, further, that 'every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned'. In the Mount Vernon Address of the 4th July 1918, he likewise declared that every settlement must be 'upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people, which may desire a different settlement for the sake of its own exterior influence or mastery'. This last principle cleared up some doubts as to the meaning of the Fifth Point which, otherwise, might have been interpreted to lend support to the unsound theory that a European State needs tropical possessions so as to supplement

its own economic system. Granted equality of economic opportunity in the tropical areas, there is no such need, and insistence upon its reality is often merely the cloak covering unavowed aims of power and of prestige.

12. *Self-determination.* These principles were not peculiar to President Wilson. They were implicit in the general philosophy of the Allied cause and had, in fact, already been enunciated with even greater definiteness by Mr. Lloyd George. At Glasgow, on the 29th June 1917, he had stated that the fate of the conquered German colonies must be decided by the Peace Conference and that in determining the future trustees of these uncivilized lands, the wishes, desires, and interests of the people themselves of those countries must be the dominant factors. This principle Mr. Lloyd George re-asserted on the 20th December 1917, in the House of Commons; and, a fortnight later, on the 5th January 1918, he further stated:

> 'With regard to the German colonies, I have repeatedly declared that they are held at the disposal of a conference whose decision must have primary regard to the wishes and interests of the native inhabitants of such colonies. None of those territories are inhabited by Europeans. The governing consideration, therefore, in all these cases must be that the inhabitants should be placed under the control of an administration acceptable to themselves, one of whose main purposes will be to prevent their exploitation for the benefit of European capitalists or Governments. The natives live in their various tribal organizations under chiefs and councils who are competent to consult and speak for their tribes and members and thus to represent their wishes and interests in regard to their disposal. The general principle of national self-determination is, therefore, as applicable in their cases as in those of occupied European territories.'

The practical difficulties in applying the principle of self-determination by such methods as plebiscites were insuperable, in the case of Germany's tropical colonies in Africa. None of these colonies was a social, a political, or even a real administrative unit. Each one was a *congerie* of tribes and native states and a territorial settlement based upon a systematic and exhaustive consultation of the native populations as to the re-establishment of German rule and as to the nationality of their future guardians would unquestionably have produced an impossible farrago. It was, however, well established that the natives were generally opposed to the return of their former masters. There was naturally far less unanimity among them as to who should replace them. In not a few instances they

would have preferred to be left entirely to their own devices. If the principle of self-determination could not be applied in a plebiscitary manner, full weight, however, could be given to native interests in the settlement. These were the paramount considerations. In the light of Germany's record, virtually nothing could be adduced in favour of again subjecting the natives to her rule. Hence, one of the earliest decisions of the Supreme Council of the Peace Conference was that Germany should relinquish all claims to her oversea possessions.

13. *Attitude of Germany.* The former Imperial Government had foreseen that this would be the probable outcome of Germany's request for an armistice. On the 3rd October, 1918, the Chancellor, Prince Max of Baden, telegraphed to Hindenburg asking if the Supreme Military Command was 'aware that the initiation of a peace offer under the pressure of military necessity may lead to the loss of German colonies', as well as of other German territory in Europe. However, when the decision of the Peace Conference not to restore the colonies became known in Germany, a movement of protest was started and pushed mainly by those influential in colonial circles. Though the loss of the colonies was of very minor importance in comparison with the prospective territorial losses in Europe and the impending burden of repairing some of the injuries inflicted upon the Allies, and though Germany was then in the throes of such serious social disturbances that the body politic seemed to be on the verge of decomposition, this agitation evoked considerable response. Later, after the Terms of Peace had been officially presented, the German Delegation at Versailles, in their formal observations upon them, claimed that the colonial clauses were 'in irreconcilable contradiction' to the fifth of President Wilson's Fourteen Points. In the new German Government were some of the most prominent and unsparing critics of the old colonial policy, such as Noske and Erzberger, and it was quite possible that a democratic Germany would adopt enlightened colonial methods. But as to this, there was obviously no certainty. Nor was there any assurance of the permanence of the new régime in Germany. Hence, whatever concessions might be made in the other fields, where the Allies themselves were assuming the risks, none could be made as regards the colonies, where the burden of miscalculation would fall well-nigh exclu-

sively upon the helpless natives. The Allied and Associated Governments were not justified in exposing thirteen million natives to such patent risks, even if the return of the colonies to Germany would have added to the stability of the European settlement. Such speculation at the expense of others is indefensible. Hence, the Peace Conference refused to alter the colonial clauses of the Treaty.

14. *The Colonial Clauses of the Treaty: General Provisions.* Three distinct steps were necessary in the colonial settlement. In the first place, Germany had to be dispossessed. Then a method of disposing of these colonies had to be devised and, finally, provision had to be made for their actual disposition. The Treaty of Versailles took only the first two steps and the question of their allocation under mandate was left for subsequent decision. Accordingly, there was inserted in the Treaty an article by which Germany renounced in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions. It was deemed inadvisable to provide for a mere renunciation without mentioning in whose favour it was made, as had been done in respect to Cuba in the Spanish-American Treaty of 1898. Nor could the cession be made to the League of Nations since it was not as yet constituted. Hence, the Five Principal Powers were made the beneficiaries, pending the ultimate disposition of these territories either by agreement among them or, in default thereof, by the Council of the League of Nations.[1] Mere disposition did not, however, meet all the needs of the situation. A number of other matters had to be regulated. Thus, various provisions regarding property were essential. All movable and immovable property belonging to the German Empire or to any German State in the former German colonies was transferred without any indemnification to the new Governments exercising authority over these territories.[2] To these new Governments

[1] Article 22, par. 8: 'The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.' Article 119: 'Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.'

[2] Article 120: 'All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty The decision of the local courts in any dispute as to the nature of such property

was, in addition, reserved the right to retain and liquidate all property rights and interests belonging to German nationals in the ceded areas and, in the event of the exercise of this right, Germany was obligated to compensate her nationals.[1] This last provision was in conformity with the general rule adopted for the treatment of all enemy property, but as regards liability for any part of the German debt an exception was made in the case of the colonies. The Powers to whom German territory in Europe was ceded undertook to pay such portion of the German debt of the 1st August 1914, as was equitably attributable to these territories. In the case of the colonies, however, it was provided that 'neither the territory nor the Mandatory Power shall be charged with any portion of the debt of the German Empire or States' (*Article* 257).[2] Obviously, it would have been highly unjust to make the natives responsible for any part of this debt. Nor could the Mandatory Powers, to whom the government of these areas was to be entrusted, be legitimately burdened with such a charge. The mandatory principle means that these Powers are to act as trustees and are not to benefit from their trust. In fact, the more faithfully this trust is executed, the larger will be the yearly deficits that these Powers will have to meet. These colonies are not financial assets, but real liabilities, and the German Empire had regularly to make good considerable deficits in their revenues. It was further deemed essential to assert the right of the new Governments to adopt whatever measures seemed advisable with reference both to the repatriation of German nationals from the colonies and also to the conditions upon which such nationals might or might not be permitted in the future to reside, hold property, or trade in these territories. This right is inherent in national sovereignty and in other areas did not require assertion, but here the case was different since the mandatory principle was not clearly defined. It was well to avoid all doubts so that the new Governments would be able to protect themselves against intrigues and possible sedition fomented by Germans among

shall be final.' See also Article 257: 'All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the Mandatory Power in its capacity as such and no payment shall be made nor any credit given to these Governments in consideration of this transfer.'

[1] Articles 121, 123, 260, 297.

[2] See also Article 255 (3).

the natives. Finally, so as to prevent Germany in the future from blocking certain highly essential general international conventions regarding the trade in arms and spirits that were in process of formulation, Germany undertook to accept and observe these agreements upon their conclusion.[1]

15. *Special Provisions.* In addition to these general provisions, the Treaty contained an article obligating Germany to pay reparation for the damage inflicted upon French nationals by German encroachments in French Equatorial Africa prior to the War. These encroachments were well established, but France had at the time refrained from pressing her claims because of apprehension that such action, in view of Germany's provocative attitude, might lead to war. The amount involved was insignificant, possibly three million francs, and it was fully realized that, as Germany's obligations in the matter of reparations already exceeded her ability to pay, this item would not increase the total amount received from her. The question was, however, not a financial one, but one of principle that concerned the dignity and national honour of France. Similarly, Germany agreed to renounce all rights derived from the Agreement of 1911, by which France had, under threat of war, been obliged to cede to Germany large areas of French Equatorial Africa, and to return to the French Government certain monies deposited with her by French nationals as a consequence of this cession. The claim was entirely legitimate, and here again the amount was negligible, some few hundred thousand francs. It should be noted that in both these instances the estimates to be presented by the French Government were subject to the approval of the Reparation Commission which was established by the Treaty to deal with all obligations that Germany and her Allies had incurred towards the Allied and Associated Powers.

16. *The Origins of the Mandatory System.* The Mandatory System was the logical outcome of a situation created by the fact that, on the one hand, the Allied and Associated Powers were pledged to refrain from annexations of an imperialistic

[1] Article 126: 'Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the Conventions completing or modifying the same.'

character and, on the other, that the return of these territories to Germany could not be reconciled with the consideration due to native interests. At one time there was considerable sentiment in favour of vesting the government of these derelict peoples in the League of Nations but, before the movement had gained great headway, it was given pause by those who realized the evils that are necessarily inherent in international administration so long as nationalism continues to be the potent force that it is. The experiences in Egypt, Morocco, Samoa, the New Hebrides, and elsewhere have demonstrated conclusively that international government foments intrigues amongst the governors and faction and disorder among the governed. The general result of such experiences has been paralysis of action with inevitable retrogression. In 1894, in connexion with the tri-partite protectorate over Samoa, President Cleveland said that 'the present Government has failed to correct, if indeed it has not aggravated, the very evils it was intended to prevent'. Lord Cromer, in the following pregnant words based upon personal experience in Egypt, condemned the system :

> 'What has been proved is that international institutions possess admirable negative qualities. They are formidable checks to all action, and the reason why they are so is that, when any action is proposed, objections of one sort or another generally occur to some member of the international body. Any action often involves a presumed advantage accorded to some rival nation.'

The problem of the disposition of the German colonies could not be solved along these lines without doing the greatest injury to the natives. It was accordingly realized that concentration of responsibility was essential and that, in an existing world of sovereign States whose competitive relations as yet overshadowed their co-operative activities, the only way to dispose of derelict backward peoples, who require both outside political control and also foreign capital, is to entrust the task of administration under international mandate to one Power. Moreover, it was imperative that in this mandate should be embodied explicit provisions not alone safeguarding native interests and establishing the wide-open door, but also permitting international intervention, in case the trust were violated. International control, but not international administration, was to be the solution of the problem.

17. *Action of the Peace Conference.* This general conclusion had been reached by the American and English Delegations when the Peace Conference assembled. The problem had, however, not been exhaustively studied either in its general aspects or in its details. In the absence of clear definition, the mandatory principle meant different things to its various advocates and opponents. Mr. Lloyd George, of his own motion, proposed the application of the mandatory system in all parts of the German colonial domain which were occupied by troops from the United Kingdom, as well as in those areas which were to be separated from the Ottoman Empire. President Wilson strongly advocated its general adoption. Although French colonial circles were prejudiced against the system, fearing by false analogy that it would lead to complications similar to those that had resulted from the Algeciras Act, which Germany had used to create difficulties in Morocco, Clemenceau likewise accepted it. The only overt opposition came from the British Dominions. In part this opposition was entirely legitimate, in part it was largely due to a misapprehension of what was intended. In the minds of the Australian and New Zealand representatives there was apparently little distinction between the proposed system and an international administration like that of the New Hebrides, with whose failure they were familiar. They dreaded constant outside interference in the Pacific Islands which they were occupying and which they expected to administer in the future. The objections of South Africa to the application of the mandatory system to German South-west Africa were far better founded as, in this instance, the main concern was land, not people. It is a vast area of 322,450 square miles, about half again the size of Germany, and is virtually uninhabited. Its native population is variously estimated at from 230,000 to 280,000. Clearly the development of this territory must in the main come from the adjoining Union of South Africa, and its progress would be seriously handicapped if it were administered as a distinct entity with separate native, fiscal, and railroad policies. As, however, it was feared that an exception made in one case—no matter how valid it might be—might open the door to others, a general application of the system was insisted upon. This had some unfortunate consequences since, mainly in order to meet the special circumstances in South Africa,

a broad formula had to be adopted which was not completely satisfactory as far as other areas were concerned. On the 30th January 1919, a definite proposal based upon the discussions of the preceding days was presented to the Supreme Council, and after exhaustive debate, was provisionally accepted. This decision, with an important addition regarding the appointment of a Mandatory Commission, was subsequently incorporated in the Covenant of the League of Nations as Article 22.

18. *Article 22, The Three Classes of Mandates.* This Article[1] applied to those colonies and territories which, as

[1] Article 22: 'To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory. (*Class A.*)

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League. (*Class B.*)

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population. (*Class C.*)

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the

a consequence of the War, had ceased to be under the sovereignty of their former rulers and which are inhabited by peoples not yet able to stand by themselves, the principle that their well-being and development formed 'a sacred trust of civilization' for whose performance securities must be embodied in the Covenant of the League. Furthermore, it was laid down that the best method of putting this principle into effect was to entrust the tutelage of such peoples to advanced nations acting as Mandatories on behalf of the League. Since the territories and peoples under consideration differed widely and the mandates had to conform to certain fundamental facts, such as the degree of civilization reached, economic conditions, and geographical situation, three general types were roughly defined. The first class (A) embraced those relatively advanced communities whom the War had freed from the Turkish Empire. The second class (B) included all the Central African colonies of Germany which were to be administered under conditions securing freedom of conscience and religion, the prohibition of such abuses as the slave trade and the liquor traffic, and the prevention of the establishment of military or naval bases and of military training of natives 'for other than police purposes and the defence of territory'. Concomitantly also, to all members of the League were to be secured equal opportunities for trade and commerce in these areas. The third class (C) joined together in one incongruous group the former German islands in the South Pacific and South-west Africa which 'owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances can be best administered under the laws of the Mandatory as integral portions of its territory', subject to the same safeguards in the interests of the indigenous populations as in the case of the Central African class of mandates. No provision, however, was made to secure the 'open door'. This was the direct result of conditions in South Africa. The South African Customs Union, which included not only the self-governing Dominion, but also the

Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.'

native protectorates excluded from the Dominion's jurisdiction and the larger portion of Rhodesia, gives preferential treatment to British imports. If the principle of equality of commercial treatment had been applied to German South-west Africa, either the preferential system in the adjacent territories would have had to be abrogated or a distinct customs system for the area under mandate would have had to be established. The latter would have been from the outset burdensome and wasteful and its drawbacks would have increased as economic development progressed. At the same time, it could not be expected that the slight economic interests of the outside world in an undeveloped area like South-west Africa, whose future depended mainly upon the energy supplied by the Union, would have warranted a complete change in the fiscal system of South Africa as a whole.

19. *The Basic Principle of the System.* The experience of the past affords no counterpart to the Mandatory System. Perhaps the closest analogy to it is to be found in British Imperial History. In 1884, after many years of insistence on the part of the Australian colonies, Great Britain permitted the British flag to be hoisted over the south-eastern part of New Guinea. Three years later the future administration of this area was discussed at the Colonial Conference of 1887, and it was decided that the government should be entrusted to Queensland on conditions that not only explicitly safeguarded native interests but also prohibited differential customs duties. However similar to the Mandatory System be this arrangement, its character was not international, but domestic or intra-imperial. There is also a certain analogy between the Mandatory System and that established by the Berlin Act of 1885 for the development of the Congo Basin and adjacent areas in tropical Africa.

But, in this instance, the right of foreign nations to interfere in case of abuse or alleged abuse of power, was successfully contested both by France and by Belgium. What sharply distinguishes the Mandatory System from all such international arrangements of the past, is the unqualified right of intervention possessed by the League of Nations. The mandatories act on its behalf. They have not sovereign powers, but are responsible to the League for the execution of the terms of the mandate.

20. *The Terms of the Mandates: Class C.* No attempt at elaboration was made in the Covenant. Only the broad features of the Mandatory System were roughly sketched and much was left to inference and implication. The task of elaboration was entrusted by the Supreme Council on the 28th June 1919, to a special Commission on which were represented Great Britain, the United States, France, Italy, and Japan. This Commission drew up two distinct types of mandates, called Class C and Class B and applicable respectively to South-west Africa and the Pacific Islands and to Central Africa. In view of the postponement of the Turkish Treaty it was decided to defer the discussion of the terms of the Class A mandates to be issued in connexion with the communities that formerly were part of the Ottoman Empire. The two types drawn up were in the form of an agreement between the Principal Allied and Associated Powers, to whom Germany had ceded her titles to these areas, and the future Mandatory Power, who agreed to execute the mandate on behalf of the League and in accordance with the provisions subsequently enumerated. In the case of the Class C mandates, these provisions were not elaborate, as the territory under mandate was to be administered as an integral portion of the country to whose care it was entrusted. The Mandatory Power was obligated, in the first instance, to promote the material and moral well-being of the people under tutelage. With this object in view, the slave-trade, forced labour except for essential public services, and the supply of intoxicating beverages to the natives were to be prohibited; and the traffic in arms and ammunition was to be controlled in accordance with the Brussels Act of 1890 or any Convention superseding this agreement. The military training of the natives, except for purposes of international police and local defence, was prohibited and so also was the establishment of military or naval bases and the erection of fortifications. Subject to the requirements of public order and morals, freedom of conscience and the free exercise of all forms of worship was guaranteed, and to all missionaries, who were subjects or citizens of members of the League, was secured the right of prosecuting their calling. The Mandatory Power agreed further to make annual reports to the Council of the League, and to its satisfaction, containing full information about the

territory and indicating the measures taken to carry out the obligations assumed to further the well-being of the natives. Finally, it was provided that if any dispute whatever should arise between the members of the League as to the provisions of this mandate, it should, if not settled by negotiation, be submitted to the Permanent Court of International Justice to be established by the League of Nations.

21. *Class B Type: Cameroons, Togoland, German E. Africa.* The Class B type follows this general model with some important variations and additions. In general, also, its provisions safeguarding native rights are more specific. In one instance only are its terms less stringent. In this type was omitted the prohibition against establishing military and naval bases because the needs of local defence in the case of compact masses of territory in Central Africa are far different from those of the many and variously sized islands in the South Pacific. As in the former type, the Mandatory Power received full powers of legislation and administration, but incorporation was not permitted. On the other hand, a customs, fiscal, and administrative union between the area under mandate and adjacent territory under the sovereignty of the Mandatory Power was authorized provided that the provisions of the mandate were not infringed thereby. While such a union would all but destroy the administrative identity of the area under mandate, on the other hand, it would have the great advantage of automatically extending to the contiguous territory under the sovereignty of the colonizing Power the principles of administration prescribed in the mandate. Moreover, such administrative re-arrangements would remove some of the evils resulting from the artificial boundaries in Central Africa, those straight diplomatic lines that ignorantly but ruthlessly had cut in two vital native political and social units. The personal rights of the native were protected by clauses providing for the eventual elimination of domestic slavery, for the suppression of the slave-trade, for the prohibition of forced labour, and for the careful supervision of labour contracts and the recruiting of labour. As regards that most fundamental question, native rights in land, it was provided that native laws and customs should be respected and that no native land might be transferred except between natives, without the previous consent of the public authorities. Furthermore, to

all citizens and subjects of members of the League of Nations were reserved the same rights in the territory under mandate as were enjoyed by the nationals of the Mandatory Power in respect to entry, residence, protection, acquisition of property, and the exercise of their profession and trade. All such citizens and subjects were likewise to enjoy freedom of transit and navigation, as well as complete economic, commercial, and industrial equality, subject only to the condition that the Mandatory Power might organize essential public services on such conditions as it deemed just. It was especially provided that concessions for the development of the natural resources should be granted without distinction on grounds of nationality within the membership of the League, but to the Mandatory Power was reserved the right to impose such conditions as would maintain intact its authority. As in the case of the Class C mandates, unsettled disputes were to be submitted to the prospective Permanent Court and, in addition, Members of the League were authorized to bring before this Court for decision any claims on behalf of their subjects or citizens for infractions of the rights assured to them by the mandate. This was a most important clause and obviated the necessity of a detailed definition of the 'open door' since the Court was constituted the ultimate judge of what was complete economic, commercial, and industrial equality.

22. *The Actual Situation.* These types of mandates received the unanimous approval of the Mandate Commission, except in two particulars. Japan reserved agreement to the non-inclusion in the Class C Mandates of those provisions of the Class B type securing the 'open door' and permitting freedom of entry to citizens and subjects of all Members of the League. This reservation involved not only the preferential system in South Africa, but also the 'white policy' of Australia. Article 22 in the Covenant had been purposely framed to meet the wishes of the Dominions on these points and the re-opening of the question would inevitably entail grave difficulties. In addition, France made a reservation about the provision in the Class B Mandates regarding the military training of natives, insisting that it should be explicitly stated that these troops might be used both for the defence of the territory under mandate and also for that of the Mandatory Power. This contention was contrary to the spirit of the Mandatory System and its admission

would have prejudiced, if not nullified, the system at its conception. On account of these and other difficulties, the Allied and Associated Powers made no progress during the summer and autumn in definitely issuing these mandates. In the absence of such prior agreement, according to Article 22 of the Covenant, it becomes incumbent upon the Council of the League to define in each case the terms of the mandates. But, mainly in consequence of the delay of the United States to ratify the Treaty, the League was not constituted and the Council did not meet in 1919. When it does, this matter will have to be taken up as well as other unsettled questions connected with the allocation of the mandates.

23. *The Basis of Allocation.* The prospective elimination under the terms of the mandates of exclusive economic advantages to the Mandatory Powers did not abate the eagerness of those who had claims to various parts of Germany's African domain. The purely economic factor plays a lesser part in such national ambitions than does the desire to participate in the work of raising the general level of civilization and more especially to perpetuate and to spread one's own particular type. National prestige is a more potent force than economic advantage. The attribution itself was naturally in great measure determined by the established facts of conquest and subsequent occupation during several years. This did not imply an excessive consideration of the military factor, for in virtually each instance the conquest had been effected by the adjacent Powers who were most directly concerned in the future of the German territory and whose claims to permanent occupation were most legitimate. There was, of course, no opposition to the Union of South Africa's claim to German South-west Africa. Its allocation to any other Power would have hampered its development, though such development might involve the interests of other Powers in a not remote future. Similarly France had a legitimate claim to the Cameroons, because possession of the remainder of this colony would greatly facilitate access to the Chad Basin and would promote the development of the French areas in that region. A further contention was insistently made by France, that Germany deprived her of part of this territory by duress and threats in 1911, but this is more open to question, for Germany conceded the recognition of French interests in Morocco as a partial

offset to her territorial extensions in French Congo. Then there was considerable well-founded sentiment in influential British Indian circles in favour of retaining German East Africa as a place of settlement for Indian agriculturists. Moreover, the dispossession of Germany provided the opportunity to rectify some of the obnoxious diplomatic boundaries in West Africa. In general, the distribution was in conformity with African interests. Only in one instance, that of the Belgian claims, were extraneous considerations allowed to dominate and was the fate of the native populations determined by factors which concerned them only very indirectly.

24. *The Decision of the Supreme Council.* The actual allocation of the German colonies was not determined by the Treaty of Versailles, but on the 6th May 1919, the Supreme Council, at which were present only President Wilson, Mr. Lloyd George, and M. Clemenceau, decided that Great Britain and France should make a joint recommendation regarding Togoland and the Cameroons, that Great Britain should hold a mandate for German East Africa, and the Union of South Africa one for German South-west Africa.

25. *Togoland and the Cameroons, Class B.* Negotiations were immediately started between Great Britain and France. On the 13th September 1914, after the conquest of Togoland, an agreement without prejudice to the future had been reached as to what districts of this colony should be administered respectively by Great Britain and France. This temporary agreement was far from being fully in accord with ethnographic and linguistic facts and hence it was revised in this sense. The divisional line adopted in this new agreement between Great Britain and France, in general, attached to these countries those natives of Togoland who ethnically already formed part of British Gold Coast on the West and French Dahomey on the East. This revision was considerably more favourable to France than had been the provisional agreement. She was now to administer the entire coastal region ; and, furthermore, the districts allotted to her included the three railroads. Approximately 700,000 of an estimated total population of one million were to be entrusted to her guardianship. In the Cameroons, likewise, an agreement as regards the provisional administration had been made by Great Britain and France after the conquest in 1916. This agreement was also revised

and again in a sense favourable to France. The former artificial boundary line between Nigeria and the Cameroons was altered to conform to ethnographic facts and a narrow, elongated strip of territory was detached from the Cameroons. The most important factor of the adjustment was the unification of the important native state of Bornu which, prior to the war, had been partly under British and partly under German jurisdiction. The fringe of land along the Nigerian border, which is to be under British jurisdiction, has roughly 400,000 out of the three and a half to four million people in the whole former German colony. These agreements between Great Britain and France did not, however, settle all the outstanding questions. In the first place, it was not definitely decided whether the two parts of Togoland and the British slice of the Cameroons are to be administered under mandates. From the African standpoint, these areas are very small and it would unquestionably be a burden to administer them apart from the adjacent territories to which they are united by race. This difficulty will, however, disappear if the types of mandates as already drafted are eventually put into effect, because administrative, fiscal, and customs union are allowed. In the second place, France claims the restitution to her in full sovereignty of those parts of the Cameroons which she was compelled to cede to Germany in 1911. They contain from 1,000,000 to 1,350,000 inhabitants. Finally, it is contended by France that the decision of the Supreme Council of the 6th May 1919, regarding the future of the German colonies, meant that France was not to hold either Togoland or the Cameroons under mandate but was to enjoy full rights of sovereignty in the areas to be allotted to her.

26. *The Belgian Mandate.* The decision of the Supreme Council of the 6th May 1919, allocating all of German East Africa to Great Britain under mandate aroused resentment in Belgium and led to a protest from the Belgian Delegation at Paris. Accordingly, the question was reopened and left to negotiation between Great Britain and Belgium, subject to the approval of their decision by the Supreme Council. The Belgians had taken a most active and important part in the conquest of East Africa and were occupying the north-western part of the former German colony. Already on the 30th January 1919, they had put in their claim to permanent administration of the

occupied area, but no action had been taken thereon. On the 30th May 1919, an agreement was reached between the British and Belgian representatives by which Belgium was to receive under mandate an area in north-western East Africa which embraced nearly all of the native states of Ruandi and Urundi. According to the official estimates, these states, whose area is only about one-twentieth of the entire colony, contain almost one-half of its population, three and a half out of seven millions. The Belgian claim emphasized the fact that this area consisted of highlands devoted to the raising of cattle and suitable for white settlement, which the Belgian Congo lacked. On the other hand, the area jutted across the physical backbone of Africa and its peoples were in the ethnic sense closely related to those of Uganda. Belgium was not entrusted with the care of these populous districts, solely with a view to native interests. Other considerations were also allowed to enter. For instance, no one wanted to refuse the insistent claim of a state which had suffered so seriously from Germany's aggression in Europe, and had done so much to break Germany's power in East Africa.

27. *Portuguese Claims.* Portugal had also participated in the conquest of the German colonies and entered claims based upon this fact. It was contended that if Belgium were given any mandate, Portugal was entitled to equally favourable treatment. In fact the Portuguese had been unable to drive the Germans from their territory while the Belgians had invaded German East Africa. Portuguese claims were mainly based therefore on considerations of national prestige and dignity and, as Portugal had already a larger domain in Africa than her resources were able effectively to develop, this claim was, after hearing and discussion, disallowed. Portugal, however, had an additional claim based on other considerations. The agreement of the 30th December 1886, between Germany and Portugal, provided explicitly that the River Rovuma from its mouth to a certain point inland was to separate their respective possessions in East Africa. A few years thereafter Germany laid claim to a small district to the south of the mouth of the Rovuma, known as the Kionga triangle. Portugal was not able to withstand the insistence of the German Government, which showed even more than its usual brutality to a weaker neighbour. The smaller state was eventually coerced, and in

1894 it formally agreed to the claim. In order to redress this injury, it was decided to return Kionga in full sovereignty to Portugal. The triangle is of insignificant area and its population is only some 4,000.

28. *Conclusion.* In this way was settled the fate of the twelve and a half to thirteen million people who, according to the official estimates, lived in the former African possessions of Germany. Forty-two per cent. were placed under the guardianship of Great Britain, thirty-three per cent. under that of France, and twenty-five per cent. were entrusted to Belgium. While it cannot be said that all considerations of national prestige were eliminated, still in the main the primary consideration was the welfare of the aborigines. How the Mandatory System will develop no one can foretell, but it represents a genuine and seemingly practical effort to eliminate exclusive national privileges from European administration in the sections of Africa affected and it embodies safeguards to protect native rights to liberty and to property, and to raise the native in the scale of civilization. It augurs well for the future of those backward peoples that not only was the Mandatory System adopted, but that simultaneously also were elaborated at the Peace Conference general international conventions regarding the arms traffic and the liquor trade which contained regulations that, prior to the War, would have seemed utopian.

CHAPTER VI

THE LEGAL BASIS OF INTERNATIONAL RELATIONS PRIOR TO THE RE-ESTABLISHMENT OF PEACE BY TREATIES (*continued*)[1]

PARTS VII–VIII

THE PRE-ARMISTICE AGREEMENTS, THE ARMISTICE CONVENTIONS, AND THE DRAFT TREATIES OF PEACE

A COMPREHENSIVE survey of international relations prior to the re-establishment of the world's peace by means of treaties should include a study of all the draft Treaties of Peace in their relation both to the pre-Armistice Agreements and the Armistice Conventions. Certain of the fundamental questions to consider in such a survey would be these: In what particulars, if any, did the Armistice Conventions modify the terms and principles of the Agreements? What were the rights and obligations of the parties arising out of the Agreements as modified, if modified at all, by the Armistice Conventions? What were the terms and principles which the parties were thus legally or morally bound to insert in the clauses of the Treaties? How far, and in what particulars, did the clauses of the draft Treaties comply with the terms and principles of 'the agreed peace', as embodied in the Agreements and the Armistice Conventions? What were the views of the parties to the several negotiations as to the meaning and scope of the terms and principles of the agreed peace?

In the present chapter no effort will be made to survey the whole of this vast field of inquiry. Attention will be directed solely to the negotiations at the Paris Conference in reference to the Treaty of Versailles between Germany and the Allied and Associated Powers.

[1] The present chapter should be read in connexion with Chapter IX in Volume I.

PART IX

THE PRE-ARMISTICE AGREEMENT, THE ARMISTICE CONVENTION, AND THE DRAFT TREATY OF PEACE WITH GERMANY

Interpretation:

The Conflict of Views at the Peace Conference.

§ I. The Pre-Armistice Agreement as the Basis of the Draft Treaty of Peace

Throughout the negotiations between the Allied and Associated States on the one side and Germany on the other the pre-Armistice Agreement played a rôle of fundamental importance. Both parties to the discussion of the terms of the draft Treaty of Peace equally held that they were bound by the Agreement as the basis of the Treaty, and that, indeed, the Treaty must conform to its provisions. This attitude of the parties is clearly and unequivocally expressed many times in the documents which were exchanged between them prior to the signing of the Treaty on the 28th June 1919.[1]

A. *Germany's Position.*

German Letter (29th May 1919): 'We came to Versailles in the expectation of receiving a peace proposal based on the agreed principles. We were firmly resolved to do everything in our power with a view of fulfilling the grave obligations which we had undertaken. . . . Germany knows that she must make sacrifices to attain peace. Germany knows that she has, by

[1] For the purposes of the present chapter the following documents have been consulted and quoted:

(1) Observations of the German Delegation on the draft Treaty of Peace (Conditions of Peace), presented to the representatives of the Allied and Associated Powers on 29th May 1919. Published by the American Association for International Conciliation (October 1919).

(2) Letter of the German Delegation (29th May 1919) accompanying (1), *supra*. Published in the *American Journal of International Law* (July 1919, pp. 541–4).

(3) Reply (16th June 1919) of the Allied and Associated Powers to (1), *supra*.

(4) Letter (16th June 1919) of Allied and Associated Powers, accompanying (3), *supra*. (3) and (4) are published Misc. 4, 1919 (Cmd. 288).

The various separate notes exchanged by the parties, apart from the above, have not been brought under review.

(5) The Draft Treaty, as published in Germany.

agreement, undertaken to make those sacrifices, and will go in this matter to the utmost limits of her capacity.'

German Observations (29th May 1919):

'Legal basis of the negotiations of peace.

'The German Delegation have entered upon the task of concluding peace in the legal conviction that the essential contents of the treaty of peace which is to be concluded, are in principle outlined by the events preceding it, and that thereby a definite platform is established for the negotiations at Versailles. This conviction is founded upon the following facts:

'On the 5th of October, 1918, the German Government requested President Wilson to take into his hands the task of establishing peace on the basis of the fourteen points contained in his message to Congress of January 8, 1918, and on the basis of his subsequent proclamations, especially his speech of September 27, 1918, to invite all belligerent powers to send delegates for the purpose of entering into negotiations and to bring about the immediate conclusion of a general armistice.

'On the 8th of October, 1918, President Wilson asked if the German Government accepted his fourteen points and if the sole object of their discussion would be to agree upon the practical application of their details. The German Government expressly confirmed this and at the same time said it expected that the Allied Governments also stood on the platform of President Wilson's proclamations. Moreover, it declared its readiness to evacuate the occupied territories, this being demanded by President Wilson as a prerequisite to concluding the armistice.

'After further correspondence President Wilson, on the 23rd of October, 1918, declared that he was willing to take up with the Allied Governments the question of an armistice. He made it known at the same time that, in carrying out this intention, he had transmitted to the Allies his correspondence with the German Government and had suggested that, in case the Allies agreed to the terms and principles of peace accepted by Germany, they point out through their military advisers such terms for an armistice as would be fit to safeguard or to enforce the details of the peace to which the German Government had agreed. Germany, it was thus expressly said, could by the acceptance of such terms of armistice afford the best concrete evidence that she accepted the fundamental terms and principles of the whole treaty of peace.

'The German Government having, in its reply of the 27th of October, given satisfactory information concerning further matters of internal politics which President Wilson had touched upon in his last mentioned note of October 23rd, President Wilson notified the German Government on the 3rd of November, that, in reply to the correspondence with the German Government which he had transmitted to the Allies, he had received from the Allied Governments the following memorandum: [Here follows the text of the memorandum.]

'On the 11th of November, 1918, the armistice was concluded. From the correspondence that led to this armistice, the following points became evident:

'1. As a basis of peace, Germany has expressly accepted nothing but President Wilson's fourteen points and his subsequent proclamations. No other bases have been demanded either by President Wilson, or after him, by any of the Allied Governments.

'2. The acceptance of the terms of armistice was, according to President Wilson's own assurance, to be the best evidence of the unequivocal acceptance of the above mentioned fundamental terms and principles of peace on the part of Germany. Germany has accepted the terms of armistice and thereby furnished the proof demanded by President Wilson. Beyond that she has with all her might endeavoured to fulfil those terms in spite of their great severity.

'3. The Allies also have accepted Wilson's fourteen points and his subsequent proclamations as a basis of peace.

'4. A solemn agreement as to the basis of peace therefore exists between the two Contracting Parties. Germany has a right to this basis of peace. By abandoning it the Allies would break an international legal agreement.

'The historical facts stated show that between the German Government on the one hand and the Governments of the Allied and Associated Powers on the other a *pactum de contrahendo* has been concluded which is, without a doubt, legally binding and whereby the basis for the peace is for both parties unalterably fixed.

'The practical application of the principles agreed upon must, according to President Wilson's own words, be the subject of negotiation. Germany has a right to a discussion of the terms of peace. This discussion can only extend to the application of

the fourteen points and of the subsequent proclamations of Mr. Wilson. If a peace of a different character were to be forced upon Germany, that would be a breach of a solemn pledge.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'The Allied and Associated Powers are in complete accord with the German Delegation in their insistence that the basis for the negotiation of the Treaty of Peace is to be found in the correspondence which immediately preceded the signing of the Armistice on November 11, 1918. It was there agreed that the Treaty of Peace should be based upon the Fourteen Points of President Wilson's address of January 8, 1918, as they were modified by the Allies' memorandum included in the President's note of November 5, 1918, and upon the principles of settlement enunciated by President Wilson in his later addresses, and particularly in his address of September 27, 1918. These are the principles upon which hostilities were abandoned in November, 1918, these are the principles upon which the Allied and Associated Powers agreed that peace might be based, these are the principles which have guided them in the deliberations which had led to the formulation of the Conditions of Peace.'

C. *Comments.*

The German Delegation contended, in effect, that a solemn Agreement, a *pactum de contrahendo*, binding in international law, had been concluded between Germany and the Allied and Associated Powers prior to the Armistice; and the Powers expressly stated that in their view the German contention was sound.

It is to be observed, however, that, although the German Delegation recognized the existence of the Allied memorandum of the 5th November 1918, they do not expressly refer to it (in the passage from the Observations just quoted) as one of the essential documents containing the terms of the Agreement. This memorandum modified certain of the Fourteen Points in most important particulars: it gave an explicit interpretation of the term 'restoration', which was accepted by President Wilson, and it reserved to the Allies (though possibly not to the United States [1]) complete liberty of action in reference to the application

[1] President Wilson did not state in his note of 5th November 1918, that he accepted the Allied reservation as to the freedom of the seas.

of the principle of 'the freedom of the seas'. From the juridical point of view these two principles of the Allied memorandum must be regarded as among the principles of peace agreed to by Germany and confirmed by her acceptance of the armistice conditions. By restricting the legal basis of the peace to the public utterances of President Wilson in 1918, Germany failed to take account of two of the most essential conditions of peace; and the Allied and Associated Powers very properly reminded her, therefore, that the agreed basis of the peace negotiations consisted of the Fourteen Points ('as they were modified by the Allies' memorandum included in the President's note of November 5, 1918') and of 'the principles of settlement enunciated by President Wilson in his later addresses'.

The passage from the German Observations just quoted must, however, be read in connexion with other passages of the same document. It is clear from those passages which deal with reparation that the German Delegation held themselves bound by the Allied memorandum's interpretation of the term 'restoration' to mean 'compensation' for civilian damage; but that, at the same time, they differed widely from the Powers as to the scope of that interpretation. It seems equally clear from the German Observations as a whole that Germany still adhered to the principle of the 'freedom of the seas', as it was stated by President Wilson in the Fourteen Points, and that she disregarded the reservation embodied in the Allied memorandum.

§ II. The Interpretation of the Pre-Armistice Agreement

Apart from an apparent difference of opinion as to the place occupied by the Allied memorandum of the 5th November 1918, in the pre-Armistice negotiations, both parties to the Paris Conference negotiations were united in the view that they were equally bound by the Agreement concluded before the Armistice. As to this there was no dispute. It was only when the actual 'terms' and 'principles' of the Agreement were applied to facts by the draft Treaty of Peace that controversy arose. An examination of the documents themselves will disclose the divergent views of the parties as to the rights and obligations which flowed from the Agreement and which should find practical application and enforcement in the Treaty under

negotiation. Many of the questions considered at the Paris Conference were fundamentally questions of interpretation—interpretation of the pre-Armistice Agreement. A study of the divergent interpretations by the two sets of negotiators will prepare the way for the more detailed examination of the problems and settlements of the Conference in this and subsequent volumes of the present work.

A. *Germany's Interpretation.*

In their Observations of 29th May 1919, the German Delegation drew particular attention to their main contention that there was a fundamental 'contradiction between [*a*] the draft of the Treaty on the one hand and [*b*] the legal basis agreed upon, the previous assurances of the enemy statesmen, and the general ideas of international law on the other hand.

'Relying on the legal basis agreed upon for the negotiation of peace', declare the German Delegation, 'the German people laid down their arms. They were especially confident, inasmuch as they saw in this agreement merely a summary of the fundamental ideas which had been previously expressed over and over again by the enemy statesmen. Our enemies have repeatedly professed that they are not making war on the German people but on an imperialistic and irresponsible Government. Our enemies have repeated again and again that this war without parallel should be followed by a new kind of peace, a peace of right and not a peace of might. A new spirit should emanate from this peace and should be embodied in a League of Nations, of which Germany should also be a member. Germany's position among the nations should not be destroyed, and the right of self-determination should be recognized for all nations.

'All these principles were comprised in President Wilson's fourteen points and in his subsequent declarations.

'The conditions of peace which have been presented to us are an obvious contradiction of all such assurances from the mouths of the enemy statesmen.'

The remaining portion of the first part of the German Observations is concerned with the German arguments in support of the contention that the draft Treaty was at variance with the utterances of the statesmen of the Powers, the principles of International Law, and the terms and principles of the

pre-Armistice Agreement. After this discussion the German Delegation consider 'the results'.

'All this shows', they declare, 'that the draft of a peace treaty as submitted to the German Government stands in full and irreconcilable conflict with the basis agreed upon for a just and durable peace. Scarcely a single stipulation of the draft corresponds with the conditions agreed upon, and with regard to the territorial questions, the draft demands the annexation of *purely German territory and the suppression of the German* nationality. It involves the utter destruction of German economic life. It leads the German people into a financial thraldom unknown in history up to the present day. . . .

'The German Government agrees with the Governments of the Allied and Associated Powers in the conviction that the horrible devastation caused by this war requires the establishment of a new world order, an order which shall ensure the "effective authority of the principles of international law", and "just and honourable relations between the nations". The restoration and perfection of international order in the world can only be assured if the existing authorities, in a new spirit, succeed in realizing the great idea of democracy; if, as President Wilson declared on the 4th of July, 1918, "the settlement of every question is brought about" . . . "upon the basis of the free acceptance of that settlement by the people immediately concerned . . ." Only the nations that enjoy freedom and independence, based upon law, may give each other the guarantee of just and honourable relations. But their fairness and honour also require that they warrant each other freedom and life as the most sacred and inalienable fundamental rights.

'There is no evidence of these principles in the peace document which has been laid before us. Expiring world theories, emanating from imperialistic and capitalistic tendencies, celebrate in it their last horrible triumph. As opposed to these views, which have brought unspeakable disaster upon the world, we appeal to the innate sense of right of men and nations, under whose token the English State developed, the Dutch People freed itself, the North American nation established its independence, France shook off absolutism. The bearers of such hallowed traditions cannot deny this right to the German people, that now for the first time has acquired in its internal politics the possibility of living in harmony with its free will based on

law. A treaty such as has been proposed to Germany is incompatible with the respect for this innate right. But in the firm determination of fulfilling the obligations stipulated, Germany makes the following counter-proposals.'

B. *The Powers' Interpretation.*

Reply of the Allied and Associated Powers (16th June 1919): 'It is now contended by the German Delegation that the Conditions of Peace do not conform to these principles which have thus become binding upon the Allied and Associated Powers as well as upon the Germans themselves. In an attempt to prove a breach of this agreement the German Delegation have drawn quotations from a number of speeches, most of which were before the Address to Congress and many of which were uttered by Allied statesmen at a time when they were not at war with Germany, or had no responsibility for the conduct of public affairs. The Allied and Associated Powers consider it unnecessary, therefore, to oppose this list of detached quotations with others equally irrelevant to a discussion concerning the basis of the peace negotiations. . . .

'It cannot be disputed that responsible statesmen, those qualified to express the will of the peoples of the Allied and Associated Powers, have never entertained or expressed a desire for any other peace than one which should undo the wrongs of 1914, vindicate justice and international right, and reconstruct the political foundations of Europe on lines which would give liberty to all its peoples, and therefore the prospect of a lasting peace.

'But the German Delegation profess to find discrepancies between the agreed basis of peace and the draft of the Treaty. . . .' These alleged discrepancies, declare the Powers, do not exist. The draft Treaty has been framed in accordance with the terms and principles of the pre-Armistice Agreement. A comparison of the Agreement and the draft Treaty shows that there is no contradiction between them.

C. *Comments.*

Many, although far from all, of the differences of opinion which arose at the Peace Conference as between the two groups of negotiators were caused by difficulties connected with the

interpretation of the pre-Armistice Agreement. These difficulties were of two kinds :

(1) The provisions of the Agreement, embodied as they were in certain addresses and speeches of President Wilson, and in certain diplomatic notes, were in many instances not only general in scope, but vague and uncertain in meaning.

(2) Furthermore, there was no impartial tribunal to which difficult questions of interpretation could be referred. Each party to the negotiation was free to interpret the Agreement in accordance with his own standard of legal and moral obligation. It was, for example, one of the fundamental principles of the Agreement that there should be a 'peace of justice'. But the nature and scope of 'justice' has always formed one of the most difficult questions in jurisprudence; and upon that question lawyers of eminence in many ages and countries have expressed divergent opinions. It is evident, therefore, that the parties to the negotiation at Paris were presented with the most difficult task of applying to the complex problems of the peace a principle general in scope and, as a result, open to different interpretations when tested by the vast settlements to be effected.

It is far too early to pass a definitive judgment upon the question as to whether either the draft Treaty or the Treaty itself embodies an interpretation of the Agreement that is consonant with fair and correct principles of juridical interpretation. That question must be left, for its final answer, to the judgment of posterity.

At the present time it is important, however, to point out with the greatest clearness that the negotiators of both sides recognised the existence and the validity of the pre-Armistice Agreement; and to draw particular attention to the differences of view both as to the nature of the terms and principles of the Agreement and also as to their proper interpretation and their sound application to the complex facts produced by the War. In this study the main documents exchanged between the parties must be brought under review.[1]

[1] See § 1, note, p. 246, *supra*.

PART X

CERTAIN BASIC PRINCIPLES OF THE PRE-ARMISTICE AGREEMENT: THE DIVERGENT INTERPRETATIONS

§ I. Democracy as opposed to the Arbitrary Power of Autocracy and Militarism.

A. *Germany's Interpretation.*

The contention of the German Delegation, in their Observations (29th May 1919), was that the Agreement embodied the principle that the War was not against the German people, but against the imperialistic and militarist Government of Germany. After quoting from various speeches of President Wilson and other responsible statesmen of the Powers,[1] the German Delegation conclude as follows:

'In his address at Baltimore on the 6th of April, 1918, President Wilson said: "We have ourselves proposed no injustice, no aggression. We are ready, whenever the final reckoning is made, to be just to the German people, deal fairly with the German power, as with all others. There can be no difference between peoples in the final judgment, if it is indeed to be a righteous judgment. To propose anything but justice, even-handed and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonour our own cause. For we ask nothing that we are not willing to accord."

'To-day after the radical political changes that have taken place in Germany in the late autumn of 1918, our enemies no longer face an irresponsible German Government but the German people controlling its own fate. The new constitution of the German Empire, the structure of its popular Government, are adapted to the most rigorous principles of democracy; the abandonment of the militaristic spirit is evident also. . . .

'But these facts, like others, have been utterly disregarded in the draft of the treaty of peace. It would be difficult to imagine how harder terms could be imposed upon an imperialistic government.'

[1] These speeches do not form part of the pre-Armistice Agreement.

B. *The Powers' Interpretation.*

The Allied and Associated Powers refer, in their Reply of the 16th June 1919, to the first of the 'Four Ends' in President Wilson's speech of the 4th July 1918, the point that there must be 'the destruction of every arbitrary power everywhere'; and they assert that this point, as well as the principle of justice, has not been lost sight of in the formulation of the draft Treaty.[1]

§ II. Right as opposed to Might.

A. *Germany's Interpretation.*

German Observations (29th May 1919):

'The peace to be concluded with Germany was to be a peace of right, not a peace of might.'

'In his address to the Mexican journalists on the 9th of June, 1918, President Wilson promised to maintain the principle that the interests of the weakest and of the strongest should be equally sacred. "That is what we mean, provided we do so sincerely with understanding and in real knowledge and conception of the subject. If it is indeed and in truth the mutual aim of the Governments allied against Germany and of their nations, in the coming negotiations of peace to bring about a sure and lasting peace, all who sit down at the table of negotiations will be ready and willing to pay the only price for which it can be got. They must also be ready and willing, with manly courage to create the only instrument that can guarantee the execution of the conditions of peace. This price is impartial justice in every item without regard to whose interests may be crossed by it, and not only impartial justice but also satisfaction to all nations whose future is to be decided upon." And in his speech before Congress on the 11th of February 1918, the President described the aim of peace as follows: "What we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches."

'The peace document shows that none of these repeated solemn assurances has been kept.

[1] See § III (*Justice as opposed to Injustice*), p. 260. Cf. also that portion of their Reply (Part 7) in which the Powers consider the question as to 'the responsibility of Germany for the war', and deal with German militarism and autocracy.

'To begin with the territorial questions:

'In the West, a purely German territory on the Saar with a population of at least 650,000 inhabitants is to be separated from the German Empire for at least fifteen years merely for the reason that claims are asserted to the coal abounding there.

'The other cessions in the West, German-Austria and German-Bohemia will be mentioned in connection with the right of self-determination.

'In Schleswig, the line of demarcation for voting has been traced through purely German districts and goes farther than Denmark herself wishes.

'In the East, Upper Silesia is to be separated from Germany and given to Poland, although it has had no political connexion with Poland for the last 750 years. Contrary to this, the provinces of Posen and almost the whole of West Prussia are to be separated from the German Empire in consideration of the former extent of the old Polish state, although millions of Germans are living there. Again, the district of Memel is separated from Germany quite regardless of its historical past, in the obvious attempt to separate Germany from Russia for economic reasons. For the purpose of securing to Poland free access to the sea, East Prussia is to be completely cut off from the rest of the Empire and thereby condemned to economic and national decay. The purely German city of Danzig is to become a Free State under the suzerainty of Poland. Such terms are not founded on any principle of justice. Quite arbitrarily, here the idea of an imprescribable historical right, there the idea of ethnographical possession, there the standpoint of economic interest shall prevail, in every case the decision being unfavourable to Germany.

'The settlement of the colonial question is equally contradictory to a peace of justice. For the essence of activity in colonial work does not consist in capitalistic exploitation of a less developed human race, but in raising backward peoples to a higher civilization. This gives the Powers which are advanced in culture a natural claim to take part in colonial work. Germany, whose colonial accomplishments cannot be denied, has also this natural claim, which is not recognized by a treaty of peace that deprives Germany of all of her colonies.

'Not only the settlement of the territorial questions but each and every provision of the treaty of peace is governed by the

ill-renowned phrase: "Might above Right!"—Here are a few illustrations:

'Under the provisions of Article 117 Germany is to recognize beforehand the full force of all treaties or agreements which may be entered into by her enemies with the states created or to be created in any part of the former Russian Empire, even with respect to her own frontiers.

'According to the provisions of international law as understood on the Continent, the economic war ought to have been considered unlawful, and private property should have been left untouched, even while the war was being carried on. In spite of this, the instrument of peace does not confine itself to demanding, in payment of the public claims of restitution against Germany, the total of German property liquidated by the enemies within their territories. In addition, the enemy Governments monstrously reserve to themselves the right, for an indefinite period after the coming into force of the treaty of peace, to liquidate all German property within their territories without real equivalent and regardless of the time of its importation, or to submit the same to other measures of war at their discretion. This shall apply even to German property in the German colonies, in Alsace-Lorraine, and in the other districts to be ceded.

'The demand is made that German citizens be handed over to courts of the enemy Powers, instead of trying out a new solution, a fruit of the idea of a just peace, of appointing an impartial authority that should settle all violations of international law that have occurred in this war.

'Although President Wilson, in his speech (of October 20th? 1916),[1] has acknowledged that "no single fact caused the war, but that in the last analysis the whole European system is in a deeper sense responsible for the war, with its combination of alliances and understandings, a complicated texture of intrigues and espionage that unfailingly caught the whole family of nations in its meshes," "that the present war is not so simply to be explained and that its roots reach deep into the dark soil of history," Germany is to acknowledge that Germany and her allies are responsible for all damages which the enemy Governments or their subjects have incurred by her and her allies'

[1] This speech is incorrectly quoted. The thought is expressed, however, in speeches of 22nd January and 21st November 1917. None of these speeches, however, formed part of the agreement.

aggression. This appears all the less tolerable as it is an indisputable historical fact that several of the hostile Powers, such as Italy and Rumania, on their part entered the war for the purpose of territorial conquests. Apart from the consideration that there is no incontestable legal foundation for the obligation for reparation imposed upon Germany, the amount of such compensation is to be determined by a commission nominated solely by Germany's enemies, Germany taking no part in the findings of the commission. The commission is plainly to have power to administer Germany like the estate of a bankrupt.

'As there are natural rights of man, so there are natural rights of nations. The inalienable fundamental right of every state is the right of self-preservation and self-determination. With this fundamental right the demand here made upon Germany is incompatible. Germany must promise to pay an indemnity, the amount of which at present is not even stated. The German rivers are to be placed under the control of an international body upon which Germany's delegates are always to be but the smallest minority. Canals and railroads are to be built on German territory at the discretion of foreign authorities.

'These few instances show that that is not the just peace we were promised, not the peace "the very principle of which", according to a word of President Wilson,[1] "is equality and the common participation in a common benefit. The equality of nations upon which peace must be founded if it is to last must be an equality of rights".'

B. *The Powers' Interpretation.*

In their Letter of the 16th June 1919, the Allied and Associated Powers maintain that prior to the War the rulers of Germany had taught and practised 'the doctrine that might was right in international affairs'; and they hold to the position that 'they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right. This attitude of the Allied and Associated Powers was . . . defined by President Wilson in his speech of April 6, 1918, and explicitly and categorically accepted by the German people as a principle governing the peace: " . . . Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign

[1] Address to Congress, 22 January 1917.

in the affairs of man, whether Right . . . or Dominion as she conceives it shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust." . . . The Allied and Associated Powers . . . believe that the peace they have proposed is fundamentally a peace of justice. They are no less certain that it is a peace of right fulfilling the terms agreed. . . .'[1]

§ III. Justice as opposed to Injustice.

The Agreement had stipulated for a 'peace of justice'. Much of the discussion of the terms of the draft Treaty by the parties to the negotiation was concerned with the question as to whether or not these terms correspond with justice as the agreed basis of the peace. Practically all parts of the draft Treaty—including those relating to disarmament, territorial and political settlements, reparation, and economic adjustments—were subjected to the severe test of justice. The general attitude of the German Delegation was that the draft Treaty was based on violence and not on justice; while the Allied and Associated Powers asserted, with equal persistence, that it embodied in all its clauses the justice which had been taken by both parties as the agreed basis of the peace. Probably never before in history has 'justice' figured so prominently as a contractual stipulation binding the parties to an international dispute. It is not too much to say that both parties viewed justice as the most important of all the agreed conditions of peace.

A. *Germany's Interpretation.*

The German position is stated in the Letter of 29th May 1919.

'We came to Versailles', declare the German Delegation, 'in the expectation of receiving a peace proposal based on the agreed principles. We were firmly resolved to do everything in our power with a view of fulfilling the grave obligations which we had undertaken. We hoped for the peace of justice which had been promised to us. We were aghast when we read in documents the demands made upon us, the victorious violence

[1] For the views of the Powers on 'a peace of right', see § III, pp. 261–4.

of our enemies.' Further on in the same Letter 'Germany offers to proceed with her own disarmament in advance of all other peoples, in order to show that she will help to usher in the new era of the peace of justice.' 'Even in her need', it is stated in the last paragraph of the Letter, 'justice is for her too sacred a thing to allow her to stoop to achieve conditions which she cannot undertake to carry out. . . . The lofty aims which our adversaries first set before themselves in their conduct of the war, the new era of an assured peace of justice, demand a treaty instinct with a different spirit [from that of treaties dictated by victor to vanquished].'

B. *The Powers' Interpretation.*

Letter of the Allied and Associated Powers (16th June 1919): 'The reply [of the Germans of 29th May] protests against the peace both on the ground that it conflicts with the terms upon which the Armistice of November 11th, 1918, was signed, and that it is a peace of violence and not of justice. . . . The Allied and Associated Powers believe that they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right. This attitude . . . was defined by President Wilson in his speech of April 6, 1918, and explicitly and categorically accepted by the German people as a principle governing the peace: "Let everything that we say, my fellow-countrymen, everything that we henceforth plan and accomplish, ring true to this response, till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who flout and misprize what we honour and hold dear. Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust." . . . Justice, therefore, is the only possible basis for the settlement of the accounts of this terrible war. Justice is what the German Delegation asks for, and says that Germany had been promised. Justice is what Germany shall have. But it must be justice

for all. There must be justice for the dead and wounded, and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism. There must be justice for the peoples who now stagger under war debts which exceed £30,000,000,000 that liberty might be saved. There must be justice for those millions whose homes and land, ships and property German savagery has spoliated and destroyed. That is why the . . . Powers have insisted as a cardinal feature of the treaty that Germany must undertake to make reparation to the very uttermost of her power; for reparation for wrongs inflicted is of the essence of justice. . . . Somebody must suffer for the consequences of the war. Is it to be Germany, or only the peoples she has wronged? . . . Not to do justice to all concerned would only leave the world open to fresh calamities. . . . The Allied and Associated Powers therefore believe that the peace they have proposed is fundamentally a peace of justice. They are no less certain that it is a peace of right fulfilling the terms agreed upon at the time of the Armistice. There can be no doubt as to the intentions of the Allied and Associated Powers to base the settlement of Europe on the principle of freeing oppressed peoples, and redrawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life. These intentions were made clear not only in President Wilson's address to Congress of January 8, 1918, but in "the principles of settlement enunciated in his subsequent addresses", which were the agreed basis of the peace. . . . [The draft Treaty] is frankly not based upon a general condonation of the events of 1914–1918. It would not be a peace of justice if it were. But it represents a sincere and deliberate attempt to establish "that reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind", which was the agreed basis of the peace.'

The Reply of the 16th June also contains these sentences: '[The] German Delegation profess to find discrepancies between the agreed basis of peace and the draft of the Treaty. They discover a contradiction between the terms of the Treaty and a statement taken from an address delivered at Baltimore on April 6, 1918, by President Wilson: "We are ready, whenever the final reckoning is made, to be just to the

German people, as with all others. . . . To propose anything but justice to Germany at any time, whatever the outcome of the war, would be to renounce our own cause, for we ask nothing that we are not willing to accord." This quotation does not stand alone. It should be read in conjunction with one of the cardinal principles of the Mount Vernon address of July 4, 1918, which demanded: "The destruction of every arbitrary power everywhere that can separately, secretly, and of its single choice disturb the peace of the world or, if it cannot be presently destroyed, at the least its reduction to virtual impotency". Neither of these two principles of the agreed basis of peace has been lost sight of in the formulation of these [Peace] Conditions.'

The Reply of the Allied and Associated Powers (16th June) also deals with 'justice' in the following terms: 'The German Delegation see in the provisions with regard to territorial settlements a conflict between the terms of the Treaty and the following statement made by President Wilson on June 9 [September 27 ?], 1918: "If it is indeed and in truth the mutual aim of the Governments allied against Germany and of their nations, in the coming negotiations of peace, to bring about a sure and lasting peace, all who sit down at the table of negotiations will be ready and willing to pay the only price for which it can be gotten. . . . This price is impartial justice in every item, without regard to whose interests may be crossed by it, and not only impartial justice but also satisfaction to all nations whose future is to be decided upon". In their communication they enumerate a number of territorial settlements and conclude that "their basis is indifferently, now the consideration of an unchangeable historical right, now the principle of ethnographical facts, now the consideration of economic interests. In every case the decision is against Germany". If in certain cases, not in all, the decision has in fact not been in favour of Germany, this is not the result of any purpose to act unjustly towards Germany. It is the inevitable result of the fact that an appreciable portion of the territory of the German Empire consisted of districts which had in the past been wrongfully appropriated by Prussia or by Germany. It is a chief duty of the Allied and Associated Powers to rectify these injustices in accordance with the explicit statement of President Wilson in his address to Congress of February 11, 1918: "Each part of

the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent ".'

§ IV. Nationality as opposed to Barter by Sovereigns.

A. *Germany's Interpretation.*

The German Delegation fully recognized the validity of the fundamental principle of nationality, but maintained that the provisions of the draft Treaty conflicted with the principle in many important particulars.

German Observations (16th May 1919):

'No territory shall be separated from Germany where national adherence has been proved to be indisputable by harmonious union with the German State for centuries, or whose population has not declared its consent to such a separation.

'These principles are in accordance with the basis of right recognized by both parties for the settlement of territorial questions, as laid down in President Wilson's four points before Congress, February 11, 1918, and here quoted again:

'"The principles to be applied are these: First, that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent;

'"Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now forever discredited, of the balance of power; but that

'"Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival states; and

'"Fourth, that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world."

'Besides, attention must be called to point 2 in the speech made by President Wilson, at Mount Vernon, July 4, 1918, beginning:

'"The settlement of every question whether of territory, of

sovereignty, of economic arrangement, or of political relationship, upon the basis of free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own external influence or mastery."

'From this it becomes evident that

'1. The cession of territories like Upper Silesia which had belonged since 1163 to the German State, or the Saar district, which, excluding recent exceptions, based on the violence of war, never was subject to any non-German sovereignty, cannot be demanded;

'2. In cases where Germany can give its consent to territorial cession, it must at least be preceded by a plebiscite in every community. . . .

'Germany advocates in principle the protection of national minorities. . . .

'The right of self-determination must not be a principle which is to be applied solely to the disadvantage of Germany; it must, on the contrary, be equally valid in all states and must especially be applied where a population of German origin desires adherence to the territory of the German Empire.'[1]

B. *The Powers' Interpretation.*

In their Reply of 16th June 1919, the Powers deal with these and other objections of the German Delegation to the territorial settlements of the draft Treaty. 'The German Delegation profess to find in the terms of the [draft] Treaty', the Powers declare, 'a violation of the principle expressed by President Wilson before Congress on February 11, 1918: "That peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game". The Allied and Associated Powers emphatically reject the suggestion that there has been any "bartering about" of peoples and provinces. Every territorial settlement of the [draft] Treaty of Peace has been determined upon after most careful and laboured consideration of all the religious, racial and linguistic factors in each particular country. The legitimate hopes of peoples long under alien rule have been heard; and the

[1] For Germany's application of the principle of nationality, see also part X, § II, p. 257, and § V, pp. 266–8.

decisions in each instance have been founded upon the principle explicitly enunciated in this same address; that "all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world".'

§ V. Self-Determination of Peoples as opposed to Barter by Sovereigns.

Both parties to the negotiation likewise recognized the binding character of the basic principle of self-determination. In their Observations of 29th May 1919, the German Delegation devote special attention to the 'right of self-determination' in its effect upon territorial settlements.

A. *Germany's Interpretation.*

German Observations (29th May 1919):

'In this war, a new fundamental law has arisen which the statesmen of all belligerent peoples have again and again acknowledged to be their aim: the right of self-determination. To make it possible for all nations to put this privilege into practice was intended to be one achievement of the war.[1] . . . On February 11, 1918, President Wilson said in Congress: "Peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game. . . . Peoples may now be dominated and governed only by their own consent. Self-determination is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril. We cannot have general peace for the asking nor by the arrangements of a peace conference. It cannot be pieced together out of individual understandings between powerful states." . . . In his speech on July 4, 1918, President Wilson once more emphatically laid down as an object of the war: "the settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not

[1] Here follow quotations from various speeches by statesmen of the Powers.

upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery."

'Neither the treatment described above of the inhabitants of the Saar region as accessories to the pits, nor the public form of consulting the population in the districts of Eupen, Malmédy, and Prussian Moresnet—which, moreover, shall not take place before they have been put under Belgian sovereignty—comply in the least with such a solemn recognition of the right of self-determination.

'The same is also true with regard to Alsace-Lorraine. If Germany has pledged herself "to right the wrong of 1871",[1] this does not mean any renunciation of the right of self-determination of the inhabitants of Alsace-Lorraine. A cession of the country without consulting the population would be a new wrong, if for no other reason, because it would be inconsistent with a recognized principle of peace.

'On the other hand, it is incompatible with the idea of national self-determination for two and one-half million Germans to be torn away from their native land against their own will. By the proposed demarcation of the boundary, unmistakably German territories are disposed of in favor of their Polish neighbours. Thus, from the Central Silesian districts of Guhrau and Militsch certain portions are to be wrenched away, in which, besides 44,900 Germans, reside at the utmost 3,700 Poles. The same may be said with reference to the towns of Schneidemühl and Bromberg of which the latter has, at the utmost, eighteen per cent. Polish inhabitants, whereas in the rural district of Bromberg the Poles do not form even forty per cent. of the population. Of the Netze district now assigned to Poland, Wilson, in his book *The State, Elements of Historical and Practical Politics*, in Chapter 7: The Government of Germany, page 255, has explicitly recognized that an absolutely German territory was in question. The demarcation of the boundary between Poland on the one hand, and Central Silesia, Brandenburg, and West Prussia on the other hand, has been based on strategic considerations. These, however, are absolutely untenable in an age in which property rights are internationally safeguarded by the League of Nations. How arbitrary in every respect the frontiers drawn in the East are, may

[1] President Wilson's Address of 8th January 1918 (Point Eight).

also be inferred from the fact that the Upper Silesian districts of Leobschütz and Ratibor are assigned to the Czecho-Slovakian State although Leobschütz has 7·6 per cent Czecho-Moravian population. Likewise the demarcation of the districts in southern East Prussia comprises purely German regions, e. g. Angerburg and Oletzko. This disrespect of the right of self-determination is shown most grossly in the fact that Danzig is to be separated from the German Empire and made a free state. Neither historical rights nor the present ethnographical conditions of ownership of the Polish people can have any weight as compared with the German past and the German character of that city. Free access to the sea, satisfying the economic wants of Poland, can be secured by guarantees founded on international law, by the creating of free ports. Likewise the cession of the commercial town of Memel, which is to be exacted from Germany, is in no way consistent with the right of self-determination. The same may be said with reference to the fact that millions of Germans in German-Austria are to be denied the union with Germany which they desire and that, further, millions of Germans dwelling along our frontiers are to be forced to remain part of the newly created Czecho-Slovakian State.

'Even as regards that part of the national territory that is to be left to Germany, the promised right of self-determination is not observed. A Commission for the execution of the indemnity shall be the highest instance for the whole State. Our enemies claim to have fought for the great aim of the democratization of Germany. To be sure, the outcome of the war has delivered us from our former authorities, but instead of them we shall have in exchange a foreign, dictatorial power whose aim can and must be only to exploit the working power of the German people for the benefit of the creditor states. Such a surrender of its independence may not be demanded of any State. The right of self-preservation of a State means above all an unrestricted determination of its internal organization; a restriction of Germany's freedom in this respect is a violation of the fundamental laws of nations.'

B. *The Powers' Interpretation.*

The Powers made no precise answer, but their general position is made clear in the details, and in certain discussions of broad principle e. g., concerning 'all well-defined national aspirations' *v.* § IV. B. pp. 265–6.

B. *The Powers' Interpretation.*[1]

§ VI. Equality as opposed to Inequality of States.

A. *Germany's Interpretation.*

German Letter (29th May 1919): 'Germany offers to proceed with her own disarmament. . . . She stipulates, however, that she shall be admitted forthwith as a state with equal rights into the League of Nations.'

German Observations (29th May 1919):

'Again and again the enemies of Germany have assured the whole world that they did not aim at the destruction of Germany. . . .

'Furthermore, President Wilson, on January 8, 1918, in an address delivered before Congress, stipulated as a condition for a just peace: "the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance." And, according to his New York speech of Septemer 27, 1918, the economic boycott is to be tolerated henceforth merely as a legal measure of the executive authority of the League of Nations.

'In contradiction to this, the peace document shows that Germany's position as a world power is to be utterly destroyed. The Germans abroad are deprived of the possibility of keeping up their old relations in foreign countries and of regaining for Germany a share in world commerce, while their property, which has up to the present been confiscated and liquidated, is being used for reparation instead of being restored to them.

'In like manner, it is made impossible to every German to acquire for his country a share in the world's trade, if—even after the peace treaty has been signed—all German property in foreign countries, for an indefinite period, may remain subject to measures of war and, therefore, be liable to confiscation and liquidation. Apart from this, Germans in the enemies' countries are not to enjoy the same personal legal position to which they would be entitled in Germany. The desire to eliminate Germany from the world's trade manifests itself further in the confiscation of her cables.

'In addition to this comes the destruction of German economic life in the interior, which is explained further on.

[1] See part X, §§ III, IV, pp. 260–66, and part XI, § II, *infra*.

'Such stipulations amount to a complete denial of that idea of international law according to which every people has a claim to life. This supreme benefit must not be taken from it in favour of the economic interests of other nations.'

B. *The Powers' Interpretation.*

The equality of states is considered by the Allied and Associated Powers in their Letter of 16th June 1919. They draw attention to the fact that, prior to the War, the rulers of Germany were 'not satisfied with that growing prosperity and influence to which Germany was entitled, and which all other nations were willing to accord her, in the society of free and equal peoples': they sought to 'dictate and tyrannize to a subservient Europe'. Provided Germany abides by the Treaty of Peace, the Allied and Associated Powers desire that Germany shall enjoy the after-war economic prosperity like the rest [of the world's States], 'though much of the fruit of it must necessarily go for many years to come in making reparation to her neighbours for the damage she has done'. But Germany cannot become at once a member of the League of Nations, for 'it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged'.[1]

PART XI

THE PRINCIPLES OF THE PRE-ARMISTICE AGREEMENT AS APPLIED TO THE SETTLEMENT BY THE PARTIES[2]

Comparison of the Draft Treaty with the pre-Armistice Agreement and the Armistice Convention: The Divergent Interpretations.

§ I. The Covenant of the League of Nations.

A. *Germany's Position.*

German Observations (29th May 1919):

'In such a peace the solidarity of human interests, which was to find its expression in a League of Nations, would have been respected. How often Germany has been given the

[1] See also part XI, § 1, *infra*.

[2] The subject-matters of the present part XI are arranged in accordance with the order of the several parts of the draft Treaty. Compare the arrangement of part XII (see footnote), *infra*.

promise that this League of Nations would unite the belligerents, conquerors as well as conquered, in a permanent system of common rights! . . . [Here follow quotations from speeches of several Allied Statesmen.]

'"A general association of nations must be formed" ran a passage in [President Wilson's] address delivered before Congress on January 8, 1918. On the 27th of September, 1918, he declared: "The Constitution of that League of Nations and the clear definition of its objects must be a part, is in a certain sense the most essential part, of the peace settlement itself. If formed now it would be merely a new alliance confined to the nations associated against a common enemy." Not later than on January 3, 1919, at Rome, President Wilson saw the chief task of the peace conference in the problem of "organizing the friendship of the whole world, taking care that all the moral forces tending towards right, justice, and liberty, be combined into a living organism".'[1]

'These manifestations made it appear as a matter of course to the German people that it would, from the beginning, participate in the establishing of the League of Nations. But in contradiction to them, the Covenant of the League of Nations has been framed without the co-operation of Germany. Nay, still more. Germany does not even stand on the list of those States that have been invited to join the League of Nations. . . . What the treaty of peace proposes to establish, is rather a continuance of the present hostile coalition which does not deserve the name of "League of Nations". . . . Instead of the dreamt-of holy alliance of the nations, there reappears in it the fatal idea of the Holy Alliance of 1815. . . . It is regrettable that there are no technical authorities or impartial tribunals to offset the select committee controlled by the Great Powers, which may submit the whole civilized world to its control at the expense of the independence and equality of rights of the smaller States. The old political system based on force and with its tricks and rivalries will thus continue to thrive!' [Germany proposes the formation of a League of a different sort.]

'A lasting world peace can be reached only by means of a League of Nations, which shall guarantee equal rights to the lesser as well as to the great powers. . . . [The] German Delegation are prepared to negotiate upon the basis of the draft for

[1] A speech of 3rd January 1919, could of course form no part of the pre-Armistice Agreement.

a League of Nations contained in the peace treaty draft, under the condition that Germany shall enter the League of Nations as a power with equal privileges as soon as the peace document agreed upon has been signed.

'At the same time Germany must demand further that, without in any way relinquishing the fundamental ideas of its own draft for a League of Nations, and in the expectation that these fundamental ideas will be carried in the course of time, regulations regarding economic relations be introduced in the draft for the League of Nations which shall guarantee complete equality and reciprocity to all nations. In agreement with President Wilson's words in point 3 of his speech before Congress on the 8th of January, 1918, mentioned above, the following supplement to the Covenant for a League of Nations is proposed: . . .

'Furthermore, Germany must demand, in agreement with President Wilson's declaration of September 27, 1918, "that within the League of Nations there shall be no special, selfish economic combinations; that no employment of any form of economic boycott or exclusion shall be permissible". . . .

'Sustained by the thought that the League of Nations proposes to carry out the idea of justice, and with the expectation that Germany may enter the League with equal privileges immediately upon the conclusion of peace, the Government of the German Republic is prepared to agree to the fundamental ideas for the regulation of army, navy, and air forces as proposed in Part V. . . . The readiness of the Government of the German Republic to agree to reduce its armaments before the other powers do so is the best proof that it has forever abandoned all militaristic and imperialistic tendencies. . . .

'The German Government is prepared to enter into negotiations regarding all further matters of detail upon a basis of equality. . . . To bring about a speedy conclusion of all details the German Government proposes immediate oral negotiations. She reserves the right to discuss the preparation of the details of the military and naval conditions of the draft in a special note.

'It is the principal and most valuable aim of peace to provide security that this war shall have been the last and that humanity shall be preserved from the return of such terrible catastrophes. Germany is prepared to do everything within her power to gain this end. According to the above propositions it would not be

her fault, if the nations of the world were disappointed in this expectation and if conditions were created which would of necessity lead to new wars.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): '[The] German Delegation take exception to the fact that Germany has not been invited to join in the formation of the League of Nations as an original member. President Wilson's declarations, however, envisaged no league of nations which would include Germany at the outset, and no statement of his can be adduced in support of this contention. Indeed, in his speech of September 27, 1918, he laid down with the greatest precision the conditions which must govern her admission: "It is necessary to guarantee the peace, and the peace cannot be guaranteed as an afterthought. The reason, to speak in plain terms again, why it must be guaranteed, is that there will be parties to the peace whose promises have proved untrustworthy, and means must be found in connexion with the peace settlement itself to remove that source of insecurity." And further: "Germany will have to redeem her character not by what happens at the peace table but by what follows."

'The Allied and Associated Powers look forward to the time when the League of Nations established by this Treaty shall extend its membership to all peoples; but they cannot abandon any of the essential conditions of an enduring League.

'The Allied and Associated Powers regard the Covenant of the League of Nations as the foundation of the Treaty of Peace. They have given careful consideration to all its terms and they are convinced that it introduces an element of progress into the relations of peoples which the future will develop and strengthen to the advantage of justice and of peace.

'The text of the Treaty itself makes it clear that it has never been the intention of the Allied and Associated Powers that Germany or any other power should be indefinitely excluded from the League of Nations. Provisions have accordingly been laid down which apply generally to States not members of the League and which determine the conditions of their admission subsequent to its formation. . . .

'The Allied and Associated Powers do not consider that an addition to the Covenant in the sense of the German proposals

regarding economic questions is necessary. They would point out that the Covenant already provides that, " subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will make provision to secure and maintain freedom of communications and of transit, and equitable treatment for the commerce of all Members of the League ". So soon as Germany is admitted to the League she will enjoy the benefits of these provisions. . . .

' The Allied and Associated Powers have already pointed out to the German Delegates that the Covenant of the League of Nations provides for " the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations ". They recognize that the acceptance by Germany of the terms laid down for her own disarmament will facilitate and hasten the accomplishment of a general reduction of armaments ; and they intend to open negotiations immediately with a view to the eventual adoption of a scheme of such general reduction. It goes without saying that the realization of this programme will depend in large part on the satisfactory carrying out by Germany of her own engagements.'

§ II. Boundaries of Germany and Political Clauses for Europe.[1]

In their Letter of the 29th May 1919, the German Delegation declare that ' in territorial questions Germany takes up her position unreservedly on the ground of the Wilson programme [the pre-Armistice Agreement] '.

The Allied and Associated Powers state, in their Letter of the 16th June 1919, that ' the German counter-proposals [in regard to Polish territorial settlements] entirely conflict with the agreed basis of peace. . . . They cannot, therefore, be accepted. . . .' The Powers are satisfied, however, for reasons which they give, that all ' their [own] territorial proposals are in accord both with the agreed basis of peace and are necessary to the future peace of Europe. They are, therefore, not prepared to modify [any of] them except as indicated '.

[1] In addition to the extracts from the German documents presented in the following pages, see also Part X, § I, (A), p. 255 and § V (A), pp. 266–8, for Germany's views on the territorial settlement.

It is clear from these documents that both sides to the negotiation recognized the validity of the Agreement—'the agreed basis of peace'—in the settlement of territorial questions, and that they professed to submit proposals in accordance with its terms and principles. The answer to the question as to whether or not the proposals of either side actually squared with the Agreement falls outside the scope of the present chapter; but it will help to prepare the way for the study of this question in later chapters of the present work if an attempt be made here and now to ascertain, from the documents now under review, the nature of the terms and principles of the Agreement which each party to the negotiation was prepared to apply in the territorial settlement.

I. *Belgium.*

A. *Germany's Position.*

German Letter (29th May 1919): 'Preponderantly German circles (*Kreise*) must be ceded [by the draft Treaty] to Belgium, without sufficient guarantees that the plebiscite, which is only to take place afterward, will be independent.'

German Observations (29th May 1919):

'The draft of the peace treaty demands of Germany the recognition of the complete sovereignty of Belgium over Neutral-Moresnet, as well as the cession of the district (*Kreis*) of Eupen and Malmedy. Neutral-Moresnet . . . is a district with 3,500 inhabitants, the majority of whom are German by origin and language. . . . Prussian Moresnet, too, which belongs to the district of Eupen, has a predominantly German population. Nevertheless, not even a plebiscite has been provided in these territories. . . . In respect of nationality, the district of Eupen is purely German. . . . The district of Malmedy has among its 37,000 inhabitants a population of about 9,500 souls speaking Walloonian as their mother tongue. The Walloonians therefore are considerably in the minority.

'The German Government cannot, on principle, consent to the cession of indisputably German territories; and a vote cannot be applied to such territories. But apart from this the demand of a cession of the districts of Eupen and Malmedy to Belgium contravenes the principle according to which the settlement of all questions regarding sovereignty is to be

brought about, on the basis of free acceptance on the part of the population immediately concerned.

'A plebiscite has not even been provided for . . . . There exists . . . not the least guarantee for an uninfluenced procedure in the voting.

'The Allied and Associated Governments have expressed a desire that the great forest wealth of the Eupen district, comprising a part of the Herzogenforest, shall serve as a substitute for the Belgian forests destroyed by the war. The German Government declares itself ready, by contracting for the supply of wood, to comply with these aspirations, which, in accordance with President Wilson's points are not unjustifiable so far as it is a question of reparation.

'But this desire of the Allied and Associated Governments cannot form the occasion for a cession of Eupen and Malmedy. The German Government must point out the inadmissibility of bartering human beings from one sovereignty to another, merely for the sake of wood and zinc ore.'

B. *The Powers' Position.*

Reply of Allied and Associated Powers (16th June 1919): 'The territories of Eupen and Malmedy were separated from the neighbouring Belgian lands of Limburg, Liège, and Luxemburg in 1814–15, when they were assigned to Prussia. . . . No account was taken of the desires of the people, nor of geographical or linguistic frontiers. Nevertheless, this region has continued in close economic and social relations with the adjacent portions of Belgium. . . . At the same time the territory has been made a basis for German militarism. . . . [These] reasons seem sufficient to justify the union of the territory to Belgium, provided the petitions to this effect are sufficiently supported by the population of the district. The Treaty makes provision for consulting the population under the auspices of the League of Nations.

'With regard to the neutralized territory of Moresnet the sovereignty of which has been in dispute since 1815, the Prussians make a claim for which there appears to be no justification of any kind. The Treaty settles this dispute in favour of Belgium, and at the same time awards to Belgium, in partial compensation for the destruction of Belgian forests, the adjacent domanial and communal woods in Prussian Moresnet.'[1]

[1] *v.* also pp. 190–1.

II. *Luxemburg.*[1]

A. *Germany's Position.*

German Observations (29th May 1919):

'It seems necessary for Germany to come to an agreement with Luxemburg regarding a new adjustment of their mutual relations. Consent cannot be given to the economic proposals as by them Luxemburg would continue to benefit by all the advantages ensuing from membership in the German Customs Union, from which she simultaneously separates herself. The principle of reciprocity must be maintained.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): '[The] clauses of the Treaty are justified by two uncontrovertible facts; the violation of the neutrality of the Grand Duchy by Germany during the war, and the denunciation of the Customs Union on which Luxemburg herself has decided and which she has communicated to the Allied and Associated Powers since the Armistice.'

III. *Saar Basin.*[2]

A. *Germany's Position.*

German Letter (29th May 1919): 'The purely German district of the Saar must be detached from our empire [by the draft Treaty], and the way must be paved for its subsequent annexation to France, although we owe her debts in coal only, not in men. . . . Germany is prepared to insure the supply of coal for the economic needs of France, especially from the Saar region, until such time as the French mines are once more in working order.'

German Observations (29th May 1919):

'In its notes of the 13th and 16th of May, the German Government manifested its readiness to agree to a solution which, on the one hand, would offer France compensation for her destroyed coal-mines with all justified guarantees, and, on the other, would enable Germany to give her consent to a settlement which accorded with the fundamental principles of peace as expressed in the preliminaries of the peace treaty.

[1] *v.* also pp. 184–9. [2] *v.* also pp. 176–84.

The German Government once more accurately defines its attitude in the Saar question, in the following terms : . . .

'By transferring the ownership of these mines, France would thus obtain a hundredfold that which she herself has described as the maximum of her justified demands. In order to accomplish this, the draft of the peace treaty formulates a demand which tears from the German Empire a purely German territory, gives France economic control over it, and attempts also to annex it politically to France.

'There is no industrial district in Germany whose population is as homogeneous, as purely German, and as little "complex" as that of the Saar district. . . . Even to-day the sentiments of the people are as German as they were 100 years ago. . . . Such a population is, on account of its connexion with coal-mines, to be placed under a special form of government provided by the League of Nations, without enjoying any rights under the "Commission of Five", which shall be appointed by the League of Nations. . . . All this, together with undefined prescriptions about customs conditions, coinage, administration, railway traffic, and many other arrangements, offers every possibility to sever completely the connexion between the Saar district and the remainder of the Empire. The steps taken during the Armistice have shown what the population of this Saar district will have to endure in the future. From the days of their appearance the authorities of the French Occupation Forces have taken recourse to every possible means in order to prepare the people for annexation to France. . . .

'And all this is demanded "en compensation de la destruction des mines de charbon dans le nord de la France et à valoir sur le montant de la réparation des dommages de la guerre dus par l'Allemagne". Do the Allied and Associated Governments think that the German Government can consent to such a proposal?—The question of reparation for the mines of northern France can be settled only on an economic basis and on no other.

'The attempt to tear away a nationally undisputed territory from the Fatherland, merely for the sake of material interests, and to place it for the present under the League of Nations, must degrade the idea of the League of Nations.

'The object of the provisions about the Saar district is, according to the note of May 24, an exemplary reparation.

The German Government declines to make any reparation as a form of punishment. And it must decline still more emphatically to shift to certain parts of the population punishment in the form of national sufferings which is intended for the whole community.

'By this annexation of the Saar district to France the same injustice would be committed for which reparation was demanded from Germany in the case of Alsace-Lorraine. The population of a district was separated from the mother country in spite of the solemn protest of its representatives. He who recommends such a solution to France and Germany introduces new germs for conflict into the relations between the German and the French people. . . .'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'The . . . observations contained in the German communication seem to show a complete misapprehension of the spirit and purpose of this section of the Treaty.

'The purpose and decision of the Allies have twice been stated, first in the text of the Treaty itself, in which (Articles 45 and 46) Germany is to accept the provisions in question "as compensation for the destruction of the coal-mines in the North of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, and . . . in order to assure the rights and welfare of the population"; and secondly, in the note of May 24, "the Allied and Associated Governments have chosen this particular form of reparation because it was felt that the destruction of the mines in the North of France was an act of such a nature that a definite and exemplary retribution should be exacted; this object would not be obtained by the mere supply of a specified or unspecified amount of coal. This scheme, therefore, in its general provisions, must be maintained, and on this the Allied and Associated Powers are not prepared to agree to any alternative".

'The German Delegation, on the other hand, declares that "the German Government refuses to carry out any reparation which will have the character of a punishment". The German idea of justice appears then to be one which excludes a conception which is essential to any just settlement and a necessary basis for subsequent reconciliation.

'It has been the desire of the Allied and Associated Powers in determining upon the form of reparation to be imposed to choose one which, by its exceptional nature, will be for a limited period a definite and visible symbol. At the same time, they intended, by assuring themselves of the immediate possession of a security for reparation, to escape the risks to which the German memoir itself has drawn attention.

'On the other hand, they have exercised the greatest care in order to avoid inflicting on the inhabitants of the district itself any material or moral injury. In every point their interests have been most scrupulously guarded, and in fact their condition will be improved . . .

'The German Note constantly overlooks the fact that the whole arrangement is temporary, and that at the end of fifteen years the inhabitants will have a full and free right to choose the sovereignty under which they are to live.'

IV. *Alsace-Lorraine.*[1]

A. *Germany's Position.*

German Letter (29th May 1919): Germany 'renounces her sovereign rights in Alsace-Lorraine, but wishes a free plebiscite to be taken there'.

German Observations (29th May 1919):

'For the most part, Alsace-Lorraine is old German territory, having become more than a thousand years ago a part of the old German Empire . . . the racial and political characteristics of the inhabitants have been so little influenced that even to-day four-fifths of the country's population is still German in its language and customs.

'When Germany in 1871, on the occasion of the re-annexation of these territories, abstained from inquiring into the wishes of the population, she believed she was justified in doing so by the previous procedure of France and by the racial kinship of the population. Notwithstanding, it must be admitted that, according to the present general conceptions of right, an injustice was committed in 1871 by the failure to hold a plebiscite.

'The German Government has therefore pledged itself to make reparation for this injury according to the points of the programme universally recognized. But reparation would not

[1] v. also pp. 159–76.

be made, it would only be replaced by a new and greater injustice, if Alsace-Lorraine were now to be ceded forthwith to France. It would be tearing this territory away from a national unit to which by right of language and characteristics it belongs with eighty-seven per cent. of its inhabitants. Another factor of the greatest consequence is its economic connexion with Germany. . . .

'If, therefore, inquiry is not made now into the wishes of the people of Alsace-Lorraine, the purpose aimed at in the settlement of this question—" to make a peace in the interest of all "[1]—will not be achieved. The danger would rather arise that, in the future, this question would be the cause of new hatred among the nations. . . .

'There is no justification for the demand that the date of the cession be set back to the day of the conclusion of the armistice. Even the draft has not provided for a post-dating in the other cases where territorial cessions are to be effected with or without a plebiscite. . . .

'Equally unjustifiable appears the French claim that the cession of Alsace-Lorraine should form an exception to the provision in international law, which is recognized also by the peace draft, according to which, in a change of territory, the annexing state should take over a part of the national debt of the ceding state and should pay for the national property in the ceded territory. . . .'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'The clauses concerning Alsace-Lorraine are but the application of the eighth of the fourteen points which Germany, at the time of the Armistice, accepted as the basis of Peace: "the wrong done by Prussia to France in 1871, as regards Alsace and Lorraine, which has disturbed the peace of the world for nearly fifty years must be righted in order that peace may again be assured in the interest of all."

'Fifty years ago, the injustice consisted in the annexation of a French country against the will of its inhabitants. . . .

'To right a wrong is to replace things, so far as possible,

[1] These words are based on President Wilson's Address of 8th January 1918 (Point Eight).

in the state in which they were before being disturbed by the wrong. All the clauses of the Treaty concerning Alsace and Lorraine have this object in view. . . .

'The Allied and Associated Powers could not therefore admit a plebiscite for these Provinces. Germany, having accepted the eighth Point and signed the Armistice which places Alsace and Lorraine in the position of evacuated territories, has no right to demand a plebiscite. . . .

'The legal objections derived from the "ante-dated cession" are also inadmissible. Germany recognized this when she signed the Armistice. Moreover, Alsace and Lorraine, by throwing themselves into the arms of France, as into those of a long-lost mother, themselves fixed the date of their deliverance. A Treaty founded on the right of self-determination of peoples cannot but take note of a people's will so solemnly proclaimed.

'In all its clauses, whether they concern nationality, debts, or State property, the Treaty has no other object than to restore persons and things to the legal position in which they were in 1871. The obligation of repairing the injustice then committed admits of no other alternative, and Germany herself has accepted this obligation in subscribing to the Fourteen Points.'

V. *German-Austria.*

A. *Germany's Position.*

German Observations (29th May 1919):

'Article 80 demands the permanent recognition of the independence of Austria within the frontier established by the treaty of peace of the Allied and Associated Governments. Germany has never had, and never will have, any intention of shifting the Austro-German frontier by force. However, should the population of Austria . . . desire to restore the national connexion with Germany . . . Germany cannot pledge herself to oppose that desire of her German brothers in Austria, as the right of self-determination should apply universally and not only to the disadvantage of Germany.

'Any other proceeding would be contrary to the principles expressed by President Wilson in his address to Congress on February 11, 1918.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'The . . . Powers take note of the declaration in which Germany declares that she "has never had and will never have the intention of changing by violence the frontier between Germany and Austria".'

VI. *Poland and the Eastern Frontiers of Germany.*

(i) *Poland.*

A. *Germany's Position.*

German Observations (29th May 1919):

'Germany has agreed to the creation of an independent Polish State, "which should include the territories inhabited by indisputably Polish populations."[1]

'By the settlement of the territorial question in the East provided in Articles 27 and 28, fairly large parts of the Prussian provinces of East and West Prussia, Pomerania, Posen and Silesia, which are not inhabited by any indisputably Polish population, are joined to the Polish State. Without regard to the ethnographic situation, a great number of German towns and extensive and thoroughly German tracts of land are added to Poland, only in order to grant Poland favourable military frontiers against Germany, or railway centres of importance. Districts which were separated from Poland centuries ago, or in which she never ruled, are now indiscriminately adjudged to Poland. The acceptance of the proposed settlement would, therefore, be a violation of large territories which are indisputably German. Such a settlement would, moreover, contravene the principle of Wilson, according to which, in the settlement of national questions, it is inadmissible to create "new elements of discord and antagonism or to perpetuate old elements of this kind, which probably would in the course of time disturb the peace of Europe and consequently the peace of the world".'[2]

German Letter (29th May 1919): 'With a view to the re-establishment of the Polish state we must renounce [by the terms of the draft Treaty] indisputably German territory—

[1] President Wilson's Address of 8th January 1918 (Point Thirteen).

[2] This passage is based on the fourth of the 'Four Principles' of President Wilson's Address of 11th February 1918. The two texts are not quite the same.

nearly the whole of the Province of West Prussia, which is preponderantly German; of Pomerania; Danzig, which is German to the core; we must let that ancient Hanse town be transformed into a free State under Polish suzerainty. We must agree that East Prussia shall be amputated from the body of the State, condemned to a lingering death, and robbed of its northern portion, including Memel, which is purely German. We must renounce Upper Silesia for the benefit of Poland and Czecho-Slovakia, although it has been in close political connexion with Germany for more than 750 years, is instinct with German life, and forms the very foundation of industrial life throughout East Germany. . . .

'[Germany, taking up her position unreservedly on the Wilson programme, is willing to give up] the greater part of the province of Posen, the district incontestably Polish in population, together with the capital. She is prepared to grant to Poland, under international guarantees, free and secure access to the sea by ceding free ports at Danzig, Königsberg, and Memel, by an agreement regulating the navigation of the Vistula and by special railway conventions.'

B. *The Powers' Position.*[1]

Reply of the Allied and Associated Powers (16th June 1919): 'In dealing with the problem of the Eastern frontiers of Germany, it is desirable to place on record two cardinal principles.

'First, there is imposed upon the Allies a special obligation to use the victory which they have won in order to re-establish the Polish nation in the independence of which it was unjustly deprived more than one hundred years ago. . . . The seizure of the Western provinces of Poland was one of the essential steps by which the military power of Prussia was built up. . . . To undo this wrong is the first duty of the Allies, as has been proclaimed by them throughout the war. . . . The restoration has already been spontaneously agreed to by the Russian Government; its attainment is ensured by the collapse of the Central Powers.

'The second principle, which has been proclaimed by the Allies and formally accepted by Germany, is that there shall be included in the restored Poland those districts which are now inhabited by an indisputably Polish population.

'These are the principles which have guided the Allies in determining the Eastern frontiers of Germany, and the Conditions of Peace have been drawn up in strict accordance with them.'

(ii) *Posen and West Prussia.*[1]

A. *Germany's Position.*

German Observations (29th May 1919):

'It is equally true[2] that the province of Posen as a whole cannot be regarded as a district inhabited by an indisputably Polish population. Large parts of this province have been inhabited for many centuries by a predominantly German population; outside these districts there are enclaves of the same character. So far as the province of Posen, however, is of an indisputably Polish character, the German Empire will meet its liabilities resulting from the acceptance of Wilson's principles, and will consent to a cession of these districts. The proposals of the enemy concerning the boundary lines are not based on the principle of nationality, as may be pointed out at any time, but on that of the strategic preparation of an attack against German territories. These considerations, however, cannot possess any importance if the relations between Germany and Poland in the future are to be subject to the regulations of the League of Nations.

'Almost the whole of the province of West Prussia—with the exception of a few districts (*Kreise*) in the East and the West—is to be annexed to Poland. Even a part of Pomerania is, without the least ethnographic justification, to be torn from Germany. West Prussia is an old German territory; . . . the German population in the parts of West Prussia directly or indirectly intended for Poland is more than equal in number to the Poles and the Cassubians . . .; as regards economic, social, and cultural importance the German population is far superior to the Polish and Cassubian population.

'The cession of the greater part of West Prussia would completely sever East Prussia from the German Empire. This would not be in harmony either with Wilson's programme or with the necessities of life of the purely German population

[1] *v.* in general pp. 207–15.
[2] See (iii), Upper Silesia, *infra*, for the passage to which reference is made.

of East Prussia, and of the rest of the German people. With the exception of the connecting bridge between Germany and East Prussia, which absolutely must be preserved to Germany, she is, however, ready to cede to Poland those West Prussian districts whose population is undoubtedly Polish.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'In the western portions of the former kingdom of Poland which are now included in the Prussian provinces of Posen and West Prussia, the application of the second principle only to a very small degree modifies that of the first.[1] When the partition took place these portions of Poland were predominantly inhabited by Poles; except in some towns and districts to which German colonists had made their way, the country was completely Polish in speech and sentiment. Had the Allied and Associated Powers applied the strict law of historic retribution, they would have been justified in restoring to Poland these two provinces almost in their entirety. They have in fact not done so; they have deliberately waived the claim of historic right because they wished to avoid even the appearance of injustice, and they have left to Germany those districts on the West in which there is an undisputed German predominance in immediate contiguity to German territory.

'Apart from these districts it is true that there are certain areas, often far removed from the German frontier, such as Bromberg, in which there is a majority of Germans. It would be impossible to draw a frontier in such a way that these areas should be left to Germany while the surrounding purely Polish areas were included in Poland. There must be some sacrifice on one side or the other. . . . Moreover, it is necessary to recall the methods by which German preponderance in certain districts has been established. . . . The Prussian Government . . . has used all its immense resources to dispossess the original population and substitute for it one of German speech and German nationality. . . . To recognize that such action should give a permanent title to the country would be to give an encouragement and premium to the grossest acts of injustice and oppression.

[1] For these two principles, see (i) Poland, B, *supra*.

'In order to eliminate any possible injustice the Allied and Associated Powers have caused the Western frontiers of Poland to be carefully reconsidered; as a result of this they have made certain modifications in detail with the object of bringing the frontier into closer harmony with the ethnographical division. . . .'

(iii) *Upper Silesia.*[1]

A. *Germany's Position.*

German Observations (29th May 1919):

'This [conflict of the provisions of the draft Treaty in respect to Poland with President Wilson's principles][2] particularly applies to Upper Silesia. The proposed separation of the greater part of this district from Germany constitutes a quite unjustifiable inroad into the geographical and economic structure of the German Empire.

'Since 1163 Upper Silesia has had no political connexion with the Polish Empire. There are no national Polish traditions or memories in Upper Silesia. . . . Poland cannot assert any claims for the cession of Upper Silesia, especially not such as are based on the principles of President Wilson. The districts of Upper Silesia demanded for Poland are not inhabited by an indisputably Polish population. The will of the population has been clearly expressed in the elections to the Reichstag in 1903 and 1907. . . . Furthermore, after the collapse of the German power, signs of the predominantly German character of Upper Silesia were not missing. . . . The Polish language (High Polish) is not the language of the Upper Silesian, who speaks a Polish dialect (*Wasserpolnisch*). This dialect . . . is not a sign of nationality, especially not a contradiction to the consciousness of German nationality. . . . Upper Silesia owes all her intellectual and material development to German activity. . . . Germany cannot dispense with Upper Silesia, whilst Poland is not in need of it. . . .

'The cession of Upper Silesia to Poland is not in the interest of the Upper Silesian population. Living conditions in Upper Silesia, especially in the field of health and social precautions, are incomparably better than those in the adjoining Poland,

[1] *v.* in general pp. 207–15; and pp. 8–9 for concessions made.
[2] See (i) Poland, A, *supra*.

where legislation for the protection of the working people is only just being agitated. The cession of Upper Silesia to Poland is also not in the interest of the remaining States of Europe and of the world, for it is certain to create new elements of discord and antagonism. . . . This will greatly endanger the peace of Europe and of the world. It is in the interest of the Allied and Associated Powers themselves to leave Upper Silesia with Germany, for Germany can meet her liabilities resulting from the world war only in conjunction with Upper Silesia, and never without her. For this reason alone Germany cannot consent to a cession of Upper Silesia.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'It is recognized that the problem here differs from that in Posen and West Prussia for the reason that Upper Silesia was not a part of the Polish territories when dismembered by the Partition. It may be said that Poland has no *legal* claim to the cession of Upper Silesia; it is emphatically not true that she has no claim which could be supported on the principles of President Wilson. In the district to be ceded, the majority of the population is indisputably Polish. . . . The Allied and Associated Powers would have been acting in complete violation of the principles which the German Government itself professes to accept had they left unregarded the Polish claims to this district.

'However, the German Government now contest these conclusions. They insist that separation from Germany is not in accordance with the wishes or the interests of the population. . . . They [the Allied and Associated Powers] have therefore decided that this territory shall not be immediately ceded to Poland, but that arrangements shall be made to hold a plebiscite there. . . . The restoration of the Polish State is a great historical act which cannot be achieved without breaking many ties. . . . But it has been the special concern of the . . . Powers to provide for the adequate protection of those Germans who will find themselves transferred to Poland, as well as of all other religious, racial, or linguistic minorities. . . .'

(iv) *East Prussia*[1]

A. *Germany's Position.*

German observations (29th May 1919):

'East Prussia, with a German population of about one and one-half million, is to be severed from the territory of the German Empire and, so far as economic control is concerned, is to be completely turned over to Poland. It is bound to be reduced to poverty and eventually fall to Poland. Germany can never allow this to take place.

'In the southern parts of East Prussia, the presence of a population with a mother tongue other than German is made use of to demand a plebiscite in those districts (Articles 94 and 95). These districts, however, are not inhabited by an indisputably Polish population. The circumstance that, in isolated regions, a non-German language has survived, is in itself of no moment, for, even in the oldest homogeneous States, this condition may be observed; the Bretons, Welsh, and Basques may be mentioned in this connexion. . . . The inhabitants of these regions are foreign to the peoples living outside the German frontier because their history has been a different one for centuries, their culture has taken another direction, and their creed is a different one. . . .

'The same applies [to certain districts] in West Prussia . . . The presence of such small minorities is, according to the programme of President Wilson, no reason for any doubt as to the national character of a territory; otherwise the programme would lead to the dissolution of every political system.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The German Government declares that it cannot accept a solution by which East Prussia shall be separated from the rest of Germany. It must, therefore, be recalled that East Prussia was in fact so separated for many hundreds of years, and that at no date until 1866 was it actually included in the political frontiers of Germany; [it is] . . . not an original German land, but a German colony . . . which has been

[1] *v.* in general pp. 207–15.

conquered and wrested from its original inhabitants by the German sword . . . Moreover, the interests which the Germans in East Prussia, who number less than two millions, have in establishing a land connexion with Germany, is much less vital than the interest of the whole Polish nation in securing direct access to the sea. . . .

'It is difficult to understand the objections raised by the Germans to the plebiscite which is to be held in certain portions of East Prussia. . . . Where the affinities of the population are undoubted, there is no necessity for a plebiscite; where they are in doubt, there a plebiscite is enjoined. It is noted with surprise that the Germans at the very moment when they profess assent to the principle of self-determination, refuse to accept the most obvious means of applying it.'

(v) *Memel.*

A. *Germany's Position.*

German Observations (29th May 1919):

'Article 99 demands the separation of a strip of land in the north of the province of East Prussia, comprising the districts (*Kreise*) of Memel and Heydekrug as well as parts of the districts (*Kreise*) of Tilsit and Ragnit. The inhabitants of this territory, including those speaking Lithuanian as their mother tongue, have never desired separation from Germany; they have always proved to be a faithful component part of the German community. . . . The whole territory is predominantly German, also, as regards the number of inhabitants; there are about 68,000 Germans against only about 54,000 inhabitants speaking Lithuanian. Memel particularly is a purely German town. . . .

'The cession of this territory, therefore, must be declined by the German Government.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The Allied and Associated Powers reject the suggestion that the cession of the district of Memel conflicts with the principle of nationality. The district in question has always been Lithuanian; the majority of the population is Lithuanian in origin and in speech; and the fact that the city of Memel itself is in large part German is no justification for maintaining

the district under German sovereignty, particularly in view of the fact that the port of Memel is the only sea outlet for Lithuania.'

(vi) *Danzig.*[1]

A. *Germany's Position.*

German Observations (29th May 1919):

'The cession of the purely German Hanseatic town of Danzig and of its surroundings which are likewise purely German, as demanded in Articles 100 to 108, is in direct opposition to all assurances given in the declarations of President Wilson. . . . Even the Poles do not seriously deny that Danzig has always been German in character. The attempt to make Danzig a free city, and to surrender its means of communication and the representation of its rights abroad to the Polish State, would lead to violent opposition and to a continuous state of war in the East. And withal, economic measures have been taken to make all communication between Danzig and Germany extremely difficult—evidently with the purpose of making this purely German territory Polish in the course of time by means of economic pressure. The German Government, therefore, must reject the intended national oppression of Danzig, and must demand that Danzig and its environs remain within the German Empire.

'In accepting point 13 of President Wilson's address of January 8, 1918, Germany has agreed that the Polish State to be erected "should be assured a free and secure access to the sea". The German Government has done so in recognition of the address which President Wilson delivered to the Senate on January 22, 1917, when he said:

'"So far as practicable, moreover, every great people now struggling toward a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea. Where this cannot be done by the cession of territory, it can no doubt be done by the neutralization of direct rights of way under the general guarantee which will assure peace itself. With a right comity of arrangement no nation need be shut away from free access to the open paths of the world's commerce."[2]

[1] *v.* pp. 214–15.

[2] It is to be observed that this address did not form part of the pre-Armistice Agreement.

'In accordance with the above principles and in order to fulfil the obligation accepted by the German Government, viz. to give Poland a free and secure access to the sea, the German Government is ready to make the ports of Memel, Königsberg, and Danzig free ports and to grant in these ports far-reaching rights to Poland. . . . The German Government, moreover, is ready to [conclude] a special agreement with the Polish State regarding the use of the railways between Poland and other territories of the former Russian Empire on the one hand and the ports of Memel, Königsberg, and Danzig on the other.

'The above has been agreed to on the assumption that, on the Polish railways and the railways under Polish influence, Germany shall also be granted, in a like connexion, reciprocity. . . .

'Furthermore, the German Government would be prepared to place at the disposal of the Poles for free use and for free transit, giving far-reaching securities, all navigable waterways leading from Poland, Lithuania, and Livonia through East and West Prussia to the Baltic. Reciprocity on the part of the Poles is likewise assumed as a foregone conclusion.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The German note declares that the German Government "must reject the proposed rape of Danzig and must insist that Danzig and its environs be left to the German Empire". . . . The proposed settlement for Danzig . . . will preserve the character which Danzig held during many centuries and, indeed, until forcibly and contrary to the will of the inhabitants it was annexed to the Prussian State. The population of Danzig is and has for long been predominantly German; just for this reason, it is not proposed to incorporate it in Poland. But Danzig, when a Hansa city, like many other Hansa cities, lay outside the political frontiers of Germany, and in union with Poland enjoyed a large measure of local independence and great commercial prosperity. It will now be replaced in a position similar to that which it held for so many centuries. . . . The annexation of West Prussia, including Danzig, to Germany, deprived Poland of that direct access to the sea which was hers by right. The Allied and Associated Powers propose that this direct access shall be restored. It is not enough that Poland

should be allowed the use of German ports; the coast, short as it is, which is Polish must be restored to her. Poland claims, and justly claims, that the control and development of the port which is her sole opening to the sea shall be in her hands and that the communications between it and Poland shall not be subjected to any foreign control, so that in this, one of the most important aspects of national life, Poland shall be put on an equality with the other States of Europe.'

(vii) *Schleswig.*[1]

A. *Germany's Position.*

German Observations (29th May 1919):

Although the German Government has declared its readiness to meet the Danish wishes for a new frontier corresponding to the principle of nationality, using the peace negotiations as a roundabout means of establishing it, it cannot refrain from referring to the fact that the Schleswig question is not expressly mentioned in President Wilson's points. If Germany agrees to a plebiscite in Schleswig, she does this because she recognizes the right of self-determination of the peoples.

'The German Government is, nevertheless, not in a position to accept the formation of the voting districts, as well as the method, and the time of voting, as proposed in the draft of the peace treaty.

'She makes instead the following counter-proposals: . . .'

German Letter (29th May):

'The preponderantly Danish districts of Schleswig will be given up to Denmark on the basis of a plebiscite.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'Schleswig was taken from Denmark by Prussia in 1864, but by the Treaty of Prague in 1866 Prussia undertook that the northern districts should be ceded to Denmark if by a free vote the population expressed a wish to be united to Denmark.' [This promise to hold a plebiscite has never been fulfilled. At the request of the Danish Government and the people of Schleswig this plebiscite will now be guaranteed by the present Treaty. On the basis of the plebiscite there will be a precise

[1] pp. 204–5 describe concessions ultimately made to Germany.

delimitation of the frontier between Germany and Denmark, a delimitation in which "geographic and economic conditions will be taken into account"].

(viii) *Heligoland.*

A. *Germany's Position.*

German Observations (29th May 1919):

'The dismantling is conceded. Any measures necessary, however, in the interest of the insular population, as well as of peaceful navigation and fishing, must be maintained for the protection of the coast and of the fishing port.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): 'A Commission will be appointed by the principal ... Powers, after the signature of the Treaty, to supervise the destruction of the fortifications. [The fishing harbour will not be destroyed.]'

(ix) *Russia and the Russian States.*

A. *Germany's Position.*

German Observations (29th May 1919):

'The German Government does not claim any territory which belonged to the former Russian Empire on August 1, 1914. The German Government regards the question of the constitution, and particularly the question of the independence of the several provinces which were formerly part of the Russian Empire, as an internal affair of these territories, in which it does not intend to interfere.

'In Article 15 of the armistice agreement, the German Government renounced the peace treaties of Brest-Litovsk, as well as the supplementary agreements.

'The German Government cannot recognize any right on the part of Russia to demand restitution and reparation.

'The German Government is able to recognize the validity of treaties and agreements between the Allied and Associated Powers and the States which have been formed or may still be formed in the territories of the former Russian Empire, only if the contents of these agreements are known to her and if she is convinced that the recognition of these agreements will not be

rendered impossible, either by her former relations with Russia or with the individual parts of the former Russian Empire, or by her desire to live in peace and friendship with all her eastern neighbours. The same applies to the recognition of the boundaries of these States.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919): '. . . None of the reservations or the observations . . . necessitate any change in . . . the Treaty.'

§ III. German Rights and Interests Outside Germany

A. *Germany's Position.*

(1) *Colonies.*[1]

German Observations (29th May 1919):

'Article 119 of the draft demands that Germany shall renounce all her rights and titles over her oversea possessions. This regulation is in irreconcilable contradiction to point 5 of the Address to Congress of January 8, 1918, in which President Wilson promises a free, sincere, and absolutely impartial settlement of all colonial claims. The basis of every impartial settlement is that, before the decision, the parties should be heard and their claims examined. Article 119 at once rejects the German claims without even giving Germany a chance to put them forward.

'Germany's claim to her colonies is, first of all, based on the fact that she has acquired them lawfully and has developed them by means of incessant and fruitful toil and at the cost of many sacrifices. Her ownership of them has been acknowledged by all the Powers. Whenever conflicts have arisen with other Powers over particular sections of territory, they have been settled by means of agreements or arbitration.

'The possession of her colonies will be even more necessary for Germany in the future than in the past. . . .

'Moreover, Germany needs her colonies as a market for her industries. . . .

'Finally, Germany requires colonies in order to have territory where at least a part of her surplus population may settle. . . .

[1] For general treatment *v.* Chap. V. *passim.*

'As a great civilized nation the German people have the right and the duty to co-operate in the joint task which devolves upon civilized mankind of exploring the world scientifically and of educating the backward races. In this direction she has achieved great things in her colonies. . . .

'The interests of the coloured population in these regions are based likewise upon Germany's right to remain in the possession of her colonies. The German administration has abolished the devastating and incessant predatory warfare between the tribes, the high-handedness of the chiefs and witch-doctors, the kidnapping of slaves and the slave-trade, and the accompanying insecurity of life and property. It has brought peace and order to the country, and has created the conditions necessary for the safety of intercourse and commerce. . . .

'A well-organized system of education, including vocational and agricultural schools, provided intellectual and practical education for the natives. . . .

'From all this it is apparent that Germany has looked after the interests of her natives. She has, in particular, from the outset strictly refrained from militarizing her natives in any way. . . . Germany has hitherto taken a most active part in all international regulation of important colonial questions, such as the abolition of the slave-trade, the suppression of the arms traffic, the liquor traffic, and the combating of sleeping-sickness. . . .

'For the above reasons, the demand of the enemy contained in Articles 119 and 125, that Germany renounce her colonies, is considered unjustified.

'Without in any way abandoning or modifying her refusal to renounce her colonies, the following remark is added—with a proviso that it may be supplemented—regarding the conditions under which the cession is demanded:

'The demand that all movable and immovable State property in the colonies is to pass into the hands of the mandatory powers without compensation, is unfair and is an unwarranted exception to the principle that Germany shall be credited with the value of the State property in the territories ceded by her. . . .

'German private property is to be at the arbitrary disposal of the mandatory States. . . . Moreover, the mandatory States may, according to their own pleasure, drive the Germans from house and home, even if they have been resident there for

years or have been born there, and may permanently debar Germans from taking up any activity in the country. Regardless of all principles of international and public laws, this regulation makes the German an outlaw as far as private right and personal liberty of movement are concerned.

'The demand that Germany should compensate French subjects for losses suffered before the war, is in contradiction to the armistice agreement and is unfair in other respects as well. . . .

'Accordingly, the German Government arrives at the following conclusions in regard to the German protectorates:

'1. For the formal treatment of colonial questions, the following proposal is made:

'In No. five of the fourteen points of President Wilson's address to Congress of January 8, 1918, an absolutely impartial adjustment of all colonial demands is assured. An impartial adjustment implies the hearing of both parties before a decision is arrived at. Such a hearing has not taken place. In the light of that assurance, and particularly in the light of the principle that in the adjustment of colonial claims the interests of the Governments should carry equal weight with those of the population, the proposal is made that the colonial questions be handed over to a special committee.

'2. The following proposal applies to the practical adjustment:

'The demand contained in Articles 119 *et seq.* of the draft of peace, concerning Germany's renunciation of her oversea possessions cannot, in the opinion of the German Peace Delegation, be brought into harmony with the stipulations of the armistice, which are based on point 5 of the message of January 8, 1918, to the Congress of the United States. The German Government, on the contrary, considers her claim to the restoration of her colonial possessions just. Germany is ready, however, to administer her colonies according to the principles of the League of Nations—possibly as the mandatory of the latter—if a League of Nations is formed which she can enter at once as a member State, enjoying equal privileges with the other members.[1]

'Germany is ready to renounce all her rights and privileges regarding Kiaochow and Shantung.

[1] German Letter (29th May 1919): Germany 'is ready to subject all her colonies to administration by the community of the League of Nations, if she is recognized as its mandatory'.

'Germany is forced to stipulate, however, that the compensation for State and private property, dealt with in Article 156, Paragraph 2, and Article 157, shall take place according to the general principles contained in the draft of peace regarding such compensations.'

(2) *Non-Colonial Rights and Interests.*

German Observations (29th May 1919):

'According to Article 118 of the draft of the treaty of peace Germany is to have no rights whatsoever outside her European frontiers. She shall pledge herself from the outset to conform to all measures by which the Allied and Associated Governments may dispose of these rights.

'This principle is irreconcilable with the preliminary agreements with respect to the conclusion of peace, as are also a great number of special provisions referring to the disposition of Germany's rights outside her frontiers.

'The realization of the proposals of the draft and its special provisions is impossible, if Germany is to continue to exist. The fulfilment of the financial obligations towards the Allied and Associated Governments would, moreover, be jeopardized.

'Germany needs maritime navigation . . . The tonnage which happened to be in any enemy harbour at the beginning of the war is to be taken away from her in a manner which is not justifiable in international law. The delivery of the entire overseas fleet, including the ships now under construction, is demanded; furthermore, Germany is placed under obligations to build ships . . .

'Along with these demands for German property there is the refusal to recognize the judgments of German Prize Courts regarding enemy and neutral ships and cargoes, while German claims for indemnification arising from the capture, destruction, or use of German vessels, and of other property belonging to the shipowners in China and Siam, are repeatedly declared to be null and void, and not in accordance with the general provisions applicable hereto. Just as damages are refused for the vessels in China and Siam, in Italy, Portugal, Brazil, and so forth, so they are denied for those taken from Germany in breach of international law. Germany is to be deprived of all her oversea maritime capital and equipment. Every claim for damages done to German property in contradiction to law

during the war, and even during the period of the armistice (for instance in Italy), is at the outset declared null and void by Article 298 (Annex), whilst on the other hand (Section 9), of further prejudicial measures against German interests there is no prospect of an end. . . . Under these circumstances it is quite impossible to understand how the German mercantile fleet, when after many years it shall have been reconstructed, can encounter conditions on the world's highways which will make the principle of "perfect freedom of navigation" practical, so far as it is concerned.

'The German cables are to be taken away under the title of reparation . . .

'Germany's foreign trade is to be excluded from every field of activity. All the privileges, advantages and concessions which Germany had in China are to be taken away; the German rights and privileges in Siam, Liberia, Morocco and Egypt are to be withdrawn and German private property in these countries is to be liquidated. According to Article 147, Germany shall be obliged, without consulting the Egyptian people, to recognize the protectorate proclaimed over Egypt by Great Britain, and thereby to violate Egypt's right of self-determination.

'The concessions, privileges and favours acquired in Russia since August 1, 1914 are to be annulled by Article 293. The Reparation Commission will have the power to take away all rights and interests of German nationals in all public utility undertakings, or in all concessions operating in Russia, China, Austria, Hungary, Bulgaria, and Turkey, or in the possessions and dependencies of these States or in any territory which formerly belonged to Germany or her allies (Article 260). The forfeiture of these rights would do Germany a far greater injury than will presumably be their estimated value in money. As a result Germany would be deprived, in flagrant violation of duly acquired rights, of valuable opportunities throughout Europe of procuring raw materials and of selling her products outside her frontiers. . . .

'The German Delegation, after an absolutely impersonal examination of the above facts, cannot see how these intentions are reconcilable with the principles of an impartial justice which knows no favours or preferences. On the contrary, to the subjects of the Allied and Associated Powers alone all those

liberties are legally secured, which would, as a matter of fact, result from a free and fair competition, but from which the German merchant will be excluded by the erection of insurmountable barriers.

'The very things which should have been avoided, "selfish economic combinations and economic boycott or exclusion"[1] are, so far as the Germans are concerned, declared legitimate in any form and in a measure the like of which is not to be found in history.

'None of these measures which are taken against German rights and interests abroad can be justified from the standpoint of reparation. They offer, it is true, great advantages to the rival merchant who will compete with the German merchant abroad, but they do nothing towards repairing the damages which Germany has bound herself to make good. They can only be understood on the assumption that the Allied and Associated Powers intend to stamp out German commercial competition. Owing to the behaviour of the Allied and Associated Powers during the period of the armistice and the peace negotiations, this interpretation gains more and more credence among the German people. The German Government hesitates to accept this view, for that would be to admit that the Allied and Associated Powers did not go to war for the high aims which they proclaimed, but rather to do away with a commercial rival, and that, furthermore, having disarmed the enemy by a ruse, they now care nothing about disclosing their true intentions, even to the eyes of posterity.

'The German Delegation must lay great stress upon the necessity of abandoning such a one-sided prejudice against Germany's foreign commerce and of granting her full and reciprocal freedom of action within the limits of the demands made by the Allied and Associated Powers for their own trade. . . .'

B. *The Powers' Position.*

(1) *Colonies.*

Reply of the Allied and Associated Powers (16th June 1919):

'In requiring Germany to renounce all her rights and claims to her overseas possessions, the Allied and Associated

[1] See Part XII, § IV, (4), *infra*.

Powers placed before every other consideration the interests of the native populations advocated by President Wilson in the fifth point of his Fourteen Points mentioned in his Address of the 8th January, 1918. Reference to the evidence from German sources previous to the war of an official as well as of a private character, and to the formal charges made in the Reichstag, especially by MM. Erzberger and Noske, will suffice to throw full light upon the German colonial administration, upon the cruel methods of repression, the arbitrary requisition, and the various forms of forced labour which resulted in the depopulation of vast expanses of territory in German East Africa and the Cameroons, not to mention the tragic fate of the Hereros in South-West Africa, which is well known to all. . . .

'Germany's dereliction in the sphere of colonial civilization has been revealed too completely to admit of the Allied and Associated Powers consenting to make a second experiment and of their assuming the responsibility of again abandoning thirteen or fourteen millions of natives to a fate from which the war has delivered them.

'Moreover, the Allied and Associated Powers felt themselves compelled to safeguard their own security and the Peace of the world against a military imperialism which sought to establish bases whence it could pursue a policy of interference and intimidation against the other Powers.

'The Allied and Associated Powers considered that the loss of her Colonies would not hinder Germany's normal economic development. . . .

'The Allied and Associated Powers have drawn up, in the matter of the cession of the German Colonies, the following methods of procedure, which are in conformity with the rules of International Law and Equity : . . .

'The Allied and Associated Powers considered that it would be necessary in the interest of the natives, as well as in that of general peace, to restrict the influence which Germany might seek to exert over her former Colonies and over the territories of the Allied and Associated Powers. . . .

'The Allied and Associated Powers consider that all the possessions and property of the German State in the territory of Kiaochow must be treated on the same footing as State property in all the other German overseas possessions, and be transferred without compensation. In this connexion they

recall the fact that Kiaochow, which was unjustly torn from China, has been used by Germany as a military base in pursuance of a policy which in its various manifestations has constituted a perpetual menace to the peace of the Far East. . . .'

(2) *Non-Colonial Rights and Interests.*[1]

§ IV. Military, Naval, and Aerial Clauses

The fundamental principle of the Agreement in regard to armament is embodied in President Wilson's Address of the 8th January 1918 (Fourth Point): 'Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.'

Both parties to the negotiation recognized the obligatory character of this principle, as the following documents indicate.

A. *Germany's Position.*

German Letter (29th May 1919):

'Germany offers to proceed with her own disarmament in advance of all other peoples, in order to show that she will help to usher in the new era of the peace of justice . . .'[2]

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The Allied and Associated Powers have already pointed out to the German Delegates that the Covenant of the League of Nations provides for "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations". They recognize that the acceptance by Germany of the terms laid down for her own disarmament will facilitate and hasten the accomplishment of a general reduction of armaments; and they intend to open negotiations immediately with a view to the eventual adoption of a scheme of

[1] For the position of the Powers the reader is referred to their Reply and Letter of 16th June 1919.

[2] See the German Observations of 29th May 1919, for a full statement of the German position.

such general reduction. It goes without saying that the realization of this programme will depend in large part on the satisfactory carrying out by Germany of her own engagements. . . . The Allied and Associated Powers wish to make it clear that their requirements in regard to German armaments were not made solely with the object of rendering it impossible for Germany to resume her policy of military aggression. They are also the first steps towards that general reduction and limitation of armaments which they seek to bring about as one of the most fruitful preventives of war, and which it will be one of the first duties of the League of Nations to promote.

'They must point out, however, that the colossal growth in armaments of the last few decades was forced upon the nations of Europe by Germany. . . . It is therefore right, as it is necessary, that the process of limitation of armaments should begin with the nation which has been responsible for their expansion. . . .'

'Germany must consent unconditionally to disarm in advance of the Allied and Associated Powers; she must agree to immediate abolition of universal military service; a definite organization and scale of armament must be enforced. It is essential that she should be subjected to special control as regards the reduction of her armies and armaments, the dismantling of her fortifications, and the reduction, conversion, or destruction of her military establishments.

'Whilst the Allied and Associated Powers regard the strict maintenance of these principles as a sacred duty and refuse in any way to depart from them, they are nevertheless willing in the interests of general peace and the welfare of the German people to admit the following modifications of the Military Clauses, Articles 159–180 of the Treaty: . . .

'The conditions and proposals of the German Delegates relative to the Naval Clauses cannot be entertained. All these Articles have been carefully framed and must be accepted unconditionally. They are based on the desire for a general limitation of the armaments of all nations and at the same time leave to Germany the requisite naval force for self-protection and police duties. . . .'

§ V. Penalties

A. *Germany's Position.*

German Observations (29th May 1919):

'In Article 227 the Allied and Associated Powers publicly arraign the former German Emperor for a supreme offence against international morality and the sanctity of treaties. A special tribunal, to be constituted solely by the principal Powers and "guided by the highest motives of international policy", shall pass judgment without being bound by any limit in the matter of the punishment to be imposed. For the execution of these proceedings, the Government of the Netherlands is to be requested to surrender the accused. . . .

'The intended criminal prosecution is not founded upon any legal basis. The international law in force provides punishment as a sanction for commandments and prohibitions; no law of any of the interested powers threatens with punishment the violation of the international law of morality or the breach of treaties. Therefore, according to the law in force, there exists no criminal tribunal competent to decide the impeachment in question. The draft, therefore, had to create a criminal law with retroactive powers, as exceptional law, to form the basis of judgment.

'The German Government cannot allow a German to be placed before a foreign special tribunal, to be convicted on the basis of an exceptional law promulgated by foreign powers solely against him, on the principles not of right, but of politics, and to be punished for an action which was not punishable at the time it was committed. . . .

'According to Article 228 Germany is, furthermore, to hand over to her opponents, for conviction by a military tribunal, any persons accused of having committed acts in violation of the laws and customs of war, even in cases where proceedings have already been instituted against these persons by German courts. Under the present law Germany cannot take upon herself such obligations, because Section 9 of the German Criminal Code forbids the extradition of German subjects to foreign governments. . . .

'In the opinion of the German Delegation, one of the noblest objects of the conclusion of peace is to appease passions

which mutual reproach for the violation of international law has aroused, by satisfying the offended sense of justice in all cases where an injustice has actually been committed. This end cannot be attained if, as the draft requires, the demand for the atonement of a wrong committed is, for political purposes, accompanied by the branding and proscription of the opponent, or, if, by giving the rôle of judge to the victor, might is put in the place of right. If a violation of the law is to be atoned for, the proceedings themselves must be legal. Under the law of nations in force at present, only the state, as bearer of the international obligation, is responsible for acts in violation of the laws and customs of war. If satisfaction is to be given by the punishment of guilty individuals, the injured state itself may not convict; it can only demand the punishment of the state responsible for the guilty person. Germany has never refused, and once more declares her readiness to see to it that violations of international law are punished with the full severity of the law, and that all accusations, from whichever party they come, are examined impartially. Moreover, she is prepared to leave the decision of the preliminary question, as to whether an action committed in the war is to be considered an offence against the laws and customs of war, to an international tribunal composed of neutrals. In this connexion it is presupposed:

'1. That violations of the laws and customs of war committed by subjects of all parties to the present treaty shall be brought before the international tribunal.

'2. That Germany shall have the same share in the constitution of the international tribunal as the Allied and Associated Powers.

'3. That the competence of the international tribunal shall be restricted to questions of international law, and that the meting out of punishment shall be left to the national courts.'

In that portion of the Observations which deals especially with questions of criminal law the German Delegation express themselves as follows:

'The German Delegation, in its observations upon the provisions of the draft relating to penalties (Part VII), have expressed the opinion that the infringements of international law committed by individuals in the course of the war must be expiated. In addition to this principle, on the other hand,

another principle must be accepted, namely, that other wrongs committed by the nationals of both parties, the necessity for which resulted from the circumstances of war, should, so far as the general feeling for justice allows it, be consigned to oblivion upon the conclusion of peace. This applies to the relation of a belligerent Power not only to its own nationals, but also to the nationals of the other party. An amnesty of that character has been agreed upon in many previous treaties of peace and will also contribute towards a reconciliation of the peoples. Since the draft of the peace conditions provides for no amnesty, the German Delegation make the following proposals:

'Apart from the liberation of the prisoners of war and interned civilians guilty of a criminal act, which is dealt with elsewhere, it seems appropriate that each Power should grant the nationals of the other party immunity for all criminal acts committed by them in the course of the war to the benefit of their own country, or for contravention of the special laws enacted to the detriment of enemy aliens; such acts as infringe the laws and customs of war must be excepted.

'Further, certain acts which were committed before the conclusion of peace by the inhabitants of a territory occupied by the enemy should be included in the amnesty. The unusual circumstances prevailing during a military or conventional occupation will often give cause for a political or military behaviour which generally loses its significance with the return of the former authorities, and may then remain unpunished without injury to the sense of justice. . . .'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The Allied and Associated Powers have given consideration to the observations of the German Delegation in regard to the trial of those chargeable with grave offences against international morality, the sanctity of treaties, and the most essential rules of justice. They must repeat what they have said in the letter covering this Memorandum, that they regard this war as a crime deliberately plotted against the life and liberties of the peoples of Europe. It is a war which has brought death and mutilation to millions and has left all Europe in terrible suffering. Starvation, unemployment, disease stalk across that

continent from end to end, and for decades its peoples will groan under the burdens and disorganization the war has caused. They therefore regard the punishment of those responsible for bringing these calamities on the human race as essential on the score of justice.

They think it not less necessary as a deterrent to others who, at some later date, may be tempted to follow their example. The present Treaty is intended to mark a departure from the traditions and practices of earlier settlements which have been singularly inadequate in preventing the renewal of war. The Allied and Associated Powers indeed consider that the trial and punishment of those proved most responsible for the crimes and inhuman acts committed in connexion with a war of aggression, is inseparable from the establishment of that reign of law among nations which it was the agreed object of the peace to set up.

As regards the German contention that a trial of the accused by tribunals appointed by the Allied and Associated Powers would be a one-sided and inequitable proceeding, the Allied and Associated Powers consider that it is impossible to entrust in any way the trial of those directly responsible for offences against humanity and international right to their accomplices in their crimes. Almost the whole world has banded itself together in order to bring to nought the German plan of conquest and dominion. The tribunals they will establish will therefore represent the deliberate judgment of the greater part of the civilized world. They cannot entertain the proposal to admit to the tribunal the representatives of countries which have taken no part in the war. The Allied and Associated Powers are prepared to stand by the verdict of history as to the impartiality and justice with which the accused will be tried.

Finally, they wish to make it clear that the public arraignment under Article 227 framed against the German ex-Emperor has not a juridical character as regards its substance but only in its form. The ex-Emperor is arraigned as a matter of high international policy, as the minimum of what is demanded for a supreme offence against international morality, the sanctity of treaties, and the essential rules of justice. The Allied and Associated Powers have desired that judicial forms, a judicial procedure, and a regularly constituted tribunal should be set

up in order to assure to the accused full rights and liberties in regard to his defence, and in order that the judgment should be of the most solemn judicial character.

'The . . . Powers add that they are prepared to submit a final list of those who must be handed over to justice within one month of the coming into force of the Treaty.'

§ VI. Reparation.[1]

A. *Germany's Position.*

German Observations (29th May 1919):

'Legal basis of the German obligation for reparation.

'According to the interpretation of the German Delegation, the general legal basis for the treaty of peace, as explained in the introductory remarks, contains a detailed stipulated agreement regarding Germany's obligation for reparation of damages. The main features of this agreement were explained in the note of the German Delegation of May 24, 1919. According to this, President Wilson's message of January 8, 1918, and the note of the Secretary of State, Mr. Lansing, of November 5, 1918, are decisive in fixing the extent of the German obligation for reparation of damages. President Wilson's message demanded the "restoration of the occupied territories". Thereupon the term "restoration of the occupied territories", as regards Germany, has been defined in the note of the Secretary of State, Mr. Lansing, as meaning that Germany would have to make reparation for all damages which have been done to the civilian population of the Allies and their property by her aggression by land, by sea, and from the air.

'According to the German interpretation it seemed, and still seems to-day, obvious that the obligation to make reparation, as thus defined could not apply to any other territories than those whose restoration has been demanded in President Wilson's message, and which has always been declared by the leading statesmen of our opponents to be their aim in the war. An obligation for the reparation of these territories—but for these territories only—was acceptable to Germany inasmuch as she had brought the terrors of war upon a foreign country by a breach of international law, viz., the violation of Belgian neutrality. It is, therefore, solely the attack upon Belgium

[1] *v.* also pp. 60–91, Chap. I, pts. iii–iv.

for which the German Government accepted responsibility when signing the Armistice. The responsibility, consequently, applies only to Belgium. It will, however, be acknowledged likewise for the north of France, as the German armies reached the territory of Northern France by passing through Belgian territory, whose neutrality had been violated. An extension of the obligation of reparation to the occupied territories of Italy, Montenegro, Serbia, and Rumania must, however, be opposed, for the simple reason that in these countries there is no question of an attack by Germany contrary to international law. Italy and Rumania even took part in the fighting against us, notwithstanding their obligations to Germany as allies at the beginning of the war. Neither can any obligation for reparation as regards Poland be accepted, since Poland was on peaceful terms with Germany on November 5, 1918, nor was the reparation of Poland mentioned in the message of January 8, 1918.

The obligation of Germany which was agreed upon amounts, therefore, to the following: that compensation should be made for all damages sustained by the civil population of the Allies in those territories in Belgium and France which were occupied by the German troops. Moreover, the obligation is not limited to the property destroyed; it includes, on the contrary, every damage which the said civilian population has suffered in person or in property.

The draft of the terms of peace presented by the Allied and Associated Powers exceeds the solemn declarations and agreements of 1918. Article 231 of the draft demands that Germany and her allies accept, in principle, full responsibility for all losses and damages which the Allied and Associated Governments and their respective subjects have suffered through the war. The Allied and Associated Governments demand further, according to Article 232, paragraph 2, that Germany should, in the first place, hold herself responsible for making compensation for all damages which have been inflicted, by her attacks on land, on water, and from the air, upon the civilian population of the Allied and Associated Powers and their property, and, in addition, in general for the reparation of the damages defined in Annex I to Article 232. This annex, however, deals only in the smallest degree with the damages inflicted upon the civilian population of the occupied territories.

'Mention is made of:

'1. Losses to civilian subjects of the Allied and Associated Powers, which were caused in other than the occupied territories;

'2. Losses to the Allied and Associated States themselves;

'3. Losses to military persons of these States;

'4. Damages which Allied, not German, attack has inflicted upon the Allied and Associated Powers, their military persons and their civilian population.

'The demands thus stipulated by the Allied and Associated Governments lead to the belief that they wish to establish, in excess of the arrangements agreed upon, an obligation for reparation for every action committed in violation of international law during the war. As already declared in the note of May 24, the principle of responsibility for violations of international law has been recognized by Germany. It goes without saying, however, that, if the point of view agreed upon in the arrangement should be abandoned, Germany could no longer abide by the renunciation of her demands for reparation contained in this arrangement, but that she, on her part, would have to make considerable claims for compensation for damages. The only practical solution of the great difficulties which would result from such claims of breaches of international law on both sides would be—as already mentioned in the note of May 24—the establishment of an impartial international court of arbitration.

'The German Government, however, believes that it should limit its counter-proposals to the sphere of obligations established by the arrangements made in the fall of 1918. Nevertheless, Germany declares her readiness to assume responsibility for those loans which the Belgian State has placed with its Allies up to November 11, 1918, for war purposes. This is not to be regarded as a renunciation of the legal position as it has been explained, but as a voluntary concession.'

German Letter (29th May 1919): 'Although the exaction of the cost of the war has been expressly renounced, yet Germany, . . . cut to pieces and weakened, must declare herself ready in principle to bear all the war expenses of her enemies, which would exceed many times over the total amount of German state and private assets.

'Meanwhile her enemies demand, in excess of the agreed

conditions, reparation for damage suffered by their civil population, and in this connexion Germany must also go bail for her allies. The sum to be paid is to be fixed by our enemies unilaterally, and to admit of subsequent modification and increase. No limit is fixed, save the capacity of the German people for payment, determined not by their standard of life, but solely by their capacity to meet the demands of their enemies by their labour. The German people would thus be condemned to perpetual slave labour. . . . Even in internal affairs we are to give up the right of self-determination. The International Reparation Commission receives dictatorial powers over the whole life of our people in economic and cultural matters. . . .'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The Allied and Associated Powers, consistently with their policy already expressed, decline to enter into a discussion of the principles underlying the Reparation Clauses of the Conditions of Peace, which have been prepared with scrupulous regard for the correspondence leading up to the Armistice of November 11th, 1918, the final memorandum of which, dated November 5th, 1918, contains the following words:

'"Further, in the conditions of Peace laid down in his address to Congress of the 8th January, 1918, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

'To the extent that the German reply deals with practical phases of the execution of the principles enunciated in the Conditions of Peace, it appears to proceed on the basis of a complete misapprehension, which is the more difficult to understand as the inferences drawn and the statements made are wholly at variance with both the letter and the spirit of the Treaty Clauses. . . .

'The vast extent and manifold character of the damage

caused to the Allied and Associated Powers in consequence of the war has created a reparation problem of extraordinary magnitude and complexity, only to be solved by a continuing body, limited in personnel and invested with broad powers to deal with the problem in relation to the general economic situation. . . . This Reparation Commission is, however, instructed by the Treaty itself so to exercise and interpret its powers as to ensure, in the interest of all, an early and complete discharge by Germany of her reparation obligations. It is also instructed to take into account the true maintenance of the social, economic, and financial structure of a Germany earnestly striving to exercise her full power to repair the loss and damage she has caused. . . . It is not an engine of oppression or a device for interfering with German sovereignty. . . . Germany is at liberty to make any suggestion or offer of a practical and reasonable character for the purposes of simplifying the assessment of the damage. . . . The questions are bare questions of fact, namely, the amount of the liabilities. . . . [The] German Delegation has made no definite offer at all but only vague expressions of willingness to do something undefined. . . . [It] is all that Germany tenders to the victims of her aggression in satisfaction for their past sufferings and their permanent burdens. . . . The foregoing should suffice to demonstrate the reasonableness of the conditions under which Germany is to discharge her reparation obligations. . . . The burdens of Germany undeniably are heavy, but they are imposed under conditions of justice by peoples whose social well-being and economic prosperity have been gravely impaired by wrongs which it is beyond the utmost power of Germany to repair.'

Letter of the Allied and Associated Powers (16th June 1919): 'Justice . . . is the only possible basis for the settlement of the accounts of this terrible war. Justice is what the German Delegation asks for, and says that Germany had been promised. But it must be justice for all. . . .

'This is why the Allied and Associated Powers have insisted as a cardinal feature of the Treaty that Germany must undertake to make reparation to the very uttermost of her power, for reparation for wrongs inflicted is of the essence of justice. . . . Somebody must suffer for the consequences of the war. Is it to be Germany or only the peoples she has wronged? . . .

'In regard to the Saar Basin the régime proposed by the

Allied and Associated Powers is to continue for fifteen years. This arrangement they considered necessary both to the general scheme of reparation, and in order that France may have immediate and certain compensation for the wanton destruction of her northern coal-mines. . . .

'They [the Powers] wish that Germany shall enjoy this [after-war] prosperity like the rest [of the nations of the world], though much of the fruit of it must necessarily go for many years to come in making reparation to her neighbours for the damage she has done. . . .

'The German Delegation have greatly misinterpreted the reparation proposals of the Treaty. These proposals confine the amounts payable by Germany to what is clearly justifiable under the terms of Armistice in respect of damage caused to the civilian population of the Allies by German aggression. . . . They are designed to make the payment of that reparation which Germany must pay as easy and convenient to both parties as possible, and they will be interpreted in that sense. . . .

'But they [the Powers] recognize, with the German Delegation, the advantage of arriving as soon as possible at the fixed and definite sum which shall be payable by Germany and accepted by the Allies. It is not possible to fix this sum to-day, for the extent of damage and the cost of repair has not yet been ascertained. They are, therefore, willing to accord to Germany all necessary and reasonable facilities to enable her to survey the devastated and damaged regions, and to make proposals thereafter within four months of the signing of the Treaty for a settlement of the claims under each of the categories of damage for which she is liable. If within the following two months an agreement can be reached, the exact liability of Germany will have been ascertained. If agreement has not been reached by then, the arrangement as provided in the Treaty will be executed.'

§ VII. Financial Clauses.[1]

A. *Germany's Position.*

German Observations (29th May 1919):[2]

'The German Government is anxious to co-operate in the restoration of France and Belgium in order to pay off the

[1] v. also pp. 60–91. Chap. I, pts. iii–iv

[2] The italics in the following passages are those of the German Delegation.

indemnity in part in German labour, and will, in due course, submit proposals as to the way in which this task, which is common to all civilized nations, can be accomplished with the Allied and Associated Powers in the quickest possible manner. . . .

'Germany is resolved to do all in her power to fulfil her obligations to make reparation. In doing so, the German Government is fully aware that the German people will have to bear greater burdens for generations than any other nation. . . .

'It is of vital importance to democratic Germany that its political organization should be inspired with a social spirit. For this reason Germany can bear these heavy burdens only on condition that she will not be dismembered by the final treaty of peace, and that her industrial system as well as the basis of her food supply will not be destroyed, except in so far as this may result from the right of self-determination of the inhabitants of Alsace-Lorraine, Schleswig, and parts of the province of Posen. . . .

'Germany has assumed the obligations involved in the Lansing Note on the basis of the extent of her territory at that time. Otherwise it would have been an unintentional act of folly to take such heavy burdens on her shoulders, regardless of the diminution of her area, working capacity, raw materials, and food. Should a diminution of her territory take place, as a result of the application of the right of self-determination, the indemnity to be paid on the 1st of May, 1921, will have to be distributed proportionately and in accordance with the point of view set forth above. . . .

'It is recognized that due provision should be made for keeping in reserve such sums as are to be paid at certain dates. But it is going too far to appoint a commission for Germany with such dictatorial powers as provided in Annex II to Article 233. It is impossible for any state, especially for a democratic one, to renounce its sovereign rights to the extent demanded. In particular, Germany cannot agree to the demand that she issue laws and regulations as required from time to time by the Commission. The whole constitution, which for Germany also should be based on the right of self-determination, would be endangered, nay, even made null and void. The power of the purse is, in all democratic states, a means by which the National Assembly exercises its control over the commonwealth. . . .

'So far as the cession of river tonnage for reparation purposes is concerned, the German Delegation point out that Germany can consider only a restitution of such losses as fall within the limits of the reparation obligations recognized by her. . . .

'So far as infringements upon the economic liberty of the German population are necessary in order to perform the accepted obligations, the German Government will undertake them according to its own resolution. . . .

'The German Delegation have noted that, according to Section 11 of Annex II, the Commission shall be bound in its work by justice, equity, and good faith. The German Delegation are also of the opinion that these principles are the necessary and foremost condition for a successful settlement of all questions connected with the matter of reparation. . . .

'The German people cannot accept any stipulations that aim at its disorganization. It does not live only to perform reparation; it wants, rather, to re-establish itself while freeing itself from the burden laid upon it. . . .

'In this connexion the German Delegation declare that they are, on principle, willing to fulfil the demands of Article 238, already accepted in the armistice, and since then performed. . . .

'To ask for such a surrender of business secrets is, according to the views of the German Delegation, not compatible with the principles of justice, equity, and good faith laid down in Section 11 of Annex II.'

In concluding this portion of their Observations the German Delegation remark:

'Considering the shortness of the time conceded for the examination of these extraordinarily complicated and momentous proposals, this rejoinder cannot give an exhaustive representation of the German point of view. However, the German Delegation believe that in further negotiations, which in order to be successful ought to be conducted by word of mouth, a settlement may be reached acceptable to both parties on the basis of the proposals submitted and in spite of the reservations made in particular cases.'

In the Supplement dealing with financial questions the German Delegation say:

'Without intending to anticipate in any way the question of the required cession of the colonies, we must emphasize the following from the financial point of view. . . .

'Moreover, the seizure of the colonies conflicts in any case with the fundamental principles of the armistice. Point 5 of President Wilson's fourteen points provides for "A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the population concerned must have equal weight with the equitable claims of the government whose title is to be determined." According to this, there is in President Wilson's programme no question of a seizure of colonies in general, and especially without making deduction therefor. Moreover, the colonies have become for Germany to such an extent integral parts of her own social economy, they are such valuable parts of her national capital, that she cannot, if only for financial reasons, *renounce her colonial possessions.*'

'If they [the Powers] impose upon Germany a debt which robs her of every possibility of a future; . . . *The German people would feel themselves condemned to slavery, because everything that they accomplished would benefit neither themselves nor even their children, but merely strangers.* But the system of slave labour has never been successful. . . .

'*According to Article* 251, *the Commission is also to have power to decide how much should be spent for the food supply and for the purchase of raw materials from abroad; that actually gives the Commission the power to decide whether and to what degree the German people is to be supplied with food, and to what extent industry may be carried on, so that there can no longer be any question of economic self-determination and initiative. . . .*

'*German democracy* [is] *destroyed* [by the establishment of the Reparation Commission] *at the very moment when the German people, after mighty efforts, was on the point of establishing it; destroyed by the very ones who during the whole war never grew weary of insisting that they wanted to bring democracy to us! . . . The Commission, which is to have its permanent seat outside Germany, will possess incomparably greater rights in Germany than a German emperor has ever had, under its régime the German people would be for many decades without rights, deprived of all independence and of all initiative in commerce and industry and even in popular education, to a greater extent than ever a nation was in the time of absolutism. . . .*

'In other ways, too, Germany is deprived of her rights. . . .

'Finally, Articles 259 and 261 are contrary to every conception of justice and wholly contradictory in themselves. . . .

'A different method must be sought, *the method of negotiation.* In all countries, just as in ours, there are people who preach revenge, hate, militarism, and chauvinism. But in all countries there are also people who fight for right and equality, men of insight who know that the whole world would become poorer if the German people, with its capacity for work, its needs as a consumer, and its intellectual attainments, were excluded from the co-operation of the world. *It is not Germany alone that at present needs credit on a most extensive scale. . . . To concentrate all the forces of the world upon this problem and to give to all peoples the chance of continued existence is the first and most pressing task.* Only when that is accomplished will Germany be in a position to discharge the heavy obligations for reparation assumed by her, obligations which she is determined to discharge according to the best of her abilities. This is based upon the assumption, however, that Germany shall be allowed to preserve that territorial integrity which the armistice promises; that we keep our colonial possessions and merchant ships, even those of large tonnage; that we have the same freedom of action both in our own country and in the world at large as all other peoples: . . .

'But then it is necessary that Germany should be admitted on a basis of equality into the League of Nations from the very beginning, that is from the beginning of the new era of peace. . . . What we demand is merely this, that we shall not be required to lead a life of inaction, without honour and without liberty. Although suffering from heavy misfortune, we want to be able to live as a self-respecting working people.

'The world, and more especially Germany, longs for a speedy peace. We propose that the Finance Commission be given an opportunity to enter into negotiations at once with the financial delegates of the Allied and Associated Governments. So far there has been no opportunity for a free discussion of the peace conditions. Only by that means can there exist any hope of at last finding a way to allay the misery of all countries. Merely to allay, not to remove. . . . But the obligation which Germany now assumes in the way of reparation, she will strive to fulfil in long years of most arduous labour; only she must be allowed a chance to live and to live honourably.'

B. *The Powers' Position.*

The Reply of the Allied and Associated Powers (16th June 1919) answers the practical objections raised by the German Delegation, and it also deals expressly with certain of the principles of the pre-armistice Agreement, such as justice, right, and guarantees.

§ VIII. Economic Clauses.

I. *Commercial Policy.*

A. *Germany's Position.*

German Observations (29th May 1919):

'The basis for the provisions concerning commercial relations which are to be inserted in the treaty of peace, is prescribed in the declarations relating thereto in Wilson's points. As far as they touch economic questions, they read as follows:

'*A.* From the fourteen points of the address to Congress on January 8, 1918:

'I. There shall be no private international action or rulings of any kind.[1]

'II. Absolute freedom of navigation upon the seas, outside territorial waters.[1]

'III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

'*B.* From the four points of the Mount Vernon address on July 4, 1918:

'Second. The settlement of every question . . . of economic arrangement . . . upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

'*C.* From the speech in New York on September 27, 1918:

'I. No special or separate interest of any single nation or any

[1] German Text differs slightly from original.

group of nations can be made the basis of any part of the settlement.

'II. There can be no leagues or alliances or special covenants and understandings within the common family of the League of Nations.

'III. There can be no special, selfish economic combinations within the league and no employment of any form of economic boycott or exclusion, except as the power of economic penalty may be vested in the League of Nations itself as a means of discipline and control.

'IV. Economic rivalries and hostilities have been the prolific source in the modern world of the plans and passions that produce war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms.[1]

'Germany is therefore entitled, on the strength of the preliminary agreements regarding the contents of the actual treaty of peace, to demand that the economic provisions of the treaty of peace shall be drawn with full regard to the perfect equality of Germany's rights with those of the other nations.

'The Allied and Associated Governments are equally interested in seeing this done.

'In the exchange of notes preceding the armistice, Germany pledged herself to make far-reaching compensations. Every creditor has the greatest interest in keeping his debtor solvent or in allowing him to regain his solvency. . . .

'Germany can bear the burdens she has taken upon herself and can in future regain a position approximately equal to that of other nations only if economic freedom, similar to that which she enjoyed before the war, is granted to her. Germany must, for this reason, insist upon being admitted forthwith to the League of Nations and upon participating in the rights and duties of an economic nature proposed in the German draft for the League of Nations, commented upon previously. . . .

'Germany, in respect to traffic, is also willing to co-operate in the development of international traffic regulations with the force of law, which would, as far as possible, do away with all preferential treatment. Germany also agrees to the complete establishment of equal and reciprocal rights in the matter of maritime and river navigation, which question may either be

[1] German Text here differs slightly from original. The points are wrongly numbered: point I is really II, II is III, etc.

settled by the League of Nations or by special agreements. She also gives her consent to the proposed development of a system of free ports.

'With regard to transport by rail, Germany is ready on principle, under the assumption of reciprocity, to treat all goods of the Allied and Associated Powers carried on the same road and in the same direction in exactly the same way as other foreign or German goods. . . .

'She agrees to a renewal of the Berne Convention regarding the transportation of goods by rail. She is also willing to participate, on a footing of equality according to the law of nations, in the further development of provisions for international transport by rail. Germany had already, before the negotiations at Versailles began, indicated to Switzerland her willingness to give her consent to a revision of the St. Gothard Treaty.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The German Delegation find a conflict between the terms of the Treaty which set forth the economic provisions and the third of President Wilson's Fourteen Points: "The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance." In their application of this principle the German Delegation would neglect entirely the economic conditions which have resulted from the war, with their own country intact and in no wise suffering from the devastation brought upon the lands and homes of the Allied peoples. They nevertheless seek immediate admission to all of the trade arrangements which are to be provided for by the Conditions of Peace. This would have the effect of establishing an inequality of trade conditions which would continue in Europe for many years to come. Equality can only be established by arrangements which take into account the existing differences in economic strength and industrial integrity of the peoples of Europe. But the Conditions of Peace contain some provisions for the future which may outlast the transition period during which the economic balance is to be restored; and a reciprocity is

foreseen after that period which is very clearly that equality of trade conditions for which President Wilson has stipulated.'

Letter of the Allied and Associated Powers (16th June 1919):

'There is no intention . . . to strangle Germany or to prevent her from taking her proper place in international trade and commerce. Provided that she abides by the Treaty of Peace, and provided also that she abandons those aggressive and exclusive traditions which have been apparent no less in her business than in her political methods, the . . . Powers intend that Germany shall have fair treatment in the purchase of raw materials and the sale of goods subject to those temporary provisions already mentioned in the interests of the nations ravaged and weakened by German action. . . .'

Reply of the Allied and Associated Powers (16th June 1919):

'The principles which the . . . Powers desire to bring into application when the world returns to normal conditions are those which President Wilson has enunciated on various occasions in his speeches and which are embodied in Article 23 (*e*) of the Covenant of the League of Nations.

'But it is clear that the pronouncements of President Wilson relative to equality of trade conditions must be interpreted as relating to the permanent settlement of the world, and can only be regarded as applicable to a condition of things in which the League of Nations is fully constituted, and the world has returned to normal conditions of trade. In the meantime the establishment of a purely transitory régime necessarily differing from that contemplated in a final settlement is in no way in conflict with such ideas.

'During this period "equitable treatment for the commerce of all members of the League" requires that Germany should temporarily be deprived of the right she claims to be treated on a footing of complete equality with other nations.

'The illegal acts of the enemy have placed many of the Allied States in a position of economic inferiority to Germany, whose territory has not been ravaged, whose plant is in a condition enabling manufactures and trade to be at once resumed after the war. For such countries, a certain freedom of action during the period of transition is vitally necessary. . . . Hence

during the transitory period formal reciprocity is not practicable. . . .

'It is, therefore, a consideration for justice which has led the . . . Powers to impose on Germany, for a minimum period of five years, non-reciprocal conditions in the matter of commercial exchanges. Articles 264 to 267, 323, and 327 [of the draft Treaty], drawn up on this basis, are measures of reparation, the duration of which will be determined by the League of Nations.

'After the necessary period of transition is over, and when a reformed Germany is admitted to membership of the League of Nations, the . . . Powers will be able to co-operate with her in arriving at a more permanent arrangement for the establishment of an equitable treatment for the commerce of all nations.'

Reply of the Allied and Associated Powers (16th June 1919):

'The Allied and Associated Powers do not consider that an addition to the Covenant [of the League of Nations] in the sense of the German proposals regarding economic questions is necessary. They would point out that the Covenant already provides that "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will make provision to secure and maintain freedom of communications and of transit, and equitable treatment for the commerce of all Members of the League." So soon as Germany is admitted to the League, she will enjoy the benefits of these provisions. The establishment of general conventions with regard to transit questions is now being considered.'

II. *Treaties*

A. *Germany's Position.*

German Observations (29th May 1919):

'The draft of the peace treaty apparently starts from the principle that, in the relations between Germany and the Allied and Associated Powers, only such multilateral treaties, conventions, and agreements of an economic or technical character will be resumed as are expressly enumerated in the treaty, while all other treaties of this kind will be dissolved. This principle does not appear practical; it would not establish

a sound and firm basis of justice, which is indispensable to the resumption of international relations. Even an enumeration, apparently complete, of the treaties to be resumed causes considerable doubt, especially since the decisive agreements are laid down not only in the principal pertinent treaties, but also in numerous amendments, special arrangements and subtreaties, and are frequently limited by the reservations of certain States. . . .

'It is their opinion, however, for the present, that it would be preferable in principle for all multilateral treaties which were in force at the outbreak of the war to come into force again, upon the conclusion of peace, and to leave it to an examination, to take place immediately after the conclusion of peace, to decide which of these treaties should be altered or dissolved.

'According to Articles 283 and 284, Germany shall submit herself in advance to all future arrangements between other powers relating to international postal, telegraphic, and radio-telegraphic communications, without being able to influence the contents of these agreements. The acceptance of such obligations in blank is incompatible with the dignity of an independent people.

'Energetic protest must also be raised against the proposals relating to the revival of the bilateral treaties to which Germany is a party. According to Article 289, the Allied and Associated Governments exclusively are to decide which of the treaties which were in force before the war between Germany and these Powers should be revived. According to paragraph 4 of this Article, the Allied and Associated Powers concerned can, in the notification of the treaties to be reapplied, mention any provisions thereof which shall be excepted from the application if, in the opinion of the notifying power, these provisions are not in accordance with the terms of the peace treaty. According to this provision, every former enemy State could demand that Germany resume the obligations prescribed in the old treaties, whereas the enemy State would be, at the same time, in a position to repudiate all the promises which it had made at the time of the conclusion of the treaty in order to obtain Germany's counter-obligations. These treaties, however, so far as they contain obligations and counter-obligations, are a whole, and it is not admissible for them to be torn to pieces arbitrarily

so that all obligations may be imposed on one party, while all rights remain with the other parties.

'The provision of Article 289 is thus not acceptable to Germany. In its stead it is proposed that the treaties in force at the outbreak of the war between the parties to the present treaty should be applied again upon ratification of the treaty of peace. . . .

'Furthermore, it may be observed that, according to international law, treaties with States which have not been at war with Germany, as Peru, Bolivia, Ecuador, and Uruguay, are not affected by the rupture of diplomatic relations.

'The abrogation, demanded by Articles 290 and 292, of the treaties, conventions, or agreements between Germany and her former allies, as well as of Germany's treaties with Russia and Rumania, cannot be agreed to in the general terms of these articles, because the resumption and maintenance of regular relations with these countries would be severely endangered thereby. Germany has already renounced the peace of Brest-Litovsk; the peace of Bucharest has not been ratified at all. These treaties, therefore, are no longer a matter of concern here.

'Articles 291 and 294 demand of Germany that she should secure to the Allied and Associated Governments certain advantages up to this time granted to the Powers allied to her and to neutrals. The German Delegation cannot discuss this demand until they have been in a position to examine in detail all the agreements concerned. The effect of these stipulations cannot be perceived from an examination of the general terms of the treaty draft. The German Delegation therefore propose special negotiations on these questions also.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The Allied and Associated Powers are certainly of the opinion that multilateral and bilateral treaties between peoples must exist in times of peace, so that the principles of international law may be enforced and normal international relations maintained. They have therefore aimed at reapplying all multilateral treaties which seemed to them to be compatible with the new conditions arising out of the war.

'As regards bilateral treaties, they have reserved for each of the Allied and Associated Powers the right to decide the

matter in conformity with the principles of the Treaty of Peace.

'But they could not permit the continuance of all the treaties which Germany imposed on her allies, on her temporarily defeated adversaries, and even in certain cases on neutral countries, with a view to securing particularly favourable conditions and special advantages of all kinds the maintenance of which is incompatible with the re-establishment of the spirit of justice.

'This principle necessarily involves the rejection of the theory put forward by Germany in Section VII (Treaties) of the Remarks on the Conditions of Peace, and obviates the necessity for any negotiations on the matter. A general indiscriminate reapplication after the conclusion of Peace of all multilateral and bilateral treaties, even for a short time, cannot be accepted, and it is only just that the Allied and Associated Powers should have reserved and should reserve in the future the right to indicate which of these treaties with Germany they intend to revive or to allow to be revived.

'The above applies to the whole of the German remarks on Section II of Part X of the Conditions of Peace, but these remarks call for the following further observations: . . .

'The German Delegation states that the acceptance by Germany of Articles 283 and 284 is incompatible with the dignity of an independent people.

'This opinion is based on a misunderstanding of the meaning and terms of Articles 283 and 284. Germany merely undertakes by Article 283 not to refuse her consent *to the conclusion* by the new States of the special arrangements referred to in the Postal and Telegraphic Unions. It is not stipulated that the text of these arrangements shall be dictated to her and that she must accept such text without discussion. This Article merely prevents a systematic refusal to the conclusion of such arrangements or insistence on requirements which make their conclusion impossible. . . .

'The German objections to Article 289 appear to arise out of a misunderstanding of its intention. Whilst the Allied and Associated Powers could not agree to the revival of bilateral treaties or of any clauses in bilateral treaties which are not in accordance with the terms of the Peace Treaty itself, they are quite prepared to give an assurance that this provision will not

be arbitrarily used for the purpose of splitting up bilateral treaties in such a way that only the obligations should remain on one side and on the other side only the rights. . . .

'Bilateral treaties between Germany and states which broke off diplomatic relations with her but did not declare war are expressly included in Article 289 on the same basis as treaties with those states which did declare war. There is no universally recognized rule of international law on the subject, it is accordingly open to the Allied and Associated Powers to deal with the matter in the most convenient manner in the Peace Treaty.

'The treaties referred to in Articles 290 and 292 are essentially among those which Germany concluded by taking undue advantage of the circumstances she herself created, the pressure she exercised, or her temporary military preponderance. Whatever the consequences to Germany of their abrogation, it is impossible to maintain them in force after the conclusion of a Treaty of Peace based upon the principles of justice.

'The Allied and Associated Powers cannot admit that the abrogation by Germany of all treaties concluded with her former allies since the 1st August, 1914, and of all treaties concluded before or since that date with Russia and states or governments whose territories formerly made part of Russia and with Rumania, which is required by Articles 290 and 292, must of necessity grievously jeopardize her relations with these states. . . . The abrogation does not affect Germany's freedom to enter into fresh negotiations with these states for the conclusion of new arrangements suitable to the altered conditions. . . .

'Any special negotiation regarding Articles 291 and 294 is superfluous. The object of these Articles is clear and plain: the Allied and Associated Powers establish equality as between themselves and Germany by obtaining *ipso facto* the benefit of the treatment accorded by her before the 1st August, 1914, to her former allies and of the treatment which for interested motives or for ends inimical to the interests of the Allied and Associated Powers, she may have granted during the war to Powers which have remained neutral.'

III. Treatment of Private Rights.

A. *Germany's Position.*

German Observations (29th May 1919):

'Sections III–VII of Part X [of the draft Treaty] deal with the private rights of the nationals of both contracting parties. These private rights have been prejudiced first by the long continued war itself, but still more by the special laws enacted by the Governments of the belligerent Powers. It is the problem of the treaty of peace to remove as far as possible the consequences of such encroachments and to restore international private legal relations to a normal juridical basis. . . . Whichever means may be chosen, in the field of private law the principle of reciprocity must be accepted from the beginning and without exception as the basis for all regulations to be established. . . .

'The settlement of the questions of private law proposed by the Allied and Associated Governments in Sections III–VII does not meet, in essential points, the demands of reciprocity. Numerous provisions show that even in this matter not the idea of right but the idea of might was decisive.'

(1) Debts (Article 296).

'There is on the whole no fundamental objection on Germany's part to the proposed application of a clearing system. The application of such a system was in fact repeatedly suggested during the war by German parties concerned. But those proposals differ from the present ones in that they did not intend to prejudice the opponent but dealt with the position of the two parties to the proceeding on the basis of absolute equality. At present, also, the application of a clearing system is justified only if it is based on the principle of reciprocity and the equal standing of both parties.

'Beyond that, the clearing system should not alter in any way the principle that private persons remain the bearers of claims and debts. Consequently, freedom of intercourse between the parties should be granted as well as their free right of determination concerning assertion, remission, alteration, and postponement of the claims covered by the clearing system, in so far as that is compatible with such a system of procedure. . . .

The opposite effect would be brought about by introducing a system that prevents free intercourse between creditor and debtor and, by the intervention of official organizations, severs the connexions existing between them before the war. The economic life not only of a single state but of the whole world would be impaired thereby and an economic barrier would be erected between the peoples, which would be incompatible with the legal bases of peace.

'It must be stated that these two principles, namely, the principle of complete reciprocity and the principle of maintaining the right of free disposal of the parties, have been violated by the following provisions in the proposals of our opponents :...

'Only in case these provisions are cancelled can the clearing system be recognized as being in accordance with the principles that are to constitute the basis of the treaty of peace.'

(2) Property, rights, and interests (Articles 297, 298).

'The standpoint of the German Delegation relative to the proposals contained in this section has been set forth in detail in the note of May 22, 1919.... While Germany has felt herself bound, as a matter of course, to abstain, since the conclusion of the Armistice, from all further coercive measures with respect to the private property of enemy nationals and to confine herself, in the execution of the measures prescribed before that date, to acts of conservation necessary in the interest of the owners, several enemy States have taken advantage of the long duration of the Armistice to start forced liquidations of the German private property so far unmolested, or to continue the pending liquidations in an intensified form. According to information received by the German Government, this has been done for instance in France, Belgium, China, and Guatemala. If such measures must be declared incompatible with the Armistice, this applies with still greater force to the measures of liquidation which the French occupation authorities have taken lately in Alsace-Lorraine without waiting for the final decision as to the fate of this territory....

'In the democratic state no legal distinction exists between fellow citizens. Therefore the legal treatment of the private property of former German sovereigns cannot be different from the treatment of the property of any other German. The consideration of such property as property of the public

domain, which appears repeatedly in the draft (see Article 56, paragraph 3, Article 144, paragraph 2, Article 153, paragraph 2, Article 256, paragraph 2, Article 257, paragraph 3), is therefore entirely unjustifiable.'

(3) Contracts (Articles 299–303).

'According to the draft, the question how far contracts concluded between nationals or inhabitants of belligerent States are to be maintained or dissolved, shall not be regulated uniformly for all belligerent Powers. The draft contains special provisions only for contracts concluded between "enemies", i.e. for contracts concluded between nationals of such States, one of which at least has prohibited, or otherwise considered unlawful, trading with the enemy; the draft also excepts from these provisions the contracts concluded between German nationals on the one side and nationals of the United States of America, Brazil, or Japan on the other. The German Delegation ask to be informed of the reasons which have led to this distinction.

'Contracts between enemies shall, according to Article 299 (*a*), be regarded in principle as having been dissolved; among the number of contracts, however, which have been executed by one party and from which a claim for money may be derived, certain classes, enumerated in the Annex, section 2, shall be maintained. This principle is restricted by Article 299 (*b*), and by the Annex, section 2, first sentence. Each enemy Power concerned has the right to demand, "in the general interest", the execution of contracts which otherwise should be dissolved. The contracts which are maintained can be liquidated; the war legislation of the Allied and Associated Powers remains applicable to them, including the regulations permitting the dissolution of contracts by official order or by giving notice. Consequently the maintenance of contracts between enemies is made to depend entirely upon the good pleasure of these Powers or their nationals. Such a regulation appears inacceptable. It would perpetuate the legal uncertainty caused by the conditions of war and would, moreover, abandon, for the future as well, the German contractual interests to foreign arbitrary power. In other respects the German Delegation share the opinion that the problem of the future treatment of pre-war contracts cannot be solved uniformly for all classes of

contracts and that, therefore, neither the principle of dissolution nor that of maintenance can be upheld without exception. According to the German legal conception, indeed, the principle of dissolution of pre-war contracts, as established by the draft, is open to serious objections. But these shall be put aside. In any case, the question will have to be discussed, to what extent exceptions to this principle should be made for special reasons by maintaining certain classes of contracts or by laying down special rules for such classes. This question can only be settled by thorough discussion in a mixed committee of experts.

'Details, especially Sections II and III of the Annex, will therefore not be discussed here. Nevertheless, we must point out here the arbitrary character of the regulation proposed in Article 299 (*d*); according to this provision, contracts between inhabitants of territories to be ceded on the one hand, and former enemies on the other, are to be maintained only in case the party living in the territory to be ceded shall acquire the nationality of his former enemy. This one-sided favouring of persons who choose the new nationality is without any legal justification. Equally unjustifiable is the provision in section 12 of the Annex, which enables the Allied and Associated Powers to cancel the life insurance contracts concluded by their nationals with German insurance companies, and thereby to destroy the foreign business of these companies for the benefit of non-German companies.

'A special treatment is reserved for the contracts made before the promulgation of the French decree of November 30, 1918, between inhabitants of Alsace-Lorraine on the one hand and the German Empire, the single German States or Germans resident outside Alsace-Lorraine, on the other hand. These contracts are maintained in principle; a natural solution, since it is not a question of contracts between enemies. Nevertheless, by paragraph 2 of the provision, the French Government is given complete power to cancel any contract "in the general interest". The German Delegation protest in principle against the idea that the cession of Alsace-Lorraine should involve such encroachments upon private legal relations.'

(4) Mixed Arbitral Tribunals (Articles 304–305).

'The establishment of mixed courts of arbitration is dictated by justice and by practical reasons. It must be

regulated in such manner that uniformity of jurisdiction is guaranteed for all controversies originating in the settlement of private rights, and that the decisions of the court are carried out uniformly in all contracting States.

'The draft departs from these principles in the following points: . . .

'The proposed composition of the Mixed Arbitral Tribunals seems essentially justified on the condition that the League of Nations, the council of which is to choose the disinterested president, include Germany.

'According to sections 8 and 9 of the Annex, the language in which the proceedings shall be conducted, and the time and place for the meetings shall be determined by the enemy Power concerned. This is not only an injustice to Germany, unparalleled in all international and national agreements of arbitration, but it is also impractical. . . .

'In the spirit of reciprocity resulting from the interest common to all states in an equal and just settlement of these controversies, the courts and other authorities of all contracting Powers should within their competence assist the Mixed Arbitral Tribunals in every way, by means of direct intercourse, and especially by acting as intermediaries in the serving of legal notice and in the taking of evidence.'

(5) Industrial property (Articles 306–311).

'The provisions relative to protection of industrial property are founded on a principle which would comply with the demands of right and equity if they were carried out logically, and if reciprocity were fully guaranteed. . . . As a result, the rights of property are re-established only for the benefit of nationals of the Allied and Associated Powers. In so far as the war measures on both sides have led to the granting of reparations or indemnities, these are to be dealt with, as a rule, according to the general stipulations regarding the adjustment of liabilities, the great injustice of which has already been alluded to above. . . . [The] Mixed Arbitral Tribunal, not the German courts, is called upon to pass judgment in cases which cannot be settled by agreement between the parties, and where the legal matter on hand is subject to German law; if, however, the legal matter is subject to the law of one of the enemy Powers, the decision is to be entrusted to the national court of

this Power. Justice demands that the Mixed Arbitral Tribunal pass judgment in all cases. The maintenance of the war licenses proposed by paragraph 2, which might perhaps be tolerable in case of recognition of full reciprocity, becomes unjust because it is only the war licenses, granted in favour of nationals of the Allied and Associated Powers, that are to be maintained. . . .

'The numerous doubts and scruples here raised, which are only increased by a closer study of the details of the regulation, render it unavoidable that, before making a final decision, all these problems should be dealt with in joint deliberations by the experts of all the contracting parties.'

B. *The Powers' Position.*

(1) *Debts.*

'While reciprocity cannot be accorded in all respects, the Allied and Associated Powers have nevertheless applied this principle wherever it has been possible. . . .'

(2) *Property, Rights and Interests.*[1]

(3) *Contracts.*[1]

(4) *Mixed Arbitral Tribunals.*[1]

(5) *Industrial Property.*

'The Allied and Associated Powers are not prepared to grant the request of the German Delegation for reciprocity in regard to the maintenance of the legal and administrative acts taken by the Governments during the war in respect of industrial, literary, and artistic property. Certain Allied and Associated States have not taken any measures of this kind, so that if reciprocity were accorded it would be to the detriment of the rights of the nationals of such States without any offset.

'The clause providing that no action shall be brought by Germany or her nationals in respect of the use during the war of her industrial, literary, or artistic property by the Government of any Allied or Associated Power, or by any person acting on behalf or with the assent of such Government is

[1] Quotations from the Powers' Reply are here omitted. These subjects will be further dealt with in Vol. IV.

clearly a proper and necessary clause providing for amnesty for all acts done by a Government or its agents. The Allied and Associated Powers are not, however, prepared to make the clause reciprocal, especially as they have no knowledge as to the action which may have been taken by the German Government with respect to the industrial, literary, and artistic property owned by their citizens.'

§ IX. Ports, Waterways, and Railways.[1]

A. *Germany's Position.*

In their Letter and Observations of the 29th May 1919, the German Delegation maintain that in various ways Germany's sovereignty was abolished by provisions of the draft Treaty. Thus, 'her chief waterways are subjected to international administration.'

B. *The Powers' Position.*

The Allied and Associated States maintain, in their Letter of 16th June 1919, that the provisions of the draft Treaty in regard to this matter are based on the Agreement. 'Arising out of the territorial settlement', they declare, 'are the proposals in regard to international control of rivers.' It is clearly in accord with the agreed basis of the peace and the established public law of Europe that inland states should have secure access to the sea along navigable rivers flowing through their territory. . . . The arrangements which they propose are vital to the free life of the new inland states.' They do not think that they are any derogation of the rights of the other riparian States.

Similarly, in their Reply of the 16th June 1919, the Powers declare that 'in conformity with all precedents, the sole object of the regulation of navigation on these rivers is to establish complete equality between the subjects of all nations, and not to allow any riparian State to use its geographical situation and the fact that a great route of international communication passes through its territory as a means of applying economic and political pressure on States dependent on it. . . . [The] great factor of freedom of communication must rank first.'

[1] All those portions of the documents under review which deal with ports and railways are here omitted, *v.* Chap. I, pt. v. *passim.*

§ X. Labour.

A. *Germany's Position.*

German Observations (29th May 1919):

'Since, according to the draft, Germany is not immediately to become a member of the League of Nations and of the international labour organization, the German people are not allowed to co-operate in determining the rights and obligations upon which the health and welfare of the workers depend, although Germany's social legislation for the protection of workers has actually become a model for the entire world. These measures are due, to a considerable degree, to the co-operation of the German labour organizations. . . . The conditions prescribed in the peace draft of the Allied and Associated Governments would subject the German workingmen to the most extreme distress and to the utmost exploitation of their working power. . . . A peace which threatens the existence of the German workers can never be a peace of justice, which guarantees friendship among nations. Such a peace would be contrary to the message which President Wilson directed to the Russian Government on June 10, 1917, in which he said: "The saying that all men are brothers must no longer remain a beautiful but empty phrase; a strong and actual significance must be given to it!"[1]

'This would never be achieved through Part XIII of the peace conditions, as has already been made clear in the notes dated May 10 and May 22, 1919. The words of President Wilson can be fulfilled only by recognizing the workers' organizations and their decisions, as well as by extending advanced social legislation. . . . The Allied and Associated Governments possess, indeed, no right to inflict damage upon the workers among the German people by exercise of wilful and irresponsible power, nor to force these workers to serve their ends and interests. The Allied and Associated Governments would thereby destroy the basic principles of justice as laid down by President Wilson in his speech in New York on September 27, 1918. . . .

'Part XIII of the conditions of peace is also in contradiction to the demands of democracy, for the powers which are

[1] This message from President Wilson does not form part of the pre-Armistice Agreement.

therein conferred upon the Governments cannot be derived from the consent of the governed.[1] In these stipulations the workingmen are regarded as mere chattels. Although the Allied and Associated Governments have set up the principle that labour is not to be regarded as a mere commodity or article of commerce, they nevertheless deny to the workingman the most elementary of human rights—that of equality. They take from the workingmen the right of deciding for themselves how they are to conduct their lives and protect the welfare of their families. They do not regard workingmen as citizens entitled to equal rights.

'A peace which did not bestow these equal rights upon the workers would leave a poisonous sting of revengefulness and bitterness in their hearts. A peace of this kind would not be based upon a firm foundation, but upon quicksand. Only a peace between equals can be permanent; only that peace whose first principle is the equality of rights of the working classes will last.

'The practical application of President Wilson's words of July 4, 1918, to the workingmen, results in this conclusion: The regulation of all labour questions must be conducted on the basis of the free acceptance of that settlement by the workingmen immediately concerned, and not on the basis of the material interest or advantage of any other class of the nation, or of another people which may desire a different settlement for the sake of its own foreign influence or mastery.

'The general principles laid down in Article 427 of the peace draft likewise fail to do justice to the demands of the working class. They lack the first essentials for the recognition of the equal rights of the workingmen of all lands, namely, the right of free movement, the right of organization, and the unrestricted enjoyment of the workingmen living in an alien state in the protective laws of such state. . . . [Workingmen] demand equal rights for the working classes of all countries. . . . [A world conference of labour organizations should be summoned.] The results of [its] deliberations, both in respect to practical labour legislation and to the international organization of labour, should be embodied in the treaty of peace and thereby attain the force of international law. Any other settlement

[1] See President Wilson's Address to Congress 22nd January 1917: 'Governments derive all their just powers from the consent of the governed.' This does not form part of the pre-Armistice Agreement.

would involve a violation of fundamental human rights by disregarding a demand of the day, something which the conscience of the world dare not allow if the peace of the world is to be preserved.

'It is precisely by means of these principles that the German Peace Delegation, in the interest of the happiness of all nations, would procure the full acceptance throughout the world of those potent words spoken by President Wilson on February 11, 1918. These words can be converted into reality only by the unanimous consent of the working classes of all countries:

'"What is at stake now is the peace of the world. What we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches."'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The observations put forward by the German Delegation with reference to the Labour section of the Treaty contain practically nothing which has not already been included in the two notes previously submitted by that Delegation on the 10th and 22nd May, 1919, to which full and detailed replies were sent on the 14th and 28th May. The Allied and Associated Powers do not consequently think it desirable to resume the examination of the questions already dealt with in these notes and in the replies which have been made to them.'[1]

§ XI. Guarantees.

A. *Germany's Position.*

German Observations (29th May 1919):

'Even in the provisions for its execution, the draft of the peace conditions does not renounce the principle of force. As a guarantee for the fulfilment of the conditions which strike such a terrible blow at the life of the German people, an occupation of German territory extending over many years is demanded.

'The primary purpose of this occupation is obviously twofold: the last paragraph of Article 429 is to provide security against German aggression; and Article 430, a guarantee

[1] The notes referred to have not been accessible to the present writer.

against an eventual refusal on the part of Germany to fulfil her obligations in the matter of reparation.

'With regard to the possibility of German aggression, no human being could possibly consider the weak military armament left to Germany after the war a menace to her neighbours. . . Germany is likewise utterly defenceless at sea against the overwhelming preponderance of the navies of the Allied and Associated Governments, which have absolute control of the seas. . . .

'Nor does the occupation offer any guarantee for the fulfilment of the economic and financial obligations of Germany. . . . The occupation would render the fulfilment of the reparation obligations either most difficult or absolutely impossible. . . . The occupation of portions of German territory would, in its effect, assume exclusively the character of a harsh and cruel supplementary punishment for the populations which would suffer under it. . . . The citizens of a nation which now has the freest and most democratic form of government would, by such an alien rule, be hampered for a long time in the exercise of their personal, economic, and national rights and liberties, if not entirely deprived of them. . . .

'If the Allied and Associated Governments feel the need of providing themselves with guarantees, after the conclusion of peace, for the keeping of the agreement and for the fulfilment of the obligations which Germany has undertaken, there are more effective means of achieving this than force and compulsion. . . . Through the will of her people Germany has become a democracy and a republic. . . . The new Germany is convinced that it deserves . . . confidence, and it may therefore demand its place in the League of Nations. Germany's membership in the League of Nations would in itself alone constitute the most inviolable guarantee for the good faith of every German Government. . . .

'The proposals of the German Government are inspired by the wish to ensure that permanent peace which is so urgently needed by its own sorely stricken land. . . . However little the German Government is in a position to exert pressure in bringing about a peace of this kind, it would nevertheless consider that it was remiss in its duty if it did not once more raise its voice in warning against the consequences of a peace of brute force. . . .

'The working people of Germany have always desired peace and justice, and still desire them to-day. Germany knows that in this she is at one with all humanity. In all nations the best spirits are longing for a peace of justice after this terrible war. If this longing be betrayed, then the ideal of justice will be annihilated for generations and an organization of the world based upon morality will become utterly impossible. A permanent peace can never be established upon the oppression and the enslavement of a great nation. Only a return to the immutable principles of morality and civilization, to the sanctity of treaties, would render it possible for mankind to continue to exist. The new peace must be a peace of justice and therefore of voluntary agreement. It must therefore, in the first place, revert to the solemn agreements entered upon by both parties, as laid down in the interchange of notes between October 3 and November 5, 1918.

'Justice and the free agreement of all parties to the treaty will prove to be the strongest, in course of time the only guarantees of the pact to be concluded. In the very moment of founding a new commonwealth, based upon liberty and labour, the German people turns to those who have hitherto been its enemies and demands, in the interests of all nations and of all human beings, a peace to which it may give its assent in accordance with the dictates of its conscience.'

B. *The Powers' Position.*

Reply of the Allied and Associated Powers (16th June 1919):

'The German Delegation observe in their remarks on the Conditions of Peace: "Only a return to the immutable principles of morality and civilization, to sanctity of treaties, would render it possible for mankind to continue to exist."

'After four and a half years of war which was caused by the repudiation of these principles by Germany, the Allied and Associated Powers can only repeat the words pronounced by President Wilson on September 27, 1918: "The reason why peace must be guaranteed is that there will be parties to the Peace whose promises have proved untrustworthy."'

§ XII. Miscellaneous Provisions: Maritime Law.

A. *Germany's Position.*

German Observations (29th May 1919):

'Article 440 of the draft demands that Germany recognize all decrees and orders issued by enemy Prize Courts concerning German ships and German goods and excludes Germany from putting forward any claims on behalf of German nationals. On the other hand, Germany is to allow the decisions and orders of her own Prize Courts to be examined in such manner as the Allied and Associated Powers may determine at their discretion, this applying not only to decisions affecting nationals of those Powers, but even affecting nationals of neutral Powers. Further, Germany is to submit to the results of such examination without even a right to be heard.

'The partiality of these provisions is all the more intolerable because the Allied and Associated Powers claim for themselves, without any justification, the right of decision with regard to neutral claims against Germany. Justice demands either the recognition or the indiscriminate and impartial examination of the decrees and orders issued by the Prize Courts of all contracting Powers. To either of these two solutions Germany could agree. Should an examination be agreed upon, it can only be undertaken by an international court constituted on a footing of equality.

'If the provisions of Article 440 were to become valid, the Allied and Associated Powers would unlawfully receive a considerable amount of assets to which Germany is lawfully entitled, besides the full and ample compensation demanded by them. Under the terms of the armistice the German Empire had to deliver up the former enemy tonnage adjudged to her by valid decisions of Prize Courts. The draft says nothing of a restitution or taking into account of that tonnage. On the other hand no attempt is made to make compensation for this unjustified injury by the restitution of the former German ships or cargoes affected by decrees or orders of hostile Prize Courts, or at least by making allowance for their value. . . .

'According to section 7, Germany would have to take any measures that might be suggested to her by the Reparation Commission to redeem the German ships transferred to neutrals since the beginning of the war. Thereby Germany would be

at the mercy of foreign speculation. According to section 8, Germany is to renounce all claims in respect of the detention, employment, loss, or damage of German ships, excepting the payments stipulated by the armistice protocols. Thereby Germany would be deprived, among other things, of all claims she might be entitled to on account of damage, according to the principles of international law relating to the treatment of ships under embargo. According to section 9, Germany is to renounce all claims to ships and cargoes sunk and subsequently salvaged; this clause is to be enforced without regard to the decisions made by the Prize Courts of Germany or of her Allies.

'These provisions appear unjustified in their present form; section 9 could be agreed to on condition that the value of salvaged ships and goods, less all costs of salvage, be placed to the credit of Germany on her reparation account.'

B. *The Powers' Position.*[1]

PART XII

SURVEY OF THE PRINCIPLES APPLIED TO THE PEACE SETTLEMENT WITH GERMANY BY THE PARTIES.

In Parts IX, X, and XI an effort has been made to understand the positions of the two parties in reference both to the draft Treaty as a whole and also to its separate parts. Special attention has been devoted to the views of the parties upon the relation of the pre-Armistice Agreement and the Armistice Convention to the draft Treaty; and for the most part the controversy between the parties has been set forth in their own words. It is now proposed to consider the negotiations at Paris from the point of view of the principles upon which the parties based their proposals. No effort will be made to study the draft Treaty itself on its merits or demerits as the professed documentary embodiment of the terms and principles that were obligatory upon the Powers under the provisions of the pre-Armistice Agreement and the Armistice Convention: these problems will be considered in detail in subsequent chapters. The sole purpose of the remaining parts of the present chapter

[1] The Powers do not appear to have dealt with questions of maritime law in the documents now under review.

will be to note the principles which the parties applied, during the negotiation, to the complex problems of the settlement, and to study these principles in their relation to the terms and principles of the pre-Armistice Agreement (' the agreed peace ') and the clauses of the Armistice Convention.

No effort will be made at exhaustiveness. All that is aimed at is to suggest the vast battle-ground of that war of principles which, on the conclusion of the Armistice, took the place of the war of armies, navies, and air forces. In the present brief survey many of the answers of the one party to the contentions of the other must perforce be omitted. Only a detailed study of all the documents themselves will reveal the full scope of the attack and the counter-attack of the parties, armed as they both were with President Wilson's principles. The documents which embody the controversy of the parties at Paris are in fact permeated with the Wilsonian principles of the pre-Armistice Agreement. Many of the principles have an all-pervading influence: they affect the discussion of all or nearly all of the separate parts of the draft Treaty. Justice is one of these permeating principles; right and equality are but two of the others. It is this diffusion of principle throughout the documentary evidence of the Paris negotiations which forms the main subject-matter of the present Part XII.[1]

§ I. The Pre-Armistice Agreement.

Germany contends that ' scarcely a single stipulation of the draft [Treaty of Peace] corresponds with the conditions agreed upon [prior to the conclusion of the Armistice Convention] '.

The Powers reply that the draft Treaty has been drawn up with scrupulous regard to the obligations resulting from the pre-Armistice Agreement.[2]

§ II. The Armistice Convention.

The documents which embody the controversy between the parties as to the draft Treaty contain many references to the

[1] As far as possible the order of treatment in the present Part XII follows the same general arrangement of subject-matter as that adopted in the study of the pre-Armistice Agreement (see Vol. I, Chap. IX, Part IV). In this way the reader may make some comparison between the agreed principles and the principles actually applied by the parties.

[2] This fundamental difference of opinion is illustrated in detail in all the remaining sections of the present Part of this Chapter.

Armistice Convention. To all seeming it was not questioned by either party that the Armistice Convention, when in conflict with the pre-Armistice Agreement, must be the governing instrument; for it was concluded later than the Agreement itself. At the same time, the possible modifications of the terms and principles of the Agreement by the clauses of the Armistice Convention (for example, those in reference to reparation) present a legal problem of great importance which the historian of the Conference must always bear in mind. A further question of equal importance is how far, if at all, the provisions of the draft Treaty infringe the clauses of the Armistice Convention. Germany maintains that the Armistice Convention is infringed in several particulars by the draft Treaty. The Powers are equally convinced that the draft Treaty is in conformity with the Convention. The following short summary of certain of the allegations of the parties in reference to this matter will indicate the scope of the controversy.

(*a*) *Territorial and Political Questions.* In dealing with the boundaries of Germany the German Delegation maintain that 'steps taken during the Armistice have shown what the population of [the] Saar district will have to endure in the future'. The French Forces of Occupation have prepared the people for annexation to France. 'There is no justification', declare the German Delegation, 'for the demand that the date of cession [of Alsace-Lorraine] be set back to the day of the conclusion of the Armistice'. The German Delegation draw attention to the fact that by Article 15 of the Armistice Convention Germany has already renounced the treaties of Brest-Litovsk, as well as the supplementary agreements.

The Powers justify the clauses of the Treaty in reference to Luxemburg partly upon the ground that since the Armistice Luxemburg herself has communicated to the Powers her denunciation of the Customs Union. Germany recognized, when she signed the Armistice, that the 'legal objections derived from the "ante-dated cession" [of Alsace-Lorraine] are . . . inadmissible'.

(*b*) *German Rights and Interests outside Germany.* In dealing with the colonial question Germany declares that 'the demand contained in Articles 199 et seq. of the draft of peace, concerning Germany's renunciation of her overseas

possessions, cannot . . . be brought into harmony with the stipulations of the Armistice, which are based on Point 5 of the message of January 8, 1918 to the Congress of the United States '.

Germany contends, in dealing with German rights outside Germany, that ' every claim for damages done to German property in contradiction to law during the war, and even during the period of the Armistice (for instance, in Italy), is at the outset declared null and void by Article 298 (Annex) '. The German Delegation maintain, further, that ' owing to the behaviour of the . . . Powers during the period of the Armistice and the peace negotiations ', the notion gains more and more credence among the German people that the Powers ' intend to stamp out German commercial competition '.

(*c*) *Reparation.* Germany claims that, when she signed the Armistice, she accepted responsibility for reparation only in the case of Belgium, and that the Powers now demand reparation in excess of Germany's obligation.

The Powers maintain, on the other hand, that the ' proposals [of the draft Treaty] confine the amounts payable by Germany to what is clearly justifiable under the terms of the Armistice '.

(*d*) *Financial Questions.* The German Delegation, in considering the financial clauses of the draft Treaty, declare that ' they are, on principle, willing to fulfil the demands of Article 238, already accepted in the Armistice, and since then performed '. ' The seizure of the colonies conflicts with the fundamental principles of the Armistice [as based on Point 5].' Germany should be ' allowed to preserve that territorial integrity which the Armistice promises ' ; and only on this assumption can Germany pay her reparation obligations.

(*e*) *Treaties.* Germany, in dealing with Articles 290 and 292, reminds the Powers that she has already ' renounced the peace of Brest-Litovsk [in the Armistice Convention] '.

(*f*) *Economic Questions.* In dealing with the economic clauses upon the subject of private rights Germany refers several times to the Armistice, which, she contends, has been infringed in certain particulars by the Powers.

Germany also alleges an infringement of the Armistice by the draft Treaty in respect to tonnage.

These several contentions of the German Delegation indicate

the importance of studying the clauses of the draft Treaty in their relation to the Armistice Convention as well as to the pre-Armistice Agreement.

§ III. The Nature of the Peace Settlement.

(1) *Final Settlement.*

Both parties to the negotiations at Paris, as we have seen, express their desire and intention that the peace should be a final settlement. The German Delegation, in their Observations (29th May 1919), state their belief that the highest and most precious object of the Peace is to provide an assurance that this war shall be the last. In the German Letter (29th May 1919) it is stated that 'Germany offers to proceed with her own disarmament in advance of all other peoples, in order to show that she will help to usher in the new era of the peace of justice'. The Letter also speaks of 'the new era of an assured peace of justice' and 'a durable peace'; and it states that 'the forces which are at work for a union of mankind are stronger now than ever they were before'. 'The historic task of the Peace Conference of Versailles is to bring about this union.'

It is clear also from the documents which emanate from the Powers that they are firmly determined that the peace, once established, shall be durable. 'Justice', they declare in the Letter of the 16th June 1919, 'is the only possible basis for the settlement of the accounts of this terrible war.' 'They believe that [the draft Treaty] is not only a just settlement of the great War, but that it provides the basis upon which the peoples of Europe can live together in friendship and equality.'

The pre-Armistice Agreement had stipulated for a final settlement; and throughout the negotiations there was no expressed intention on either side that the Treaty should serve merely as a temporary adjustment. Indeed, as we have just seen, both parties professed that they were negotiating a Treaty which should establish a secure and durable peace. The divergent views of the parties were concerned in large measure with the fundamental problem as to how far the provisions of the draft Treaty actually ensured the fulfilment of the Agreement that the reckoning should be made once and for all.

This divergence in view is expressed in a striking way by

the parties themselves. Germany: '[The] draft of a peace treaty as submitted to the German Government stands in full and irreconcilable conflict with the basis agreed upon for a just and durable peace.'[1] The Powers: '[The draft Treaty presents] the prospect of a lasting peace. . . . It is a chief duty of the . . . Powers to rectify . . . injustices in accordance with the explicit statement of President Wilson . . . February 11, 1918: "Each part of the final settlement must be . . . most likely to bring a peace that will be permanent."'

One of Germany's chief objections to the draft Treaty is summed up in her contention that in certain of its territorial settlements it introduces new elements of discord and conflict. Thus, the draft Treaty's settlement of the Saar region, the German Delegation maintain, 'introduces new germs for conflict into the relations between the German and the French people'. If a plebiscite be not taken in Alsace-Lorraine 'the danger would . . . arise that, in the future, this question would be the cause of new hatred among the nations'. The inclusion within Polish frontiers of territories whose populations are of an indisputably German nationality, as proposed by the draft Treaty, would 'contravene the principle of Wilson, according to which, in the settlement of national questions, it is inadmissible to create "new elements of discord and antagonism or to perpetuate old elements of this kind, which probably would in the course of time disturb the peace of Europe and consequently the peace of the world"'. Furthermore, declare the German Delegation, 'the attempt to make Danzig a free city, and to surrender its means of communication and the representation of its rights abroad to the Polish State, would lead to violent opposition and to a continuous state of war in the east'.

The Powers declare, on their side, that 'the decisions in each instance have been founded upon the principle explicitly enunciated' by President Wilson in his address of the 11th February 1918 (nationality; but 'without introducing new or perpetuating old elements of discord').[2]

It is clear from the German Letter and Observations of the 29th May 1919 that Germany viewed the draft Treaty as one which contained many provisions that could not be carried out; and that it embodied indeed the 'seeds of future discord'. The

[1] See also Part X, § II, A, *supra*.
[2] This is the fourth of the 'Four Principles' of this Address.

Allied and Associated Powers appear to have held a far different view of the draft Treaty; but the modifications to which they agreed were at least a partial recognition of the position assumed by Germany.

(2) *Parties to the Settlement.*

The pre-Armistice Agreement had stipulated that all parties to the War should join in the final settlement. To all seeming the documents exchanged between Germany and the Powers do not raise the question as to how far a separate peace with Germany conflicted with this stipulation. It was, after all, not a practical question; for the course of the War and of the negotiations in the autumn of 1918 led to separate Armistice Conventions between the Powers and each one of the States of Central Europe. It was but natural that this trend of events should lead to the negotiation of separate Treaties of Peace. In a broader sense the stipulation of the Agreement has been complied with, for all of the separate Treaties of Peace must be read together. All together the several Treaties constitute one complete settlement to which all of the belligerent States are parties.

(3) *Common Judgment of all.*

The pre-Armistice Agreement provided that the settlement should embody the common judgment of all parties to the War. It is manifest that the process of concluding separate Treaties of Peace necessarily conflicted with this stipulation. The several Treaties cannot in any sense be viewed as the embodiment of the 'common judgment of all'. Indeed, no one of the several Treaties can be said to represent even the common judgment of the particular parties to it: the divergence of views as to the draft Treaty with Germany illustrates this in a marked degree. While the draft Treaty did in a measure represent the common judgment of the Allied and Associated Powers, it did not in any sense represent the judgment of Germany.[1]

[1] It is worthy of remark, in this connexion, that both parties quoted and relied upon the words of President Wilson, that 'all who sit down at the peace table shall come ready and willing to pay the price [of a secure and lasting peace] . . . impartial justice in every form of the settlement'. But what seemed 'impartial justice' to the Powers, seemed 'injustice' to Germany.

(4) *Open Covenants.*

At the opening session of the Peace Conference at Versailles, on the 7th May 1919, M. Clemenceau informed the German plenipotentiaries that 'no oral discussion is to take place and the observations of the German Delegation will have to be submitted in writing'. In their Letter (29th May 1919) the German Delegation say: 'There is no precedent for the conduct of such comprehensive negotiations by an exchange of written notes only. The feeling of the peoples who have made such immense sacrifices makes them demand that their fate should be decided by an open, unreserved exchange of ideas on the principle: "Quite open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly in the public view."[1]' Several times in the course of the written negotiations at Paris the German Delegation repeated their demand for oral discussions with the representatives of the Allied and Associated Powers.[2] So far as one can see, however, the question of 'open covenants' was not really considered in any detail by the Conference. Germany, as has been noted, drew attention to the President's Point One, and contended that the discussions should be oral and not written; but to all seeming neither side pressed for an 'open covenant of peace openly arrived at'. In any event the actual machinery of the Conference did not lend itself to the adoption of this method of concluding peace. A limited number of open plenary sessions and the publication of the results of secret sessions were the only features of the Conference which were in full compliance with the principle of Point One. The impartial observer of the course of events at Paris can reach but one conclusion: The conduct of the negotiations conflicted with President Wilson's Point One. How far this conflict was necessitated and justified by practical considerations is a further question. One may suspect that the procedure of the Conference will continue to be in the future the recognized method of concluding international covenants. It was followed at the first meeting of the Council of the League of Nations in London. Point One has

[1] Based on President Wilson's Address of 8th January 1918 (Point 1).

[2] Thus, for example, they demanded 'oral negotiations' as to the financial clauses.

been relegated to the realm of pure theory; it has had and can have, in our time, no place in the domain of practical diplomacy.

(5) *Principle.*

Both parties to the negotiation expressed their resolve to base the peace settlement upon the *principles* embodied in the pre-Armistice Agreement.[1] The Treaty was to be an application of 'the agreed principles'. To what extent the draft Treaty, or the Treaty itself, embodies these principles is one of the most vital of all the questions connected with the history of the Conference.

§ IV. International Law, International Relations, and the League of Nations.

(1) *New International Order.*

Both parties to the negotiation expressed the view that the War and its consequences necessitated the 'new international order' contemplated by the pre-Armistice Agreement. Both parties also professed their desire and hope that the Treaty would embody the foundations of this new system of international relations based upon law, justice, and the other fundamental principles of the Agreement.[2]

Germany's position in regard to the new international order is of special interest. Germany declares that by her own disarmament she wishes to show that she will 'help to usher in the new era of the peace of justice'. But, contends Germany, 'the new era of an assured peace of justice [demands] a treaty instinct with a different spirit [from that of treaties dictated by victor to vanquished]'. From 'the beginning of the new era of peace' Germany should be admitted, on a basis of equality, into the League of Nations. Germany states (quoting the words of President Wilson in his address of the 11th February 1918) that 'what we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches'. 'Only the unanimous consent of the working classes of all countries', maintains Germany, can convert these words into a reality.

[1] The Agreement itself stipulated for a settlement based upon *principles*.

[2] See, e.g., Part IX, § II, A, pp. 251–3, Part X, § II, A, pp. 256–9, § III, A, pp. 260–1.

(2) *Common Will and Consent of Mankind.*

The documents now under review contain few express references to the principle of the pre-Armistice Agreement that the new international order should be based on the common will and consent of mankind. In their Reply of the 16th June 1919, the Powers declare indeed that the tribunals they will establish to try the Kaiser and German subjects accused of breaches of the laws and customs of warfare will 'represent the deliberate judgment of the greater part of the civilized world'; while in their Letter of the same date they maintain that the draft Treaty 'represents a sincere and deliberate attempt to establish that "reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind", which was the agreed basis of the peace'. Germany speaks of the 'solidarity of human interests'. There is in fact a recognition, on both sides, that all States are closely related one to another in many ways and that these international relations must be governed by the law of nations as the expressed will of the civilized world.

(3) *International Law and Morality.*

The discussion of the parties at Paris touched at many points upon international law and morality. Various clauses of the draft Treaty were subjected to the test of their conformity with the legal and moral rules and principles which govern international relations.

(*a*) *Territorial and Political Questions.* In dealing with the territorial clauses[1] the German Delegation say: 'Unjustifiable appears the French claim that the cession of Alsace-Lorraine should form an exception to the provision in international law, which is recognized also by the peace draft, according to which, in a change of territory, the annexing state should take over a part of the national debt of the ceding state and should pay for the national property in the ceded territory.'

The clauses of the draft Treaty in respect to Luxemburg are justified, assert the Powers, not only by the Grand Duchy's own denunciation of the Customs Union, but also by 'the violation of the neutrality of the Grand Duchy by Germany during the war'.

[1] See also Part X, § II, A, pp. 256–9.

(*b*) *German Rights and Interests outside Germany.* The German Delegation contend that the provisions of the draft Treaty in regard to the rights of Germans in the colonies to their property and personal liberty are 'regardless of all principles of international and public laws'. They make 'the German an outlaw as far as private right and personal liberty of movement are concerned'.

The Powers declare that they 'have drawn up, in the matter of the cession of the German colonies, . . . methods of procedure, which are in conformity with the rules of International Law and Equity'.

The German Delegation contend that 'the tonnage which happened to be in any enemy harbour at the beginning of the War is to be taken away from her in a manner which is not justifiable in international law'. There is, again, a 'refusal to recognize the judgments of German Prize Courts'. German claims in reference to the capture, destruction, or use of German vessels are declared by the Powers to be null and void. Damages are refused for the vessels 'taken from Germany in breach of international law'. In dealing further with German rights outside Germany the Delegation say: 'Such stipulations [as those which the Delegation enumerate] amount to a complete denial of that idea of international law according to which every people has a claim to life.'[1]

(*c*) *Penalties.* The German Delegation contend that international law and morality makes no provision for the trial of the Kaiser; and Germany cannot allow it to take place. The trial of German subjects accused of violations of the laws and customs of war cannot, under the law of nations, be held by courts of the injured State. Only German courts are entitled to jurisdiction; and Germany declares her readiness 'to see to it that violations of international law are punished [by German courts] with the full severity of the law'.[2]

The Powers reply that the 'public arraignment' framed against the ex-Kaiser 'has not a juridical character as regards its substance, but only in its form. The ex-Kaiser is arraigned as a matter of high international policy, as the minimum of what is demanded for a supreme offence against international morality, the sanctity of treaties, and the essential rules of justice'. Furthermore, the Powers 'consider that the trial

[1] See Part X, § VI, A, pp. 269–70. [2] See also Part X, § II, A, pp. 256–9.

and punishment of those proved most responsible for the crimes and inhuman acts committed in connexion with a war of aggression is inseparable from the establishment of that reign of law among nations which it was the agreed object of the peace to set up '.

(*d*) *Reparation.* Germany admits that her violation of the neutrality of Belgium was 'a breach of international law'. Only this attack by Germany on Belgium was contrary to international law, and Germany accepted responsibility for this attack alone when she signed the armistice. Owing, however, to the fact that by the attack on Belgium the German armies reached the north of France, Germany is now prepared to accept also responsibility for her attack on France. Germany is unable to admit responsibility for reparation in the case of other occupied territories, for in such cases Germany was not guilty of an attack contrary to international law. The Powers, contends Germany, appear to be seeking to establish, in excess of the liability consonant with the pre-Armistice Agreement, Germany's obligation to render reparation for every act committed, in the course of the war, in violation of international law. If the pre-Armistice Agreement is thus abandoned by the Powers, Germany must also claim compensation for damages; and, in this event, it would be necessary to set up an impartial international court of arbitration to decide upon all such claims of breaches of international law on both sides equally.

With reference to the 'foreign, dictatorial power' of the Reparation Commission, Germany says: 'The right of self-preservation of a State means above all an unrestricted determination of its internal organization; a restriction of Germany's freedom in this respect is a violation of the fundamental laws of nations.' [1]

(*e*) *Treaties.* Germany contends that 'according to international law, treaties with States which have not been at war with Germany . . . are not affected by the rupture of diplomatic relations '.

The Powers reply that there is 'no universally recognized rule of international law' on this matter; and they are therefore free to deal with it 'in the most convenient manner '.

[1] See Part X, § v, A, pp. 266–8.

The Powers express the opinion that 'multilateral and bilateral treaties between peoples must exist, in times of peace, so that the principles of international law may be enforced and normal international relations maintained'.

(*f*) *Labour.* Germany proposes the holding of a world conference of labour organizations. 'The results of [its] deliberations . . . should be embodied in the treaty of peace and thereby attain the force of international law. Any other settlement would involve a violation of fundamental human rights by disregarding a demand of the day. . . .'

(*g*) *Maritime Law.* Germany contends that certain of the provisions of the draft Treaty in regard to maritime law infringe the principles of international law.

These references to international law and morality in the documents now under review indicate in a general way the attitude of the parties to the negotiation: and it is important to take account of this attitude in its bearing upon the future of 'the rule of law'. The maintenance of international law and morality constituted one of the fundamental principles of the pre-Armistice Agreement. In the course of the negotiations at Paris each party charged the other with breaches of international law. Thus, the allegation of the Powers that Germany had violated the laws and customs of war lies at the basis of the provisions of the draft Treaty as to penalties. Germany, on her side, maintained that many provisions of the draft Treaty were in violation of the established principles of international law; for example, certain provisions which deprived Germany of her place of equality in trade, certain provisions in regard to German colonies and German rights and interests outside Germany, and the provisions in regard to the trial of the Kaiser and penalties in general. These mutual charges of breaches of international law constitute in themselves an implied affirmance by both parties of the binding character of international law.

Both parties, however, went further and expressly stated, in the course of the negotiations, their adherence to the law of nations as the juridical basis of international relations in the future; and both parties likewise indicated their reliance upon international morality as a body of principles supplementary to legal principles and processes. Germany acknowledged that at the outbreak of the war she was guilty of violating the

neutrality of Belgium, and that this breach of her treaty obligations entailed compensation upon her part. Germany recognized also the 'principle of responsibility for violation of international law'. The Powers, on their part, asserted that treaties between States must exist, in times of peace, 'so that the principles of international law may be enforced.' In these and other ways there was an express affirmation, both by Germany and by the Powers, that the established principles of international law and morality are not to be treated either as abolished or as lessened in force and effect.

The Powers were determined, indeed, to place on a securer basis of sanction and guarantee that 'reign of law' for which the pre-Armistice Agreement had stipulated. It is a circumstance of some importance in this connexion that Germany professed herself ready to fulfil her obligations under international law; and that she held that her own membership in the League of Nations would be the best guarantee of her fulfilment of the Treaty of Peace and of her other international obligations. Indeed, in her own words, 'the German Government agrees with the Governments of the . . . Powers in the conviction that [the new world order] must ensure the "effective authority of the principles of international law", and "just and honourable relations between the nations".'

(4) *Separate Alliances, Covenants, Understandings, and Combinations of States.*

The German Delegation asserted that 'the very things which should have been avoided, "selfish economic combinations and economic boycott or exclusion," were, so far as the Germans were concerned, declared legitimate in any form and in a measure the like of which is not to be found in history'. The Delegation referred to various passages in President Wilson's addresses and speeches, and demanded 'perfect equality of Germany's rights with those of the other nations'.[1]

Many times indeed in the course of the negotiations the German Delegates drew attention to the passages in President Wilson's addresses and speeches in which he had declared that all selfish and separate alliances, covenants, understandings, and combinations could not form part of the new international order based on justice and the equal and common rights of

[1] See Part XI, § VIII, 1, A, pp. 318–20.

States.[1] The German Delegation charged in effect that many provisions of the draft Treaty were in conflict with this fundamental principle of the pre-Armistice Agreement and that the Treaty as drafted would mean the continuance of the old system of the balance of power.

The Powers, on their side, declared their adherence to the principle of the Agreement and claimed that the Covenant of the League of Nations and the provisions of the Treaty as a whole were not in conflict with it.

(5) *Open Covenants.*[2]

(6) *Common Covenants and Understandings.*

Both parties to the negotiations clearly indicated their desire and intention that the relations of States should be governed by common covenants and understandings as opposed to the pre-war system of separate alliances, covenants, and understandings. But Germany maintained that the draft Treaty did not effect this purpose. In general the reply of the Powers was that the Covenant of the League of Nations secured the 'general alliance' of States as required by the pre-Armistice Agreement; and that, when ultimately admitted to the League, Germany would be a party to the common covenants and understandings of States.

(7) *The Sanctity and Guarantee of Treaties.*

Both sets of negotiators expressed the view that, in compliance with the pre-Armistice Agreement, treaties must possess sanctity and be enforceable under guarantees. Germany, frankly admitting her guilt in violating the neutrality of Belgium, in breach of her treaty obligations, declared indeed that 'only a return to the immutable principles of morality and civilization, to the sanctity of treaties, would render it possible for mankind to exist.'

There was, however, a fundamental difference of view, as between the parties, in respect to the arraignment of the ex-Kaiser. The Powers declared that he was to be arraigned for 'a supreme offence against . . . the sanctity of treaties. . . .' Neither international law nor the municipal law of states,

[1] See, e.g., Part X, § II, A, pp. 256–9, § V, A, pp. 266–8.
[2] See Part XII, § III, (4), pp. 347–8.

contended Germany, provides a punishment for the breach of treaties.

As to the Treaty of Peace itself, the Powers declared, in the words of the President, that the reason why it must be specially guaranteed was that Germany's 'promises have proved untrustworthy'. Germany, on her side, took the view that her own immediate membership in the League of Nations would constitute the best guarantee of the Treaty of Peace and of future treaties to which she should be a party—'the most inviolable guarantee for the good faith of every German Government'.

(8) *Freedom of the Seas.*[1]

The German plenipotentiaries referred several times to the freedom of the seas. Thus, in considering German rights outside Germany, they contended that the blow struck at German maritime navigation and commerce by the draft Treaty rendered it impossible for them to 'understand how the German mercantile fleet, when after many years it shall have been reconstructed, can encounter conditions on the world's highways which will make the principle of "perfect freedom of navigation" practical, so far as it is concerned'. Again, in their comments on commercial policy they quoted Point two of President Wilson's address of the 8th January 1918, and declared that 'absolute freedom of navigation upon the seas, outside territorial waters' was one of the fundamental principles of the pre-Armistice Agreement which must be embodied in the Treaty of Peace. In discussing guarantees Germany complained that the Powers had 'absolute control of the seas'. There are more effective means of guaranteeing the peace, Germany contended, than the 'force and compulsion' of the Powers.

The German Delegation clearly overlooked the fact that upon Point two the Allies reserved, in their memorandum of the 5th November 1918, freedom of action at the Peace Conference. The doctrine of the 'freedom of the seas' cannot be viewed as a term or principle of the Agreement. Germany had no legal right to insist upon its inclusion in the Treaty.

[1] M. Clemenceau in the French Parliament on the 29th Dec. 1918 gave an account of the discussions between himself, Mr. Lloyd George, and President Wilson on this subject. V. *International Review*, Feb. 1919, p. 131, and *Le Temps*, 31 Dec. 1918. See another discussion of this point, vol. i, pp. 395–6.

(9) *Reduction of Armaments.*

In reference to the military, naval, and aerial clauses of the draft Treaty, Germany expressed her willingness to proceed with her own disarmament in advance of all other States, in order to show that she will 'help to usher in the new era of the peace of justice'.

The Powers insisted on Germany's disarmament as a step in the direction of the general disarmament of all States. They drew attention to the provision in the Covenant of the League of Nations requiring 'the reduction of national armaments'.

(10) *League of Nations.*

Germany demanded equality in respect both to the resumption of diplomatic and consular relations[1] and to the League of Nations.

In her discussion of various clauses of the draft Treaty (for instance, those concerning commercial policy and finance) Germany insists on being admitted at once to the League of Nations on an equality with other States and thus sharing in rights and duties, such as those of an economic character. Furthermore, the new democratic Germany deserves 'its place in the League of Nations'. Germany's membership in the League would 'constitute the most inviolable guarantee for the good faith of every German Government'.

Germany maintains, in the course of her discussion of the territorial and political clauses, that the placing of the German Saar region under the League of Nations, merely for material interests, would 'degrade the idea of the League of Nations'. Germany contends that the drawing of the frontiers of Poland is based in part upon the idea of 'strategic preparation of an attack against German territories. These considerations, however', concludes Germany, 'cannot possess any importance

[1] German Observations (29th May, 1919):

'The German Delegation take it to be a self-evident consequence of the conclusion of peace, that the official relations between the two parties will be resumed with the coming into force of the Treaty of Peace. . . .

'Under Article 270 [of the draft Treaty] the right is claimed by the Allied and Associated Powers to appoint at their discretion without consulting the German Government consular agents at all places in Germany. This demand is a far-reaching innovation in the rules observed up to this time in international relations. In any case it is not justified as long as it is asserted by the Allied and Associated Governments to their exclusive advantage. The German Government could agree to the innovation if it were to be introduced equally for both parties.'

if the relations between Germany and Poland in the future are to be subject to the regulations of the League of Nations.'

The Powers regarded the Covenant of the League of Nations as 'the foundation of the Treaty of Peace'. In reply to the German Observations the Powers affirm that the pre-Armistice Agreement did not provide for Germany's immediate admission to the League, but that they do not contemplate her permanent exclusion. So soon as she is admitted a member, she will enjoy the rights and share in the duties incident to membership.

§ V. General Principles of the Peace Settlement.[1]

(1) *Autocracy and Militarism.*

It is clear from many statements by the Powers that the autocracy and militarism of Germany lies at the basis of certain of the territorial and other clauses of the draft Treaty. By means of the Treaty the Powers were engaged in carrying out the first of the Four Ends demanded by President Wilson in his speech of the 4th July 1918—'the destruction of every arbitrary power . . . or . . . at the least its reduction to virtual impotency.'

Germany, on her side, contended that certain provisions of the draft Treaty were based on the autocracy and militarism, not of Germany, but of the Powers themselves.

The position of the parties is indicated by the following references to autocracy and militarism in the documents now under review.

(*a*) *Territorial and Political Questions.* In considering the territorial and political clauses of the draft Treaty, Germany maintains that territories of indisputably German population are added to the territory of Poland, 'only in order to grant Poland favourable military frontiers against Germany, or railway centres of importance.' Furthermore, Germany contends, the proposals of the draft Treaty in regard to Posen are 'not based on the principle of nationality, . . . but on that of the strategic preparation of an attack against German territories'.

[1] In the following survey no effort has been made to collect all references by the parties to the several principles. The reader should consult Parts IX, X, and XI, *supra*; he should also read the full text of all the various documents exchanged between the parties during the course of the negotiation.

It should also be noted that several principles not considered in the present § v are also to be viewed as general principles applicable to more than one kind of problem. Among these principles are *Free Acceptance by People Immediately Concerned* (applied to territorial and labour questions); *Restitution* (applied to territory and tonnage).

These considerations are, however, of no importance, declares Germany, 'if the relations between Germany and Poland in the future are to be subject to the regulations of the League of Nations.' Germany declares that she has no intention of 'shifting the Austro-German frontier by force'.

The Powers give the fact that the territories of Eupen and Malmedy had 'been made a basis for German militarism' as one of the reasons for their union with Belgium, provided the plebiscite confirms this decision. Again, the Powers declare that the seizure of the western provinces of Poland was one of the essential steps by which the military power of Prussia was built up. Poland is now to be re-established in her independence; and territories of Polish nationality must be restored to her. The Powers take note of Germany's declaration that she has no 'intention of changing by violence the frontier between Germany and Austria'.

In reference to Germany's oversea possessions the Powers contend in general that Germany has pursued a colonial policy of 'military imperialism' and that this must cease.[1] In particular they maintain that 'Kiaochow, which was unjustly torn from China, has been used by Germany as a military base in pursuance of a policy which in its various manifestations has constituted a perpetual menace to the peace of the Far East.'

(*b*) *Military, Naval, and Aerial Clauses.* In their discussion of the military, naval, and aerial clauses of the draft Treaty the Powers indicate that the provisions in regard to Germany's reduction of her armaments are based in part upon the policy of making it impossible for Germany to resume her course of 'military aggression'.

(*c*) *Penalties.* In considering the question of penalties Germany declares that she cannot allow the trial of the ex-Kaiser 'on the principles not of right, but of might'.

(*d*) *Reparation.* The Reparation Commission, contends Germany, will possess greater rights than those of a German Emperor or of any monarch 'in the time of absolutism'.

(*e*) *Treaties.* The Powers state that certain treaties referred to in Articles 290 and 292 were concluded by Germany by taking undue advantage of circumstances she created, the pressure she exercised, or her temporary 'military preponderance'; they must, in the interests of 'justice', be abrogated.

(*f*) *Private Rights.* Germany contends, in her discussion of

[1] See also *s.v. Guarantees*, pp. 380–1.

the provisions in regard to private rights, that 'not the idea of right but the idea of might was decisive'.

(g) *Guarantees.* Germany contends that, 'even in the provisions for its execution, the draft of the peace conditions does not renounce the principle of force'. '[The] weak military armament left to Germany after the war [cannot be] a menace to her neighbours.' The Powers have 'absolute control of the seas'. There are more effective means of guaranteeing the peace than the 'force and compulsion [of the Powers]'.

'The reason', declare the Powers, in the words of President Wilson (27th September 1918), 'why peace must be guaranteed is that there will be parties to the Peace whose promises have proved untrustworthy.'

(2) *Democracy.*

Democracy, which had played so important a rôle in the pre-Armistice Agreement, was admitted by both parties at the Paris Conference to constitute one of the bases of the settlement. Germany contended that 'the restoration and perfection of international order can only be assured [by] . . . realizing the great idea of democracy [set forth by President Wilson]'. Germany claimed, however, that the draft Treaty failed in many ways to recognize the existence of the German democratic institutions which had been established as a result of the War; and that the draft Treaty actually directed a blow at the very institutions which the Powers themselves had sought to have set up in Germany. The reply of the Powers was that they had in no way sought to hamper the growth of free institutions in Germany and that the draft Treaty could not be assailed on this ground.

Germany's position in respect to the principle of democracy is stated several times in the Letter and Observations of the 29th May 1919. Thus, in reference to the reparation and financial proposals of the Powers, Germany declares: 'It is of vital importance to democratic Germany that its political organization be inspired with a social spirit', and that its integrity be preserved. 'It is impossible for any State, especially a democratic one, to renounce its sovereign rights to the extent demanded [in the draft Treaty].' By the setting up of the Reparation Commission 'German democracy [is] destroyed . . . by the very ones who . . . [insisted] that they wanted to bring democracy [to Germany]'.

According to the view of Germany, 'in the democratic state no legal distinction exists between fellow citizens. Therefore the legal treatment of the private property of former German sovereigns cannot be different from the treatment of the property of any other German'. Certain Articles of the draft Treaty are therefore 'unjustifiable'.

Germany asserts, in reference to the labour question, that 'Part XIII of the conditions of peace is . . . in contradiction to the demands of democracy, for the powers . . . conferred upon the Governments cannot be derived from the consent of the governed'.

By the occupation of German territory, Germany maintains, the citizens of 'the freest and most democratic' country would, through alien rule, be hampered for a long time in the exercise of their personal, economic, and national rights and liberties, if not entirely deprived of them'.

(3) *Self-determination.*[1]

Both parties recognized the validity of the principle of self-determination, which formed so important a part of the Agreement concluded before the Armistice.

(*a*) *Germany's Application of the Principle.* Germany devotes special attention to the 'right of self-determination' or 'free acceptance' by the people immediately concerned. She holds that 'as there are natural rights of man, so there are natural rights of nations. The inalienable fundamental right of every State is the right of self-preservation and self-determination.'

In dealing with territorial questions Germany declares that she cannot admit a plebiscite in the case of territories whose population is indisputably of German nationality.

'In cases where Germany can give its consent to territorial cession', the German Delegation declare, 'it must at least be preceded by a plebiscite in every community'.

Furthermore, 'the right of self-determination must not be a principle which is to be applied solely to the disadvantage of Germany; it must, on the contrary, be equally valid in all states,[2] and must especially be applied where a population

[1] See also the references to self-determination in Parts IX, pp. 257–9, and X, pp. 264–8. Cf. the references to self-determination s.v. *Nationality*, pp. 364–7.

[2] In another part of the Observations the German Delegation contend that, in accordance with the pre-Armistice Agreement, 'the right of self-determination should be recognized for all nations'.

of German origin desires adherence to the territory of the German Empire'.

The draft Treaty, asserts Germany, conflicts with the principle of self-determination. 'Preponderantly German circles (*Kreise*) must be ceded to Belgium, without sufficient guarantees that the plebiscite, which is only to take place afterwards, will be independent.' Prussian Moresnet has a 'predominantly German population', and yet 'not even a plebiscite has been provided in those territories'. Apart from the fact that Germany 'cannot, on principle, consent to the cession of indisputably German territories', and 'a vote cannot be applied to such territories', the demand for the cession of Eupen and Malmedy to Belgium 'contravenes the principle according to which the settlement of all questions regarding sovereignty is to be brought about, on the basis of free acceptance on the part of the population immediately concerned. A plebiscite has not even been provided for. . . .' Germany renounces her sovereign right in Alsace-Lorraine, but wishes a plebiscite to be taken there. It 'must be admitted', declare the German Delegation, 'that according to the present general conceptions of right, an injustice was committed [by Germany] in 1871 by the failure to hold a plebiscite'. The draft Treaty demands the permanent recognition of the independence of Austria within the frontiers established by the Treaty; but Germany cannot pledge herself, declare the German Delegation, to oppose any expressed desire on the part of the German population in Austria to restore the national connexion with Germany, 'as the right of self-determination should apply universally and not only to the disadvantage of Germany. Any other proceeding would be contrary to the principles expressed by President Wilson in his address to Congress on February 11, 1918.' In respect to the districts of Upper Silesia demanded for Poland 'the will of the population has [already] been clearly expressed in the elections to the Reichstag in 1903 and 1907'. The presence of a population with a non-German language in the southern parts of East Prussia is an insufficient ground for the demand of a plebiscite, for those districts are 'not inhabited by an indisputably Polish population'.

Germany consents to a plebiscite in Schleswig, even though she is not bound to do so by the pre-Armistice Agreement,

which did not expressly mention the Schleswig question, because Germany 'recognizes the right of self-determination of the peoples'. 'Preponderantly Danish districts of Schleswig will be given up to Denmark on the basis of a plebiscite.'

(*b*) *The Powers' Application of the Principle.* The general position of the Powers is stated in their Reply. The intention of the Powers has been 'to base the settlement on the principle of freeing oppressed peoples and re-drawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life'. The Powers declare that this principle is based on the pre-Armistice Agreement.

The Powers state that in 1814–15, when Eupen and Malmedy were assigned to Prussia 'no account was taken of the desires of the people'. This and other reasons justify the union of those territories to Belgium, 'provided the petitions to this effect are sufficiently supported by the population of the district'. Among the reasons which justify the clauses of the Treaty as to Luxemburg is the fact that Luxemburg has herself denounced the Customs Union and communicated that decision to the Powers. Germany overlooks the fact, assert the Powers, that the arrangements in regard to the Saar region are temporary and that at the end of fifteen years 'the inhabitants will have a full and free right to choose the sovereignty under which they are to live'. 'Fifty years ago the injustice [in the case of Alsace-Lorraine] consisted in the annexation of a French country against the will of its inhabitants.' The purpose of the Treaty is to right this wrong; and the Powers cannot admit a plebiscite. Moreover, inasmuch as Germany has accepted Point eight and signed the Armistice, which places Alsace-Lorraine in the position of an evacuated territory, she 'has no right to demand a plebiscite'. Furthermore, the people of Alsace-Lorraine have thrown themselves into the arms of France. 'A Treaty founded on the right of self-determination of peoples cannot but take note of a people's will so solemnly proclaimed.' On the principle of nationality Upper Silesia ought to be ceded to Poland without a plebiscite; but, as Germany contends that separation from her is 'not in accordance with the wishes or the interests of the population', a plebiscite will be held prior to cession. 'It is difficult to

understand', state the Powers, 'the objections raised by the Germans to the plebiscite which is to be held in certain portions of East Prussia . . . [Where] the affinities of the population are undoubted, there is no necessity for a plebiscite; where they are in doubt, there a plebiscite is enjoined. It is noted with surprise that the Germans at the very moment when they profess assent to the principle of self-determination, refuse to accept the most obvious means of applying it.' The proposed settlement for Danzig, declare the Powers, will 'preserve the character which Danzig held . . . until, forcibly and contrary to the will of the inhabitants, it was annexed to the Prussian State'. Prussia broke her promise of 1866 to Denmark to hold a plebiscite in the northern districts of Schleswig. This plebiscite will now be guaranteed by the present Treaty.

(*c*) *Germany's Application of the Principle to Non-Territorial Questions.* The German Delegation apply the principle of self-determination to various parts of the settlement unconnected with the territorial frontiers of Germany. Thus: 'According to Article 147', declare the German Delegation, 'Germany shall be obliged, without consulting the Egyptian people, to recognize the protectorate over Egypt by Great Britain, and thereby to violate Egypt's right of self-determination.' The exercise of the dictatorial powers of the International Reparation Commission would result, the German delegates assert, in depriving the German people of their 'right of self-determination'. In discussing finance Germany maintains that she can bear her heavy burdens only on the condition that she is not dismembered and that her industrial and commercial system is not destroyed, 'except in so far as this may result from the right of self-determination of the inhabitants of Alsace-Lorraine, Schleswig, and parts of the province of Posen'. 'Should a diminution of her [Germany's] territory take place, as a result of the application of the right of self-determination, the indemnity to be paid on the 1st of May, 1921, will have to be distributed proportionately.' The whole constitution of democratic Germany, 'which for Germany also should be based on the right of self-determination', would be made null and void by the exercise of the powers conferred on the Reparation Commission. Germany would thus lose her right of 'economic self-determination and initiative'.

(4) *Nationality.*[1]

The German Delegation, in their Letter and Observations of the 29th May 1919, fully admitted the validity of the principle of nationality in the settlement of the territorial questions of the peace; but, as we have seen, they entered vigorous protests against certain applications of the principle in the draft Treaty of Peace. They maintained that the principle was infringed by the draft Treaty in several cases, notably in those of Danzig, 'which is German to the core', Memel, 'which is purely German', and 'the purely German district of the Saar'.

The Powers equally asserted the legality of the principle of nationality in the settlement of territorial and other questions; and they defended the provisions of the draft Treaty, especially those dealing with Poland and the eastern frontiers of Germany, in which the principle of nationality had been applied.

(*a*) *Germany's Application of the Principle.* In respect to territorial questions, Germany relies upon 'the basis of right' recognized by both parties in the pre-Armistice Agreement, namely, President Wilson's Four Principles of the 11th February 1918 [(1) essential justice of the particular case; (2) no bartering of peoples and provinces; (3) interest and benefit of populations; (4) well-defined national aspirations to be accorded utmost satisfaction possible] and the second of President Wilson's Four Ends of the 4th July 1918 [free acceptance by the people].

The fundamental principles which emerge from the pre-Armistice Agreement, assert the German Delegation, are these: '[1] no territory shall be separated from Germany where national adherence has been proved to be indisputable by harmonious union with Germany for centuries, or [2] whose population has not declared its consent to such separation.'

'The German Government cannot, on principle', declare the German plenipotentiaries, 'consent to the cession of indisputably German territories; and a vote cannot be applied to such territories.'

'In cases where Germany can give its consent to territorial

[1] Only certain of the references to nationality in the texts embodied in Part XI, *supra*, are here brought under review. See also the references to nationality in Parts IX and X, *supra*.

cession, it must at least be preceded by a plebiscite in every community.'

The draft Treaty, assert the German Delegation, conflicts with the principle of nationality in that it demands the cession of territories of purely or predominantly German nationality, namely, (1) Neutral-Moresnet, Prussian-Moresnet, Eupen, and Malmedy to Belgium; (2) Saar Basin (ultimate annexation to France); (3) Alsace-Lorraine to France; (4) Posen (German parts) and West Prussia (German parts), Upper Silesia, East Prussia, Memel, and Danzig to Poland.

The German Delegation express their willingness to abide by the pre-Armistice Agreement and cede (apparently without plebiscite) territories of an 'incontestably' non-German nationality, namely, to Poland 'the greater part of the province of Posen, the district incontestably Polish in population, together with the capital', and 'West Prussian districts whose population is undoubtedly Polish'.

Furthermore, declare the German Delegation, although Germany is not bound in respect to the Schleswig question by the pre-Armistice Agreement, inasmuch as Schleswig was 'not expressly mentioned in President Wilson's points', Germany is willing nevertheless to cede to Denmark 'the preponderantly Danish districts of Schleswig', but only in case the populations by plebiscite vote in favour of the cession.

The German Delegation express their willingness to cede to France certain territories which they regard as predominantly German in nationality, namely Alsace-Lorraine, but only after the population by a plebiscite has pronounced in favour of the cession.

Germany 'advocates in principle the protection of national minorities'.

(*b*) *The Powers' Application of the Principle.* The Powers declare that 'every territorial settlement of the [draft] Treaty has been determined upon after most careful and laboured consideration of all the religious, racial, and linguistic factors in each particular country. The legitimate hopes of peoples long under alien rule have been heard'; and the decisions have been founded upon the principles of the pre-Armistice Agreement that 'peoples and provinces are not to be bartered about' and that 'all well-defined national aspirations shall be accorded the utmost satisfaction' possible, without endangering the future peace of the world.

The Powers devote particular attention to the principle of nationality as applicable to Poland and the eastern territories of Germany. Two cardinal principles have been applied: (1) the re-establishment of the independence of 'the Polish Nation' and (2) the inclusion in the territory of the restored Poland of 'those districts which are now inhabited by an indisputably Polish population'. In respect to Posen and West Prussia the two principles have been applied with due regard to the further principle of justice. Although the first of the two cardinal principles cannot be applied to Upper Silesia, which was not a part of the Polish territories when dismembered by the Partition, nevertheless the second cardinal principle applies, for in the district of Upper Silesia to be ceded to Poland 'the majority of the population is indisputably Polish'. Although, on the strict application of the principle of nationality, this cession ought to take place without a plebiscite, nevertheless, in deference to the contentions of Germany, the cession shall be preceded by a plebiscite. The cession of the district of Memel does not conflict with the principle of nationality, for this district always has been and still is Lithuanian. Although the city of Memel itself is 'in large part German', this fact should not prevent cession of the district as a whole to Lithuania, 'particularly in view of the fact that the port of Memel is the only sea outlet for Lithuania'. 'The population of Danzig is and has for long been predominantly German; just for this reason, it is not proposed to incorporate it in Poland', declare the Powers. Danzig will, however, be restored to its ancient position as a free Hanse town, in intimate relations with Poland, and free from any foreign control. Danzig will provide Poland's 'sole opening to the sea', and thus Poland will be put on an equality with the other States of Europe.

(*c*) *Indisputable Nationality.* Upon one important point the two parties—Germany and the Powers—seem to have been agreed: Where the nationality of a particular territory is indisputable, the principle of nationality shall be applied; and in such cases there shall be no application of the principle of self-determination by means of a plebiscite. The Powers permit a relaxation of this doctrine in the case of Upper Silesia, for, although they contend that 'the majority of the population is indisputably Polish', they allow a plebiscite in deference to

Germany's contentions. At the same time it is clear that in the case of the towns of Memel and Danzig the Powers do not apply the principle of nationality, although they admit that they are both German in character—Memel 'in large part German' and Danzig 'predominantly German'. In both cases the cession is demanded by the Powers in order to provide an outlet to the sea for an inland State—Memel for Lithuania and Danzig for Poland.

(5) *Equality of Nations.*[1]

(*a*) *Germany's Application of the Principle.* Germany's position is that 'the equality of nations upon which peace must be founded if it is to last must be an equality of rights'.

Germany declares herself ready to 'administer her colonies according to the principles of the League of Nations—possibly as the mandatory of the latter—if a League of Nations is formed which she can enter at once as a member State, enjoying equal privileges with the other members'.

'In all countries', declares Germany, 'there are . . . people who fight for right and equality', men who know that the world would be poorer if the German people were 'excluded from the co-operation of the world'. The German people demand that they 'have the same freedom of action both in [their] own country and in the world at large as all other peoples'. 'It is necessary that Germany should be admitted on a basis of equality into the League of Nations, from the very beginning, that is from the beginning of the new era of peace.'

The German Delegation propose that an international court composed of neutrals be erected to decide the preliminary question as to whether an act committed in the War should be considered as an offence against the laws and customs of war, the meting out of punishment to be left to the national courts. It is presupposed, declare the German Delegation, that Germany shall have the same share in the constitution of the international court as the Powers, and that subjects of all parties to the present war shall be brought equally before such court.

[1] The discussion by the parties of the principle of equality embraces (*a*) the equality of nations, and (*b*) the equality of the subjects of all nations. On (*b*) see also Part XIII, § III, *infra*.

On the general principle of equality see also Part XII, § IV, pp. 356–7; § V (s.v. *Freedom*, p. 377; *Justice*, pp. 371–4).

Germany expresses the view that the principle of 'reciprocity' must be applied in adjusting the economic relations between Germany and Luxemburg and the relations between Germany and Poland in respect to the use of ports, waterways, and railways.

Germany maintains that on the basis of the pre-Armistice Agreement she is 'entitled . . . to demand that the economic provisions of the Treaty of Peace shall be drawn with full regard to the perfect equality of Germany's rights with those of the other nations'. Germany seeks to 'do away [as far as possible] with all preferential treatment'. Germany also 'agrees to the complete establishment of equal and reciprocal rights in the matter of maritime and river navigation'. For the principle of equality of trade conditions Germany relies on Point three.

In reference to private rights Germany demands that 'the principle of reciprocity must be accepted from the beginning and without exception as the basis for all regulations to be established [by the Treaty of Peace]'. In respect to the 'clearing system' there must be the 'absolute equality' of the two parties. 'The application of a clearing system is justified only if it is based on the principle of reciprocity and the equal standing of both parties.' 'The provisions relative to protection of industrial property are founded on a principle which would comply with the demands of right and equity if they they were carried out logically, and if reciprocity were fully guaranteed.'

The Powers deny to the working-man, alleges Germany, 'the most elementary of human rights—that of equality . . . They do not regard working-men as citizens entitled to equal rights . . . [Only] that peace whose first principle is the equality of rights of the working classes will last. [Germany demands] equal rights for the working classes of all countries.'

(*b*) *The Powers' Application of the Principle.* The Powers base the provisions of the draft Treaty in respect to Danzig partly upon the principle that, by thus granting to Poland the control of her sole opening to the sea, the communications between Poland and the sea will not be subject to any foreign control. Thus, 'in this, one of the most important aspects of national life, Poland [will] be put on an equality with the other States of Europe'.

The Powers state that the grant to Germany of immediate equality of trade conditions would result, owing to the devastation wrought by the War on the lands of the Allied peoples, in the establishment of 'an inequality of trade conditions'. There must be a period of transition. 'A reciprocity . . . after that period . . . is very clearly that equality of trade conditions for which President Wilson has stipulated.'

In dealing with the subject of treaties the Powers state that the object of Articles 291 and 294 is to 'establish an equality as between themselves and Germany'.

The Powers state that they have applied the principle of 'reciprocity' in all cases where it has been 'possible'. Reciprocity cannot be accorded in all respects to the treatment of private rights. The Powers specify the cases in point.

The sole object of the provisions as to rivers, declare the Powers, is to 'establish complete equality between the subjects of all nations'.

(6) *Common Rights and Interests of all Nations.*

The principle of the pre-Armistice Agreement that the common interests and rights of all nations must be recognized and respected was much discussed at the Conference. Germany's contention was that the draft Treaty deprived her of an opportunity to share in many common interests and to enforce many common rights which she possessed as a member of the world's community of States, more especially the draft Treaty excluded her from the League of Nations 'to which is entrusted all work of common interest to the world'. The Powers replied that they had no intention of infringing the principle of common interests and rights, and that in due course Germany would be admitted as a member of the League of Nations, if she complied with the conditions.

A study of the documents shows that both parties to the negotiation rely upon the principle of common rights and common interests.

(*a*) *Germany's Application of the Principle.* Germany maintains that, if a plebiscite were not taken in Alsace-Lorraine, the purpose 'to make a peace in the interest of all' [Point Eight] would not be attained; for there would be the danger that the settlement would cause 'new hatred

among the nations '. The cession of Upper Silesia to Poland is also ' not in the interest of the remaining States of Europe and of the world, for it is certain to create new elements of discord and antagonism. . . . This will greatly endanger the peace of Europe and of the world. It is in the interest of the . . . Powers themselves to leave Upper Silesia with Germany ', for Germany can meet her war liabilities only by retaining this territory.

Concerning the rights of her subjects abroad Germany maintains that ' as a great civilized nation the German people have the right and the duty to co-operate in the joint task which devolves upon civilized mankind of exploring the world scientifically and of educating the backward races '.

In regard to financial proposals Germany contends that ' the restoration of France and Belgium ' is a ' task which is common to all civilized nations '.

In discussing private rights the German Delegation remark : ' In the spirit of reciprocity, resulting from the interest common to all states in an equal and just settlement of those controversies [as to Mixed Arbitral Tribunals], the courts and other authorities of all contracting Powers should within their competence assist the Mixed Arbitral Tribunals. . . .'

Dealing with the provisions of the draft Treaty as to guarantees, Germany ' demands in the interests of all nations and of all human beings, a peace to which it may give its assent in accordance with the dictates of its conscience '.

(*b*) *The Powers' Application of the Principle.* The Powers quote, in support of the Treaty provisions in regard to Alsace-Lorraine, the Eighth Point, namely, that ' the wrong done . . . to France . . . must be righted in order that peace may again be assured in the interest of all '.

The Powers state that the Reparation Commission is instructed by the Treaty itself so to exercise and interpret its powers as to ' ensure, in the interest of all, an early and complete discharge by Germany of her reparation obligations '.

(7) *Reign of Law.*[1]

Germany contends that the draft Treaty does not establish the ' reign of law ' demanded by the pre-Armistice Agreement ;

[1] See also Part XII, § IV (*s.v. International Law and Morality*, p. 349) ; § V (*s.v. Justice*, pp. 371–4) ; § IX (*s.v. Penalties*, p. 396).

on the contrary it sets up a condition of world affairs based on might.

In their Letter of the 16th June 1919, the Powers state that the draft Treaty 'represents a sincere and deliberate attempt to establish that "reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind", which was the agreed basis of the peace'.

(8) *Justice.*[1]

(*a*) *Germany's Application of the Principle.* In respect to territorial settlements Germany relies upon the first of the Four Principles of President Wilson's address of the 11th February 1918, as part of the agreed basis of right', the principle that 'each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent'. The principle of justice, asserts Germany, is infringed by the territorial settlements of the draft Treaty. Thus, the economic and the ultimate political annexation of the Saar basin to France and the immediate cession of Alsace-Lorraine to France without a plebiscite are acts of 'injustice'. An 'injustice' was committed by Germany in 1871; a 'new and far greater injustice' is now being committed by the Powers.

Germany maintains that the demand for her renunciation of her colonies is 'unjustified'. Germany 'considers her claim to the restoration of her colonial possessions just'. 'The settlement of the colonial question [in the draft Treaty] is . . . contrary to a peace of justice.'

The German Delegation contend that many provisions of the draft Treaty in regard to German rights and interests outside Germany are not 'reconcilable with the principles of an impartial justice, which knows no favours or preferences. On the contrary, to the subjects of the . . . Powers alone all those liberties are legally secured, which would, as a matter of fact, result from a free and fair competition, but from which the German merchant will be excluded by the erection of insurmountable barriers'.

[1] See also Part XII, § IV (*s.v. New International Order*, p. 348 and *Reduction of Armaments*, p. 355–6).

The Delegation representing Germany maintain that the satisfaction of 'the offended sense of justice in all cases where an injustice has actually been committed', one of the objects of the conclusion of peace, cannot be attained if, as the draft Treaty requires, the rôle of judge is given to the victor; for, under such circumstances, 'might is put in the place of right.' Again, argue the German Delegation, not only must the infringements of international law be expiated; a further principle ought also to govern, namely, that other wrongs should, 'so far as the general feeling for justice allows it, be consigned to oblivion upon the conclusion of peace. An amnesty of this character should have application to the nationals of both parties. Furthermore, certain acts committed by the inhabitants of a territory occupied by enemy forces should be included in this amnesty, for they may 'remain unpunished without injury to the sense of justice'.

'Justice, equity, and good faith,' declares Germany, . . . '[are the] principles [which] are the necessary and foremost condition for a successful settlement of all questions connected with the matter of reparation.' 'A surrender of business secrets is . . . not compatible with the principles of justice, equity, and good faith, laid down in Section II of Annex II.' 'Articles 259 and 261 are contrary to every conception of justice.'

Germany's position is that the principle applied by the Powers, that only such multilateral treaties of an economic or technical character will be resumed as are expressly enumerated in the Treaty of Peace, 'would not establish a sound and firm basis of justice, which is indispensable to the resumption of international relations.'

Germany holds that 'the establishment of mixed courts of arbitration [Articles 304–305] is dictated by justice and by practical reasons'. The provision [of the Annex] that the language, time, and place of the meetings of the courts shall be determined by the enemy Power is 'an injustice to Germany, unparalleled in all international and national agreements of arbitration'. In these and other ways the draft Treaty works 'great injustice'. 'Justice demands', among other things, 'that the Mixed Arbitral Tribunal [and not the national court of one Power] pass judgment in all cases.'

'A peace which threatens the existence of the German workers,' declares Germany, 'can never be a peace of justice,

which guarantees friendship among nations.' The provisions of the draft Treaty 'destroy the basic principles of justice as laid down by President Wilson . . . on September 27, 1918'. More particularly, Article 427 fails 'to do justice to the demands of the working class'.

In reference to guarantees the German Delegation say: 'The new peace must be a peace of justice and therefore of voluntary agreement . . . Justice and the free agreement of all parties to the Treaty will prove to be the strongest, in course of time the only guarantees of the pact to be concluded.'

'Justice', declares Germany, 'demands either the recognition or the indiscriminate and impartial examination of the decrees and orders issued by the Prize Courts of all contracting Powers. . . . Should such an examination be agreed upon, it can only be undertaken by an international court constituted on a footing of equality.'

(*b*) *The Powers' Application of the Principle.* In their Reply of the 16th June 1919, the Powers refer to the refusal of Germany to carry out any reparation, as in the case of the Saar basin arrangement, which will have the character of a 'punishment'. 'The German idea of justice,' declare the Powers, 'appears then to be one which excludes a conception which is essential to any just settlement and a necessary basis for subsequent reconciliation.' The annexation of Alsace-Lorraine by Germany in 1871 was an act of 'injustice'. 'The obligation of repairing the injustice then committed' demands the cession of Alsace-Lorraine to France. Poland, again, was 'unjustly deprived' of her independence more than a hundred years ago. 'To undo this wrong' is now the first duty of the Powers. In the settlement of the fate of Posen and West Prussia the Powers have endeavoured to give no countenance to 'the grossest acts of injustice and oppression' on the part of Germany; and they have themselves striven 'to avoid even the appearance of injustice' and 'to eliminate any possible injustice'. Poland 'justly claims', assert the Powers, 'that the control and development of the port [of Danzig], which is her sole opening to the sea, shall be in her hands.'

In dealing with the settlement of Germany's rights and interests outside Germany, the Powers 'recall the fact that Kiaochow . . . was unjustly torn from China'.

The Powers hold that, as the war was 'a crime deliberately plotted against the life and liberties of the peoples of Europe', they must therefore 'regard the punishment of those responsible . . . as essential on the score of justice'. The Powers are 'prepared to stand by the verdict of history as to the impartiality and justice with which the accused will be tried'. The arraignment of the ex-Kaiser is 'the minimum of what is demanded for a supreme offence against international morality, the sanctity of treaties and the essential rules of justice'. The Powers state that they will submit a list of those who 'must be handed over to justice'.

The Powers state that the reparation burdens of Germany, heavy though they be, are 'imposed under conditions of justice' by peoples who have suffered 'wrongs which it is beyond the utmost power of Germany to repair'. 'Justice . . . is the only possible basis for the settlement of the accounts of this terrible war . . . reparation for wrongs inflicted is of the essence of justice'.

The Powers, in their Reply of the 16th June 1919, quote their note of the 22nd May in which they declare that 'it is just that Germany, the primary cause of these calamities, should repair them to the full extent of her power'.

The Powers state that 'it is . . . a consideration of justice which has led [them] to impose on Germany, for a minimum period of five years, non-reciprocal conditions in the matter of commercial exchanges. [The Articles of the draft Treaty], drawn up on this basis, are measures of reparation. . . .'

The Powers in their Reply state that they have re-applied all multilateral treaties which seemed to them 'compatible with the new conditions arising out of the war'. It is only 'just' that the Powers reserve the right to decide which multilateral and bilateral treaties are to be revived. Furthermore, the Powers could not permit the continuance of all the treaties imposed by Germany on her allies, temporarily defeated adversaries, and neutral countries, 'with a view to securing particularly favourable conditions and special advantages of all kinds, the maintenance of which is incompatible with the re-establishment of the spirit of justice.' Certain treaties referred to by Germany (Articles 290 and 292) 'it is impossible to maintain . . . in force after the conclusion of a Treaty of Peace based upon the principles of justice'.

(9) *Right.*[1]

Both parties base many of their proposals upon one or the other of the two principles of 'right' and 'justice'. Each party likewise charges the other with having committed 'wrongs' and 'injustices'. In this and the preceding section certain of the salient passages from the documents have been collected. It will appear from them that the line of distinction between 'right' and 'justice' was not always clearly drawn by the parties.

(*a*) *Germany's Application of the Principle.* In considering territorial questions the German Delegation maintain that the principles proposed by Germany are in accordance with 'the basis of right recognized by both parties for the settlement of territorial questions'. This 'basis of right' is embodied in the Four Principles of President Wilson's address of the 11th February, and in the second of the Four Ends of his speech of 4th July 1918. 'It must be admitted,' declare the German Delegation in dealing with the question of Alsace-Lorraine, 'that, according to the present general conceptions of right, an injustice was committed in 1871 by the failure [of Germany] to hold a plebiscite.' The German Delegation deal fully with 'the right of self-determination'.

Germany maintains that her 'claim to her colonies is, first of all, based on the fact that she has acquired them lawfully. . . . Her ownership of them has been acknowledged by all the Powers.' Germany has a 'right to remain in the possession of her colonies'.

The German Delegation take the position that the forfeiture of the rights of German nationals in various countries, as demanded by Articles 260 and 293, would do Germany a great injury. 'Germany would be deprived, in flagrant violation of duly acquired rights, of valuable opportunities throughout Europe of procuring raw materials and of selling her products outside her frontiers.'

Germany declares that she cannot allow the trial of the ex-Kaiser 'on the principles not of right, but of might'. The trial of Germans by courts of the Powers would be giving the

[1] See also Part XII, § iv (*s.v. New International Order*, p. 348; *International Law and Morality*, pp. 349–53); § v (*s.v. Democracy*, pp. 359–60; *Self-determination*, pp. 360–3; *Justice*, pp. 371–4; *Equality of Nations*, pp. 367–9); Part XIII, § iii (*Private Rights of Nationals*, pp. 416–9).

rôle of judge to the victor and placing 'might' in the place of 'right'.

The financial clauses of the draft Treaty, it is alleged by the German Delegation, deprive Germany and German subjects of their rights. But 'in all countries there are . . . people who fight for right and equality'.

Germany contends, in dealing with private rights, that 'numerous provisions [of Sections III–VII, Part X, of the draft Treaty] show that . . . not the idea of right but the idea of might was decisive'.

(*b*) *The Powers' Application of the Principle.* The position of the Powers is that the War was 'a crime against humanity and right'. They are convinced that the draft Treaty represents a peace of 'justice'; 'they are no less convinced that it is a peace of right on the terms agreed.'

In their Letter of the 16th June 1919, the Powers seem to draw a distinction between 'right' and 'justice' as two of the agreed bases of the peace settlement. The details furnished by the Letter enable us to see the main line of difference between those provisions of the draft Treaty which, in the view of the Allied and Associated Powers, fall under the category of 'justice' and those which they regard as belonging to the category of 'right'.

Under the heading of 'justice' are reckoned, amongst others, those clauses of the draft Treaty which deal with 'reparation for wrongs inflicted'; the trial of individuals who have committed acts of barbarism and inhumanity in the conduct of the War; the submission by Germany for a few years to 'certain special disabilities and arrangements' owing to her wanton acts of devastation, despoliation, and destruction, for 'it is only justice that restitution should be made, and that these wronged peoples should be safeguarded for a time from the competition of a nation whose industries are intact'.

As opposed to the peace of 'justice', the peace of 'right' demands that the settlement of Europe be based 'on the principle of freeing oppressed peoples and redrawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life'. The provisions of the draft Treaty in regard to the reconstitution of Poland

as an independent State represents the practical application of the principle of 'right'. The intentions of the Allied and Associated Powers to base the settlement on this principle of right 'were made clear not only in President Wilson's address to Congress of January 8, 1918, but in "the principles of settlement enunciated in his subsequent addresses", which was the agreed basis of the peace'.

The Powers, in their Reply, base the settlement as to Alsace-Lorraine upon 'the righting of wrong', as demanded by Point 8. Fifty years ago an 'injustice' was committed. 'To right a wrong is to replace things, so far as possible, in the state in which they were before being disturbed by the wrong.' This is the purpose of the Treaty provisions. In respect to certain districts of Posen and West Prussia the Powers have 'waived the claim of historic right [which Poland could assert] because they wished to avoid even the appearance of injustice'.

The Powers hold that 'the trial of those directly responsible for offences against humanity and international right' cannot be entrusted to their 'accomplices in their crimes'.

The proposals of the draft Treaty in regard to rivers are not, the Powers contend, in 'derogation of the rights of the . . . riparian States'.

(10) *Freedom.*

'Liberty', or 'freedom', figures largely in the documents exchanged between the two parties during the peace negotiations. The divergence of the parties' views as to the application of the principle of freedom to the settlement colours the discussion of nearly all the separate parts of the draft Treaty.

(*a*) *Germany's Application of the Principle.* In their Letter of the 29th May 1919, the German Delegation assert that the clauses of the draft Treaty in regard to reparation would, if enforced, condemn the German people to 'perpetual slave labour', and that the powers conferred by the draft Treaty on the International Reparation Commission would enable it to 'keep the whole German people in mental thraldom'. Germany presumes that the Treaty arrangements will enable her to 'recover her freedom of economic movement at home and abroad'. Likewise in their Observations of the

29th May 1919, the German Delegation remark that 'only the nations that enjoy freedom and independence, based upon law, may give each other the guarantee of just and honourable relations . . . freedom and life [are] the most sacred and inalienable fundamental rights [of nations] '.

This position of the German Delegation is elaborated in much detail both in their Letter and in their Observations. Thus, in dealing with the matter of German rights outside Germany, the German Delegation express the view that by the draft Treaty only the subjects of the Powers are legally assured the 'liberties' of a free and fair competition in foreign trade. Germany demands 'her full and reciprocal freedom of action within the limits of the demands made by the . . . Powers for their own trade '.

The German Delegation maintain, as already noted, that the reparation proposals of the draft Treaty would, if adopted, result in the 'perpetual slave labour' of the German people. Likewise in dealing with financial questions the German Delegation say: 'So far as infringements upon the economic liberty of the German population are necessary in order to perform the accepted obligations, the German Government will undertake them according to its own resolution.' The German people, however, 'does not live only to perform reparation; it wants, rather, to re-establish itself while freeing itself from the burden laid upon it '. The reparation and financial clauses of the draft Treaty, contends Germany, will result in this, that 'the German people would feel themselves condemned to slavery . . . But the system of slave labour has never been successful '. The draft Treaty 'leads the German people into a financial thraldom unknown in history '. The German people must have 'the same freedom of action both in [their] own country and in the world at large as all other peoples '; otherwise they cannot discharge their heavy obligations for reparation. 'What we demand ', declare the German Delegation, 'is merely this, that we shall not be required to lead a life of inaction, without honour, and without liberty.'

In reference to commercial policy the German delegates contend that 'Germany can bear the burdens she has taken upon herself and can in future regain a position approximately equal to that of other nations only if economic freedom . . . is granted to her '.

In respect to private rights Germany contends that 'freedom of intercourse between the parties should be granted, as well as their free right of determination concerning assertion, remission, alteration, and postponement of the claims covered by the clearing system . . .' 'It must be stated that these two principles, namely, the principle of complete reciprocity and the principle of maintaining the right of free disposal of the parties, have been violated by [certain provisions of the draft Treaty].'

In respect to labour, Germany contends that the general principles laid down in Article 427 'lack the first essentials for the recognition of the equal rights of the workingmen of all lands, namely, the right of free movement. . . .' Germany wishes to ensure to the workers of the whole world their 'free and equal rights'.

'A permanent peace can never be established', declares Germany, in reference to guarantees, 'upon the oppression and the enslavement of a great nation'.[1]

(*b*) *The Powers' Application of the Principle.* In their Letter and Reply of the 16th June 1919, the Allied and Associated Powers base their whole attitude towards the draft Treaty upon the fact that the war was 'the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilized, has ever consciously committed'. Germany was not content to maintain a recognized position in 'the society of free and equal peoples': she sought to 'dictate and tyrannize over a subservient Europe'. 'The Allied and Associated Powers believe that they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right.' A peace of right demands, in accordance with the agreed terms, the 'freeing' of oppressed peoples; as, for example, the freeing of the Polish people. In their comments on the territorial and political clauses of the draft Treaty the Powers declare that they have applied the fundamental principle of liberation. 'The legitimate hopes of peoples long under alien rule have been heard' by the framers of the draft Treaty. National aspirations have been accorded the utmost possible satisfaction, in accordance with the

[1] See Part XII, § v (*s.v. Democracy*, pp. 359–60).

principles of the pre-Armistice Agreement. The German Delegation protest against certain of these territorial settlements by the Powers. 'Arising out of the territorial settlement,' continue the Allied and Associated Powers, 'are the proposals in regard to international control of rivers. It is clearly in accord with the agreed basis of the peace that inland States should have access to the sea along rivers which are navigable to their territory. They believe that the arrangements they propose are vital to the free life of the inland States.' '[The] great factor of freedom of communication must rank first.' Germany cannot be admitted to the League of Nations as one of the conditions of peace. 'In the present temper of international feeling, it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged.'

The Powers declare that for them 'a certain freedom of action during the period of transition [after the War] is vitally necessary'. The League of Nations will, under the Covenant, provide for economic 'freedom'. Germany will enjoy these benefits so soon as she is admitted to the League.

(11) *Guarantees.*[1]

The pre-Armistice Agreement had stipulated for a guaranteed peace. There seems to have been no dispute as to the binding character of this principle; but there arose fundamental differences of opinion between the two sets of negotiators as to the nature and scope of the guarantees.

In considering the territorial clauses of the draft Treaty, Germany declares her readiness to grant France 'compensation for her destroyed coal mines with all justified guarantees'; but she cannot agree to the arrangements of the draft Treaty in respect to the Saar region. In compliance with the pre-Armistice Agreement, Germany is also 'prepared to grant to Poland, under international guarantees, free and secure access to the sea'; but she cannot consent to the provisions of the draft Treaty in regard to Danzig.

The Powers contend that, in the provisions of the draft Treaty respecting the German colonies, they have not only considered the interests of the populations; they have also

[1] See also Part XII, § IV (*s.v. League of Nations*, pp. 356–7).

'felt compelled to safeguard their own security and the Peace of the world against a military imperialism which sought to establish bases from whence it could pursue a policy of interference and intimidation against the other Powers.'

The Powers declare, in reference to the military, naval, and aerial clauses, that Germany's reduction of armaments is the first step towards the prevention of war. It will be one of the first duties of the League of Nations to promote this object by a general reduction of armaments by all members of the League.

The Powers maintain that the provisions of the draft Treaty in regard to penalties, which represent a departure from earlier settlements, will act as a deterrent and help to prevent the renewal of war.

§ VI. Territorial and Political Terms and Principles [1]

A. *General Principles of Settlement.*

(1) *Self-determination.*

(2) *Nationality.*

(3) *Equality of Nations.*

(4) *Common Rights and Interests of all Nations.*

(5) *Justice.*

(6) *Right.*

(7) *Freedom.*

(8) *Wishes, Natural Connexions, Racial Aspirations, Security, and Peace of Mind of Peoples.*

(a) *Religious, Racial, Linguistic, Geographical, and Economic Factors and Conditions.* In reference to the boundaries of Germany and the political clauses for Europe the Powers declare that 'every settlement of the [draft] Treaty of Peace has been determined upon after most careful and laboured

[1] The discussion of the application of the important Principles 1–7, and 11, (*c*) and (p. 387, to the territorial and political settlement will be found in Part XII, § v (General Principles of the Peace Settlement), *supra*, under the appropriate headings. The principles of self-determination and nationality are applied by the parties almost exclusively to the territorial and political settlement; but they are to be regarded as principles of wider scope, affecting other aspects of the settlement as a whole.

consideration of all the religious, racial, and linguistic factors in each particular country'.[1] The fact that in 1814–15, when Eupen and Malmedy were assigned to Prussia, account was not taken of 'geographical or linguistic frontiers', is given by the Powers as one of the reasons for the cession of those territories to Belgium. In re-establishing the Polish State 'it has been the special concern of the . . . Powers to provide for the adequate protection of the Germans who will find themselves transferred to Poland, as well as of all other religious, racial, or linguistic minorities'. On the basis of the plebiscite in the northern districts of Schleswig there will be a precise delimitation of the frontier between Germany and Denmark—a delimitation in which 'geographic and economic conditions will be taken into account'.

(b) *Close Political, Economic, and Social Relations.* In reference to the boundaries of Germany and the political clauses for Europe both Germany and the Powers base arguments against or for cession of territory upon the close political, economic, and social relations of the territory in question with the rest of Germany or with the State to which such territory is to be ceded.

Thus, Germany declares that she ought not to be compelled to cede Upper Silesia to Poland, for 'it has been in close political connexion with Germany for more than seven hundred and fifty years, is instinct with German life, and forms the very foundation of industrial life throughout East Germany'. 'Germany cannot dispense with Upper Silesia, whilst Poland is not in need of it.' 'The cession of the greater part of West Prussia would completely sever East Prussia from the German Empire.' A 'connecting bridge between Germany and East Prussia . . . absolutely must be preserved to Germany'.

The Powers declare that the territories of Eupen and Malmedy have 'continued [ever since they were assigned to Prussia in 1814–15] in close economic and social relations with the adjacent portions of Belgium'. This is one of the several reasons which justify the union of those territories to

[1] The Powers state in their Reply of 16th June 1919, that 'union' to Belgium is justified, 'provided the petitions to this effect are sufficiently supported by the population of the district. The Treaty makes provision for consulting the population under the auspices of the League of Nations.'

Belgium, provided the plebiscite supports this settlement. The 'interests which the Germans in East Prussia . . . have in establishing a land connexion with Germany, is much less vital than the interest of the whole Polish nation in securing direct access to the sea'. In reference to Posen and West Prussia the Powers declare that they have left to Germany those districts on the West in which there is an 'undisputed German predominance in immediate contiguity' to German territory.

(c) *Free and Secure Access to the Sea.* Germany recognizes that she is bound by Point 13 to assure to Poland 'a free and secure access to the sea'. 'To fulfil her obligation' Germany declares her readiness to make Memel, Königsberg, and Danzig free ports, to grant far-reaching rights to Poland in these ports, and to make arrangements with Poland in reference to the use of railways and the navigation of the Vistula.

The Powers declare, in dealing with the settlement of East Prussia, that 'the interests which the Germans in East Prussia, who number less than two millions, have in establishing a land connexion with Germany, is much less vital than the interest of the whole Polish nation in securing direct access to the sea'. The city of Memel, as distinct from the district of Memel, is 'in large part German'; but this fact, assert the Powers, is 'no justification for maintaining the district under German sovereignty, particularly in view of the fact that the port of Memel is the only sea outlet for Lithuania'. Poland, again, justly claims that the port of Danzig, although its population is 'predominantly German', must be under her control, for it is 'her sole opening to the sea'.

It is a striking fact, it may be remarked, that in the case of the ports of Memel and Danzig the Powers, confronted with the choice between the two opposing principles of nationality and access to the sea, deliberately set aside the principle of nationality and apply that of access to the sea for inland States.

In dealing with waterways the Powers state, in general terms, that the draft Treaty provides for inland States free and secure access to the sea along navigable rivers, as stipulated in the pre-Armistice Agreement.

(9) *No Conquests and No Annexations.*

Germany contends that the draft Treaty 'demands the annexation of purely German territory and the suppression of the German nationality'. The German Delegation assert that in respect of the Saar region and of Danzig the arrangements provided by the draft Treaty give France in the one case and Poland in the other economic control over purely German territories and thus prepare the way, by economic pressure, for political annexation sooner or later.

In discussing financial arrangements, Germany contends that according to Point 5 there is 'no question of a seizure of colonies in general, and especially without making deduction therefor'.

The Powers, in reply, draw attention to the temporary character of the Saar arrangement and the plebiscite at the end of fifteen years. Danzig had been forcibly annexed to Prussia: the Treaty provisions restore it to its former position as a free town.

(10) *No Bartering of Peoples and Provinces: Interest and Benefit of Populations.*

(a) *No Bartering.* The German Delegation draw attention to the second of the Four Principles of President Wilson's address of the 11th February 1918, in which he declared that 'peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game'. This principle, maintains Germany, must be applied in the Treaty. An illustration of the conflict of the draft Treaty with this principle, asserts Germany, is to be found in the provision for the cession to Belgium of the forests of the Eupen district. 'The German Government must point out the inadmissibility of bartering human beings from one sovereignty to another, merely for the sake of wood and zinc ore.'

The Powers 'emphatically reject the suggestion that there has been any "bartering about" of peoples and provinces'.

(b) *No mere Adjustment or Compromise of Claims amongst Rival States.* In considering the boundaries of Germany, the German Delegation draw attention to this as one of the agreed principles of the peace (the third Principle of President Wilson's address of the 11th February 1918).

(c) *No Material Interest or Advantage of any other Nation or People: Free Acceptance of the People Immediately Concerned.* In dealing with territorial questions, the German Delegation draw attention to this second of the 'Four Ends' in President Wilson's speech of the 4th July 1918, as one of the agreed principles of the peace. In reference to the provisions of the draft Treaty respecting the Saar district the German Delegation say: 'The attempt to tear away a nationally undisputed territory from the [German] Fatherland, merely for the sake of material interests [of France and the other Powers], and to place it for the present under the League of Nations, must degrade the idea of the League of Nations.'

In reference to East Prussia the Powers balance the material interests of Germans and of Poles. 'The interests', they maintain, 'which the Germans in East Prussia . . . have in establishing a land connexion with Germany, is much less vital than the interest of the whole Polish nation in securing direct access to the sea.'

(d) *Interest and Benefit of Populations.* In dealing with the question of the boundaries of Germany the German Delegation expressly rely on the third Principle of President Wilson's address of the 11th February 1918, which demanded that 'every territorial settlement . . . must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival States'. Thus, the 'cession of Upper Silesia to Poland is not in the interest of the Upper Silesian population', for living conditions, especially health and social precautions, are far better in Upper Silesia than in Poland. The proposed régime for the Saar district would be harmful to the population. While the dismantling of the Heligoland fortifications is conceded, necessary measures 'in the interest of the insular population' must be maintained.

In reference to her oversea possessions Germany maintains that she has cared for the physical, mental, and spiritual welfare of the colonial population. 'Germany has looked after the interests of her natives.' 'The demand . . . that Germany renounce her colonies is considered unjustified.'

The occupation of German territory, declares Germany, would be a 'harsh and cruel punishment for the populations which would suffer under it'.

The Powers base the Saar arrangements of the draft Treaty partly upon the necessity of assuring 'the rights and welfare of the population'. 'In every point their interests have been most scrupulously guarded, and in fact their condition will be improved.' In dealing with the Upper Silesian settlement the Powers declare that they have specially provided for 'the adequate protection of the Germans who will find themselves transferred to Poland, as well as of all other religious, racial, or linguistic minorities'.

The Powers state that they have 'placed before every other consideration the interests of the native populations advocated by President Wilson [in Point Five]'. Germany's colonial administration has been cruel, repressive, and detrimental to the interests of the populations. Owing to Germany's 'dereliction in the sphere of colonial civilization' she cannot again be entrusted with the government of the natives. Furthermore, it is 'necessary in the interest of the natives, as well as in that of a general peace, to restrict Germany's influence over her former colonies and the territories of the Powers'.

(11) *Political Independence and Territorial Integrity of All States: Mutual Guarantees.*

(*a*) *Re-establishment of the Political Independence of Nations.* The Powers state that it is one of the two cardinal principles of their settlement of the eastern frontiers of Germany that the independence of the Polish nation shall be re-established.

Germany accepts the principle of Polish independence as one which was embodied in the pre-Armistice Agreement.

(*b*) *Sovereignty of States.* The draft Treaty, argue the

German representatives, requires Germany to renounce her political and economic 'sovereignty' and 'independence'. Thus, by subjecting her waterways to international administration, the Powers are infringing her sovereign rights as a State. The exercise of the powers of the Reparation Commission would likewise result in an encroachment upon Germany's sovereignty.

In respect to the permanent recognition of the independence of Austria within her Treaty frontiers, Germany declares that she will never alter the Austro-German frontier by force, but that she cannot pledge herself to oppose Austrian self-determination to unite with Germany.

The Reparation Commission, the Powers declare, is not a machinery for 'interfering with German sovereignty'; nor does the international regulation of river navigation have this result.

The Powers take note of Germany's declaration in regard to the frontiers of Austria.

(*c*) *Autocracy and Militarism.*[1]

(*d*) *Guarantees.*[1]

B. *Terms and Principles of the Fourteen Points.*

The discussion at Paris of the boundaries of Germany and the political clauses for Europe involved a consideration of the terms and principles of such of the Fourteen Points as related to countries and territories. The following outline[2] will indicate the scope of the discussion:

I. *Principles applicable to Allied Territories.*

(1) *Russia* (*Point Six*).

(2) *Belgium* (*Point Seven*).

(3) *France* (*Point Eight*).

[1] See Part XII, § v, (1), pp. 357–9, (11), pp. 380–1, *supra*.

[2] Framed on the lines of the arrangement of subject-matter adopted in the study of the Fourteen Points as part of the pre-Armistice Agreement (see Vol. I, Chap. IX).

II. *Principles applicable to German Territories.*

(1) *Alsace-Lorraine* (*Point Eight*).

(2) *Eastern Provinces and Regions* (*Point Thirteen : Poland*).

(3) *Oversea Possessions* (*Point Five*).

III. *Principles applicable to both Allied and German Territories.*[1] *Poland* (*Point Thirteen*).

IV. *Summary of the Principles.*

The following principles were applied by the parties to the territorial and political settlement demanded by these Points :

(1–11) Most of the general principles, 1–11, of the territorial and political settlement (see A : General Principles of Settlement, p. 381).

(12) *Reparation* (transfer of Eupen forests to Belgium ; Saar Basin settlement).

(13) *Security for Reparation = Guarantee* (Saar).

(14) *Punishment* (Saar).

(15) *Restitution* (Alsace-Lorraine to France[2] ; Eastern territories to Poland ; Northern Schleswig to Denmark).

(16–23) The principles as to oversea possessions (Point Five ; see § VII, 1–8, pp. 393–5).

C. *Comments on the Principles of the Territorial and Political Settlement.*

An examination of the documents reveals the fact that one or both of the parties to the negotiation applied several terms and principles of the pre-Armistice Agreement to the solution of each one of the territorial and political questions involved in a settlement of the boundaries of Germany.

(1) *Eupen, Malmedy, and Prussian Moresnet.* The Powers base the transfer of the territories of Eupen and Malmedy to Belgian sovereignty upon their long and close economic and

[1] The re-establishment of the independence of the Polish Nation, under the terms of Point Thirteen, meant that the territories of Poland would be drawn from both the Russian and the German Empires.

[2] Restitution underlies the position of the Powers in reference to the provisions of the draft Treaty regarding Alsace-Lorraine. The righting of the wrong of 1871 demands the restitution of these provinces to France.

social relationship with adjacent portions of Belgian territory, and upon the fact that they were made a basis for German militarism. These reasons justify the transfer, the Powers assert, provided such transfer is ratified by the self-determination of the population.

Germany bases her position upon the principle of nationality: those regions of preponderantly German nationality ought not to be severed from Germany: but if they must be, then the independence of their self-determination should be adequately guaranteed.

The transfer of the domanial and communal woods in Prussian Moresnet to Belgium is based by the Powers upon the principle of reparation—'partial compensation for the destruction of Belgian forests'.

(2) *Saar Basin.* Germany's position in regard to the Saar Basin is that the terms of the draft Treaty would result in ultimate annexation to France; and this, the German Delegation imply, would mean an infringement of the principle of the Agreement that there should be no annexations.

The Powers base their settlement of the Saar Basin region upon the principle of reparation. The terms of the draft Treaty provide 'compensation' for the destruction of French coal-mines and 'part payment towards the total reparation due from Germany for the damage resulting from the War'. This particular form of reparation was chosen because the wanton destruction of French mines rendered 'a definite and exemplary retribution' essential. To the German objection that such form of reparation would have the character of a 'punishment', the Powers reply that punishment is of the very essence of a settlement based on the principle of justice. Furthermore, the Powers contend, the Saar Basin settlement gives them 'immediate possession of a security for reparation'; it does not conflict with the principle of no annexations, for it is a temporary arrangement; and, in any event, at the end of fifteen years the population can, on the principle of self-determination, choose their own sovereignty.

(3) *Alsace-Lorraine.* While renouncing her sovereignty in Alsace-Lorraine, Germany desires nevertheless the application of the principle of self-determination.

The position assumed by the Powers is based upon the terms and principles of the pre-Armistice Agreement, more

particularly the Eighth Point, and also upon the Armistice Convention. The annexation of Alsace-Lorraine, a 'French country', in 1871, conflicted with the principles of justice, right, and self-determination. The transfer to French sovereignty under the provisions of the draft Treaty is based upon 'the righting of the wrong' of 1871 by 'replacing things, so far as possible, in the state in which they were before being disturbed by the wrong'. The transfer to France is in accordance with the following terms and principles of the pre-Armistice Agreement: (1) restitution, (2) justice, (3) right, (4) common interests of all. The principle of self-determination is inapplicable, inasmuch as wrong is being righted: and Germany cannot demand a plebiscite, for she has agreed to the Eighth Point of the pre-Armistice Agreement and also to the Armistice Convention, which treats Alsace-Lorraine as evacuated territory. But, though a plebiscite cannot be taken, the people of the provinces have already clearly manifested their decision in favour of French sovereignty. The right of self-determination, upon which the draft Treaty is founded is, therefore, in no way infringed.

(4) *Poland and the Eastern Territories of Germany.* The German Delegation assert that the provisions of the draft Treaty about Poland and the eastern frontiers of Germany infringe the principles of nationality and no annexations. Germany is prepared to apply the principle of nationality to that portion of Posen which is incontestably Polish in population and to apply also, in the case of Poland, the principle of free and secure access to the sea, under international guarantees.

The Allied and Associated Powers contend that the Partition of Poland more than a hundred years ago conflicted with the principles of justice and right. To 'undo this wrong' is now the first duty of the Powers. In dealing with the eastern frontiers of Germany they have, therefore, followed two fundamental or cardinal principles: (1) The re-establishment of the Polish nation in its territorial and political independence. This principle is 'the law of historic retribution'. Its application is in accordance with justice and right. (2) The principle of nationality. Those districts 'now inhabited by an indisputably Polish population' shall be included in the 'restored Poland', in accordance with this second principle, the law of 'the ethnographical division'.

The Powers maintain that, in the case of Posen and West Prussia, the application of the principle of nationality only to a very small degree modifies the principle of the re-establishment of Polish independence.

In the case of Upper Silesia the first of the two cardinal principles, the 'law of historic retribution', cannot be applied, because Upper Silesia was not a part of the Polish territories when they were dismembered by the Partition. But the principle of nationality is clearly applicable to the district to be ceded to Poland, for the majority of the population is indisputably Polish. Strictly speaking, therefore, no plebiscite is necessary; but, in deference to the opinion of Germany, a plebiscite will be held before cession, on the principle of self-determination.

In the case of the settlement in regard to East Prussia the Powers apply the principle of direct access to the sea for the benefit of Poland. To certain regions of East Prussia where the 'affinities of the population' are in doubt the Powers apply the principle of self-determination and not that of nationality.

The position of the Powers in respect to the district of Memel is that the draft Treaty provisions are clearly an application of the principle of nationality, for the district has always been Lithuanian and the majority of its population is Lithuanian in origin and in speech. To the city of Memel, 'in large part German', the principle of direct access to the sea is applied in the interests of Lithuania.

In the solution of the Danzig problem the Powers apply several principles. On the principle of nationality Danzig cannot be incorporated in Poland, for the population has long been predominantly German. Danzig was forcibly, and contrary to the will of its inhabitants, annexed to Prussia. The present settlement is based fundamentally upon the principle of restitution or restoration. Danzig is to be given once more the position, which it long enjoyed, of a free city closely allied to Poland. This solution of the problem enables the Powers to apply also the principle of direct and free access to the sea for the benefit of Poland. The principle of the equality of States is equally applied, for only by having an outlet to the sea, free from foreign control, can Poland be placed on an 'equality with the other States of Europe'. Furthermore, this solution is but an application of the principle of right, for Poland's direct access

to the sea was hers 'by right' until she was wrongly deprived of it by the annexation of West Prussia, including Danzig, to Germany.

(5) *Schleswig.* To the solution of the Schleswig problem Germany desires to apply concurrently the two principles of nationality and self-determination. She is willing to surrender the preponderantly Danish districts to Denmark, but only on the basis of a plebiscite.

The Powers seem to take up in general the same position in regard to Schleswig. On the basis of the plebiscite the frontiers will be drawn, but taking into account also 'geographic and economic conditions'.

(6) *Oversea Possessions.* The Powers base the provisions of the draft Treaty in regard to Germany's oversea possessions upon the principle of the Fifth Point, namely, the interests of the native population, and also upon the principle of guarantees. The interests of the native populations and the safeguarding of the security and peace of the world's States alike require Germany to renounce her rights and claims.

(7) *Comments.* This brief (and incomplete) survey of the principles applied by the parties to the territorial and political settlement illustrates several main aspects of the work of the Peace Conference: (*a*) the conflict between the two parties as to the nature of the principles to be applied to a given problem; (*b*) the application of conflicting principles to the solution of certain of the more complex problems (e.g. Danzig and the Saar); (*c*) the tendency to rely on broad general principles (e.g. justice, right, equality) as well as upon narrow territorial principles (e.g. nationality); (*d*) the tendency to employ territorial settlements as forms of reparation (e.g. woods of Prussian Moresnet and Saar Basin).

It is clear indeed that the many principles of the pre-Armistice Agreement (some of them narrow and specific, others broad and general) were employed by each one of the parties in a manner best suited to attain his desired purpose and end. If one principle would not suffice, there was always another which might be invoked. At the back of all the territorial and political principles proper (e.g. nationality, self-determination) stood the more general (and vaguer) principles (e.g. justice, right) always ready for use in case of need. It is not suggested that the parties employed any one of these several principles

with improper motives; but it is suggested that no one will ever understand the nature of any one of the several settlements unless he realizes that the existence of many diverse principles in the common stock of agreed principles gave to each party an opportunity for the proposal of solutions, based on certain principles, which conflicted with other proposed solutions, based on certain other principles. When one party to the negotiation was the victor and the stronger party, capable of forcing his solutions upon the vanquished and the weaker party, the conformity of his solutions with the agreed basis of the peace depended less upon the legality of principles than upon the morality and manner of their application to the problem in hand. The principles applied to a given problem might all fall within the four corners of the pre-Armistice Agreement, and yet they might, when combined, produce a result which was in direct conflict with other principles of the same Agreement. Everything depended on the moral rectitude—the fidelity to 'impartial justice'—of the one who had it in his power to compel the adoption of his solutions. Morality, not legality, is the primary test of most of the final settlements. Both legality and morality are the tests of certain of them.

§ VII. German Rights and Interests outside Germany: Principles.

(1) *Impartial Settlement of Colonial Claims: Interests of Populations and Equitable Claims of Governments.*[1]

The Powers base the provisions of the draft Treaty on (1) the principle of the interests of the populations, and (2) the principle of protecting the peace of the world against German 'military imperialism', which has been the basis of German colonial policy.

Germany maintains that the pre-Armistice Agreement provided for a 'free, sincere, and absolutely impartial settlement of all colonial claims'.[2] 'The basis of every impartial settlement', contends Germany, 'is that, before the decision, the parties should be heard and their claims examined. Article 119 [of the draft Treaty] at once rejects the German claims without even giving Germany a chance to put them forward'.

Germany maintains that she has cared for the interests of

[1] See also Part XII, § vi, (10), (*d*), pp. 385–6. [2] Based on Point Five.

the colonial populations and that she is, therefore, entitled to retain her colonies.

Germany maintains that Point Five establishes the principle that 'the interests of the Governments should carry equal weight with those of population'.[1] In the light of Point Five Germany proposes that 'the colonial questions be handed over to a special committee'.

Germany asserts that the retention of her colonies is essential from the financial point of view. 'The colonies have become for Germany to such an extent integral parts of her own social economy, they are such valuable parts of her national capital, that she cannot, if only for financial reasons, *renounce her colonial possessions.*'

(2) *Autocracy and Militarism.*

The Powers base the provisions of the draft Treaty in regard to the German colonies partly upon the principle of removing, in the interest of the world's security, these bases of German 'military imperialism' from German control.

(3) *Equality of Nations.*

Germany expresses herself as willing to subject her colonies to the League of Nations, provided she is admitted to the League with privileges equal to those of other member-States. The mandate for the German Colonies should be given to her.

(4) *Common Rights and Interests of all Nations.*

Germany maintains that she has the right to share in colonial administration as one of the common rights and interests of all civilized nations.

(5) *Justice.*

Germany contends that her forced renunciation of her colonies would conflict with the principle of justice.

Germany contends also that by the draft Treaty her subjects abroad (especially her merchants) are treated in a way contrary to the principles of 'impartial justice'.

The Powers reply that Germany's possessions have in some cases (e. g. Kiaochow) been obtained by force and injustice.

[1] Point Five: . . . the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.'

(6) *Right.*

Germany contends that the acquisition and retention of her colonies are based on right (lawful title).

Germany contends also that the forfeiture of the rights of German nationals abroad, as demanded by the draft Treaty, would conflict with the principle of right ('violation of duly acquired rights').

(7) *Freedom.*

Germany maintains that the draft Treaty conflicts with the principle of freedom, inasmuch as it secures only to the subjects of the Powers the 'liberties' of a free and fair competition in foreign trade.

(8) *Reparation.*

Germany contends that the provisions of the draft Treaty in regard to German rights and interests abroad cannot be justified on the ground that they are measures of reparation.

§ VIII. Military, Naval, and Aerial Terms and Principles.[1]

(1) *Autocracy and Militarism.*

The Powers base the provisions of the draft Treaty partly upon the necessity of preventing Germany from resuming her policy of 'military aggression'.

(2) *Right.*

The Powers rely also upon the principle of right.

(3) *Guarantees.*

The Powers apply also the principle that peace must be guaranteed.

Do the provisions of the draft Treaty fulfil the requirement of the Fourth Point that 'adequate guarantees' will be 'given and taken' by the parties that 'national armaments will be reduced'?

It is clear that the Fourth Point contemplates the taking of guarantees by both parties to the peace. Broadly

[1] See also Part XII, § iv (*s.v. Reduction of Armaments*, pp. 355–6; *League of Nations*, pp. 356–7), *supra*.

speaking the guarantees taken by the Powers consist of Germany's treaty promise to reduce her armaments in advance of other States; the military occupation of German territory; the necessity of German expenditure of vast sums upon reparation, thus rendering it impossible for her to devote huge budgets to the upkeep of large armed forces; and the machinery of the League of Nations. The guarantees taken by Germany consist of the treaty promise of the Powers to reduce their own armaments under the machinery of the League of Nations. While the guarantees taken by the Powers are thus of a far more practical character than those received by Germany, it can hardly be denied, in view of Germany's responsibility for the War and of her barbarous method of waging it, that the Powers complied, in the proposals embodied in the draft Treaty, with the principle of the Fourth Point.

The Powers have strengthened their position by reliance upon the principle of 'right'. 'It is . . . right', they declare, 'that Germany should lead the way in the reduction of armaments, for she was responsible for their expansion.' Germany, on her side, expresses willingness to disarm in advance of other States, in order to indicate that she will help to usher in the new era of the peace of 'justice'. Justice and right are thus, as fundamental principles of the Agreement, accorded their place in the proposed settlement of the question of armaments.

§ IX. Penalties.

(1) *Justice.*

Both parties appeal equally to the principle of justice.

(2) *Right.*

Both parties likewise rely on the principle of right.

Justice and right—two of the fundamental principles of the Agreement—thus lie at the basis of the proposals of both parties in regard to penalties.

(3) *Equality of Nations.*

Germany proposes the establishment of an international court formed on the principle of the equality of Germany and

her enemies, the subjects of all belligerents to be brought equally before the court.

(4) *Guarantees.*

The Powers rely on the principle of guarantees; the penal provisions of the Treaty will act as a deterrent and thus help to prevent the outbreak of war.

§ X. Reparation.

A. *The Conflict of Principles.*

(1) *No Punitive Damages.* Germany contends that the Saar arrangements conflict with this principle.

The Powers frankly base the Saar provisions upon the principle that punitive reparation is essential to a settlement based on justice.

(2) *No Conquests and No Annexations.* Germany relies on this principle in opposing the Saar settlement as a form of reparation.

The Powers deny that they contemplate annexation to France. After fifteen years the population will exercise the right of self-determination.

(3) *No Bartering of Peoples and Provinces.* Germany contends that this principle is violated by the proposed cession of the forests of Eupen to Belgium as reparation for the destruction of Belgian forests.

(4) *Compensation.* Both parties admit the validity of the principle of compensation for damage done; but they differ widely in their views as to the scope of the application of the principle.

(5) *Sovereignty.* Germany contends that certain provisions of the draft Treaty require Germany to renounce her rights of sovereignty; for example, those in regard to reparation and waterways.

The Powers deny that this is the effect of the draft Treaty provisions.

(6) *Self-determination.* Germany contends that the exercise of the powers of the Reparation Commission would deprive the German people of their 'right of self-determination'.

The Powers deny that this is the effect of their proposals.

(7) *Common Rights and Interests of all Nations.* The Powers declare that the establishment of the Reparation Commission 'ensures, in the interest of all, an early and complete discharge by Germany of her reparation obligations'.

(8) *Justice.* The Powers rely on justice: 'reparation for wrongs inflicted is of the essence of justice'.

Germany contends that certain provisions of the draft Treaty are based on injustice.

(9) *Freedom.* Germany maintains that the reparation proposals of the Powers would deprive the German people of their freedom.

The Powers deny that this would be the result of their proposals.

B. *Germany's Position.*[1]

The principle of compensation for damage done formed one of the most important of all the principles applicable to the settlement. Germany fully admitted responsibility, but contended that the provisions of the draft Treaty conflicted not only with those of the pre-Armistice Agreement, but also with those of the Armistice Convention. Thus, the German Delegation asserted, by the draft Treaty Germany is required to pay 'all the war expenses' of the Allied and Associated Powers; and, 'in excess of the agreed conditions', to make 'reparation for damage suffered' by the 'civil population' of the Powers. Furthermore, it was alleged, Germany 'must go bail for her allies'. The sum to be paid is to be fixed unilaterally by Germany's enemies; and no limit is fixed

[1] See also Part XI, § VI, pp. 308–13 and Part XII, § II, pp. 341–4, for important information as to Germany's position.

In considering the problems connected with Russia and the Russian States, Germany draws a distinction between reparation and restitution, declaring that Germany 'cannot recognize any right on the part of Russia to demand restitution and reparation'.

by the draft Treaty, save the 'capacity of the German people for payment'. In short, declared Germany, the reparation proposals of the draft Treaty conflict with the following principles of the pre-Armistice Agreement: (1) sovereignty; (2) self-determination; (3) justice; (4) freedom; (5) no conquests and no annexations; (6) no bartering of peoples and provinces; (7) no punitive damages. The Powers denied that their proposals conflicted with these principles of the Agreement.

C. *The Scope of the Reparation Proposals of the Powers.*

Reference will be made later to certain aspects of the whole reparations problem. Here it is important to point out that the reparation proposals of the Powers affect not only the economic and financial clauses of the Treaty; they touch also upon other parts of it, such as, for example, the territorial and political clauses for Europe, commercial policy, and German rights outside Germany.

Germany protests against all these proposals. Thus, the German Delegation maintain that the cession of the forests of Eupen to Belgium as reparation for the Belgian forests destroyed during the War would be inconsistent with President Wilson's principles. 'The German Government must point out the inadmissibility of bartering human beings from one sovereignty to another, merely for the sake of wood and zinc ore.' The Treaty arrangements for the Saar region contemplate exemplary or punitive reparation and the political control of the Saar region by France. The question of reparation for the mines of northern France can be settled only on an economic, and not on a territorial or political, basis. Germany must reject the proposal that she should make any reparation as a form of punishment. Again, Germany has promised to make reparation for the injury done in 1871 in respect to Alsace-Lorraine; but 'reparation would not be made' by the immediate cession of these provinces to France. Furthermore, 'the German Government cannot recognize any right on the part of Russia to demand restitution and reparation'.

The Powers, in their Reply, defend the cession of forests to Belgium as 'partial compensation' for the destruction of Belgian woods; and they defend also the Saar arrangement

as a form of punitive reparation, on the ground that punishment is essential to a just settlement. The Powers introduce the important principle that the Saar arrangement assures them 'immediate possession of a security for reparation'.

Germany also holds, in regard to certain clauses of the draft Treaty, that 'none of these measures which are taken against German rights and interests abroad can be justified from the standpoint of reparation . . . they do nothing towards repairing the damages which Germany has bound herself to make good'.

According to the Powers the imposition on Germany of temporary non-reciprocal conditions in the matter of commercial exchanges is a 'measure of reparation' due to a 'consideration of justice'.

D. *The Principles Applied by the Powers.*

The main principles applied by the Powers in the reparation clauses of the draft Treaty are the following:

(1) *Compensation* for all damage to the persons and property of the civilian population of the Allies caused by Germany's aggression by land, by sea, and from the air. The Powers contend that their reparation proposals have been framed with 'scrupulous regard' to this principle of the Agreement, which was set forth in the memorandum of the Allies and embodied in President Wilson's note of the 5th November 1918.

(2) *Justice*[1]. Justice, contend the Powers, is the agreed basis of the peace settlement. Germany must undertake to make reparation to the 'very uttermost of her power, for reparation for wrongs inflicted is of the essence of justice'. 'The [reparation] burdens' of Germany 'are imposed under conditions of justice'.

(3) *Punishment.* The Saar arrangement, contend the Powers, is 'a definite and exemplary retribution' for the wanton destruction of French mines. In reply to the German contention that this form of reparation is a 'punishment', the Powers maintain that punishment is 'a conception which is essential to any just settlement'.

(4) *Security.* The Powers contend that the Saar settlement gives them 'immediate possession of a security for reparation'.

(5) *Common Rights and Interests of all Nations.* The Re-

[1] See also *s.v.* (3) *Punishment, infra.*

paration Commission 'ensures, in the interest of all, an early and complete discharge by Germany of her reparation obligations'.

E. *Comments.*

Any detailed criticism of the reparation proposals of the Powers would necessitate (1) a consideration of the German allegations of infringement of several principles of the Agreement and the Armistice Convention, together with a study of the Powers' replies to these allegations, and (2) a consideration also of the principles actually applied by the Powers, together with a study of the German position in respect to these principles. No effort will be made in this place to deal with these several aspects of the controversy between the two parties; but a few words may be said in reference to the principles applied by the Powers.

The reparation proposals of the draft Treaty must be judged upon the standard of the principles embodied in them. If 'justice' were the sole contractual principle to be applied in testing reparation proposals, it is obvious that under it the Powers, by interpreting the term 'justice' in their own sense, might well have exacted not only compensation for civilian damage, but compensation for all the costs of the War, because Germany, by her aggression, was responsible for the War. But there can be no doubt that, on sound canons of interpretation, the principle of justice is to be viewed as expressly limited and defined by the Allies in their memorandum of the 5th November 1918, a document which formed a vital part of the Agreement. Under this express limitation it may be said that 'justice' demands at least 'compensation for civilian damage' and that the Allies impliedly renounce any further payments under the heading of reparation, such as, for example, the costs of the War over and above civilian damage.

Both in their Letter and in their Reply of the 16th June 1919, the Powers employ language which seems to imply that under 'reparation' they intended to include more than compensation for civilian damage. Thus, they declare that Germany must undertake to make 'reparation to the very uttermost of her power', 'reparation for wrongs inflicted', 'reparation to her neighbours for the damage she has done'; and that she must 'suffer for the consequences of the war'. They speak of the

'damage and cost of repair', of 'the vast extent and manifold character of the damage caused to the Allied and Associated Powers', of 'the loss and damage', of 'satisfaction' to the victims of Germany's aggression, of their past sufferings and permanent burden, of 'wrongs which it is beyond the utmost power of Germany to repair'.

But it is clear from certain passages in the Letter and in the Reply that the Powers intended to restrict reparation to civilian damage. Thus, in their Reply they expressly state that they have prepared their reparation proposals with 'scrupulous regard' for the principle, contained in their memorandum of the 5th November 1918, that 'compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air'. Likewise, in their covering Letter they declare expressly that their reparation proposals 'confine the amounts payable by Germany to what is clearly justifiable under the terms of the Armistice in respect of damage caused to the civilian population of the Allies by the aggression of Germany'.

It should be observed that, although both Reply and Letter restrict reparation proposals to civilian damage, the Reply refers to the pre-Armistice Agreement, while the Letter refers to the Armistice Convention, as the basis of the principle of civilian damage. Is Germany's liability under the Armistice Convention a more extensive liability than that under the pre-Armistice Agreement? Has the Agreement been modified by the Convention in such a way as to permit, under the terms of the Convention, demands by the Powers in excess of the terms of the Allied Memorandum of the 5th November 1918? Reasons have already been advanced which lead to the conclusion that the answer to this question must be in the affirmative.[1] Germany was a party to the Convention; and legally she promised to make whatever reparation might be brought within the terms of the Convention, for, in any case of conflict between the Agreement and the Convention, the Convention, being the later instrument and an instrument signed by both parties, must govern. But were the Powers justified, on moral grounds, in exacting a modification of the Agreement in the sense of the terms of the Convention? This main question is,

[1] See Vol. I, Chap. IX, Part VI, pp. 420–7.

indeed, a moral question; and upon that question opinions may well differ. An absolutely correct standard of moral conduct would certainly have been preserved by the Powers had they adhered strictly to the terms of their Memorandum (5th November 1918) in framing the reparation terms of the Convention (11th November 1918). It is unfortunate that the exact terms of the Allied Memorandum (5th November 1918) were not reproduced textually in the Armistice Convention.

There is one special form of reparation proposed by the Powers which is worthy of notice. The territorial settlement of the Saar Basin is based in large measure on the principle of reparation. This particular form of reparation was chosen as 'a definite and exemplary retribution', as a reparation of 'exceptional nature' which should be 'a definite and visible symbol'. If, the Powers argue, it be contended that it amounts to 'punishment', then clearly it is justifiable on the ground of justice; for punishment is of the very essence of a settlement based on the principle of justice.

The question arises as to whether this particular form of reparation in respect of the Saar Basin conflicts with the declaration of President Wilson in his Address of the 11th February 1918, that there shall be 'no punitive damages'. This declaration forms a part of the pre-Armistice Agreement; and, if the reparation aspects of the proposed Saar settlement amount to the infliction of punitive damages, then the Powers would seem to be guilty of a breach of the Agreement. Punitive or exemplary damages are recognized in most systems of private law as permissible in certain exceptional cases of civil wrong. If the Powers had not been bound by the principle of 'no punitive damages', they might well have exacted punitive reparation of one sort or another so long as it fell within the terms of the legal obligations assumed by them in the pre-Armistice Agreement (or in the Armistice Convention). But it would seem clear that the Powers were bound by the principle of 'no punitive damages', and that they should have applied this principle rigorously and not the vague general principle of 'justice'. In a case of conflict between two terms or principles of an agreement between parties the more explicit and definite term or principle narrows and limits the scope of one which is more general and extensive. If this canon of interpretation be applied to the case in hand, it may be held that the explicit

and definite 'no punitive damages' narrows and limits the vague, general, and extensive 'justice'. In fact, 'justice' in such case demands the application of the principle that 'there shall be . . . no punitive damages' (President Wilson's Address of 11th February 1918).

Only one word need be said with respect to the principles that (*a*) the Saar arrangement gives the Powers immediate possession of a security for Germany's payment of her reparation obligations, and that (*b*) the Reparation Commission 'ensures, in the interest of all, an early and complete' payment. Both of these principles would seem to fall within the broader principle of the pre-Armistice Agreement that the Powers are entitled to demand guarantees. The occupation and government of the Saar Basin and the Reparation Commission are machineries which guarantee the payment of obligations by a party to the settlement whose promises have proved in the past to be untrustworthy.

§ XI. Financial Terms and Principles.

(1) *Autocracy and Militarism.*

Germany: The Reparation Commission has greater powers than any monarch 'in the time of absolutism'.

(2) *Democracy.*

Germany: The Reparation Commission destroys 'German democracy'.

(3) *Self-determination.*

Germany: The Reparation Commission deprives Germany of her right of economic and financial self-determination.

(4) *Equality of Nations.*

Germany demands equality with other nations.

(5) *Common Rights and Interests of all Nations.*

Germany applies this principle to the 'restoration of France and Belgium'—a task 'common to all civilized nations'.

(6) *Justice.*

Certain financial provisions of the draft Treaty, contends Germany, conflict with 'the principles of justice, equity, and good faith'.

The Powers also rely on the principle of justice.

(7) *Right.*

Germany: The financial clauses deprive Germany and German subjects of their rights.

(8) *Freedom.*

Germany: The draft Treaty 'leads the German people into a financial thraldom unknown in history'. The German people must not be compelled to lead a life 'without honour and without liberty'. 'Economic freedom' must be granted to Germany.

The Powers demand 'freedom of action' during the period of transition to normal conditions.

§ XII. Economic Terms and Principles.[1]

(1) *Removal of Economic Barriers,*[2] *and*

(2) *Equality of Trade Conditions.*[3]

Germany contends that the provisions of the draft Treaty exclude German merchants from 'free and fair competition' in the world's trade by the 'erection of insurmountable barriers' in favour of subjects of the Powers alone. This is not consistent with the principles of impartial justice.

Discussing private rights, Germany maintains that 'the economic life not only of a single state but of the whole world would be impaired [by preventing 'free intercourse' between creditor and debtor] and an economic barrier would be erected between the peoples, which would be incompatible with the legal bases of peace'.

In respect to commercial policy Germany relies on Point Three as binding on the Powers: they must grant to Germany 'equality of trade conditions'. Germany must have the

[1] See also Part XII, §§ x and xi, pp. 379–405.
[2] See Part XII, § v (*s.v. Justice*), pp. 371–4.
[3] See Part XII, § v (*s.v. Equality*), pp. 367–9.

'perfect equality of Germany's rights with those of the other nations'.

In respect of private rights Germany demands the immediate and complete application of the principle of 'reciprocity'.

The Powers reply that, owing to the fact that the War has wrought the devastation of Allied lands, while at the same time it has left Germany in a position of economic advantage, the immediate grant of equality of trade conditions to Germany would actually produce an 'inequality of trade conditions'. President Wilson envisaged a period of transition, after which reciprocity in the matter of trade should be established. That was the 'equality of trade conditions' for which he stipulated.

The Powers state that Articles 291 and 294 [treaties] have the object of establishing 'an equality as between themselves and Germany'.

The Powers reply that complete reciprocity in the matter of private rights is impossible.

(3) *No Separate and Selfish Compacts and Combinations with regard to Trade.*[1]

(4) *No Employment of Economic Boycott or Exclusion; except by the League of Nations.*[1]

(5) *Free Acceptance by People Immediately Concerned.*[2]

In dealing with commercial policy Germany relies on the second of the Four Ends of President Wilson's speech of the 4th July 1918: 'Second, the settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.'

(6) *No Material Interest or Advantage of any other Nation or People: Free Acceptance by People immediately concerned.*[3]

(7) *Autocracy and Militarism.*

Germany contends that, in respect to private rights, the

[1] See Part XII, § IV, (4), *supra*, pp. 264–6.

[2] See also Part X, § V (*Self-determination*), pp. 266–8; Part XII, § VI, A (10), (c), p. 385: *No Material Interest or Advantage of any other Nation or People.*

[3] See (5) *Free Acceptance by People Immediately Concerned, supra*, cp. p. 385.

draft Treaty is based not on the idea of 'right', but on that of 'might'.

The Powers base provisions of the draft Treaty in regard to the abrogation by Germany of certain treaties on the ground that they had been concluded owing to Germany's 'military preponderance'. They must, in the interests of 'justice', be abrogated.

(8) *Democracy.*

Germany contends that the principle of democracy is infringed by the draft Treaty in that it treats the private property of former German sovereigns differently from that of other Germans.

(9) *Common Rights and Interests of all Nations.*

Germany applies this principle in dealing with the question of Mixed Arbitral Tribunals.

(10) *Justice.*

In dealing with certain aspects of commercial policy the Powers apply the principle of justice. 'Justice' demands, for a limited period, 'non-reciprocal conditions in the matter of commercial exchanges'.

In dealing with the question of the resumption of commercial treaties after the Peace both parties rely on the principle of justice, although they reach opposite conclusions.

In dealing with the question of Mixed Arbitral Tribunals Germany appeals to the principle of justice.

(11) *Right.*

Germany contends, in dealing with private rights, that many provisions of the draft Treaty show that 'not the idea of right but the idea of might was decisive'.

(12) *Freedom.*[1]

(13) *Reparation.*

The Powers base the imposition on Germany of temporary non-reciprocal conditions in the matter of commercial exchanges on the ground that it is a 'measure of reparation' due to a 'consideration of justice'.

See Part XII, § xi: Financial Terms and Principles, *s.v. Freedom*, p. 405.

Five fundamental terms or principles of the Agreement were thus relied upon by the Powers in framing the economic clauses of the draft Treaty:

(1) and (2) *Removal of Economic Barriers and Equality of Trade Conditions.* Point Three had stipulated for 'the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all nations consenting to the peace and associating themselves for its maintenance'. The Powers admit that they are bound by this and other provisions of the Agreement; but they argue that the principle of the equality of trade conditions is applicable only to a later time, after the passing of a transitory period in which the present position of the economic inferiority of many of the Allied States, caused by Germany's illegal aggression, has been altered to one of economic equality with that of Germany. During this transition period Germany must be 'deprived of the right she claims to be treated on a footing of complete equality with other nations'.

(3) *Justice.* The principle of justice requires this temporary imposition on Germany of 'non-reciprocal conditions in the matter of commercial exchanges'.

(4) *Reparation.* The clauses of the draft Treaty which provide for those 'non-reciprocal conditions' are measures of reparation.

(5) *Autocracy and Militarism.*

§ XIII. Ports, Waterways, and Railways.[1]

(1) *Sovereignty.*[2]

Germany contends that by subjecting her waterways to international administration the Powers are infringing her sovereign rights as a State.

The Powers deny that this is the effect of the draft Treaty.

(2) *Equality of all Nations.*

The Powers declare that the sole object of the draft Treaty

[1] The aerial navigation Articles of the Treaty of Versailles, which confer rights only on aircraft of the Powers and are therefore non-reciprocal in character, are considered in a paper on 'International Air Law in Time of Peace' by the author, which is to be published in the annual Proceedings of the International Law Association for 1920.

[2] See (5) *Right, infra*, p. 409.

provisions in regard to rivers is to 'establish complete equality between the subjects of all nations'.

(3) *Freedom.*

The Powers believe that the proposals of the draft Treaty in regard to rivers are 'vital to the free life of inland States'. '[The] great factor of freedom of communication must rank first'.

(4) *Free and Secure Access to the Sea.*

The Powers state that the draft Treaty provides, in compliance with the stipulations of the pre-Armistice Agreement, free and secure access to the sea for inland States.

(5) *Right.*

The proposals of the draft Treaty respecting rivers, contend the Powers, are not 'in derogation of the rights of the . . . riparian States'.

The provisions of the draft Treaty in regard to rivers are thus based by the Powers upon three fundamental principles of the Agreement—(1) direct access to the sea, and (2) the equality of nations in the matter of (3) freedom of communication.

§ XIV. Labour.[1]

(1) *Democracy.*

(2) *Equality of Rights.*

(3) *Justice.*

(4) *Freedom.*

(5) *Free Acceptance.*

Germany applies the second of the Four Ends of President Wilson's speech of the 4th July 1918, to the working-men. 'The regulation of all labour questions must be conducted on the basis of the free acceptance of that settlement by the working-men themselves, and not on the basis of the material interest or advantage of any other class of the nation, or of another people which may desire a different settlement for the sake of its own foreign influence or mastery.'

[1] For the discussion of the following Principles 1–4, see Part XII, § v, p. 357, under the appropriate headings.

§ XV. Guarantees.[1]

(1) *Autocracy and Militarism.*

(2) *Democracy.*

(3) *Common Rights and Interests of all Nations.*

(4) *Justice.*

(5) *Freedom.*

(6) *Free and Secure Access to the Sea: International Guarantees.*

Germany is 'prepared to grant to Poland, under international guarantees, free and secure access to the sea', in accordance with Point Thirteen; but she is unwilling to consent to the draft Treaty provisions in regard to Danzig.

(7) *Sanctity and Guarantee of Treaties.*

(8) *Reduction of Armaments.*

(9) *League of Nations.*

§ XVI. Miscellaneous Provisions: Maritime Law.[2]

(1) *Justice.*

(2) *Equality.*

(3) *Restitution.*[3]

PART XIII

THE WORLD-WIDE SCOPE OF THE PEACE SETTLEMENT WITH GERMANY

CLASSIFICATION OF THE PRINCIPLES APPLIED BY THE PARTIES

In the present Part an effort will be made to classify the many principles which one or both of the parties applied to the settlement. The chief advantage of a classification of this character is to make it possible to see each one of the

[1] For discussion of Principles 1–5, *infra*, see Part XII, § v, *supra*, under the appropriate headings. For discussion of Principles 7–9, *infra*, see Part XII, § iv, 7 (*Sanctity and Guarantee of Treaties*, pp. 354–5), 9 (*Reduction of Armaments*, pp. 355–6), 10 (*League of Nations*, pp. 356–7); and § v, 11 (*Guarantees*, 380–1).

[2] See Part XI, § xii, *supra*, pp. 339–40.

[3] In her discussion of the provisions of the draft Treaty respecting maritime law Germany demands restitution of her tonnage.

many parts of the complex settlement in its true perspective. It is possible to arrange the principles according to any one of several different plans; but the arrangement which seems the simplest and best is the one which enables us to classify the principles under three main headings, as follows: (1) nations, (2) international relations, and (3) private rights of nationals. This arrangement of subject-matters serves as the basis of the classification of principles set forth in the following pages.

§ I. Nations.

A. *Sovereignty.*

I. Re-establishment of the Independence of Nations.

Applied to Poland ('Polish Nation').

II. Restitution of Provinces to former Sovereigns.

Applied to Alsace-Lorraine, eastern territories of Germany (Poland), and northern Schleswig.

III. Territorial, Political, and Economic Integrity of States.

Applied to Austria.

Applied by Germany to German Empire, including oversea possessions.

Applied to international regulation of river navigation. Germany: The draft Treaty infringes German sovereignty.—The Powers: The draft Treaty is 'not in derogation of the [sovereign] rights of the . . . riparian States'.

Applied to reparation. Germany: The draft Treaty infringes German sovereignty.—The Powers: The draft Treaty has not this effect.

IV. Rights of Self-preservation and Self-determination of States.

Germany: The draft Treaty infringes this 'inalienable fundamental right of every State'.

B. *Principles to be applied in determining the Question as to whether a particular State shall retain, or another particular State acquire, the territorial and political Sovereignty over a particular Territory.*

I. Principles which Prohibit Change of Sovereignty.

(1) No conquests and no annexations.

(2) No bartering of peoples and provinces: interest and benefit of populations.

(3) No mere adjustment or compromise of claims amongst rival States.

(4) No material interest or advantage of any other nation or people: free acceptance by the people immediately concerned.

II. Principles which, on their application to the actual facts of the case, either Prohibit or Permit Change of Sovereignty.

(1) *Ethnic Principles.*

(*a*) Nationality.
(*b*) Protection of racial minorities.
(*c*) Racial factors and conditions.[1]
(*d*) Racial aspirations.[1]

(2) *Political Principles.*

(*a*) Re-establishment of the political independence of nations.
(*b*) Self-determination.
(*c*) Free acceptance by the people immediately concerned.
(*d*) Freedom.
(*e*) Close political, economic, and social relations between two territories.
(*f*) Destruction of arbitrary power (autocracy and militarism).
(*g*) Equality of nations.
(*h*) Common rights and interests of all nations.

(3) *Juridical Principles.*

(*a*) Right.
(*b*) Justice.
(*c*) Restitution.[2]
(*d*) Punishment.[3]
(*e*) Security for reparation.[3]

(4) *Economic Principles.*

(*a*) Free and secure access to the sea for inland States.[4]
(*b*) Close political, economic, and social relations between two territories.
(*c*) Religious, racial, linguistic, geographical, and economic factors and conditions.
(*d*) Freedom.

[1] See (4) *Economic Principles* and (5) *Social Principles, infra.*
[2] Alsace-Lorraine; northern Schleswig; eastern territories of Germany Poland). [3] Saar Basin. [4] Poland; Lithuania.

(5) *Social Principles.*

(*a*) Interest and benefit of populations.
(*b*) Wishes, natural connexions, racial aspirations, security, and peace of mind of peoples.
(*c*) Close political, economic, and social relations between two territories.
(*d*) Religious, racial, linguistic, geographical, and economic factors and conditions.

C. *Forms of Government.*

I. Destruction of arbitrary power (autocracy and militarism), or at least its reduction to virtual impotency.
II. Rule of free democratic institutions.

D. *Rights and Duties of Governments.*

I. Equitable claims of Governments to colonial possessions.
II. Duty of Governments to reduce their armaments.

§ II. International Relations.

A. *Juridical Relations.*

I. New International Order: Fundamentals.
(1) Common will and consent of mankind.
(2) Reign of law.
(3) Right and justice.
(4) Equal and common rights and interests of all nations.

II. Governance of Inter-Relations of States according to International Law and Morality.

(1) Binding character of International Law in respect of the Peace Settlement.

(*a*) Violation of the neutrality of Belgium. Claimed by the Powers and admitted by Germany.
(*b*) Punishment of violations of international law (especially laws and customs of warfare) during the War. Claimed by the Powers and admitted by Germany.
(*c*) Conflict of draft Treaty with international law. Claimed by Germany; but not admitted by the Powers.

(2) Binding character of International Law in respect of the Future.

(*a*) Reign of law.
(*b*) Right as opposed to wrong.
(*c*) Justice as opposed to injustice.
(*d*) Sanctity and guarantee of international covenants.

III. International Justice.

(1) The Powers based the reparation proposals of the draft Treaty on the principle of international justice; and demanded security for reparation (Saar).

(2) Germany claimed that no form of reparation should be in the form of a punishment (Saar).

The Powers declared that punishment was essential to a just settlement.

(3) Germany made claims in respect of (*a*) an international court to try offences against international law, and (*b*) Prize Courts.

IV. International Agreements, Treaties, and Conventions.

(1) *The Treaty of Peace.*

Germany claimed:

(*a*) The draft Treaty conflicts with pre-Armistice Agreement and Armistice Convention.

(*b*) The Treaty should be based on the voluntary agreement of all parties, not on force.

(*c*) The Treaty should be a final settlement; but the draft Treaty introduces, as a matter of fact, elements of future discord and conflict.

(*d*) The Treaty should provide for resumption, on principle, of all multilateral and bilateral treaties.

(*e*) The draft Treaty possesses features which indicate conflict with the principle that there should be no separate and selfish alliances, covenants, understandings, and combinations of states.

The Powers claimed:

(*a*) The Treaty should provide (as the draft Treaty does actually provide) for the abrogation of certain treaties concluded by Germany by means of her 'military preponderance'.

(*b*) Justice demands the arraignment of the Kaiser for a supreme offence against the sanctity of treaties.

(*c*) Only such multilateral treaties should be resumed as are named in the Treaty of Peace; and only such bilateral treaties should be resumed as are acceptable to the Power concerned.

(*d*) The object of certain provisions of the draft Treaty in respect to treaties is to establish an equality between the Powers and Germany.

(2) *General Principles governing the Conclusion of Treaties and Conventions in the Future.*

(*a*) Open covenants.

(*b*) Common covenants and understandings.

(*c*) No separate and selfish alliances, covenants, understandings, and combinations of states.

(*d*) Sanctity and guarantee of treaties.

(*e*) Covenant of the League of Nations.

V. Equality of the Rights of all Nations.

Claimed by the Powers and Germany alike.

Illustrations:

(1) Germany claimed the 'perfect equality of Germany's rights' in economic matters, and Germany's immediate admission to the League of Nations on an equality of rights and privileges.

(2) The Powers claimed that certain provisions of the draft Treaty in regard to treaties were framed with the object of placing the Powers on an equality with Germany; and that their refusal to grant immediate reciprocity was based on the principle of restoring equality after a period of transition.

VI. Common Rights and Interests of all Nations.

Claimed by the Powers and Germany alike.

Illustrations:

(1) The Powers adopted this principle in the settlement of certain territorial questions.

(2) Germany advocated this principle for the settlement of the colonial question.

VII. Reduction of Armaments.

Claimed by the Powers and admitted by Germany.

VIII. Freedom of the Seas.

Claimed by Germany.

IX. Protectorates.

Germany claimed that her recognition of Great Britain's protectorate over Egypt would violate Egypt's right of self-determination.

X. International Government.

(1) Guarantees.
(2) The League of Nations.

B. *Economic Relations.*

I. Freedom of International Trade and Communication.

(1) Removal of economic barriers.
(2) Freedom of river navigation.
(3) Free and secure access to the sea for inland States.
(4) Freedom of the seas. Claimed by Germany.

II. Equality of Trade Conditions.

(1) No separate and selfish compacts and combinations with regard to trade.
(2) No employment of economic boycott or exclusion; except by the League of Nations.

III. Justice.

The Powers contended that justice demands non-reciprocal conditions for a limited period.

§ III. Private Rights of Nationals.

Many of the general principles applied by the parties to the settlement affect private as well as public rights; for example, the principles of 'self-determination', protection of minorities, and the 'interest of populations'. Of the principles more closely affecting private rights the following are important:

I. Democracy.

The draft Treaty, contended Germany, infringes democratic principles. Thus, it draws distinctions between the private property of former German sovereigns and other Germans. Again, the occupation of democratic Germany would hamper German citizens in the exercise of their rights and liberties.

II. Freedom.

Germany contended that in various ways the draft Treaty conflicts with the civil liberty of German nationals in respect of their private rights.

III. Equality.

Germany demanded equality of private rights of the subjects of all nations; for instance, in trials before the proposed international court to try offences against international law; and in economic and labour settlements.

The Powers claimed 'complete equality between subjects of all nations' in the matter of river navigation.

The Powers stated that the principle of the equality of private rights cannot be applied in all cases.

IV. Justice.

Germany contended that her subjects abroad (especially her merchants) are treated by the draft Treaty in a way which is contrary to 'impartial justice': only to the subjects of the Powers are secured 'liberties' in the matter of trade. The surrender of business secrets likewise conflicts with the principles of 'justice, equity, and good faith'. The draft Treaty also threatens the existence of the German working classes, and is thus contrary to justice.

V. Right.

Germany contended that the draft Treaty provisions in regard to private rights are based on might and not on right. In many ways the draft Treaty exacts the forfeiture of the rights of German nationals at home and abroad. This violation of duly-acquired rights conflicts with the principle of Right. Furthermore, the trial of German nationals by courts of the Powers would be giving the rôle of judge to the victor, and placing might in the place of right.

The Powers replied that the trial of persons cannot be entrusted to their accomplices.

VI. Common Rights and Interests of the Nationals of all States.

This principle was applied by Germany to colonization.

PART XIV

THE TREATY OF PEACE WITH GERMANY

THE FULFILMENT OF THE PRE-ARMISTICE AGREEMENT

The question as to how far the signed and ratified Treaty of Peace with Germany is a fulfilment of the obligations assumed by both parties when they concluded the pre-Armistice Agreement, is one of those fundamental questions raised by the World War which will occupy the attention of all succeeding generations. Those who concern themselves with this vast problem must consider several all-important matters. What exactly were the terms and principles of the Agreement? In what respects, if any, was the Agreement modified by the Armistice Convention? In what respects does the Treaty of Peace conform to these two earlier documents; and in what respects does it conflict with them?

The solution of these problems is (1) partly a matter of judging as to the soundness of the *interpretation of the two earlier agreements*, the interpretation being embodied in the Treaty of Peace; and it is (2) partly a question of the soundness of the *application of agreed principles* to the world-wide range of the many complex facts and sets of facts produced by the War.

Upon both of these important matters the two parties to the Paris negotiations held, and still hold, diametrically opposite opinions. It is for posterity to decide between them by holding the even scales of an impartial justice. Impartial justice will prevail only if posterity takes fully into account (1) the complexity and the vast scope of the *settlements* effected by the Treaty of Peace; (2) the nature of the agreed *terms of peace and principles of settlement*; (3) the legality and morality of their *interpretation and application* by the parties, confronted as the parties were with the harmony or (in most cases) with the conflict of two or more principles applicable to each one of the many closely related sets of facts; and, finally, (4) the

statesmanship of the whole settlement, viewing the settlement as an adjustment of vast world-wide interests of humanity to the end that Peace and not War may be the permanent condition of the nations.

PART XV

THE RE-ESTABLISHMENT OF THE WORLD'S PEACE BY TREATIES

The War was a World War and not only a war with Germany. In these two chapters upon the legal basis of international relations, attention has been chiefly directed to the relations between the Powers and Germany as the principal enemy State. But each one of the several Armistice Conventions and Treaties of Peace should be studied from the same point of view; for the Wilsonian terms and principles have affected all of them. Only by an all-embracing survey of the several separate settlements with Germany, Austria, Hungary, Bulgaria, and Turkey shall we be able to draw sound and comprehensive conclusions as to the full meaning of the World War and of the World Peace.

Step by step the break-up of the treaty relations of the world's States in 1914 is being slowly replaced by the new world order based on Treaties of Peace. But the world has not yet reached this final stage. Many international relations are still based upon pre-Armistice Agreements and Armistice Conventions. Several of the final settlements are as yet only in the stage of negotiation; and, even after peace has been concluded, Treaties of Peace may need revision. The new world order, based on law and right and justice and the other fundamental principles of a secure and lasting Peace, is not replacing the state of War as rapidly as humanity desires. The reconstruction of the World is a slow process. Statesmanship—a wise, just, humane, and far-seeing statesmanship—is needed in international counsels; for that alone can give the League of Nations life and vigour as the fundamental guarantee of Peace and as the instrument of Law, Right, and Justice in international affairs.

CHAPTER VII

THE NEW GERMANY

1. *Preliminary.*[1] The overthrow of the two greatest military autocracies of the twentieth century was accompanied in each case by a political revolution. The historian of the future, with the advantage of an undistorted perspective and a complete knowledge of the facts, must decide how far these revolutions were hastened by military events and how far revolutionary tendencies affected military operations. So far as Germany is concerned, the political revolution was preceded by a mutiny of the fleet and a military revolt of the garrisons on the lines of communication which converted the military defeat into a *débâcle* from which recovery was impossible.

The new Germany, in contrast to the new Russia, has already assumed a definite outline and form as a result of the political and military factors which have affected it. The military autocracy of 1914, founded in the days of the Great Elector and Frederic the Great, developed by Scharnhorst's introduction of conscription, and finally consolidated by Bismarck, emerges from the world war as a democratic republic with a constitution in accordance with the most modern liberal conceptions. Economic forces transformed Agrarian Germany into the industrial Capitalist world-power of 1914 with a corresponding population, the readjustment of whose conditions of existence under the new political and social order of things is not the least of the many problems which the new school of German statesmen are endeavouring to solve.

Any consideration of the new State must be prefaced by a summary reference to the political activities of the Party or its derivatives which eventually undertook the government and the political reconstruction of the country. The revolution was not a spontaneous movement due to the vicissitudes of war. Influenced and hastened by these, it was rather the logical outcome of half a century of agitation since the foundation of

[1] This chapter does not deal with events in Germany after the 10th January, 1920, the date of the deposit of ratifications of the Treaty.

the Social-Democratic Party at the conference summoned in 1869 by Wilhelm Liebknecht at Eisenach.

The political history of Germany during the War justifies the assumption that a parliamentary system of Government would have superseded the autocratic, inasmuch as it did not escape the notice of the seven million members of the German Trade Unions that the principles of Socialism had been converted into practice when the necessities of war compelled it. The vast and complicated organization for the collection and equitable distribution of food, the emergency measures for the supply and remuneration of labour were weapons borrowed from the arsenal of the Social Reformers.

When the Government stated its case for war in 1914, all political parties acquiesced with apparent unanimity. But the internal history of the Social-Democratic Party in the Reichstag discloses a continuous conflict of opinion which led eventually to the establishment of an Opposition Party which did not represent more than a fraction of the existing opposition.[1]

At the Party meeting fourteen members voted against the first war loan, but at the Reichstag only one member voted against it. Seventeen members at the Party meeting voted against the second loan, Karl Liebknecht actually voting against it in the Reichstag. His speech was not delivered in the House but circulated as a pamphlet throughout Germany. It marked the commencement of the pamphlet war against which the censor was powerless, and which continued with ever-increasing violence to propagate revolutionary theory. Thirty members voted in committee against the third war loan. Finally, in March 1916, eighteen members actually voted against their party and formed the Independent-Socialist Party under Hugo Haase, while three others, including Wilhelm Liebknecht, avowed themselves communists. Even in 1916 some industrial areas, such as Greater Berlin and Bremen, were conspicuous strongholds of revolution. The general strike in the Westphalian industrial complex in January 1918 was the first tangible result of the agitation.

2. The End of the Old Regime, 9th November 1918. The Russian revolution overthrew the Empire in March 1917 with

[1] The International Socialist Congresses prior to 1914 were pacifist. The German Trade Union Congress at Munich in 1914 displayed a hostility to the Government which must have led to an internal crisis, if the necessity of defending the frontiers had not released the tension.

an ease and rapidity which might have acted as a warning to the only remaining autocracy in Europe. The revolutionary forces in Germany received a new impetus. The German prisoners of war, eye-witnesses of the military revolt, and of the formation of Soldiers' Councils, were hastily repatriated to meet military exigencies, without regard to their political contamination. The occupation troops of the protectorates established by the General Staff from Lake Peipus to the Caucasus were exposed to the propaganda of the Soviet Government. The *élite* troops on the West front remained more immune; the line of communication, garrison troops, and the fleet were canvassed by their comrades from Russia, or by the political agitators of the Independent Party, who had been enrolled as conscripts by the military authorities as a reprisal for their activities at home.

The authority of the Home Government had been so completely usurped by the military authorities that when the situation forced these to demand an armistice, the internal political consequences were obvious. The only existing authority recognized by the masses disappeared. The spark of revolution came from Kiel. On the 29th October it was rumoured that the fleet was about to undertake a final attack, and at the cost of annihilation reduce the English fleet to less strength than that of the United States, in order that the latter might have a preponderating influence at the Peace Conference. When orders were issued to raise steam on 31st October, the crews of the *Markgraf* and *Kaiser* mutinied. The fleet and port garrisons made common cause, elected Soldiers' and Sailors' Councils on the Russian model, and sent delegates inland who proclaimed the new order of things.

The abdication of the Kaiser was made known at midday on the 9th November, and was followed by the proclamation of the Republic from the steps of the Reichstag at 2 p.m. by Philip Scheidemann, on behalf of the Social-Democratic Party. Berlin declared a general strike as an expression of sympathy. Surprised and somewhat dismayed by the elementary force and universality of the new movement, the Majority-Socialists realized that no time should be lost in identifying the Party officially with the Revolution, especially as the garrison in Berlin had declared in its favour.

Prince Max of Baden resigned on the evening of the 9th,

and nominated the leader of the Social-Democratic Party, Friedrich Ebert, to succeed him. Ebert, Scheidemann, and Landsberg undertook the provisional Government. A battalion, with orders to arrest the Socialist leaders, surrounded the Reichstag; but after some parley the men threw their rifles into the Spree and demobilized without further orders. Karl Liebknecht, released from political imprisonment, raised the red flag on the Royal Palace. A few picturesque incidents of this kind occurred. No armed resistance on any scale was attempted by the Monarchists.

Similarly the country acquiesced. The twenty-two reigning princely families abdicated. The only energetic supporters of the Monarchy were still with the army in the field. Concerted resistance was impossible. The succession of military disasters, the abdication and flight of the Kaiser, the irresistible tidal-wave of revolution, stunned and blunted the minds of men accustomed to implicit belief in the old order.

Following the procedure of the Russian revolutionaries, Workers' and Soldiers' Councils were established everywhere. Those elected in Berlin were for the moment in possession of the executive power and sanctioned the agreement between the two Socialist Parties to appoint a new cabinet of the three Social-Democrats above-named and three Independent-Socialists, Haase, Dittmann, and Barth ('six tribunes of the people'). On the 11th November the new Government promptly signed the Armistice agreement. The terms aroused little interest. The people had resolved to end the War. The revolution rendered the signature of the Armistice inevitable, even if armistice involved capitulation. The Executive Council of the Soldiers' and Workers' Councils appointed five Socialists to replace the Prussian Cabinet, which was dissolved on the 10th November.

3. *After the Armistice: The Soldiers' and Workers' Councils. November–December.* Seldom has a revolution dealt so generously with its enemies. The army, with the exception of some formations where discipline still obtained, deposed its officers. Swords and epaulettes were confiscated, but life and property were inviolable. Weapons and stores were abandoned. In the general haste to return home most troops dispensed with the formality of demobilization. The general situation was critical. The army was returning in

disorder, after four years of hardship, to the home country where starvation was reigning. The police had disappeared. Law and order depended on the people or on the local Soldiers' Councils. Winter was at hand. The ingrained discipline of the German people alone warded off a catastrophe. Any interruption in the elaborate and delicate organization for the collection and distribution of food would have been followed by starvation in the industrial areas. Failure, for instance, to observe conscientiously the multitude of Government orders issued in the course of the War to ensure that the steadily diminishing milk supply should be reserved for infants, would have had fateful results. In response to the appeal of the new Government, the army of small officials throughout the country and in the great public departments continued to function with the same diligence as heretofore. Hindenburg's army order, recognizing the new authority, discouraged the Monarchist leaders, who retired to their country homes in sullen resentment.

The opposition was also modified by the consideration that republican Germany would meet with better treatment at the Peace Conference than the militarist empire. The political parties of the Right and Centre disappeared from public notice for the ensuing weeks, to emerge with new names and new programmes for the General Election of January 1919. The three parties of the Left, the Social-Democrats, the Independent-Socialists, and the Communist or Spartacist Party, under the leadership of Liebknecht, Rosa Luxemburg, and Karl Radek, which was in touch with and partly subsidized by the Russian Soviet Government, were in possession of the political arena. The Councils of Workers and Soldiers throughout Germany were all powerful. The Executive Council of the Berlin area had installed its representatives in all the Government Departments, to supervise the activities of the permanent officials, civil and military, and countersign all official documents. It had a right of veto as far as the Cabinet was concerned, as its followers included all three parties of the Left, but the Independents had made the entry of their three representatives into the Cabinet dependent on the recognition of the authority of the Councils by the Cabinet. The Governments of the Federal States were everywhere replaced, with the sanction of the local Councils, by provisional Cabinets of members of the parties of the Left.

Prince Max of Baden, in his proclamation of the Kaiser's abdication of the 9th November, had alluded to the necessity of convening a National Assembly to draw up the new constitution. The Social-Democrats, true to the principles of the Erfurt programme, declared their intention to hold the Assembly as early as possible, but the Independents were divided, and the Communists opposed to this plan. As far as the Social-Democrats were concerned, revolution had never been an essential or even desirable short cut to reform. Bebel and Engels had declared that a European or world war would hasten the world revolution, but opposed any direct revolutionary action by the Socialist Party to attain its aims. Their agitation and propaganda, prior to and during the War, had prepared the way, but the initial movement and subsequent impetus came mainly from the Independents and the much more radical 'Spartacus' group.

The political and especially the economic programme of the Independents, still somewhat vague after a year's lapse, was obscure in the winter of 1919. The party aim was the establishment of a Dictatorship of the Proletariat, for the purpose of introducing a Councils or Soviet system akin to the Russian, and for this purpose favoured the maintenance of the unconstitutional Workers' Councils. Its leaders were not prepared, however, to reject the parliamentary system, root and branch. The Spartacus group, Socialists of the international type, denying nationality, aiming at the establishment of a purely Communist State, the abolition of capital and wages, and requiring as a preliminary condition an international revolution, were known to contemplate violence, if necessary, to fulfil their aims. The leading exponents of this theory were Karl Liebknecht (the son of the more famous Wilhelm, whose Socialist pioneer work in Germany had resulted in imprisonment and flight to England), and the highly gifted Rosa Luxemburg, a Russian Jewess, whose personality and intellect dominated the extremist leaders. Karl Radek, the associate of Lenin and Trotsky in Russia and Switzerland, acted as intermediary with the members of the Moscow Government, which contributed financial support then and later.

The Spartacist Party obtained an unexpected support from some irreconcilable Conservatives, who were willing to sacrifice their interest as a class in the hope that a radical revolution in

Germany might lead to the overthrow of her enemies by a similar internal upheaval in their countries; failing which the Entente would at any rate be powerless to obtain any reparation from a Communist or Socialist Germany.

The Executive Committee of the Councils met on the 19th November for the purpose of coming to a decision on the question of the Constituent Assembly. The President declared that the Revolution was in danger if the people surrendered their newly won authority to a parliamentary assembly. Haase, speaking on behalf of the Cabinet, although his party was anything but unanimous, defended the view of the Majority-Socialists. Unable to come to a decision, the Council summoned a meeting of all Workers' and Soldiers' Councils in Germany for the purpose of electing a Central Council and drafting a constitution. Intense political agitation followed. Philip Scheidemann declared that the Revolution which had overthrown the tyranny of one class must not establish the dictatorship of another. The Entente had declared that it would not negotiate with the representatives of any one class. The suggestion of a German-Russian Bolshevist front on the Rhine was childish. The hunger blockade of the Entente would continue. South Germany would leave the federation, Poland was hostile, and the province of Posen was in danger. A revolution in France or England was unlikely. Revolution followed defeat, but victory strengthened Imperialism. The right of self-determination might induce German-Austria to enter a German Federation but not a German Soviet Republic.

The Committee of the Social-Democratic Party issued a resolution in favour of universal political equality, and demanded immediate General Elections, in accordance with universal, equal, direct, and secret franchise, for the purpose of electing a National Assembly and transforming the Industrial Capitalist into a Socialist system by gradual reform. Simultaneously the Central Council of the soldiers of the East front and the Councils of many of the larger military formations declared themselves in favour of the National Assembly that the Socialist Parties would easily obtain a majority and place the Revolution on a Constitutional basis.

It was difficult in the existing chaos for political leaders to determine the strength and wishes of their followers. The Independent leaders disagreed among themselves. Rühle, the

first member of the Reichstag who possessed the unheard-of courage to register his solitary vote against the third war loan, opposed Haase. Kautsky, the scientific historian of Socialism, opposed Ledebour, the organizer of the munition workers' strike in 1918. Dittmann, who had so successfully canvassed the fleet for revolution, supported Liebknecht. Kurt Eisner, one time editor of the *Vorwärts*, the leader of the newly-elected Bavarian Cabinet, in a timely speech on the 1st December, reminded his followers of the party principles as laid down in the Erfurt programme and warned them against dangerous experiments in socialization at a moment when conditions in Germany were abnormal and semi-starvation was universal.

4. *The Struggle with the Spartacists, December 1918–15th January 1919.* The Spartacist Party, however, proceeded to action, in the hope of seizing the capital and obtaining control of the executive power in order to forestall the decision of the General Congress, which might be adverse, owing to the preponderance of the Trade Unions representatives in its ranks. During demobilization the mob had obtained possession of a large quantity of arms, including field guns and aeroplanes. Desultory street fighting took place on the 21st November and again on the 6th December, when some secretaries of the Foreign Office, with the aid of a few companies, arrested the Executive Council of the Berlin Workers' Council by a *coup de main*. The Council was immediately liberated, but the arrest was wrongly ascribed to the Cabinet by the populace. On the same day the mob seized the newspaper offices in Munich, in the course of an unsuccessful effort to overthrow the Eisner Government.

The general Congress of Councils met on the 16th December, and on the 18th passed a resolution in favour of the National Assembly by a majority of 400 votes to 50, and decided that its Central Council should have a right of veto in the matter of appointment to the German and Prussian Cabinets as well as provisional legislative measures. The elections to the National Assembly were fixed for the 19th January 1919. The judgment of the General Congress decided the fate of Germany.

The Independent-Socialists left the Congress in protest. Curiously enough the Spartacist Party, owing to the attitude of the Independent leaders, Haase and Cohn, in supporting the Majority-Socialists, issued an ultimatum to the

Independents demanding that the latter should state their policy definitely. This was refused. Street fighting became general. A marine infantry division had taken up its quarters in the Royal Palace, and on the 23rd December arbitrarily arrested Wells, a soldier appointed Commandant of the Berlin area by the Cabinet. The Cabinet summoned the Guard troops, who were then and later the most reliable supporters of the Social-Democratic Party. In the meantime the Independents decided to support the Naval Division, and their three representatives in the Cabinet opposed the decision of their three Majority colleagues to compel the liberation of Wells by force, if necessary. This impossible situation ended with the resignation of the three Independents. The Social-Democrats demanded a popular demonstration, and on the 29th a vast concourse assembled in the streets of Berlin. The Central Council sanctioned the appointment of three Majority-Socialists, Noske, Wissell, and Löwe, to replace the Independents. The new Cabinet issued a pamphlet containing a rough draft of its programme. Elections would be held for a National Assembly which would take steps to socialize the means of production, and conclude peace as early as possible. This was signed by Ebert (Minister of the Interior), Scheidemann (Foreign Minister), Noske (Minister of National Defence), Landsberg (Finance Minister), and Wissell (Minister for Social Policy).

On the platform, in the press, and in pamphlets a flood of political discussion followed. The form of the new Government, its programme, its attitude towards the Entente, its financial measures, the position of Prussia and the other provinces in the new State, the Polish claims, the right of self-determination within the federation were themes which henceforth occupied the politicians and theorists of all parties.

The Independent supporters made common cause to a considerable extent with the Spartacus Party and it was decided to forestall the Social-Democrats and prevent the holding of elections by a *coup d'état*. More serious street-fighting ensued. The Prefect of Police in Berlin, a secret sympathizer with the Spartacus group, distributed large quantities of arms and refused to recognize his dismissal by the Prussian Minister of the Interior. On the 5th January a large armed mob attacked and seized the newspaper offices as a preliminary to the seizure of the Government offices and the overthrow of the executive

power. The Central Council furnished the Cabinet with dictatorial powers which it transferred in turn to Noske, whose energetic action at Kiel during the first days of November had prevented bloodshed and largely determined the peaceful course of the Revolution inland.

The unreliability and apathy of the troops rendered the situation highly critical for the Government. Formations, apparently loyal, dispersed or deserted to the opposing faction. Noske, however, received support from the officers of the old army who enrolled themselves as soldiers in battalions formed on the spur of the moment. Remnants of the guard and of cavalry regiments rejoined their officers. In spite of numerical inferiority they invariably remained victors in the fierce street-fighting of the following days. Critical moments occurred, as when a handful of officers, disguised as soldiers armed with machine guns and hand grenades, held the approaches to the Wilhelm-Strasse and the Government buildings hard by. A special characteristic of the street warfare was its confinement to the political parties of the Left. On certain days in December and again in January when the city, with the exception of the Wilhelm-Strasse and the adjoining streets, was in the hands of the Independents, the newspaper offices of the Democratic and Majority-Socialist newspapers were seized and the newspapers suppressed, or published as Independent or Communist organs. At the same time the papers of the Right continued unmolested. The staid official journal, the *Norddeutsche Allgemeine Zeitung*, appeared as a Spartacist publication.

The Independents wavered in their attitude and sent three representatives, Dittmann, Kautsky, and Breitscheid, on the 8th, to negotiate with the Government, but no agreement could be reached as the Spartacus group would make no serious concession. Fighting continued until the 10th January when the recapture of the newspapers, especially of the *Vorwärts* building, by Colonel Reinhardt was accepted as a symbol of defeat by the rebels, whose losses had been very considerable. The loss of life was great among innocent passers-by.

The situation in the capital was mirrored in the provinces. Bremen, Hamburg, Düsseldorf, Leipzig, and Upper Silesia periodically indulged during the winter in miniature civil war.

The movement collapsed, however, on the evening of the 15th January when Liebknecht and Rosa Luxemburg were

arrested in their hiding-place and murdered by the populace with the partial connivance of their military escort. These idealists of the Revolution, whose fanaticism impelled them to violence, were singularly keen-witted politically and their speeches at the time displayed a prophetic insight into the political development of German politics after the election of the National Assembly. The compromise with the bourgeois parties, which would modify the effects of the Revolution, came to pass.

5. *The Election Campaign and the Parties.*—The political campaign for the general elections commenced in due form. The parties of the Centre and Right appeared disguised under new names in deference to the victorious democratic idea and to the new spirit of freedom. The Conservatives renamed themselves the German National Peoples' Party, the right wing of the National Liberals became the German Peoples' Party, the left Liberal wing and the Progressives became the Democratic Party. The Centre sought to recruit from the Evangelicals, and adopted the title of the Christian Peoples' Party. These curious concessions to the new democratic spirit were accompanied by corresponding changes more apparent than real in the old Party programmes.

All parties united in condemning the old Imperial Government. The German National Peoples' Party adopted the old Conservative programme including the monarchical principle and a modified conscript army. The independence of the various Federal States must be preserved. It even admitted the necessity of socializing certain undertakings such as the electrical power syndicates. The Centre (which nobody has ever designated by its new name) declared itself in favour of the League of Nations, of a democratic State with or without a monarch, but against conscription. It was prepared to approve within limits of the nationalization of the means of production and of heavy taxation of big incomes, private fortunes, and legacies. It retained, of course, its policy of Agrarian Reform, Freedom of Religious Orders, and the maintenance by the State of denominational schools. The German Peoples' Party retained the doctrine of the old National Liberals whittled down to meet the times, conscription, and protection, adding a clause in favour of the junction of German-Austria to Germany. The Democratic Party was the most important of the new political factors. They were

really the old Progressives, represented by the influential *Berliner Tageblatt* and *Frankfurter Zeitung*, and supported by a very powerful following in the industrial world including the Jewish capitalists, and had attracted recruits from all parties except the extreme Left. They differed from the Social-Democrats in their desire to maintain capital as a fundamental principle of the industrial system, urging the maintenance of a strong army, and favouring the introduction of gradual progressive social legislation as far as the frontier where nationalization of the means of production begins. The Social-Democrats alone retained the old Erfurt programme of 1891 unchanged, with its abolition of the capitalist system by steady reform coupled with the socialization of the means of production In view of the secession of the Independents it emphasized its opposition to class dictatorship whether reactionary or democratic. The Independents, who accepted representation in parliament for the purpose of propaganda, would overthrow the parliamentary institution itself, and would insist without delay on the utmost demands of the Socialist programme, including the immediate abolition of the right of inheritance and the confiscation of private fortune above a fixed sum. Neither Socialist Party would maintain an armed force. The Franchise Bill, drafted in the Ministry of the Interior and sanctioned by the general Congress of Councils, provided for universal direct and secret ballot for persons of both sexes over 20 years of age and resident for at least one year in Germany, and for a system of proportional representation. A deputy would represent on the average 150,000 voters.

The Elections.—The elections took place as arranged on the 19th January. The Social-Democrats obtained 163 mandates, the Centre 92, Democrats 75, German Nationalists 40, Independents 22, and the German Peoples' Party 21. Small Peasant Parties obtained 6 seats. The province of Posen, where the Poles had established a temporary Government under Warsaw, did not participate. The Allied Military Authorities forbade elections in Alsace-Lorraine where 12 seats remained vacant. The new assembly consisted of 421 members, only 45 of whom had been members of the dissolved Reichstag.[1] Well aware of the grave

[1] The Reichstag in August 1914 numbered 397 members, of whom 110 were Social-Democrats, 89 Centre, 46 National Liberals, 46 Progressives, 43 Conservatives, and 19 Poles, the remainder being independents or very small parties. *v.* further Vol. I, c. ii.

issues at stake, the electorate went to the polls to an unprecedented extent: 30 million votes or 90 per cent. were recorded, 36 women deputies were elected.

The results were received with intense relief by the bourgeois parties. The ease with which the revolutionary movement swept the country in November had filled the supporters of the parliamentary system with dismay. It was feared that a radical change in the political convictions of the electorate had taken place. The establishment of Workmens' and Soldiers' Councils everywhere throughout Germany was taken as an indication that the extreme Socialist views of the Independents had been accepted to a much greater extent than was actually the case, and that measures would be taken as soon as the elections were over to annul the war loan, confiscate capital, and socialize industry.

The bourgeois parties recovered their aplomb when it was clear that both Socialist parties in alliance would not have a working majority and that a Coalition Government was inevitable. The passive resignation to the dictatorship of the mob, which had been characteristic of the preceding week, came to an end. In the ensuing strikes and disorders far greater support was given by the public to the small army of volunteers when the Spartacus Party again appealed to arms in Berlin or elsewhere. Army officers commenced to reappear in public in uniform and, proving bolder by experience, with swords and epaulettes. Ever since the military revolt, they had donned civilian clothing to avoid the disgrace of public degradation by the Soldiers' Councils.

The excesses committed by the Spartacists and the confusion caused by the continual strikes damped the enthusiasm of the working classes. It is likely that the Independents and Social-Democrats, who polled some 45 per cent. of the total votes, lost the absolute majority owing to the prejudice which events in Berlin had awakened, not that the two parties were ever likely to collaborate. The Social-Democrats, Centrists, and Democrats formed a Coalition on the 12th February. Ebert was elected President of the German Republic. A provisional draft of the new constitution came into force pending the introduction and passage of the Constitution Bill through the National Assembly. Philip Scheidemann became Prime Minister. His Cabinet included Count Brockdorff-Rantzau as

Foreign Minister, whose reputation had been enhanced by his record as German representative at Copenhagen during the War, and Dernburg as Minister of Finance. Preuss, as Minister of the Interior, was responsible for drafting the new constitution. Noske became Minister of Defence, and was responsible for the maintenance of public order with his newly-organized volunteer force. Erzberger, as minister without portfolio, continued to represent Germany on the Armistice Commission. The Cabinet contained 9 Socialist, 3 Democratic, and 3 Centre members. In view of the threats of the Extreme Left to prevent the National Assembly from meeting, and as a symbol of the new Liberal spirit, the Government decided to convene it at Weimar, where the new constitution should be drawn up.

6. *German Attitude towards the Entente.*—The abrupt change from the Imperial to the Parliamentary system of Government found the political parties unprepared. The Empire recruited its secretaries of State outside the Reichstag. No school of politicians existed in Germany like that in Western countries where routine committee work serves as an introduction to the administration of the Government department. The criticism of the Parliamentary system has proved to be justified, inasmuch as the new ministers were largely dependent on the permanent officials of their departments in questions of administration or the drafting of bills. This was especially true of the diplomatic service. A dearth of men of outstanding ability had existed here for a decade prior to the War. In the circumstances the choice of a foreign minister was a very difficult problem for the new democratic Government. Eventually, as stated, it was decided to compromise and nominate a diplomat of the old régime with a reputation for democratic sympathies.

The position was unusually difficult. Politicians accustomed to criticize from the benches of the Reichstag were vested with the responsibility of creating a new Germany, with the drafting of a new constitution and with framing a vast legislative programme, without any indication in advance of the outlines of the peace terms likely to be imposed by the victors. The failure of the Social-Democrats to obtain a majority over all parties necessitated a coalition. A programme of legislation calculated to satisfy its followers would be comparatively simple and would

resolve itself into the conversion of the theories of Bebel and of the principles of the Erfurt programme into practice. The difficulties of satisfying a Coalition were very much greater.

The blockade was still in force and had been extended to the Baltic. The meagre supplies of food and raw material from Scandinavia were cut off. The mass of the population had expected immediate and radical improvement of the general conditions of life from the Revolution. The chaos resulting from that movement had made conditions still more unsatisfactory. The untimely display of a large class of war profiteers, whose wealth enabled them to live in luxury and to evade the restrictions which pressed on the multitude, aggravated the working-classes in the large towns. Illicit traffic in foodstuffs and indispensable commodities throve in spite of the authorities. The burthen of existence pressed here as elsewhere most heavily on the families of the numerous Government officials and of the lower middle class.

The task of re-establishing order and governing the country after an upheaval of such magnitude was rendered easier by the legacy of a century of Prussian Government. The principle of authority cultivated since the reign of Frederic the Great existed universally. Fifty years of uniform teaching in the schools and in the army since the unification of Germany had trained the mass of the people to think on parallel lines. Defeat signified that the authority of the Imperial Government was replaced by another authority, that of the Entente. The fact that a ukase was issued from Berlin or Paris did not affect the docile population. The ukase must be issued from somewhere and must be obeyed. A fresh conviction had been added. War was unthinkable and peace must be concluded with all possible haste. Four years of war had taught patience. It seemed that, if the representatives of Germany at the Peace Conference could interpret the mental and physical weariness of 60 millions of half-starved people, the Entente would impose tolerable terms. The cause of the Entente had attracted a score of Allies from the East and West. So much support could not be based on selfish interests or meaningless hostility to Germany and to her concept of civilization. Hostility to a world alliance of the nature of the Entente or to individual members of it was absurd. The attitude of the people was conciliatory to the foreigners who entered Germany after the

Armistice. These were somewhat astonished to find that they were regarded less as representatives of the victors than as envoys from the outer world signifying the end of the four years of isolation. Their presence was in a sense an admission that Germany was not an outcast among nations, otherwise the enemy would not venture unprotected within her gates.

Entente propaganda had penetrated from the neutral press, and a people trained to accept what appeared by sanction of the censor, placed the most favourable interpretation on the speeches of enemy Statesmen, especially the memorandum of President Wilson indicating the terms on which a settlement might be based.[1] The principle of self-determination was readily accepted, and there was little opposition to the seizure of the Executive of the Province of Posen by the Polish population at the instigation of Warsaw in the month of January.

The Polish Government issued an ultimatum to Germany on the 15th January, on the 28th, after some street-fighting, the Polish Nationalists seized the town of Posen and set up a provisional Government under Warsaw. This movement met with little opposition. The Government in Berlin was powerless. When, however, Polish troops evinced an intention, in their newly-developed patriotic zeal, to penetrate and occupy German territory the populace organized resistance on its own initiative. The intervention of the Allies in February led to the conclusion of an armistice, and the delimitation of a provisional frontier.[2]

7. *Economic Situation, November 1918–March 1919.*—The economic situation was critical. The Armistice and Revolution affected the industrial population directly. Industries engaged in supplying war material either closed down or reverted to peace-time production without any control by a central authority. Formation of workers' councils in every industry led to a feeling of general relaxation. Factory hands felt that the new era would bring immediate improvement in the conditions of life. The working hours were shortened by the local councils. In many cases the councils assumed the management. Strikes multiplied. The theory that reduction of output would lead to bankruptcy of the proprietors and to the

[1] i.e. that of 5th November 1918. *v.* correspondence preceding the Armistice. App. Vol. I.

[2] *v.* Vol. I, Chap. VIII, pt. iii, § 8.

transfer of the factory to the hands found considerable favour. Demobilized soldiers returning from their campaigns and relieved of onerous discipline were not inclined to return to regular occupation. To avoid political disturbances and riots the Government instituted generous unemployment grants. In the Halle mining area the unemployment wage approximated so closely to the earning wage that the miners on one occasion left work for this reason alone.

The coal mines had been exploited during the War to obtain the greatest output with a limited supply of labour. The upkeep of machinery and underground plant had been neglected. The effect on the railway system and on industry was immediate. Drastic reductions in the supply of electric current and passenger train services became necessary. Transport conditions resulted in a further rise of the price of food and coal, necessitating the readjustment of wages.

The surrender of railway material to the Allies had reduced the supply of rolling stock available in the country very considerably. The scarcity of lubricating oils during the War caused undue wear and the replacement of copper and brass by corrosive metals consigned quantities of rolling stock to the sidings. As the supply of skilled labour increased and the railway organization recovered, improvement was effected, but traffic still remains a fraction of that which existed before the War.

The maintenance of the blockade, the continual strikes, and the scarcity of food and coal, engendered a feeling of apathy and indifference to the future, which has been characteristic of the country throughout the year 1919. The gloomy prospects of the future were not reflected in the artificial life of the large towns. Night-clubs, dancing, and gambling flourished. The traffic in food and clothing at exorbitant prices, in excess of the amount allowed by the Government rationing system, increased everywhere. The smuggling of goods, the importation of which was forbidden on the ground that they were not indispensable and tended to lower the rate of exchange, assumed huge proportions. The lack of housing accommodation was intensified by the influx of fugitives from Alsace-Lorraine, from East Prussia, and from Posen.

The note issue of the Reichsbank covered by 2½ milliards of gold amounted in peace-time to three times the gold reserve,

or about 7 milliards of marks. In March 1919 it amounted to 23 milliards. During the War municipalities had issued their own local currency and the liability in bank notes already amounted to some 40 milliards. In February Hamburg alone had 65,000 unemployed, while Berlin had over 250,000 in receipt of ten marks per day unemployment pay; unemployment pay to the amount of 67 millions of marks was issued in February as against 17 millions in December. In spite of the lack of work, wages both for skilled workmen and for unskilled labour had risen in January. As the output of the individual worker diminished, the employers reintroduced piece-work. The reorganization of industry in accordance with the Hindenburg programme had been employed by the war profiteers to amass fortunes and, owing to the scarcity of workmen, factories vied with each other to obtain hands by raising wages. The wage movement continued when the War ended.

A general Congress of the Independent Party took place in March and showed that the majority favoured a Councils system of Government. At the same time the Berlin Councils passed a resolution in favour of inserting a clause in the Constitution, providing for the establishment of Workers' Councils in all factories and large business concerns including State services such as the railway system. A proposal to establish monopolies, to socialize a number of industries, especially the coal mines and the potash industry, was rejected by the Government, on the ground that so sudden a change in such critical circumstances might bring about an economic catastrophe. A series of big protest strikes followed; nevertheless the Government view prevailed.

8. *Government Legislative Policy, March.* Extensive constructive legislation was promised in the programme which Scheidemann announced on behalf of his Cabinet on the 13th February. In addition to a series of army measures disestablishing the Imperial forces, the new Defence Force Bill was passed, constituting the Volunteer Force organized by Noske into a regular army with a definite establishment. The reform of taxation outlined the measures which were worked out in detail during the ensuing year in the various Financial Bills, most of which have now become law. Income tax, death duties, war profits, private capital, should in future contribute

the main part of the income of the State. In March a general Socialization Bill became law, empowering the Government to introduce legislation for the purpose of nationalizing the coal mines, the potash industry, electrical power supply, and any industries in which a tendency to establish a capitalist monopoly existed. The Coal Bill was the first of the measures to obtain the sanction of parliament. The influence of the democrats and the Centre Party changed the character of the Bill, and in its first form it merely reorganized the mines in the various States into syndicates, under the authority of a Central Coal Council which included owners, representatives of the consumers, miners and experts, and was authorized to fix prices and control distribution and export.

The legislation required for the transfer of the railways of the component States to the Realm, as well as the necessary compensation, was drafted in accordance with the provisions of the New Constitution, which became law later in the year.[1] A similar measure for the nationalization of electric power throughout Germany occupied a special Committee for some months.

9. *Communistic and Spartacist movements in the smaller German States, December–March.* In spite of the severity with which the political revolts had been quelled, armed disturbances recurred from time to time in different parts of the country; Munich was one of the principal storm centres. In 1917 the Bavarian Government had requested a share of the war contracts and the firm of Krupps had made use of the occasion to establish a branch factory in Munich and to transfer thither some thousands of refractory metal workers. These introduced up-to-date propaganda from the Ruhr Valley area with the result that the republic was proclaimed in Munich as early as the 7th November 1918. Henceforth strikes and demonstrations were rife in Nuremberg, Augsburg, and Munich. The murder of the Social-Democratic Prime Minister, Kurt Eisner, on the 21st February by a Monarchist, and the assassination on the same day of another Minister by Communist conspirators led to anarchy during which the Spartacists seized the Government buildings and controlled the Executive for some days. In April the Communist Party, encouraged by the

[1] Arts. 89–96. *v.* App. 4, Vol. III for full text of new German constitution.

establishment of a Soviet Government in Budapest, won over the garrison, again seized Munich and established a Councils Republic which existed for some three weeks. It was ultimately suppressed with considerable bloodshed by a contingent of Noske's volunteer army. The excesses committed by the mob leaders, especially the murder of hostages, discredited the Communists and reacted against the Independents everywhere.

In March the Communist Party demanded the abolition of martial law and issued an ultimatum to the Government. This was rejected and the Spartacist Party appealed once more to arms. This led to a repetition of the street-fighting of January. The movement was again suppressed with considerable bloodshed by the troops. In contrast to the political street-fighting of December and January, where both sides respected private property and, to some extent, State property, the mob proceeded to loot the shops and levy contributions during the March revolt. When one considers that, owing to the weakness of the Government and the absence of any police or military force, certain quarters of the town were in the hands of the mob, reinforced by the inmates of the prisons which the Spartacists had thrown open in misguided zeal for the cause of Liberty, the discipline and moderation displayed were remarkable, and probably unique in the history of popular revolutions. A mere catalogue of the armed revolts and strike movements of the weeks following the formation of the Government indicated the chaotic condition of the country in the early months of 1919. Brunswick, the Ruhr Valley, and Munich were repeatedly in uproar. No sooner had order been restored than a general strike paralysed Central Germany for a week. Persuaded eventually of the futility of armed revolt, and deprived of their arms by the volunteer troops, the workmen returned to the normal weapon—the strike. The arrest of Karl Radek on the 13th of February had deprived the Communist movement of a very capable leader and henceforth concerted action became rare.

10. *Attitude towards Poland and peace terms.* During all this turmoil, when the attention of the Government was incessantly occupied with the internal situation and the organization of defence forces on the East Front, in view of the threatening attitude of the Polish levies, the spectre of retribution haunted

those whose patriotism was not soured by dissension, when the need of the country for unity was greatest, and who had not consoled themselves with the reflection that the Entente would be powerless to exact reparation from Germany in anarchy. The Armistice Conventions foreshadowed the terms which were being prepared at Versailles.

Owing to the serious food-shortage in Germany, and to the impossibility of maintaining the food-supply until the harvest, the Allies, mainly as a result of British pressure, agreed to allow foodstuffs to be sent to Germany (Jan.). The surrender of the commercial fleet for the duration of the Armistice, as a preliminary condition to the supply of food, was accepted as a warning that the German mercantile marine would be confiscated by the Peace Treaty. The proposal to disembark Haller's army at Danzig caused dismay, and was interpreted as a preliminary to the military occupation of the town by the Poles.[1]

News of the course of the negotiations, and especially of the demands of Poland, filtered slowly through. In the month of March the outlines of the Peace conditions were known. The population had cherished some hope that Germany's entry into the democratic society of nations would have attracted sympathy, if not from her hereditary enemy, at any rate from the British democracy and the great republic of the West. Towards the end of the month, popular demonstrations, encouraged by the authorities, against the 'Peace of Force', became general. The hope that the German delegates would be allowed to take part in the preliminary conference was not fulfilled, and when the Peace conditions were officially transmitted to the German Delegation on the 7th May, consternation was universal. With the exception of the Independent Party, and the still more radical Communists, the country was unanimous in its hostility to the proposed settlement. The enthusiasm of 1914, which had so soon given way to preoccupation, and eventually to resignation and despair, was forgotten by a people who failed to realize that they would be held accountable for the misdeeds of a Government over which they had little control, and whose policy they had been trained for half a century to accept without question.

The surrender of a portion of West Prussia and the rich

[1] Cf. Vol. I, Chap. VIII, pt. iii, § 7.

province of Posen, where the majority of the population was of Polish extraction, accorded with Wilson's principle of self-determination, but the feeling that the German minority would be abandoned to Polish misgovernment outraged the traditional and deeply-rooted sense of loyalty of the race to its members. The threatened loss of the historic port of Danzig caused greater bitterness, both because of its predominantly German character and because it imperilled the rich agricultural province of East Prussia. In the event of the re-establishment of Russia by the volunteer armies, the Polish Republic would get short shrift, and the future frontier of the Slavs would be at the gates of the Capital.

Germany spared no effort, both on the Armistice Commission and elsewhere, to save Upper Silesia from cession to Poland. The terms of the Draft Treaty provided for cession without a plebiscite. As a result of strong German protests and with British support, this clause was amended, and a plebiscite was accorded. The 'Kulturkampf' had alienated the Catholic clergy and accentuated the hostility between it and the imported Protestant official class. Bismarck's scheme for German colonization began simultaneously with, and was met by the Polish National movement emanating from Cracow, which took the form of a league for the preservation of the Polish language and tradition. The intellectual and industrial element had supported the popular movement against the unsympathetic if efficient Prussian bureaucracy. When war broke out, the enthusiasm here as in Posen was just as universal as elsewhere. The hastily conceived plan, adopted by the Imperial Government on the 5th November 1916, of creating a Polish kingdom under German suzerainty revived the National movement among the German Poles, who resumed relations with Warsaw, and demanded the removal of the language grievance. As late as September 1918, the short-sighted administration suppressed Polish newspapers, and closed the theatres and places of amusement. Even the revolution had not effected a complete change. As elsewhere in Germany, the democratic Government was powerless to control the local officials in the Provinces. To replace them *en masse* was impracticable even if feasible, in view of the turmoil which followed defeat and revolt.

The loss of Alsace-Lorraine was a foregone conclusion, but the cession of the Saar Valley to France for fifteen years, and

of the Upper Silesian Coal Basin to Poland, were proposals incompatible with the demands that Germany should pay an enormous indemnity which would tax even the industry of the whole country before the War to its utmost limit. Upper Silesia aroused even more resentment than the clauses relating to Posen and Danzig. The unique standard of efficiency attained in the production of coal was due to the excellent technical training of the German mining engineers. The unexampled prosperity of Breslau and Berlin in the decade before the War was the direct result of the exploitation of Silesia.

As regards the military conditions, the Armistice had put an end to any possibility of resuscitating the military system, and the Revolution to any desire to do so. For reasons of economy alone, Germany could not afford the luxury of an army on the old scale. The loss of the colonies affected the public very remotely. Colonization was intimately associated with the Imperialist system. Germany's aggressive policy in the colonial domain had aroused the animosity of those Powers who were first in the field, and an earlier outbreak of the world war at the time of the Agadir crisis had only been avoided with difficulty. The loss of the colonies made the maintenance of a navy superfluous. The confiscation of the commercial fleet was a more or less natural corollary to the destruction of Allied shipping by the submarine boat warfare, which the majority of the people had deprecated.

In 1864, 1866, and 1870 Germany had emerged victorious and, though wisely treating Austria with comparative lenity, had appropriated the territory of the vanquished. This was in accordance with the traditional usage of war. Germany had never assigned territory to another country, and failed to grasp the principle which determined the cession of her territory to a nation like Poland, which had not fought on the side of the Allies, and which Germany regarded as inferior in civilization and in military prowess to herself. The troops who had occupied Poland during the War reported that the public administration was corrupt, and that the conditions of existence were miserable. They compared the integrity of the Prussian official administration before the War with what they described as the corrupt and inefficient system of the Russian Public Services in Poland. It is probable that further acquisition of territory in the Rhine Province by France would not have

caused so much surprise as the unexpected Polish settlement. In a word, everybody asked how Poland had won the War when the contest had been with France and England.

11. *General attitude towards the peace terms.* In spite of all these considerations resistance by force was unthinkable. A Government had seldom been in such a dilemma. Having rescued the country from anarchy and starvation, it was faced with a desperate choice. It could accept conditions which it could not hope to fulfil without reducing the people to economic slavery, or refuse the terms, a refusal which would result in the resumption of the blockade and the occupation of the Westphalian coal fields, measures which the scarcity of food, of raw material and of coal, would turn into a catastrophe. The Government depended for its authority on a very slender thread. The industrial areas could only be kept in order by the use of armed force. The only reliable force was a voluntary organization of the débris of the Imperial army, by officers who were avowed reactionaries, and whose services were merely lent to the democratic Government in order to save Germany from a still more extreme form of democracy.

A demonstration in the Capital against the Peace Terms was arranged for the 21st May, but the Independent supporters appeared simultaneously in far greater numbers and converted the meeting into a demonstration in favour of signature.

The Government based its opposition to the Treaty on the promises given to Max of Baden by President Wilson that the principles contained in his various messages to Congress would be observed. According to the Germans the fundamental principles of the Right of Self-determination were being denied to the Eastern Provinces of Germany in which plebiscites were not to be allowed. The junction of German-Austria with Germany was forbidden. The extradition of German subjects for trial by their enemies was contrary to historical precedent. Even the tyrannical Treaties of Brest-Litovsk and Bucharest contained no reprisal clauses in spite of the oppression of the inhabitants and the pillage of East Prussia by the Russians.[1] There was no indication that general disarmament would follow signature, or that Germany would be received on an equal footing in the League of Nations. The idea of the League of Nations raised no great enthusiasm. It was agreed that

[1] *v.* Vol. III, App. i.

a League of combined nations existed virtually before the War, as International Congresses and scientific meetings proved, but it was pointed out that this had not prevented hostilities.

In spite of these considerations there was a curious lack of any spontaneous expression of feelings throughout the country. Demonstrations took place in Berlin, but the weariness of the starved population engendered the feeling that conditions could hardly be much worse than they had been during the past three years. The Entente had refused peace when the situation was gloomy, after the Russian, Rumanian, and Italian defeats, and the defeat of the 21st March 1918! Entente Statesmen had shown their superiority to their own, knew that Germany would capitulate, and knew what terms they would enforce. There was nothing to do but to sign. Food was so valuable that the surrender of live-stock caused more bitterness among the women than did the far-reaching political clauses among the men.

The Pan-Germans maintained sullen apathy. They admitted that they had been expecting a victory which would have enabled Germany to impose terms on her enemies like they had already made at Brest-Litovsk and Bucharest. At the same time they derived a malicious pleasure in observing the plight of the Social-Democrats and their allies, who, having renounced militarism and all its works and pomps, found themselves powerless against the Western champions of democracy, reconciliation, and the rights of small nations.

The Independents were disunited, and their dilemma was even greater. The party leaders had decided to sign, partly to embarrass the Government, and partly in deference to the Extreme Left, which demanded peace, food and supplies, and relying on the international solidarity of the proletariat, was indifferent to the adjustment of frontiers. In case of refusal by the other parties, the Government would devolve on them. They deprecated its acceptance, knowing that as soon as they had fulfilled their invidious task and incurred the odium of delivering Germany to the Western capitalists, they would be promptly thrown out of power. They feared, furthermore, that the surrender of Upper Silesia, without a plebiscite, would lead to war between the Eastern populations and the Poles, which might enhance the prestige of the Military Party and encourage an attempt at a *coup d'état*. To sign the Treaty, in

the hope that world revolution would annul it, would be a gamble. Furthermore, the German miners in Silesia and the Saar Valley would feel that they were condemned to toil for the benefit of foreign capitalists, and would fail to benefit by the Socialist legislation which the German working classes would compel the Government to introduce.

The only possible course for the Government was to demand a revision of the Treaty, to gain time, and to obtain some tangible concessions which would enable them to sign with good grace.

12. *The Entente modifies the Conditions of Peace.* In view of the moderate concessions which the Supreme Council offered to the German Government, it might well be assumed that the danger of the situation in Germany, though accurately known and appreciated by some, was not realized by all, of the Allied Powers. An Independent Government, the only possible alternative to the Coalition Cabinet, would have involved the disbanding of the Reichswehr and produced general chaos in the interior. It would have accentuated the tendency to separatism already noticed in Bavaria, Hanover, and the Rhineland. It is difficult to decide whether the Allies disposed of a weapon which could compel fulfilment of the reparation clauses, if Germany became a group of independent States and Communist Republics, where the Governments would indulge in fantastic experiments in the socialization of industry. German Communists derived encouragement from the experience of Munich and Bavaria, the least likely of all German States, in view of its Catholic population, to tolerate crude Communism, and by the recent establishment of a Communist Government in Budapest. The blockade might be an effective if cruel measure to effect compliance. The German troops had been contaminated with Bolshevist propaganda during the occupation of Russia. It might be equally dangerous for Entente troops to occupy revolutionary Germany. The delay between the delivery of the first note and the arrival of amended proposals, as well as the fact that the details of the Treaty only transpired gradually, helped to calm the population, and obviated any spontaneous movement of revolt which might have followed an abrupt communication of the terms, with a peremptory order to sign within a fixed period.

The clause placing all responsibility for the War on the

German people aroused surprising resentment among all classes. This fact is rendered more intelligible since even Kautsky's publication of the secret Foreign Office documents, later in the year, did not persuade the public conscience that Germany alone was guilty.

13. *Ministerial Crisis and Decision to Sign, 20th–24th June.* In the middle of June, when the delegates returned from Versailles with the modified conditions, the Government was in an awkward position; having fomented resistance, no course remained except to resign or refuse to append its signature. Erzberger, whose authority over the Centre Party was complete, favoured signature, placing his hopes for the future in the League of Nations, by which a revision of the Treaty might be obtained when the bitterness of the world feeling had abated. Inasmuch as signature was ensured if his party followed him, he became the most important figure in Germany at the moment, and, as Finance Minister later, remained the most striking of the rather mediocre politicians who formed the Cabinet. He acted with courage and resolution in difficult circumstances, and is mainly responsible for the final signature.

Noske favoured signature for the sake of internal peace, and his authority over the troops and their officers was sufficient to guarantee that signature by the Government would not alienate their sympathies. At the same time the Independent leaders, encouraged by the strength of the May demonstrations in Berlin and the great industrial towns, worked energetically to support Erzberger. Oscar Cohn and Haase used their influence within the National Assembly and in the Press to obtain the united support of the Independent Party for signature. The Democrats in the Cabinet decided to resign and return to office later when the crisis was over. On the 20th June, as the time limit for signature was expiring, the Social-Democrats decided that those of their members who opposed signature should abstain from voting. The Government decided to resign. The Social-Democrats and Centre Parties formed a Coalition, and re-formed the Cabinet from those members of both parties who were uncompromised by opposition. The Social-Democrats, Independents, Centre, and a small group of Democrats would furnish the necessary majority in the House. The Labour Minister, Bauer, was nominated Prime Minister, and formed his Cabinet from the

Social-Democrats and Centre. Hermann Müller was appointed Foreign Secretary, Erzberger became Vice-Chancellor and Minister of Finance. On the 23rd June the House met, voted, and decided the tragic fate of Germany, just as a French National Assembly had met in 1871 at Bordeaux for a similar purpose. In the House, and on the Government benches, no speaker existed capable of interpreting the feelings of Germany to the outer world as Victor Hugo had then done for France. By 237 votes to 138, the representatives of the German people decided in favour of signing peace, five members refrained from voting, including the late Chancellor, Scheidemann and the minister, Landsberg. The late Secretary for Foreign Affairs, who had defended Germany's cause at Versailles, Count Brockdorff-Rantzau, was not present. The majority consisted of Social-Democrats, Centrists, Independents, and the minority of the Democratic Party. History must give credit to the German people for endeavouring all through the negotiations, and again at the eleventh hour, to protest against the paragraph admitting that it had been responsible for the outbreak of war, and also against the articles pledging them to surrender to an enemy tribunal those officers who were accused of cruelty in the course of the campaign on land and at sea.

The refusal of the Allies to admit these last two reservations, and to grant any further time for consideration necessitated a fresh vote of the National Assembly. The Centre wavered and a fresh crisis took place, which Erzberger succeeded in allaying by pointing out that the vote of the preceding day was binding. A fresh majority of three-fourths was obtained, not without some political jugglery, and the final act in the drama came to an end.

A statesman of the old régime summed up his views in the words: 'We have signed peace, and with an amazing absence of honourable feeling we have pledged ourselves to surrender those who opposed the starvation of their countrymen by a weapon of corresponding sharpness. We have confessed our guilt, although circumstances alone, over which no human agency had any control, were responsible for the conflagration of 1914, and led to a crisis which nobody succeeded in mastering. The fact that Germany, owing to the incapacity of her diplomats, fought almost single-handed against the world, is regarded as criminal irresponsibility, and not as a mitigating circumstance.'

The conclusion of peace marked the end of the period which commenced on the 1st August 1914, in the course of which the German people had, by the vicissitudes of war, fallen from the first rank of great powers to a negligible position among the military and industrial powers of the world. The only benefit which had accrued was the conversion of an autocracy into a republic and democracy. It remained for her statesmen to evolve a body of legislation which would incorporate the wishes of the people, and prepare a programme of taxation which would enable them to reconstruct the economic and industrial life of the country, if that were possible. The confirmation by the Peace Treaty of a military *débâcle* had at any rate the beneficial result that a new feeling of unity sprang up, different from that which existed since 1870, based on community in misfortune. The separatist tendencies, which threatened to dismember revolutionary Germany, waned as soon as the authority of Prussia as predominant partner diminished.

14. *Economic Difficulties of the Peace Treaty.* The task awaiting the Government was colossal. In addition to the immediate needs of the moment, the Peace Treaty had brought a host of obligations, which necessitated a formidable programme of legislation. The Government was reproached for the mediocrity of its members, but the situation in Germany after the Treaty was not calculated to attract the ablest politicians to power. Her position as European power was beyond remedy unless the Treaty were revised. Revision was only possible through a League of Nations in which nobody, not even the Independent-Socialists, believed. Anyhow the League was closed to Germany until she had proved, by fulfilment of the provisions, that she was worthy to enter it.

Although the Treaty was known in outline to the mass of the people, some time elapsed before the knowledge of the detailed conditions filtered through. The feeling that reconstruction was impossible was strengthened by the articles dealing with international waterways. The control of the German rivers by international committees so constituted that, with the possible exception of the Oder, a hostile majority was provided for in every case, strengthened the feeling that reconstruction was difficult. The loss of the oversea cables, the limitation of wireless communication, the supervision of German business abroad and of German exports, the clauses relating to shipping,

confirmed the view that the Treaty differed from all former international settlements in the lasting nature of its effects. The country in prosperity before the War raised a revenue of 5 milliards. Its future needs were calculated at 24 milliards yearly in addition to 100 milliards of gold marks as a contribution towards indemnity. In whatever direction an outlet was sought, the way was barred. Food would be scarce in the future, as the rate of exchange made importation prohibitive. The maximum price of wheat was fixed by legislation at 870 marks per ton within the country, imported wheat at Hamburg cost 8,000 marks per ton. It was impossible to foretell the effects which would fall with the coming into force of the Treaty. It was asserted that Posen and East Prussia supplied 9[illegible] per cent. of the potatoes, 45 per cent. breadstuffs, 23 per cent. barley, and 25 per cent. beetroot, while 1¾ millions of hectares of woods and forests with an approximate value of 6½ milliards of gold marks would be handed over to Poland. The plebiscites might entail a further loss of half a million hectares of woods.[1]

A further study of the 440 articles supported the arguments of the extreme Right that the Revolution had completed the ruin of Germany, and that the treachery of the whole population in depriving the army of any possibility of further resistance until the spring, had recoiled on all classes of the population. The Independent-Socialists, so far as they were capable of grasping the economic problems, recognized that the revival of German industry after the War had not been facilitated by their rashness in overthrowing the Government, and surrendering the country to the mercy of its enemies. The importation of raw material was impossible owing to the rate of exchange, and this could not be improved unless manufactured goods could be exported. The only other solution, enormous credits from abroad, was a further admission of the capitalist principle. An immediate improvement in the conditions of life of the working class had not followed the upheaval of November; on the contrary, the cost of living had steadily increased, and murmurs were heard that things had been better under the old Government. The labour settlement, promised in the shape of a Councils Bill, was not sufficiently

[1] For further estimates of losses, etc. *v. supra* Chap. I, and *supra* Chap. IV, pt. ii; *v.* also Keynes, *Economic Consequences of the Peace*, pp. 77–8 *sqq.* A full consideration of the Polish problem is reserved for Vol. V.

radical, and the factory hands saw in it merely a new ruse for the purpose of abolishing strikes by the compulsory arbitration clauses contained in the draft.

15. *The new Constitution. Terms.* The new constitution had been outlined at a conference of the representatives of the Federal States with the Minister of the Interior, before the elections for the National Assembly. The draft had been submitted to a committee as soon as the Assembly met, but its labours had been interrupted by the Peace negotiations, and considerable delay was caused by the difficulty of satisfying the Centre and Democratic Parties. The deliberations in the Assembly itself continued slowly until the end of July, when the third and final reading took place.

The foreword reads: 'The German people united in its every branch and inspired by the determination to restore and confirm the Realm in liberty and justice, to serve peace at home and peace abroad and to further social progress, has given itself this constitution.'

The 181 articles of the new constitution define the functions and rights of the Realm, as well as the duties and privileges of its citizens. A clause providing for the maintenance of existing laws and institutions, pending fresh legislation in the Reichstag, and annulling the constitution of 16th April, 1871, was also included. A summary of the articles indicates the fundamental ideas which determined its provisions.

'The German Realm is a republic'.[1] Constitutional power proceeds from the people. Other areas than those at present German may be incorporated in the Realm, should their population so desire. International law is binding in German law courts. The Realm reserves for itself exclusively legislation relative to its relations with foreign countries, colonies, nationality, freedom of domicile, immigration and emigration, extradition, national defence, customs, post and telegraph service, currency (Art. 6). It has power of legislation on civil and criminal law, labour and the protection of employees, the nationalization of natural resources and industrial undertakings, ocean shipping,

[1] This dictum is important. The word Reich, often translated 'Empire', is best rendered by 'Realm'. Its retention means not that the Empire persists but that the 'Realm' is republican. The word 'Staaten' has been removed and Lands (Länder) seems the only word to express the subjection of the component states. According to Art. 3 the national colours are black-red-gold. The mercantile flag is black-white-red with the Realm colours in the upper inner corner. For text of constitution *v.* App. 4, vol. III.

railways and internal waterways (Art. 7). It has the right of legislating as to taxation and revenue, in so far as these are wholly or partially claimed to meet its expenditure (Art. 8). It can 'in the course of legislation' lay down principles concerning the following, the rights and duties of religious societies, education, rights of public officials, home colonization, property, and land (Art. 10). The Government of the Realm has the right of veto on legislation of the constituent Lands which affects natural resources, industries, and commodities valuable to the community in general, 'in so far as the interests of the whole community of persons comprised in the Realm are thereby affected'. The Lands retain the right of legislation only as long as and in so far as the Realm 'makes no use of its right of legislation' (Art. 12). 'Law of the Realm prevails over Law of the Lands' (Art. 13).

Each Land will draw up its own constitution in an assembly of the people selected by universal, equal, direct and secret ballot of both sexes, by proportional representation. A Land Government must possess the confidence of the assembly of the people. The same principles will obtain for rural district councils (Art. 17). Alterations in Land territories, and the establishment of new Lands, may take place if the population of the area in question so desires. If the Lands interested assent to the alteration, or failing this, if the population demands a plebiscite, the Realm may determine the change by direct legislation. Three-fifths of the votes cast, and at least a bare majority of the electorate, is required at such a plebiscite (Art. 18). General elections to the assembly of the Realm (Reichstag) will take place every four years, by the votes of both sexes on universal, direct, secret, and equal suffrage and proportional representation (Arts. 22–23). A simple majority suffices for the passage of a Bill through the Reichstag. The President is elected by universal suffrage of those who have completed their 35th year (Art. 41). He shall hold office for seven years and may be re-elected. He may be removed from office by a majority of two-thirds of the Reichstag or by popular plebiscite (Art. 43). The declaration of war and the conclusions of peace treaties shall be made by the Reichstag; alliances with foreign states, and treaties 'which have reference to subjects covered by national legislation, require the sanction of the Reichstag. The President has supreme command of the army and navy

(Art. 47). The Government consists of the Chancellor and his ministers, who must have the confidence of the Reichstag, and any one of them must resign on a special vote of no confidence being passed against him by the Reichstag (Art. 54). All legislative drafts and bills must receive the sanction of the Reichstag (Art. 68).

The Federal Council (Reichsrat) will represent the German States, and have a voice in the legislation and ministration of the Realm. Each Land shall have one vote (one representative) for every million inhabitants, with a minimum of one representative. No Land may have more than two-fifths of the votes at the Reichsrat. A simple majority suffices for the passage of a Bill or a measure in the Reichsrat. The Government of the Realm requires the consent of the Reichsrat to introduce legislation to the Reichstag. But in case of disagreement the Government of the Realm can initiate legislation independently in the Reichstag, provided the dissenting opinion of the Reichsrat is made clear to the Reichstag. In a similar way the Reichsrat can compel the Government, which dissents from any measure passed in the Reichsrat, to introduce it in the Reichstag (Art. 69). The President of the Realm may decide on a plebiscite, if he disapproves of a measure passed by the Reichstag.[1] The Reichsrat may likewise demand a plebiscite if it disapproves of a legislative measure passed by the Reichstag, provided the President consents. Failing his consent the measure shall be null and void (Art. 74). A change in the constitution requires a two-thirds majority of the members of the Reichstag or the Reichsrat (Art. 76).[2] A plebiscite will decide in the event of disagreement between these two bodies, if the President so decides, or if two-thirds of the National Assembly demand it (Art. 74).

A yearly budget of receipts and expenditure must be passed. The Reichstag cannot increase expenditure without the con-

[1] Art. 73 : ' If one-tenth of the voters demand the discussion of a proposed bill a popular plebiscite must be taken, but such popular request must be based on a bill completely drafted.' One-twentieth of the voters can demand the submission to popular plebiscite of ' a law whereof the proclamation has been deferred on request of one-third of the members of the National Assembly ' (Art. 73).

[2] I.e. in the case of initiation. If, on the other hand, the Reichstag votes a constitutional amendment over the veto of the Reichsrat, the latter can demand a plebiscite within two weeks of the passing of the measure. Votes of the Reichstag can only be abrogated by the plebiscite if a majority of voters record their votes (Art. 74 and 76).

sent of the Reichsrat (Art. 85). The Realm will take over all railway lines and inland waterways, and administer the transport service as a unit. Lands and private companies will transfer or sell their rights to the Realm when required (Arts. 89–100). A State Tribunal for the German Realm will be established by a law of the Realm (Art. 108).

All Germans are equal before the law, and orders and titles, other than academic or professional, are abolished (Art. 109). A German citizen may not be extradited for a trial by a foreign tribunal (Art. 112).[1] Freedom of speech and of the press is guaranteed (Art. 118). Illegitimate children shall be granted equal rights with legitimate children by a special legislation (Art. 121). The right to hold meetings shall be universal, likewise the formation of societies and unions, whether political or religious (Arts. 123–4). National officials shall hold office for life unless contrary regulations are laid down by law. They will be protected against dismissal by a special legislation (Art. 129). Every citizen is bound to undertake honorary duties in accordance with the law. There is no State Church (Art. 137). Every child must attend school for at least eight years. Religious instruction is permitted in schools, provided a sufficient number of parents demand it. Otherwise a uniform school will be established everywhere in which religious instruction will be imparted (Art. 146). The Realm, the Lands, and the Communes, will provide funds to enable children to attend secondary and higher schools, should they manifest sufficient ability in the uniform school. Private schools may be established by permission of the State, provided class distinctions, as a result of the private fortunes of the parents, are not emphasized (Art. 147). In no case is religious instruction compulsory (Art. 149).

Property is guaranteed but its rights are to be laid down by law (Art. 153), and entails abolished (Art. 155). The Realm may nationalize private industrial undertakings which serve the weal of the Community at large, or may ordain that existing undertakings may be fused together in syndicates and administered under direct supervision by the State (Art. 156).

Legislation will be introduced to establish Workers' Councils

[1] Art. 178, however, states that the conditions of the Peace Treaty are not affected by the German constitution. The Penal Clauses in the Peace Treaty, which override Art. 112, are Art. 227–230 (*v.* Vol. III).

in all commercial undertakings, which shall, in turn, elect District Workers' Councils and a Central Workers' Council of the Realm for the purpose of ensuring that the employees shall collaborate with the employers in fixing scales of wages, conditions of labour, and the general economic development of the means of production. The Central Workers' Council of the Realm shall have advisory powers in all proposed legislation affecting industry before its introduction to the Reichstag. The Central Council may initiate new legislation on industrial questions and submit it to the Reichstag (Art. 165). The Constitution of 1871 was cancelled. The oath of allegiance to the Kaiser is replaced by an oath of allegiance to the Constitution.

16. *Comments on the Constitution.* After debates in Committee and in the House, which lasted from January to July, the Bill was passed by 263 votes to 75. The school clauses were a modification of the original draft, which aimed at uniform undenominational schools for all classes, irrespective of religious belief, private fortune, or class distinction. The reception of a child into a middle or higher school shall be decided by his capacity in the National School, and not by the social position or religious convictions of his parents. A clause, excluding members of the reigning families from the office of President of the German Republic, was struck out by a vote of the House.[1]

The Constitution provided for the continuation of the old two-chamber system, with the difference that the veto of the Bundesrat was abolished, and the predominance of Prussia disappeared by a readjustment of the votes of the Lands in the new Reichsrat.

The general tendency of the new Constitution is to increase the power and responsibility of the central authorities, while reducing that of the component Lands. The multiplication of officials, due to the presence of so many separate Governments with some 168 ministers, permanently hindered economy and unity in the administration, at which the Social-Democrats aim; but the time is not yet ripe for the abolition of the Land Governments, which can only be slowly attained by the absorption of their functions. It also provides for the formation of new

[1] For the action of the Conference see Article 61, permitting Austria to enter the German 'Realm', *v.* Vol. I, Chap. 8, pt. iii, § 11, 'Maintenance of Authority of the Conference'.

Lands within the German Federation. This was a concession due to the revival, after the Revolution, of the traditional opposition to the paramount influence of Prussia, due to her population, wealth, and status as the militarist state *par excellence.* Hanover and the Rhineland had manifested tendencies, which were favoured to some extent by the French in the case of the latter, to deny the authority of Berlin and to establish autonomous Lands within the Federation. As soon as the intention of the Peace Conference to cede Upper Silesia to the Poles became known, feeling was roused to a high pitch, for the Prussian Administration had not undergone a radical change in spite of the Revolution. Here, as elsewhere, the Democratic Government was faced by a difficult problem. To replace the existing bureaucracy, with its repressive tendencies, was a political necessity. To do so when the general economic situation, especially in the coal industry, was critical, would increase the general confusion. For the sake of stability the six representatives of the people had proclaimed in November that all officials desirous of remaining at their posts would be permitted to do so. Subordinate officials in Silesia had accordingly continued to exercise the executive authority as hitherto, to the disadvantage of the Polish population. The concession came too late. In the middle of August, in the course of a general strike, a political rising took place, which led to extensive fighting and the usual excesses on both sides. This state of affairs compelled the Prussian Government to change its attitude and sanction an Act, on the 14th October, for the establishment of the two autonomous provinces of Upper and Lower Silesia. At the same time the Allies intervened to ensure justice to both parties until the plebiscite takes place.

17. *The Workers' Councils.* The most important innovation contained in the new Constitution was contained in the clauses which laid down the principle of Workers' Councils (Art. 165). In December 1916, when the National Service Bill was introduced in order to provide compulsory labour for the factories, in accordance with the Hindenburg ammunition programme, the Imperial Government decided to make a concession to Labour in return for the suspension of existing labour legislation. The establishment of Committees of Workers in all factories and concerns employing not less than fifty hands, was ordained. These Committees were given certain rights of intervention in

the administration in such matters as working hours, conditions of labour, overtime rates, dismissal and employment of hands.

The Revolution led to a spontaneous extension of the powers of these Committees. Representative bodies were elected in the industrial areas and in every large town, representatives of which formed a General Congress of Workers' Councils, whose decision in favour of the three Social-Democratic representatives of the people led to the reintroduction of the parliamentary system. The power of this unofficial body continued to be recognized by the new Government elected by the National Assembly. The temporary measures and provisional orders, necessitated by strikes, recognized the existence of Workers' Councils and the General Congress. For instance, the provisional measure of the 23rd November 1918, loosely defines certain rights for factory Councils. As the authority and stability of the new Government increased, the existence of the General Congress became embarrassing. On the 5th April 1919, however, at a general meeting, the Congress passed a resolution tantamount to a 'self-denying ordinance'. It was decided that political activity of the Labour Councils must cease, as a parliamentary system had been introduced, and the new Government programme contemplated social legislation in accordance with the Erfurt programme. The Government was requested to introduce a clause providing for the compulsory establishment of these Councils. The Congress defined the task of a Factory Council (Betriebsrat) as follows:

(*a*) Control of the execution of the agreements made by the Trades Unions relative to the wages and conditions of labour.

(*b*) The supervision of the execution of the State orders for the protection of factory hands, as well as of the National Insurance provisions.

(*c*) Right of co-operation of the employees with the employers in the actual output, with the object of developing production, as well as the right to examine the books and business affairs generally of the concern.

(*d*) Election of representatives to the Arbeitsgemeinschaften (common councils of the employees, clerks, managers, and owners).

This resolution, which embodied the views of the majority of the Social-Democrats, was followed by interminable discussions in the Press and by the usual pamphlet war. The Government had already held conferences at the Ministry of Labour between representatives of the employers and the employees, at which a draft of the text of the articles providing for Workers' Councils in the Constitution Bill was prepared, and eventually passed with serious modifications as the result of a compromise between the Coalition parties.

In spite of the decision of the Central Council, the Workers' Councils continued an irregular activity, especially in Berlin, where the Independents predominated. The Berlin Councils were suppressed by an order of Noske on the 3rd May, on account of the encouragement given to strikes and violent political movements in March and April. Throughout the country they died a natural death.

The return of the Democrats to the Cabinet in October was a welcome increase in strength. In January 1920, it contained six Social-Democrats, four Centre, and three Democratic members. A programme of social legislation was issued after Peace was signed, which included the establishment of Workers' Councils, which had been repeatedly promised, and was urgently necessary to allay the perpetual strike movement, and pave the way for the reconstruction of the country. Equally urgent was the reorganization of the financial system. The Bill for the nationalization of all railways will presumably become law, and the measure will come into force at latest in April 1921.

On the 16th August the Government introduced a draft of the Bill to establish Workers' Councils and announced that further legislations establishing District Councils and an Industrial Council of the Realm would be introduced at the next session. A measure of such fundamental importance was bound to meet with considerable opposition, not only within the Government, but from the extreme Left, and the extreme Right, for opposite reasons. The extreme Left, led by Däumig, but also influenced by Radek, a political prisoner in Moabit, opposed the measure in advance inasmuch as it had been their object to establish a system of Councils Government, which would supersede the parliamentary system altogether, and were opposed to any compromise by which the system of Workers' Councils would be absorbed into the existing parliamentary system.

On the 27th July 1919, a General Congress of the Central Councils of the Shipyards and Seamen's Union of Hamburg, of the Essen miners, and a number of important other organizations met at Halle and passed a resolution condemning the Government proposals. The Majority-Socialists, however, as representatives of the Trades Unions, pointed out that the membership of these latter had increased to 7 millions, and that the unions therefore represented the working classes. At a sitting of the Reichstag on the 16th August, the Government introduced the draft, and although every effort was made to pass the third reading before the end of the year, opposition, which at one moment led to a crisis in the Cabinet itself, proved too strong. As this is merely the first of a series of measures, some considerable time must elapse before the whole scheme becomes law. In addition to Workers' Councils, District Councils and an Industrial Council of the Realm must also be formed. The Bill, as it stands, says these shall be established in all industrial organizations, whether State or private, where employers or superiors exist with not less than twenty employees, whether clerks or factory hands or otherwise. Shipping and inland waterways, owing to their peculiar nature, will be dealt with by special legislation. Any person receiving wages, with the exception of civil servants or military persons, is an employee. The definitions, which hold good for German National Insurance Legislation, are generally adhered to. All employees not under 20 years of age are entitled to vote. In concerns employing less than 50 hands, a Council of 3 representatives should be elected. A concern employing 50 to 100 hands would elect 5 representatives. For every further 200 persons employed, 1 representative would be elected, and in factories or concerns with over a thousand hands, 1 representative should be chosen for each 500. The maximum number of representatives in any one concern would be 20. Where workmen and clerks are employed, each of these two groups should be represented, in accordance with their numerical strength. Representatives are chosen for a period of two years. The Council so elected is given rights of veto in the matter of employment, dismissal, and reduction of staff.

The object underlying the Bill was to give the Council representation on the Board of Directors and an insight into the books and general administration of the concern, in order

that the employees might not only have a controlling voice in the general administration, but also in the economic working of the undertaking. The proposal to admit representatives to the meetings of the Directors was opposed mainly by the Democrats within the Coalition, and a compromise was eventually attained, which allowed two representatives of the Workers' Councils to gain an insight into the books and the internal administration only in so far as their direct interests, working hours, conditions of labour, and scale of wages are concerned.

A practical example of the efficiency of the Betriebsrat was furnished by the Spandau Army Workshops in Berlin. On the 22nd April some 42,000 hands were employed. The production had fallen to 5 per cent. as compared with the normal. The Treasury, who now control army workshops instead of the War Ministry, were faced with a difficult problem. Their representative was given full powers in view of the fact that the closing of the works would lead to extraordinary unrest in labour circles.

The eight factories were accordingly represented by eight councils, which again were represented by a central Betriebsrat. The members of this council were given full powers to inquire into the management, contracts, and book-keeping of the concern, with the request to find a solution which would enable the authorities to refrain from closing down the works. The wages controversy was settled by the introduction of the Akkord system (agreement by each worker to carry out a definite task for a fixed sum without regard to the time occupied). On the 2nd August, by agreement of the Factory Council, the number of hands had been reduced from 39,000 to 11,000, and production had again attained its normal peace-time intensity. The result was that Spandau, which had been a centre of industrial unrest, became comparatively tranquil. Similar results were obtained elsewhere, by co-operation between the owners and the Workers' Councils.

The effect of the establishment of the Council system may not easily be forecast, but the tendency in productive industries will be to facilitate the translation of Socialist theory into practice. The resultant change in the relations between employer and employee, and the concessions which the latter would obtain through the medium of the Reichs-Arbeiterrat,

will represent the concrete gain of the German Proletariat, as a result of the November Revolution.

18. *Other Problems of the German Government.* The problems which faced the new Government were so vast that their solution will occupy a series of years of parliamentary work in Committee and in debate before the measures giving effect to them will appear on the Statute Book. Problems requiring urgent solution, the Rate of Exchange, Import and Export policy, agreement with the neighbouring States, the Parliamentary Inquiry into the conduct of the War, intervened to delay the reforms promised in February 1919. The Committee of Inquiry sat for some weeks in the autumn, but the proceedings were unsatisfactory, and the evidence of the statesmen and military leaders contributed to increase the bewilderment of public opinion as to the culpability or otherwise of the servants of the old régime. The Supreme Tribunal of 15 judges, including five judges of Appeal, is intended to meet later and try those members of the Government and army officers whom the Committee deem guilty of conduct prejudicial to the welfare of Germany during the War.

The outstanding feature of the parliamentary Committee was the exposure of the disunion and jealousy which existed among the chiefs of the great public departments during the War, and especially of the unreliable information furnished by the Admiralty to the Chancellor as to the numbers of submarines available at different dates, as well as to the figures of Allied merchant shipping sunk. The intrigues at Army Head-quarters and the conflicts with the Home Government, details of which are found in the interesting memoirs of soldiers and sailors, which have recently appeared, only add to the general uncertainty. The sifting of the material evidence will be no light task for the Supreme Tribunal, and the death of some of the leading statesmen and generals in the meantime excludes the possibility of a final inquiry into the motives which led to the rejection of peace overtures or to the initiation of diplomatic action by the Government during the War. Furthermore it is questionable whether the authority and stability of the Cabinet will be enhanced by the public examination of the military commanders and by the resuscitation of controversy about events so recent that passionate public opinion is readily aroused.

The political demonstrations by the Right, when Field-

marshal Hindenburg and General Ludendorff appeared in November before the Committee, were highly embarrassing. All the more was it the case as their evidence recalled to the country the services which they had rendered when the Russian hosts were attacking the eastern frontier.

19. *The New Defence Force.* The volunteer formations which had established internal order were given a separate establishment in March by the National Assembly and formed a nucleus force, which increased in strength by recruiting to some 450,000 men in June, nearly half of whom were employed on the Polish frontier. In the month of August a scheme for the reduction of this force, known as the Reichswehr, was issued in order to comply with the terms of the Peace Treaty. In view of the uncertainty of the intentions of the extreme Right and the extreme Left respectively, and the possibility of an organized general movement throughout the country, whether in the form of a general strike or an armed rebellion, the Government was anxious to maintain a force greater than that allowed by the Peace Treaty.[1]

In accordance with the terms of the Peace Treaty, the 43 brigades, of which this force consisted in the autumn of 1919, will be reduced to some 20 brigades, each with a strength of about 9,000 men. The former army corps districts and the War Ministries of the various States are abolished. In future the 20 brigades will be grouped under four general commands, Kolberg, Berlin, Cassel, Munich, of which Berlin will be the strongest, with nine brigades. At the same time the provinces of Prussia, Bavaria, Saxony, and Württemberg will be represented by a commander-in-chief, under the authority of the Reichswehr-Minister. Eventually the total strength is not to exceed 100,000. The active intervention of the Reichswehr has so far suppressed all revolutionary movements, but it is claimed that, if riots and revolutions took place simultaneously in different districts, the force ordained by the Peace Treaty would not suffice to quell disorder, especially if a portion of the troops had to be employed on the eastern frontier to guard against Bolshevist invasion.

Owing to the insecurity of life and property, the inhabitants of the larger and smaller towns organized themselves into a local force for self-defence entitled the Einwohnerwehr.

[1] Vide discussion, *supra*, ii, Chap. II, pt. ii, The Military Terms.

It assembles when necessity arises and is only used locally. Its strength varies considerably, as the period of service is not fixed, so that it is impossible to estimate its strength. The Government applies no pressure in favour of the formation of these local forces, but recruits may not be taken from the Independent-Socialist Party, and consequently industrial districts such as the Westphalian Coal Basin, where strikes recur constantly, have no local force for the maintenance of order. A local institution similar in character exists in other districts where the population has declared its willingness to assist the Reichswehr formation in a case of need by providing temporary volunteers (Zeitfreiwillige). These differ from the Einwohnerwehr inasmuch as they are under military leadership. Another analogous institution was spontaneously established and is now officially recognized—the Technische Nothilfe, or Emergency Technical Corps for the purpose of intervening when works of vital importance to the general community, such as electrical power stations, gas and waterworks are closed down during strikes. None of these formations are mobile. The Reichswehr remains the only properly constituted military force.

Owing to the breakdown of the former police force during the Revolution and the necessity of creating a force with special personnel and training to counteract organized crime, a new police force was formed, known as the Sicherheitspolizei. This is a strictly disciplined force similar in uniform and equipment to the Reichswehr and provided with trench mortars, flame throwers, and machine guns, weapons which were found necessary in street and house fighting in the large towns during the various disturbances. Their organization is such that they are not able to fight in large formations. They have been recruited largely from the non-commissioned officers of the old army and number some 40,000 men. At first sight their existence seems superfluous, but it is contended that the existence of a separate unit in addition to the Reichswehr forms a further security for the democratic Government in the event of the Reichswehr proving unreliable as the result of political propaganda from the extreme Left. The discipline of the Sicherheitspolizei should be such that a Government could rely on its support against any party. At the same time it enables the authorities to suppress violent political movements by armed force without the use of regular troops. The organizers of

the new army were averse to exposing it to the odium which one-sided political intervention always involves. At the same time it afforded employment to a considerable number of ex-soldiers without any regular trade whom defeat had deprived of a means of existence. To counteract the outspoken tendency to sympathize with the parties of the Right which existed in the officers' corps of the Reichswehr, the Minister of Defence adopted the policy of obtaining officers, whose private means make them dependent on their military career for their material welfare. The officers of the old army were replaced to a large extent by non-commissioned officers of long service, who had distinguished themselves in the disturbances of the winter and spring. In spite of these democratic measures, the inborn love of the military profession overruled the repugnance of the higher officers to these changes and sins against tradition. They were volunteers after the Revolution, and are still brigade or battalion commanders in the new army. Discipline remains good, especially in those formations which grew up around the nuclei of the old guard and cavalry regiments. As none of the formations mentioned is mobile, except the Reichswehr, and inasmuch as they are under the authority of the Minister of the Interior, the Germans claim that their existence is not in contravention of Article 178 of the Peace Treaty, and that the maintenance of order and safety in the country is indispensable to all contracting parties for the fulfilment of the Treaty.[1]

20. *Financial Position and Policy of the Government.* During the first phase of the War the Imperial Government refrained from introducing new taxation, out of consideration, as it alleged, for the moral of the country. The enormous War expenditure was partly met by new loans. When it became unavoidable later to introduce fresh taxation in order to pay the interest on the War loans and meet increasing internal expenditure, the successive Finance Ministers failed to initiate any radical changes. The first Finance Minister of the Revolutionary Government came to the conclusion that drastic taxation was the only remedy, and his views are outlined in Scheidemann's opening speech in the National Assembly at Weimar in February. His successor, who left the Cabinet owing to his opposition to the Peace Treaty, transferred his portfolio to the energetic and versatile Erzberger, whose robust political

[1] *v. supra*, Chap. II, The Military Terms, pt. ii.

constitution was most fitted for the onerous and invidious task of instituting a drastic reform.[1] The new constitution ordained that in future, for the sake of economy, the whole financial system should be readjusted, and that the realm should take over the main burthen of expenditure and consequently the major portion of the revenue. The anomalies which existed before the War, especially in the case of the income tax which varied considerably in the different States, should disappear, and a uniform scale should be substituted.

The national debt in July 1919 amounted to 76 milliards floating debt and 90·4 milliards War loan. Considerable anxiety was felt as soon as the War was lost lest the revolutionary Government might annul the War loan, but the necessity of forming a Coalition with the Centre and Democrats, staved off the possibility that the Social-Democrats might introduce this measure. Inasmuch as the War loans were subscribed by 39 millions of people, and 34 millions of the total sum were contributed in subscriptions of 5,000 marks or less, and 21 milliards are being subscribed by the Savings Bank and insurance companies, nullification of the loans would be highly unpopular. Erzberger abandoned the idea as unsound, and declared his intention of rectifying the injustices committed by his predecessors during the War. Broad masses of the population after the Revolution expected the wealthy classes to make the greatest sacrifices and hoped that the Government would recover as far as possible the profits made during the War, whether from Government contracts or otherwise. He decided to institute direct taxation which should throw the burthen mainly on to the shoulders of the Capitalists, and claimed that the increase in wages and the fall in the purchasing power of money was an advance in the direction of socialization.

Before the War the German Empire raised a revenue of some two milliards, while the provinces and communes raised some three milliards per year. The ordinary budget of the year 1918 amounted to a little over nine milliards, while the extraordinary budget amounted to 70 milliards. The total estimates for the ordinary budget of 1919 amount to 17½ milliards of marks for the realm, and 6½ milliards for the provinces and

[1] Erzberger was obliged to bring a libel action against Helfferich at the beginning of February 1920. Though he gained the action (12th March) he was much discredited and forced to resign.

communes. This expenditure includes 10 milliards for interest on war loans. The extraordinary expenditure would amount to 41 milliards, which includes the cost of demobilization and devolution from the old army system to the new defence organization, pensions to wounded and next of kin, expenditure amounting to 17 milliards incurred in fulfilment of the Peace Treaty, advances amounting to nearly four milliards for reducing the price of food, and two milliards for increasing the salaries of officials. The extraordinary expenditure of 1919 is less therefore by nearly 29 milliards than that of 1918.

To meet the ordinary expenditure for the realm, states, and communes, Erzberger proposed direct taxation to the extent of 15 milliards and indirect taxation to the amount of 11 milliards. The indirect taxation will in future be much less important in view of the uncertainty of German trade relations with foreign countries, as the result of which the rate of exchange may remain so low that the country must curtail its import and the revenue from customs will shrink. The mainstay of the indirect taxation will be the new 'tax on turnover' passed by the National Assembly. This is really a tax on articles of luxury or articles which are not indispensable, and is levied partly during the manufacturing stages and partly at the final sale of the article by retail to the public. This tax is calculated to yield 4 milliards. Erzberger modified the taxes on indispensable articles, coal, salt, matches, sugar, mineral oils, which will yield 4·5 milliards. The coal tax alone, estimated on an average price of 100 marks per ton, reckoning the yearly production at 100 million tons, should produce 2 milliards. Commodities which are not indispensable—brandy, spirits, wine, beer, and tobacco—will be more heavily taxed, so as to yield 2½ milliards. Taxation of goods and passenger traffic, together with stamps, will contribute 1 milliard, while Customs contribute 1½ milliards.

Erzberger's revolutionary ideas in the financial domain are incorporated in the scheme which proposes to raise 15 milliards yearly by direct taxation. The new universal income tax levied direct on the individual is supplemented by a uniform tax on income from capital at its source and is calculated to yield 10·4 milliards. Increased death-duties will increase the revenue from this source to 1 milliard. Erzberger's immediate predecessors in office followed the example of the Imperial

Government, which instituted a levy on war profits in 1917 and 1918. A non-recurring levy on the total profits made during the War, calculated to contribute a sum of 12 milliards, equivalent to an income of 720 millions a year for the next generation, was sanctioned in Weimar. Erzberger accepted this dole, but exploited the idea to its fullest extent. His non-recurring levy was raised from capital, generally with special reference to the proportionate increase during the War, and is in effect much greater in proportion as the initial capital at the outbreak of war was smaller.[1] Owing to the lack of reliable statistics of the wealth of Germany and the complexity of the rebates, especially for children, the Treasury could only furnish an approximate estimate of the contribution from this source. Some 45 milliards are expected, or a yearly revenue of 2,860 millions for the next 30 years. In conjunction with the taxation of war profits sanctioned at Weimar a total revenue of 3·6 milliards per year is expected, inasmuch as the confiscation of capital wealth may be spread over a period of 30 years at the discretion of the Treasury, unless death duties are paid in the meantime, when the total amount due is confiscated. The outline of the new budget is as follows:

Direct Taxation.	*Milliards.*
1. Annual yield from confiscation of capital	3·6
2. Income tax plus supplementary tax on yield from capital	10·4
3. Death duties	1·0
	15·0

Indirect Taxation.	*Milliards.*
1. Tax on Turnover	4·0
2. Tax on articles of consumption	2·5
3. Coal tax	2·0
4. Customs	1·5
5. Traffic and stamps	1·0
	11·0

Direct and indirect taxation produce a revenue of 26 milliards in the ratio of 6 to 4, and the total revenue has been readjusted in such a way that 75 per cent. is calculated to fall on the propertied classes. Even the smaller taxes, the traffic and tobacco tax, are progressive. A rough calculation on the

[1] The effect of the sliding scale is such that an increase in wealth during the War, in so far as it exceeds 167,000 marks, flows into the coffers of the Treasury.

basis of the financial adjustment Bill for the provinces and communes indicates that some 75 per cent. of the total revenue is allotted to the Realm and 25 per cent. to the Lands. Prior to the War the Empire received 40 per cent., the States and communes 60 per cent., of the total amount raised by taxation in Germany. In future a share of the income tax, together with the local ground rents and rates, will furnish the main source of income of the provinces and communes. The fulfilment of the Treaty obligations alone makes it imperative to effect this readjustment.

The new income tax proposals have been passed into law. Incomes from 1,000 to 24,000 marks are taxed at an ever-increasing rate of 1 per cent. per thousand marks, commencing with the minimum tax of 10 per cent. The tax progresses to a maximum of 60 per cent. on incomes over 500,000 marks. An income of 20,000 marks will pay 3,570 marks, while an income of 100,000 will pay 33,850 marks under the new system. This only refers to earned incomes. Unearned incomes from sources paying a fixed rate of interest, pay in addition at a uniform rate of 10 per cent., while incomes from sources paying a variable rate, will pay 20 per cent. The Bill for the confiscation of capital entitled 'Reichsnotopfer' or contribution to the Realm in need, was more violently contested than any of the other innovations. It was argued that the Allies might confiscate the total yield from this source and direct the German Government to levy fresh contributions on the same system towards the war indemnity. Erzberger succeeded, however, in convincing the National Assembly that this was impossible according to the provisions of the Treaty. It is impossible to foretell its effect on the economic life of the country. A few examples of the effect in practical application will give a general idea of its nature. An individual whose private fortune amounted to 500,000 marks at the end of the War and whose capital at the outbreak of war was less than 20,000 marks will only retain 156,118 marks after payment of his contribution to the State. If death duties are paid in the year 1920 the fortune diminishes further to 150,887 marks. An individual whose wealth at the end of the War was 500,000 marks, representing an increase of 20 per cent. on his initial capital in 1914, will retain 402,326 marks, and if death duties are paid in 1920 a sum of 382,920 marks will remain. An

individual whose fortune is five millions, made wholly during the War, will practically lose his entire capital. He will retain 156,118 marks. After payment of death duties in 1920 150,887 marks will remain. A person with five millions, which represented an increase of 20 per cent. during the War, will retain 2,413,755 marks, which death duties in 1920 would reduce to 2,165,065 marks. A fortune of 500,000 marks, which registered no increase during the War, will decrease to 424,262 marks, and on payment of death duty in 1920 to 403,397 marks. A capitalist with a fortune of ten millions of marks, seven of which represented his pre-war fortune, and 3 millions his increase in wealth during the War, will pay a contribution of 2,827,900 marks as a war contribution from his war profit of 3 millions. There remain 172,100 marks. Next comes the contribution to the State on the remainder. As this is an industrial concern a rebate is given of 20 per cent. or 1,434,120 marks. The remainder, 5,747,680 marks, must contribute 2,710,858 marks, in accordance with the Reichsnotopfer Bill. This sum is subtracted, however, from his capital before abatement, i. e. 7,172,100 marks, and there remains 4,461,242 marks. The Reichsnotopfer contribution may, however, be spread over a period of 30 years at a rate of interest of 5 per cent. If we now assume that this capitalist dies in the first decade of the 30-year period, paragraph 33 of the Reichsnotopfer Bill comes into force, and the total amount then due must be paid at once, unless the Treasury departs from this rule, as it has power to do. The whittling down of this fortune to 4,461,242 marks is followed, assuming death in 1925, by the death-duty tax amounting to 186,062 marks, leaving 4,275,180 marks. Assuming that one son inherits the estate, he pays an inheritance tax of 1,289,938 marks. If several children inherit, the amount deducted is smaller. If, however, the inheritance falls to relatives, taxation is higher, as the degree of relation is remote. The legacy finally amounts to something less than 3 millions out of an original ten millions.[1]

According to Article 233 of the Peace Treaty, Germany's obligations to the Entente will not be definitely known until the 1st May 1921.[2] They must be paid within 30 years from

[1] The War Profits tax and the Reichsnotopfer may be paid to the Treasury in War Loan.

[2] i.e. unless the German Government offers a lump sum to the Reparation Commission ; *v. supra*, Introduction, and Chap. I, pts. iii and iv.

that date, but in the meantime 20 milliards of gold marks must be paid which will be reckoned towards the indemnity. The Treaty does not give the Allies power to dictate financial legislation to Germany. Without venturing any figure for reparation, Erzberger's fundamental idea was to issue as frank a statement as possible showing the needs of Germany and her financial capacity in the hope that these would modify the view of the Reparation Committee. He estimated German currency abroad at 17 milliards which he proposed to convert into a loan. The War has cost 69 milliards, of which only 19 milliards have been raised in loans. It is no longer possible after defeat to convert the floating debt into firm loans. Nevertheless the only loan raised since the Revolution by the Government during Erzberger's term of office realized some 4 milliards at 5 per cent.

The extraordinary budget for 1919 balances at 41½ milliards, of which 13 milliards are for demobilization and 3 milliards for evolution from the old army administration to the new Reichswehr system, 17 milliards for obligations under the Peace Treaty, 3½ milliards as a State contribution to reduce the price of food, and half a milliard for expenses incurred owing to the occupation of the Rhineland. As the total daily issue of bank notes from the 15th January to the 15th October 1919 amounted to an average of 27·6 millions per day, the floating debt on the 31st March 1920 may be expected to show a gigantic increase.

It is too early to form an estimate of the general results of this vast programme of taxation. The financial and economic questions involved aroused a flood of discussion hardly inferior in volume to the controversy on the Factory Councils Bill. The levy on capital and the amputation of big fortunes is a concession to the new spirit and represents an advance in the direction of socialization almost as radical in effect as the establishment of the Factory Councils. Both measures are introduced at a moment when the development of German trade in the future is wholly uncertain. The main criticism levelled at Erzberger's vast programme is based on the haste with which it has been passed through the Reichstag in defiance of expert advice and of the protests of the Chambers of Commerce of the large towns.

21. *Foreign Trade.* The first opportunity for importation

into Germany occurred in March 1919, and applied only to the occupied territory. The French immediately flooded this area, including the British zone, with textiles, mainly of British origin, hosiery, silks, and articles of luxury generally. Wares of every kind, which had become scarce owing to the blockade, were greedily absorbed and paid for in francs, if marks were not accepted, apparently without much effort. A similar importation from Great Britain into the occupied area followed some four weeks later; textiles, boots, waterproofs, tobacco, and cigarettes, as well as the more luxurious kinds of comestibles found a ready market during the period of unrestricted import. The Allies having decided that economic commercial control should remain in their hands in the occupied territory, a collateral German organization could not be allowed. The collection of German customs duties continued unhindered, but the authorities in Berlin endeavoured to restrict imports by the application of Customs duties at the Gold Rate. The Allies, however, forbade this measure, with the result that the German ports were deprived of such small trade as was reaching them, and an accumulation of large stocks of Allied goods took place on the left bank of the Rhine. The transfer of these goods to unoccupied Germany by smuggling or direct corruption of the railway officials led to an illegitimate traffic and speculation, by which only the unscrupulous on both sides benefited. The establishment of a proper Customs Control between occupied and unoccupied Germany was impossible to improvise, and it is difficult to estimate the loss to the German Customs and indirectly to the Allies during the year 1919. It is estimated that in six months goods to the value of 16 milliards were imported, of which 13 milliards alone were paid for articles of luxury. The 'Hole in the West' was a serious obstacle to the reconstruction of German finance, and affected the rate of exchange to an unfortunate degree.

Reliable statistics as to imports from abroad do not exist. The value of imports from the United States of America is calculated at 10 millions sterling for the ten months ending 31st October 1919. Presumably this amount represents the value of foodstuffs and cotton. Sufficient cotton has been landed in Bremen to supply the immediate needs of German industry, but the price is considerably in excess of the normal figure, owing to the rate of exchange, so that the mills have not

yet purchased these stocks. The imports from Great Britain, valued at 11 millions sterling, presumably went to the occupied territory, as the German Government would not have issued the import licences for most of the items mentioned, thus 314,000 pounds of British cigarettes were imported between July and September. Goods of British origin have also been imported through Holland, Switzerland, and France, and consisted mainly of stocks accumulated during the War.

The policy of the German Government has been consistent as regards imports, and aims at preventing the introduction into the country of all goods which are not indispensable. The rate of exchange ensures the maintenance of this policy in the future. The figures published in the Press show exports from Germany to the United Kingdom until the end of October amounting to £217,435, and exports to the United States amounting to £983,000. The export policy has been repeatedly changed during the year. After the Revolution the principle was adopted that all goods, with the exception of foodstuffs and raw material essential to German industry, might be exported. Owing to the fall in the rate of exchange, foreign buyers commenced to purchase goods at ridiculous prices, and small towns in the neighbourhood of the frontiers of Holland, Switzerland, and Denmark, were stripped of everything, even food and fodder. A lively discussion ensued between the Government, the manufacturer, and the consumer as to the best method of controlling exports and regulating prices in such a manner that these might remain sufficiently high to compete with prices abroad, and to avoid loss of profit by fixing them too low. German industry was unanimously against the introduction of export duties, and after a long discussion before a Parliamentary Committee it was decided that the various industries should form their own foreign trade organizations, in which employers, employees, and consumers will be represented, and will decide the price at which exports in any particular industry may be sent abroad. On this basis, lists of articles and the regulations applicable to them are being prepared and issued at intervals. This system amounts to a very severe control and centralization of export, and is in accordance with the general policy of the Government to superintend all activities, political, industrial, and economic throughout the country.

The German Foreign Office, which has been reformed in accordance with Brockdorff-Rantzau's scheme, has organized a foreign trade department, and members of the diplomatic service abroad will be encouraged to send in independent reports, and these, in conjunction with information from private individuals, will be collated and distributed to the industries interested as rapidly as possible.

Statistics of unemployed show a remarkable improvement during the year. By the end of September the percentage of unemployed was practically the same as in the year 1913. This does not mean that the German labouring class has returned to its pre-war industrious habits, or that the average output compares favourably with the peace-time standard. Physical unfitness, resulting from the blockade, and lack of discipline due to the periodic strike waves, has reduced the output in big factories by 40 per cent. Shortage of coal recurring at intervals compels the factories to close down for short periods. A general tendency to return to piecework is manifested in industrial works. In spite of the import of food, the food situation commenced to deteriorate after summer, and during the winter of 1919 it was impossible to distribute the prescribed rations, which are normally barely sufficient to maintain life. The potato crop, which is the staple food of the country since 1915, was adversely affected by the weather, while the beet crop was practically lost, with a consequent sugar famine in the coming year.

The coal production of the Ruhr area has fallen from 111,000,000 tons in 1913 to some 50,000,000 tons in 1919. The monthly production shows steady improvement since last November. The Upper Silesian area, which produced 43,500,000 tons in 1913, only produced 24,000,000 tons, while the average price per ton has increased from 14 marks to over 90 marks. The falling off in production is not due to lack of labour, but to lack of transport. Rolling stock was left behind in considerable quantities in Russia and the Balkans during the disorganized withdrawal of the troops under the Soldiers' Councils. The contribution to France, and the wear and tear of the remaining stocks, which were overworked during the War, had since the War diminished transport so seriously that the Government suspended all passenger traffic throughout the country for a fortnight in the autumn in order to relieve the situation.

With the exception of the stocks of raw material reserved for the army, German industry was stripped bare of copper, of rubber, of leather, and of cotton supplies at the end of the war. The release and sale of the military supplies has furnished factories with some occupation during the year, but most of these are forced to lead a hand-to-mouth existence.

The depreciation of the mark and the general increase in expenses, coupled with the uncertainty of the future, is manifested in the tendency to amalgamate industries and to increase the capital of industrial undertakings by 100 per cent. The capital issues are accompanied by the issue of preference shares, with multiple voting power, which are allotted to the existing directors, with the avowed object of preventing foreign interests from acquiring control owing to the fall in the rate of exchange. During and since the War the Government has sought in vain for a solution of the problem of augmenting the internal food production. Maximum prices must be maintained at such a level that they correspond with the general level of wages. The agricultural community has little interest in furthering intensive production when profits are already insufficient. The attainment of a compromise is now rendered still more difficult as complicated political issues between the Agrarian Conservative Party and the Democratic Government are involved. The sandy subsoil, which would normally yield sufficient potatoes and cereals for a fraction of the population, has, by scientific treatment with chemical fertilizers, been artificially enriched year by year until war conditions interfered with the supply and transport of nitrates. The Food Ministry is averse from returning to the normal system of supply and demand, which would entail a fresh readjustment of the scale of wages throughout the industrial areas, with incalculable economic consequences.

22. *General Conclusions.* A survey of the present position in Germany must emphasize the outstanding features of the moment—the corruption and lawlessness produced by the demoralization of defeat, the sudden relaxation of the strict discipline which prevailed not only in the army but in the civil service under the old régime, the political unrest, the collapse of currency, the enormous rise in prices, the lack of food and the readjustment of values (Umwertung aller Werte). This is manifested at the bottom of the social scale by crime, and at the top by elaborate schemes

for export of capital, concealment of income, illegitimate gambling in food and indispensable wares, and generally by the universal venality of officials and persons of trust in every sphere of activity. When it became necessary during the War to eke out existence by evading the food regulations, the Government was compelled to tolerate tacitly illegal barter in indispensable commodities in order that the middle and propertied classes might not also fall a prey to the general discontent. The sale of State property and war equipment by officials and soldiers, in the revolutionary period, when authority was at a discount, undermined public morality and produced a feeling of great insecurity, especially in business transactions and in the operations of commerce generally. Freedom from restraint, licence to requisition and pillage and to ignore the laws obtaining in the vast areas which the German forces occupied during the War, has had a marked influence since the army has been disbanded. This may be only a passing phase, and is, perhaps, one incompatible with the character and traditions of the German people. For the moment, however, credit has practically disappeared from commercial life. Few manufacturers will forward consignments without payment in advance, and the purchaser must choose between insurance at an exorbitant rate or supervision of every transaction prior to actual delivery of his goods. The disappearance of trucks, or the diverting of trainloads of goods to stations to which they were not consigned, indicates that the corruption of groups of officials of the railway system is merely a matter of organization.

The first year since the cessation of hostilities has come to a close; the food situation is critical, labour is dissatisfied, and the universal increase in wages furnishes no solution of the economic problem, as wages, however high, which cannot purchase what does not exist, must be considered inadequate. Political agitation continues from two extremes, each of which covets power and would not hesitate to give the signal for a fresh revolution at an opportune moment. Currency has depreciated, and imports from abroad are impossible at the present rate of exchange. An overwhelming programme of taxation has been passed into law. The mercantile fleet has been confiscated, and raw materials are prohibitive in price even if sea transport were available. This seems to destroy Germany's only asset, her highly-trained technical workers

and well-equipped factories, who could produce the wealth with which to indemnify her enemies, pay her own war costs, and enable her to resume her position in the markets of the world. The stoic resignation of the masses, in circumstances which would produce anarchy or revolution elsewhere, must be recognized.

23. *The Future of Germany.* The future of Germany depends on so many uncertain factors, political and economic, that the foregoing survey of the course of events since the Armistice does not suffice as a basis for a forecast of the future development. Apart from the future form of the League of Nations, the stability of the new States on her frontiers, especially the political and economic development of Russia, and the relations of these countries to each other and to Germany are matters for conjecture. In so far as Germany can, by industrial efforts, determine her future, some small measure of hope is justified. The decisions of the Reparation Commission, especially the amount of indemnity, and the form of payment, are of course of paramount importance, for they will determine whether the outside world will grant credits and to what extent, and how far the purchase of raw material by industry will be possible. Equally vital is the goodwill of the civilized world, which Germany shared least of all civilized countries before the War, and which her conduct of the War, military and political, seems to have alienated indefinitely.

The Peace Treaty closes, at all events temporarily, the outlet for German energy towards the West. In many departments of human endeavour she will continue to occupy a leading place. Her system of education and the character of the people guarantee that she will always be well represented in every domain of human effort. Her material welfare will depend on the scientific development of the resources within her boundaries and, unless checked by unforeseen political causes, on the development of the resources of Russia.

The Baltic littoral, colonized for centuries by Germany, furnishes a link, of which the old Tsarist Russian Government neutralized the effect, but the political future of the Baltic States is obscure, and, in obedience to the natural law, allegiance of the German-speaking race reverted to Germany when the Imperial régime came to an end. The authority of the revolutionary Government was strained to the

utmost by the situation which arose as a result of the Armistice Terms of November, when the Entente sought to make German occupying troops remain in the Baltic Provinces to maintain order and prevent Bolshevist invasion. The Baltic adventure seriously embarrassed the Government, when further troops were recruited in Germany by reactionary officers, and the country became a military protectorate, under the conjoint rule of the Baltic barons and the Monarchist officers of the old army who flocked thither. When the Government finally ordered the recall of the German forces in autumn, in accordance with the Entente ultimatum, the threatened stoppage of supplies of stores and money obtained reluctant obedience.[1]

German sympathies exist among supporters of the Soviet and Reactionary Parties in Russia. The almost simultaneous overthrow of the two autocracies, and the close association between the Independent Leaders and the Soviet Commissioners since the Russian revolution cement the bond on the Left. The hospitality, which Germany has shown to Russian Monarchist refugees who have found asylum in enormous numbers within her frontiers, cannot fail to awake a feeling of gratitude which will be important later, if these recover influence.

The needs of the hour are so great and so urgent that little attention is given to foreign relations. The parliamentary régime has been improvised, and new men with the necessary mental equipment for leading offices of State are scarce. The post of Foreign Minister has never been coveted. Its holder was exposed to the caprice of the Head of the State to a greater degree than any of his colleagues, and the relations between the diplomatic representatives abroad and the Home Authorities were always clouded by the same disturbing influence. Public opinion is seldom unanimous, but all Germany agrees in condemning the mediocrity and deploring the dearth of diplomatic representatives and permanent Foreign Office officials. In spite of the odium attaching in Germany to the diplomatic service owing to the unsatisfactory nature of its activities in enemy countries and in neutral countries during the War, the existing personnel must continue to be employed as it cannot be replaced at a moment's notice. The Government is forced, as in other departments of the Public Service, to postpone reform and leave things as they are.

[1] *v.* Vol. I, Chap. VIII, pt. iii, §§ 8–10.

Relations with Russia are geographically favourable, and depend, since the establishment of an independent Poland, on the future stability of the Polish Government. Nobody in Germany believes in the future of Poland. Apart from the question of a German Irredenta, it is claimed that the Russian Government, when it assumes definite form, whether reactionary or Soviet, or a modification of either, will not tolerate the existence of the new State. Germans hold that the inclusion of German territory, especially if Upper Silesia elects to join Poland by plebiscite, will inevitably react unfavourably on the unity of the country, as the contrast between the administration which these provinces previously enjoyed and the present Warsaw Government will intensify the sympathy, which time will reawaken, among a population brought up in German traditions and educated in German schools, as soon as the enthusiasm of the moment has abated.

The same argument is adduced relatively to other territory ceded by Germany. She is willing to abide by the immediate decisions of the various plebiscites if unfavourable, but has complete confidence that the momentary alienation will give way later to a revival of sympathy when the administration of roads, railways, posts and telegraphs, electrical supply, collection of taxes, or other activities of the old executive is compared with that of the new Fatherland.

The centrifugal tendency of Posen and Silesia within the new Polish State may not manifest itself immediately, but Poland is always at the mercy of Russia, as soon as order is restored there. The supply of manufactured goods and agricultural machinery for Russia cannot be purchased until her credit is restored, but concessions for the exploitation of Russian resources will be readily accepted. Germany is over-supplied with technical engineers, whose sphere of activity is limited in the future, and whose capacity was obtaining increasing recognition in Russia before the War. In addition to the bilingual Baltic-German population, a knowledge of Russian is more general in Germany than in any other European country.

The absence of any hostility to the new Czecho-Slovak Republic is very marked, and the débris of Austria-Hungary may be disregarded as a political factor in Europe for some time to come. If the veto of the Allies is withdrawn, every

effort will be made to realize Naumann's dream of a fusion of the two main German races. The disloyalty of Imperial Austria to the alliance towards the close of the War is not visited on the German-speaking population. A contribution from the scanty food magazines was readily forthcoming when Vienna raised a cry for help, and money was powerless to purchase relief. Political motives alone did not prompt the spontaneous expression of sympathy which was universal in the country.

The retirement of the last Foreign Secretary, Brockdorff-Rantzau, who was capable of constructing a foreign policy, and his replacement by a Social-Democrat, Müller, for the purpose of signing the Peace Treaty, left the country without any foreign policy. General elections take place, as expected, in the spring or summer of this year. It is hard to predict the results, as unforeseen political complications may arise during the fulfilment of the clauses in the Peace Treaty, especially the extradition of the war culprits. The trial of German subjects by courts constituted in enemy countries is condemned universally and without distinction of party. Active or passive resistance by the population will render it very difficult for the Executive to compel obedience to an order of the Government for the arrest of the offenders. It is doubtful if the Reichswehr, as at present constituted, will remain loyal, when called upon to execute this invidious task, which every personal interest, apart from the dictates of honour or patriotism, opposes.

The great question of the future, immediate and remote, is entirely dependent on the decisions of the Reparation Commission. If these are such that foreign countries will have sufficient confidence in the stability and economic development of Germany, if the necessary credit and the indispensable supplies of raw material are forthcoming from without, then despite the cumulative effect of the five years' blockade, the turmoil of the Revolution, the labour unrest, the introduction of shorter hours, and the provisions of the Factory Councils Bill, the country will recover with surprising speed, and resume the struggle for a place among the industrial nations. The fundamental qualities and characteristics of a race are determined by soil, climate, and environment, as well as a variety of intangible factors. The hardships and disappointments of war have only a passing effect, more enduring amongst industrial communities

than among the agricultural population. Artificial factors, the system of education, universal military service, industrial organization, have influenced the character of the German people. The factory equipment of the country was mainly supplied after 1900, and its efficiency, in conjunction with the cheapness of labour, provide the necessary conditions for favourable competition. The abolition of conscription is a further advantage. The same qualities of discipline, spartan simplicity, quiet endurance, subordination of the individual to the general need of the community, which contributed to Germany's successful defence for four years along a colossal battle front, will be manifest if an opportunity is given to enter the lists as a competitor in industrialism.

The Peace Treaty gives her enemies the first mortgage on the property of the Realm and on German taxation. Her liabilities are unknown, and it is certain that many generations of German workers must contribute to them. It remains to be seen whether the surplus which remains will suffice to meet the internal expenses of administration and furnish the small share of the amenities of life sufficient to encourage and reward the toilers of the next generation.

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PRINTED AT OXFORD, ENGLAND, BY FREDERICK HALL
PRINTER TO THE UNIVERSITY

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A HISTORY OF THE PEACE CONFERENCE OF PARIS

PUBLISHED BY THE JOINT COMMITTEE OF
HENRY FROWDE, HODDER AND STOUGHTON
17 WARWICK SQUARE, NEWGATE STREET
LONDON, E.C. 4

A HISTORY OF THE PEACE CONFERENCE OF PARIS

LEGISLATIVE ASSEMBLY

EDITED BY

H. W. V. TEMPERLEY

LEGISLATIVE ASSEMBLY

VOL. III

CHRONOLOGY, NOTES AND DOCUMENTS

Published under the auspices of the Institute of International Affairs

BENGAL LEGISLATIVE ASSEMBLY
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HENRY FROWDE
OXFORD UNIVERSITY PRESS
HODDER & STOUGHTON
WARWICK SQUARE, E.C.
1920

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CORRIGENDUM

VOLUME I, PAGE 437. According to the authoritative version of this speech (*President Wilson's Foreign Policy*, edited by James Brown Scott) the words 'There shall be no annexations' etc. should not be in italics.

CHRONOLOGICAL SUMMARY[1]

1914.

June 28. Assassination of Archduke Franz Ferdinand at Serajevo.

July 23. Austro-Hungarian ultimatum to Serbia.

28. Austria-Hungary declares war on Serbia.

Aug. 1. Germany declares war on Russia.

2. German troops invade Luxemburg.

3. Germany declares war on France.

4. Germany declares war on Belgium, after ultimatum on Aug. 2.

British ultimatum and state of war at 11 p.m.

5. Austria-Hungary declares war on Russia.

10. France and (Aug. 12) Great Britain declare war on Austria-Hungary.

20. Germans enter Brussels.

23. Japan declares war on Germany.

25. Austria-Hungary declares war on Japan, and on Belgium (Aug. 27).

Sept. 5. Agreement of London: France, Great Britain, and Russia agree to make no separate peace (endorsed by Italy and Japan, Nov. 30, 1915).

6–10. Battle of the Marne.

Oct. 29. Turkey enters war on German side.

Nov. 5. Great Britain declares war on Turkey, and annexes Cyprus.

9. Asquith on British war-aims.

12. Turkey formally declares war on Triple Entente.

Dec. 17. British protectorate proclaimed in Egypt.

24. Great Britain recognizes French protectorate in Morocco.

1915.

Jan. 13. Austro-Hungarian Foreign Minister, Count Berchtold, succeeded by Baron Stephen Burian.

Feb. 4. Germans declare submarine blockade round Great Britain as from Feb. 18.

25. Bombardment of Dardanelles by Allies.

Mar. 15. British reply to German submarine blockade.

20. Secret understanding *re* Constantinople reached between Russia, France, and Great Britain.

Apr. 26. Treaty of London secretly signed between Italy, France, Great Britain, and Russia.

28. Great German offensive against Russia begins.

May 3. Italy denounces Triple Alliance.

7. Lusitania torpedoed.

23. Italy declares war against Austria-Hungary.

[1] This summary is, in no sense, exhaustive, and in the years 1914–17 merely records some of the more important diplomatic incidents referred to in the text. From Jan. 1, 1919, to Jan. 21, 1920, it is based almost wholly on *The Times* newspaper.

1915.

May 25. Japanese agreements with China.
Formation of Coalition Ministry in Great Britain (Asquith, Bonar Law, &c.).

June 8. Robert Lansing succeeds W. J. Bryan as Secretary of State, U.S.A.

Aug. 3. Entente reply to Bulgarian note of June 14.

20. Italy declares war on Turkey.

21. Great Britain declares cotton absolute contraband.

22. Venizelos forms new Government in Greece (resigns Oct. 5).

Sept. Anti-war Conference of Socialists meets at Zimmerwald.

Oct. 4-5. Allies land at Salonica.

14. Bulgaria declares war on Serbia; Allies announce state of war with Bulgaria (Oct. 14–19).

28. Briand succeeds Viviani as French Premier; British Cabinet decides on compulsory military service.

1916.

Jan. 18. Austro-Hungarians occupy Cettinje.

Feb. 21. German attack on Verdun begins.

Mar. 9. Germany and (15) Austria-Hungary declare war on Portugal.

Apr. 18. President Wilson threatens to sever diplomatic relations with Germany unless outrages at sea are stopped. Note received Berlin 20; German Government gives way May 4.

24–30. Sinn Fein rebellion in Ireland.

May 9. Sykes-Picot secret agreement arranging for a French zone in Syria, a British zone in Mesopotamia, and an international zone in Palestine.

14–June 9. Austro-Hungarian offensive on Asiago plateau.

25. British Conscription Act becomes law.

31–June 1. Battle of Jutland.

June 7. Grand Sherif of Mecca throws off allegiance to Turkey; recognized as King of the Hejaz by Great Britain, Dec. 16.

14–16, 21. Economic Conference at Paris, Resolutions.

July 1. Somme offensive begins.

8. Great Britain finally abandons Declaration of London.

June–Aug. Brussiloff's offensive from Pripet to Bukovina.

Aug. 17. Secret treaty with Rumania signed by Italy, France, Great Britain, and Russia.

27. Rumania declares war on Austria-Hungary.
Italy declares war on Germany as from 28th.

28. Germany, Austria-Hungary (30), Turkey (Sept. 1) declare war on Rumania.

28–9. Fall of Falkenhayn, Hindenburg becomes Chief of Staff with Ludendorff as Ober-Quartier-Meister.

Oct.–Nov. 18. Great British offensive on Somme.

Oct. 22–3. Mackensen captures Constanza from Rumanians.

Nov. 1. French recover Fort Vaux at Verdun.

5. Central Powers proclaim independence of Poland.

7. Woodrow Wilson re-elected President of U.S.A.

15. Allied Conference at Chantilly to determine campaign of 1917; Tsar issues statement on Poland.

21. Death of Francis Joseph, accession of Emperor Charles.

1916.

Dec. 5. Resignation of Mr. Asquith and formation of Mr. Lloyd George's Government.

6. The Germans capture Bucharest.

12. The German Peace Note addressed to U.S.A. and the Pope.

18. President Wilson's Peace Note communicated to the belligerents on Dec. 20.

23. Count Czernin becomes Austro-Hungarian Foreign Minister *vice* Baron Burian.

28. French Socialist National Congress condemns German peace proposals by small majority.

30. Allied reply to the German Peace Note; German answer to Wilson, Dec. 26.

1917.

Jan. 9. Secret German decision to apply unrestricted submarine warfare.

10. Reply of the Allied Governments to President Wilson's Note, stating their war-aims. Belgians reply separately.

11. German and Austro-Hungarian notes to Neutrals.

16. Balfour's dispatch to Washington commenting on Allied note of Dec. 30, 1916.

22. President Wilson comments on the Peace Note to the Senate.

31. The Germans announce unrestricted submarine warfare.

Jan.–Feb. Japanese secret agreements with Entente Powers *re* Shantung.

Feb. 3. The United States breaks off diplomatic relations with Germany.

14. Russo-French secret exchange of views *re* Left Bank of Rhine; Saar Valley, and Poland.

25. German retreat in the West.

Mar. 12. The First Russian Revolution. (From this date to June there was practically a cessation of fighting on the Eastern front.) Ministry formed by Prince Lvoff.

14. French Ministerial crisis, resignation of Gen. Lyautey and (17) of Briand; Ribot forms new Ministry (19), Painlevé Minister of War.

30. Russian Revolutionary Government acknowledges independence of Poland.

31. The Emperor Charles's letter about Alsace-Lorraine communicated to M. Poincaré.

Apr. 6. The United States declare war on Germany. Proclamation signed by President on 6th. Resolution before Senate on 4th, before House of Representatives on 5th.

7. Cuba declares war and Panama (8) associates itself with U.S.A. against Germany.

9. The Franco-British offensive begins in the West.

10. Repudiation of imperialism and consequently of desire for Constantinople by the Russian Government.

11. Brazil and (13) Bolivia and (27) Guatemala sever diplomatic relations with Germany; Argentine (11) benevolent neutrality.

1917.

Apr. 12. Czernin's note recommends peace to the Emperor Charles.
13. U.S.A. severs diplomatic relations with Turkey.
May 12. The Soviets invite an International Labour Congress to meet at Stockholm.
14. Italian offensive from Tolmino to the Sea.
15. Bethmann-Hollweg outlines his war-aims to the Reichstag.
17. Honduras and (19) Nicaragua and (8) Liberia sever diplomatic relations with Germany.
30. The Russian Soviets appeal for a restatement of the war-aims of the Allies.
Austrian Reichsrath meets for first time since war began.
June 1. Ribot refuses passports for French delegates to the proposed congress at Stockholm.
2. Brazil revokes her neutrality as between Germany and U.S.A.
3. Albanian independence, under Italian protection, proclaimed.
7. Battle for the Messines Ridge. New Russian offensive fails.
11. Abdication of King Constantine in favour of his second son Alexander.
June 12–July 16. Meetings of Imperial War Conference in London.
15. Haiti severs diplomatic relations with Germany.
17. Resolutions of new Paris Economic Conference.
27. Hindenburg's letter to the Kaiser on the decline of German *moral.*
30. Greece severs diplomatic relations with Germany and Austria-Hungary.
July 1. Brussiloff's abortive offensive across the Dniester.
6. Erzberger's revelations in the Reichstag about the failure of the U-boat campaign.
11. Kaiser signs Rescript promising universal direct and secret suffrage in Prussia after the war, issued 12th.
13–14. Resignation of Bethmann-Hollweg. Michaelis Chancellor.
19. The Reichstag resolution, Peace with 'no annexations or indemnities' adopted by 214 to 116.
22. Siam declares state of war with Germany and Austria-Hungary.
31. Third Battle of Ypres.
Stockholm Conference. Bolsheviks send representatives.
Aug. 1. The Pope's Note to the belligerents, published on 15th.
6. Kerensky, Russian Prime Minister.
7. Major Armand (French Agent) and Count Revertera (Austrian agent) meet in Switzerland; Liberia declares war on Germany.
11. Mr. Henderson resigns from British War Cabinet.
14. China declares war on Germany and Austria-Hungary.
15. New British offensive.
The alleged German offer to M. Briand through the mediation of Baron Lanken.
17. Secret letter of Michaelis to Count Czernin proves that he has not really accepted the Reichstag Resolution.
27. President Wilson rejects Peace overtures of the Pope.

1917.

Sept. 1–3. Fall of Riga.

7–13. Ribot resigns and (13) Painlevé becomes Premier, with Ribot as Foreign Secretary.

10–13. The Korniloff episode in Russia.

11. Ludendorff opposes the 'Peace Resolution' at a Crown Council.

15. Russia is declared a Republic.

19. German reply to the Pope's Peace Note drafted by 'Free Committee' of Reichstag, (20) Austro-Hungarian reply, (26) Bulgarian, and (30) Turkish reply.

23. Costa Rica breaks off relations with Germany.

Oct. 6. Peru and (7) Uruguay sever relations with Germany.

9. Kühlmann says 'Germany will *never* give back Alsace-Lorraine'.

18. U.S.A. to utilize Dutch shipping in American harbours.

20. Peace terms suggested by the Russian Soviet.

24. Italian defeat at Caporetto.

26. Brazil declares war on Germany.

28. Fall of Michaelis, (31) Count Hertling Chancellor.

Nov. 7. Second or Bolshevist Revolution in Russia, fall of Kerensky.

7–9. Allied Conference at Rapallo decides on Supreme War-Council, announced by Lloyd George at Paris, Nov. 12.

13. Brazilian reply to Pope's Peace Note.

17. Clemenceau takes office in France, Painlevé resigned 13th.

20. Clemenceau speaks on the War and on League of Nations. British attack at Cambrai.

22. Trotsky's invitation to a general peace; publication of Entente secret treaties begins.

28. Lenin proposes a general armistice on all fronts. Lord Lansdowne's first letter.

Dec. 1. First meeting of Inter-Allied Council at Versailles; present, Clemenceau, Gen. Foch (*France*), Lloyd George, Generals Robertson and Wilson (*Great Britain*), Col. House and Gen. Bliss (*U.S.A.*), Orlando and Gen. Cadorna (*Italy*).

3. Negotiations for Armistice on the Eastern front.

4. President Wilson recommends a declaration of War on Austria-Hungary, (7) United States declares war.

9. Jerusalem surrenders to Sir E. Allenby. Ecuador severs diplomatic relations with Germany. Rumania signs truce and (12) armistice with Bolsheviks.

12. Cuba declares war on Austria-Hungary.

15. Armistice signed between Central Powers and Bolsheviks for 28 days as from Dec. 17. Chile declares neutrality between Brazil and Germany.

19. French Government recognizes the Czecho-Slovak forces in France as 'an autonomous army'.

22. Brest-Litovsk negotiations begin and extend into February, Trotsky invites the Allied Governments to the negotiations.

24. Belgian reply to Pope's Peace Note.

1918.

Jan. 1. Ludendorff's Manual on the 'Offensive' issued to German Army; General Smuts reported in Switzerland.

5. Mr. Lloyd George's speech at Trade Union Conference restating Allied terms.

8. President Wilson's Address to Congress, 'The Fourteen Points'.

16–17. Strikes in Vienna.

24. Counts Hertling and Czernin reply to Lloyd George and Wilson.

28–31. Strikes in Berlin, Hamburg, Munich, and other towns.

Feb. 2. Meeting of French and Austro-Hungarian agents in Switzerland, broken off end of February.

4. Statement of the Allied War Council at Versailles breaks off the discussion of peace terms.

9. Separate peace signed between the Central Powers and the Ukrainian Rada.

10. Trotsky refuses to sign the German treaty.

11. President Wilson's Address to Congress, 'The Four Principles'.

12. Bolsheviks capture Kieff.

18. Germans declare armistice ended and recommence hostilities against Russians.

20. International Labour Conference at London.
Ukrainian Treaty approved by all parties in Reichstag, except Poles and Minority Socialists.

24. Peoples Commissaries decide to accept German peace terms.

Mar. 3. Peace of Brest-Litovsk signed between Bolshevists and Central Powers; ratified by fourth Congress of Soviets, Mar. 16.

5. Lord Lansdowne's second letter.

7. German Treaty with Finland signed.

14–16. Brest-Litovsk Treaty discussed and ratified by Fourth Congress of Soviets at Moscow.

15. Clemenceau attacks French Socialists in Chamber.

21. German offensive launched, Bapaume, Peronne, Nesle captured by 25th; Associated Powers requisition Dutch ships by 'right of angeery'.

26. Supreme Command instituted: Marshal Foch publicly announced as Allied Generalissimo, Apr. 16.

Apr. 6. President Wilson's address at Baltimore.

8–10. Congress of oppressed nationalities of Austria-Hungary at Rome.

15. Count Czernin resigns as Austro-Hungarian Minister, after controversy with Clemenceau, succeeded by Baron Burian.

May 7. Treaty of Bucharest signed between Rumania and the Central Powers.

17. Gen. Smuts at Glasgow: 'We will not have a peace secured merely by the unaided efforts of armies in this war.'

27. German offensive on Chemin des Dames.

June 15. Austrian offensive from Asiago and across the Piave.

1918.

June 24. Kühlmann's speech in Reichstag, 'an absolute end can hardly be expected through military decisions alone'.

28. United States announce their intention that 'all branches of the Slav race should be completely freed from German and Austrian rule'.

July 4. President Wilson's speech at the tomb of Washington, 'The Four Objects'.

11–12. Count Hertling's speeches, 'Belgium is a pawn for future negotiations.'

18. Foch's counter-offensive launched.

31. Lord Lansdowne's third letter.

Aug. 8. Haig's attack, Morlancourt and Moreuil, 'The black day of the German Army'.

13–15. German-Austrian secret peace conference at Spa.

27. Supplementary Treaties of Brest-Litovsk signed.

Sept. 2. British storm Wotan line.

3. President Wilson recognizes Czecho-Slovak National Council as a belligerent Government.

10. Hindenburg recommends peace to the Austrian Emperor.

12. Americans wipe out St. Mihiel salient.
Kaiser's speech to Krupp's workmen.

15. Austro-Hungarian Peace Note to Wilson.
Allied victorious offensive at Salonica.

16. President Wilson's reply to Austrian Peace Note.

19. Allenby's victories in Palestine.

27. President Wilson's speech, 'The Five Particulars'.

28. King Albert with British-Belgian forces attacks between Ypres and Dixmude.

29. German Government decides to request peace from Wilson.
Surrender of Bulgaria; Bulgarian Armistice signed.

30. Resignation of Count Hertling, accepted Oct. 1.
'Siegfried' line stormed by British.
Capture of Damascus by Allenby.

Oct. 1. Ludendorff asks German Government to send peace note at once; negotiations with Prince Max of Baden begin.

3. Prince Max of Baden German Chancellor.

4. Americans resume offensive in Argonne.
Austro-Hungarian Peace Note to Wilson transmitted via Swedish Minister, received Washington Oct. 7.
First German Peace Note to Wilson, transmitted via Switzerland Oct. 5, received Washington Oct. 6.
Abdication of Ferdinand King of Bulgaria.

5. Prince Max of Baden announces Peace Note in Reichstag.

8. Wilson's reply to First German Note.

9. 'Hindenburg' line broken. Canadians enter Cambrai.

12. Second German Peace Note.

14. Wilson's reply to Second German Peace Note.
Hindenburg and Ludendorff's circular to the army.

18. Wilson's reply to Austro-Hungarian Note.

20. Third German Peace Note.

1918.

Oct. 22. Reichstag meets.

23. Wilson's reply to Third German Note.

27. Ludendorff dismissed. Austro-Hungarian line broken on the Piave by Italians and army under Lord Cavan. Austro-Hungarian Government accepts Wilson's conditions for Czecho-Slovak and Jugo-Slav independence, and asks for pourparlers.

28. German fleet refuses to leave harbour at Kiel.

30. Turkey surrenders and signs Armistice.

31. Austro-Hungarian Commander-in-Chief asks Italy for an Armistice.

Kaiser leaves Berlin for G.H.Q.

Nov. 1. Emperor Charles leaves Vienna.

Revolution in Austria, assassination of Tisza at Budapest.

General offensive on Western front renewed.

3. Austria-Hungary signs Armistice with Italy.

Kaiser's letter to Prince Max of Baden accepting constitutional reform.

5. President Wilson's final reply to German Government embodying the terms of the Allied and Associated Powers.

Further naval mutinies at Kiel.

6. German Government applies to Foch for terms of Armistice.

Joffe leaves Berlin.

7. German Armistice Commission leaves Spa for Allied lines.

Revolution in Bavaria.

9. Revolution in Berlin, Abdication of Kaiser, his flight to Holland. Flight of King of Bavaria. Republic proclaimed Dec. 9.

Rumania re-enters the war.

11. Germany signs Armistice; Americans reach Sedan.

12. Allied fleet passed through Dardanelles.

Fusion of two Socialist Parties in Germany and Coalition Government formed.

Abdication of Charles as Emperor, but not as King of Hungary.

13. Allied fleet anchored off Constantinople.

Military Convention with Hungary signed by French and Serb representatives.

14. Surrender under Armistice of German East-African Force.

Decision of British Labour Party to end political truce and withdraw from Government.

15. Reichstag ended. Prussian Diet dissolved and Upper House abolished.

Professor Masaryk elected President of Czecho-Slovak Republic.

16. New Brazilian Government formed.

17. Hungarian Republic proclaimed.

Movement of Allied troops towards the Rhine.

Baku occupied by British and Russian troops.

Posen occupied by Polish troops.

1918.

Nov. 18. Coup d'état in Siberia ; Admiral Koltchak, Dictator.
Brussels occupied by Belgian troops.

19. Metz entered by French troops.
Fiume occupied by Italians and evacuated by Serbs.
Formal entry of King and Queen of Belgium into Antwerp.
Executive Committee of Soviet Councils meets in Germany.

20. Surrender of twenty German U-boats.

21. Surrender of German Navy.
Namur occupied by British.
Constantinople occupied by Allied troops.

22. Formal entry of King and Queen of Belgium into Brussels.
Street fighting in Berlin.

24. Arrival through Luxemburg of British and American Armies at German Frontier.

25. Formal entry into Strasbourg of French under Marshal Foch.
Black Sea visited by Allied warships.

Dec. 1. The British Army crossed the German Frontier.

4. President Wilson sailed for France in the *George Washington.*

6. Spartacist risings in Berlin and Munich.

11. Count Czernin publicly denounces the Germans for having prolonged the war.

12. The occupation of the Cologne bridgehead begun.

13. President Wilson landed in France.

14. The President of the Portuguese Republic, Senhor Sidonio Paes, was assassinated at Lisbon.
The armistice was renewed for one month to Jan. 17, 1919.

16. Meeting of General Congress of German Councils fixes elections for Jan. 19.

19. Sir Douglas Haig and British Army Commanders returned to England.

20. The Conference of Workers' and Soldiers' Delegates at Berlin passed a resolution in favour of the socialization of industries.

22. Professor Masaryk, President of the Czecho-Slovak Republic, took the oath of loyalty to the Republic at Prague.

23. Further street fighting in Berlin.

26. President Wilson arrived in London from France.

27. State banquet to President Wilson in London.

28. The results of the General Election in Great Britain give a majority of 262 to the Coalition.

29. Clemenceau and Pichon speak in the French Parliament on the prospects of peace.

THE PEACE CONFERENCE[1]

Date published in 'Times'.	*Date.*	
	1918.	
	Dec. 31.	President Wilson leaves for Paris and Rome; returned to Paris Jan. 7.
		Preliminary discussions in France and Great Britain.
1919.	1919.	
	Jan. 4.	Arrival of Sir E. Crowe and other British Foreign Office representatives.
	6.	It is believed by strict attention to business, &c., main programme will be disposed of in four or five weeks, leaving rest to special commissions.
	7.	Arrival of Lord Robert Cecil.
	8.	Arrival of Lord Hardinge.
	9.	Advantages of delay in giving time for ideas to crystallize, especially on League of Nations, establishment of Economic Council 'Inter-Allied Food Machine'.
		Orlando arrives for two days, Sonnino for good.
	10.	French representatives only include one lifelong diplomatist, i. e. Dutasta.
		Article in *Temps* says French Government gives pride of place to League of Nations.
	11.	Lloyd George leaves for Paris, together with Prime Ministers of Colonies, &c., and C.I.G.S.
Jan. 13.	11.	Documents published in *Humanité*. Discussion between England and France as to representation of Russia. French reply, December 5, rejects British idea of an invitation to all Russian parties, including Bolsheviks.
	12.	First meeting, 2.30, Quai d'Orsay, Wilson, Clemenceau, Orlando, Lloyd George, and Balfour. Independence of Poland and Czecho-Slovakia recognized.
		Meeting of Inter-Allied Committee to be called 'Supreme Council of Supply and Relief'.
	13.	First meeting of British Empire Delegation (B.E.D.).
		Second meeting of Supreme War Council (S.W.C.) settled terms of Armistice and discussions as to procedure.
		Status of Armenia and Rumania.

[1] The chronological summary from Dec. 31, 1918, to Jan. 31, 1919, is based on *The Times* newspaper, and contains summaries of their communiqués, reports, &c., and on other press organs, which are valuable as illustrating contemporary opinion. In a number of cases, however, the dates of events are drawn from other sources.

'Times'. 1919.	*Date.* 1919.	
	Jan. 13.	Medina capitulates to the King of the Hejaz.
Jan. 15.	14.	Scheme of Berthelot for business of the Conference.
16.	15.	Joint official communiqués to be issued. Adoption of panel system.
16.		Attack on secrecy of Conference. Protests of British and American Press. French newspapers appear with censorship blanks. Paderewski Premier of Poland. Murder of Liebknecht, Rosa Luxemburg, and other Spartacists in Berlin.
	12 to 18.	Resignation of Nitti. Orlando has to form a new Cabinet.
	16.	Armistice Convention renewed till Feb. 17.
18.	17.	Difficulties of publicity. Official statement as to its impossibility. Baron Hakino arrives in Liverpool.
	18.	*First meeting of Conference* (*Plenary Session*).
21.	19.	Orlando at last organizes Italian representation. German Assembly Elections give 163 Social Democrats, 92 Centrum, 75 Democrats, 91 others.
	20.	Ruthenians recognize supreme authority of Ukraine Rada.
	21.	Arrival of M. Ador, President of Swiss Republic.
23.	22.	Decision to send a mission to Poland of two delegates from each Great Power. Prinkipo offer announced. Results of German elections announced. Protests against waste of time at Conference.
	23.	Meeting of British Empire Delegation (B.E.D.).
24.	23.	Further protests of *Times* at experts not being consulted. 'They wait without the closed doors with nothing to do.'
25.	24.	Supreme War Council (S.W.C.) meeting. Loucheur Commission set up. Warning to all nations against trying to anticipate decision of Conference by seizing territory. *Times* records impatience and discontent of Small Powers at being outside the Conference.
27.	25.	*Second Plenary Session.* Protests of Small Nations begun by M. Hymans for Belgium, and including Sir Robert Borden. Clemenceau answers, and Small Powers yield. Small numbers necessary for committees. Appointment of League of Nations (L. of N.) Commission, two for each Great Power, five for all Small Powers. International Ports, Waterways, and Railways Commission appointed, 9 small powers represented; and International Labour Commission appointed.

'Times'. 1919.	*Date.* 1919.	
	Jan. 27.	Representatives of Powers with special interests choose their delegates under presidency of Jules Cambon.
		Meeting of B.E.D.
		Ador, Swiss President, leaves after seeing principal statesmen, and pointing out interests of neutrals in the League.
Jan. 29.	28.	British Government invited Labour leaders to confer with Mr. Barnes. Berne meeting put off.
	28	Polish Nationalists seize Posen.
29.	24	F. H. Simonds's first article, 'Great Powers nearer together'. Conservative, but not reactionary.
		Mystery of President Wilson.
	31	Allied and Associated Powers send mission to Teschen.
Feb. 3.	Feb. 1	F. H. Simonds's article, 'Necessary for America to remain in Europe'.
	3	First meeting of Committee of L. of N., and other committees.
		Signature of Teschen agreement.
6.	5	Confusion in League of Nations Committee of official and semi-official delegates and schemes.
7.		Complaints of *Times* as to secrecy.
	7	Meeting of B.E.D.
10.	8	Meeting of B.E.D.
		S.W.C. appoint Supreme Economic Council (S.E.C.).
		Question of German threats and renewal of Armistice.
		Lloyd George returns to London.
13.	11.	Ebert President of Germany.
14.	13.	Decision to have an Armistice which will be a 'Preliminary Peace', announced and approved in *Times*. Germany to be disarmed.
15.	14.	*Third Plenary Conference* discusses draft Report of League of Nations. Text published. Emir Feisul asks about Secret Treaty of 1916.
		President Wilson leaves Paris, lands at Boston, Feb. 24.
		S.W.C. first raises Russian question.
17.	14.	President Wilson told American journalists League had made 'Freedom of Seas' unnecessary, because there would be no neutrals.
	16.	Renewal of Armistice signed after protest.
19.		*Times* gives terms of Foch's report.
20.	19.	Appeal by Yugo-Slavs to President Wilson to arbitrate on Fiume question.

'Times'. 1919.	*Date.* 1919.	
	Feb. 19	Attempt to assassinate M. Clemenceau.
Feb. 21.		Question of strategical frontier on Rhine raised.
22.	21	Decision to recognize the Polish Government.
	21	Kurt Eisner, Bavarian Premier, assassinated.
24.	23	(Sunday.) Commissions to report not later than March 8. 'Preliminary Peace' idea.
25.	24	'Peace through Armistice.' 'The armistice was found capable of containing all the elements of a preliminary peace.' Did not contemplate Eastern frontiers to be included.
		Question of demilitarizing left bank of Rhine raised.
	25.	Franklin-Bouillon attacks Clemenceau in Chamber.
	27.	Central Commission on Territorial Questions appointed.
Mar. 6.	Mar. 5.	Situation in Germany a spur to Allies.
		Peace at beginning of April reported as probability.
		President Wilson sails for France.
7.		Lloyd George returns to Paris.
7.	6.	'This afternoon's meeting perhaps most important since armistice.'
8.	7.	Deadlock at Spa over handing over ships.
		Lloyd George's criticisms on Peace Terms.
11.	8	General Plumer's telegram as to the necessity of feeding Germany.
14.	13.	Armistice discussions resumed at Brussels.
	14.	President Wilson arrives in Paris.
	16.	New armistice agreed. *Food to be sent to Germany.*
17.		*Times* strongly against League of Nations in Preliminary Treaty.
18.	17	First meeting of S.E.C.
		Letter dated 17th from Wilson, Clemenceau, and Orlando asking Lloyd George to stay in Paris.
		Idea that League should be in the Peace getting accepted.
19.	18	Lord Robert Cecil issues a statement that inclusion of League in Peace Treaty would not delay Treaty, and was essential to it because of number of things in Treaty which referred to the League.
19.		Montagu made chairman of Financial Commission on March 13.
21.	19 and 20.	*Times* gives exact details of military and naval terms.
	19.	S.W.C. orders both Ruthenes and Poles to cease hostilities. N.B.—Ruthenes accept and Poles refuse.
	20.	Lloyd George stated to be necessary in Paris.
21.	20.	French Press, backed by *Times*, getting impatient.

'Times'. 1919.	*Date.* 1919.	
		Council of Ten rejects Polish Commission report on Danzig point.
		Informal conversations with General Allenby. Allenby leaves.
		League of Nations consults Neutrals.
		Colonel House says it is not Preliminary Peace, but *the* Peace.
Mar. 22.	Mar. 21.	Allenby made Special High Commissioner for Egypt.
		Uncertainty at Paris as to form of the Peace.
	21.	Outbreak of Béla Kun's Communist revolution at Budapest.
23.	21.	Reuter message says Italians will withdraw from Conference, if not given Fiume.
23.	22.	Polish Commission reports back to Council of Ten its original proposals.
24.	23.	Attack on Lloyd George's attitude towards Poland.
		Mission to Syria announced. Attacks of 'Pertinax' in *Echo de Paris.*
		Plan for Fiume reported to be discussed.
25.	24.	(Sunday.) 'Probably no Council of Ten this week.' 'Informal discussions' between Chief Delegates.
		Attacks in French Press on 'dilly-dallying'.
		Special meeting of four Chiefs and Foch (S.W.C.) to consider Hungary.
		French newspaper criticism of Syrian Mission (*Temps*).
		Memorandum signed by one hundred members asking Bonar Law for right to discuss Germany's liability and capacity to pay.
26.	25.	Decision to make 'Council of Four' announced. *Times* approves, but attacks Lloyd George for protesting about attacks on him in Polish question, and demands greater publicity.
27.	25.	Franklin-Bouillon attacked Clemenceau in Chamber on Rhine, reparation, and publicity, and also Great Britain on Syria.
28.	27.	Council of Four work with themselves and Mantoux; Secretaries in ante-room. Supposed to have finished first draft of Treaty.
		Delegates at Paris now include Armenians, Letts, Albanians, Kurds, Esthonians, Irish, Lebanese, and Ukrainians, also two Poles from Drawa and Spiebs.
29.	28.	Meeting of Council of Foreign Ministers announced (The Five).
		Council of Four working in complete secrecy.
		French Memorandum on Saar Valley of 27th March discussed by 'Big Four' (*L'Illustration,* 29th May and 12th June, 1920).

'Times'. 1919.	*Date.* 1919.	
		Germans refuse to allow General Haller's Polish troops to pass through Danzig; negotiations at Spa.
Mar. 31.	Mar. 30.	(Sunday.) 'Peace Conference's gravest hour'; discusses problems on which 'compromise impossible'. France's demands for the Rhine. French ownership of Saar Valley coal accepted by Wilson.[1]
Apr. 2.	Apr. 1.	Demilitarization of left bank of Rhine said to be decided by Council of Four, also exploitation of Saar mines.
		Lord Robert Cecil interviews Paris Committee of Berne Socialist Conference at Hotel Astoria.
3.	2.	*Times* says Council contemplate a deal with Bolshevism in Russia.
		General Smuts to go to Hungary.
4.	3.	King Albert has long conversations with Chief Plenipotentiaries; returned to Belgium on 5th.
		Left bank of Rhine question referred to Tardieu, Haskins, Headlam-Morley.
		Inter-Allied Commission set up to arrange Armistice between Ruthenes and Poles.
5.	4.	Council of Four hear Orlando and Trumbitch on Fiume on the 3rd. Orlando not present when latter heard.
		Times supports French and attacks Lloyd George.
		President Wilson indisposed and confined to bed. Meeting in room next door.
		Circular note sent to Commissions, asking for their reports to be ready by April 7.
	5.	Bavaria established a Soviet for three weeks in imitation of Béla Kun.
7.	6.	Haller's troops to pass through Germany, but, if possible, not via Danzig.
		Lloyd George giving interviews to French Press, and asking for a little more time.
		Times on Lloyd George, 'thinking of his position at home all the time'.
		Paderewski, the Polish Prime Minister, arrived in Paris with Noulens and Sir E. Howard.
		President Wilson's health improved.
		Financial Committee announces its report is ready.
		Failure of Smuts's Mission at Budapest.
		R. S. Baker accuses Clemenceau in Press of annexationist views.
8.	7.	Lloyd George indisposed and confined to bed.

[1] According to M. Tardieu, *L'Illustration* (29th May and 12th June, 1920). He also states that on the 31st March Clemenceau instructed him to protest to the other Allies that the French guarantees were insufficient as not including the Rhine frontier, the French ownership of the Saar mines, prohibition of union of Austria and Germany, and 'réparation intégrale'.

'Times'. 1919.	*Date.* 1919.	
Apr. 8	Apr. 7.	Reparation Committee announces it has accepted report on categories of damage.
9	8.	Rumour that President Wilson's ship, *George Washington*, is ordered to Brest. Taken as 'a hint' in Paris. *Note.*—Date also given as 7th.
		Council of Four discussing reparation.
		M.P.s' telegram to Prime Minister asking for Germany to pay. Over 200 signatures; more to follow (370 in all).
10.	9.	Prime Minister replies he will keep to his pledges.
		Telegram from Commons, protesting against agreement with Bolshevism.
		Reparation Committee accept report on Germany's capacity to pay.
		Decision to place Saar Valley under League of Nations.[1]
11.	10.	Protest against non-publicity of terms.
12.	11.	Government reverse at Central Hull announced.
12.	10.	League of Nations decide on Geneva as a capital. Monroe Doctrine reservation decided on.
12.	11.	*Fourth Plenary Conference* discusses International Labour Convention.
14.	13.	Forecast of Peace Terms in *Times*.
14.		Clemenceau says reparation settled.
14.	12.	Council of Four discuss Syria, and abandon idea of sending out a Commission.
	14.	Lloyd George returns to London.
15.	14.	Official Communiqué. Germans invited on April 25. Other questions to be considered. Preference to be given to Adriatic questions, but Treaty with Germany to be signed first, though it is realized all questions are part of a single whole.
16.	15.	Irish Delegates to see Colonel House.
17.	16.	Lloyd George's speech in the House. Denies approaching Bolsheviks. 'Rather see Russia Bolshevik than Britain bankrupt.' 'Rather have a good peace than a good press.' Says publicity is impossible. Attacks *Times* and Northcliffe Press.
		Pichon says in Chamber of Deputies peace will not be published when given to Germany.
		President Wilson talks with Orlando on Adriatic question.
		Balts at Libau—with connivance of Germans—overthrow Lettish Government.
	17.	Lloyd George returns to Paris.
19.	18.	Foch's interview with G. Ward Price. 'The Rhine the only safety.' War not over.

[1] According to Tardieu, *L'Illustration* (29th May and 12th June, 1920).

Times 1919.	*Date.* 1919.	
		Times synopsis of the French Yellow Book.
		Seventeen main Committees split up into thirty sub-Committees.
Apr. 20.	Apr. 17.	Beginning of transport of Haller's Polish Army to Poland through Germany from France.
21.	20.	Germans say they will only send two secretaries to receive document, as discussion will not be allowed. Allies refuse, and say Germany must appoint Plenipotentiaries. Foch, C.I.G.S., and Gen. Bliss prepare plans to enforce peace on Germany if they refuse to sign.
		Constantinople and Fiume being discussed.
		Reparation Committee adopted report of its third sub-Committee under Lord Cunliffe, on enemy's capacity to pay.
22.	20.	Collapse of Soviet Government at Munich.
22.	21.	Germans agree to send six Delegates.
22.	21.	Wilson withdraws from Adriatic discussions.
		Crisis on Fiume. Idea of Alliance between England, U.S.A., and France mooted in *Times*.
		Saar Valley terms outlined.
		Supreme Council approves establishment of German Commission near Paris to deal with S.E.C.
	22.	Deadlock over Adriatic continues.
		U.S.A. representative at Cairo communicated Note recognizing British Protectorate over Egypt.
23.		Sir S. McMahon and Commander Hogarth announced as British members of Syrian Commission.
24.	23.	*Wilson publishes a statement re Adriatic.* Italians decide to leave Paris. Lloyd George tries to mediate.
		S.W.C.'s Note to Germany *re* von der Goltz's activities in Baltic.
25.	24.	Orlando with Barzillai, Diaz, Salvago-Raggi, left Paris to consult his colleagues and Parliament. Meeting of the Four at Lloyd George's before his departure. Open rupture avoided. Stated that Wilson's statement was known to Italians ten days before.
		French Press supports Italians mostly (not Gauvain).
		S.E.C. withdraws black lists.
26.	25.	Sonnino refuses to attend Council of Four, and Italian representatives refuse to take part in Peace Treaty.
28.	26.	(Saturday.) Report of Responsibilities Commission that Kaiser is not to be tried.

'Times'. 1919.	*Date.* 1919.	
Apr. 29.	Apr. 28.	*Fifth Plenary Session.* Revised Covenant of League of Nations adopted, and International Labour Convention.
		Sir Eric Drummond to be Secretary.
		Japanese amendments all withdrawn.
		South American Delegates speak at length; cause restlessness. Labour points also passed.
		Full text of Covenant printed in Press.
		S.E.C. abolishes licences for export of food to Germany from neutrals.
30.	29.	Arrival of First German Delegates.
		Special appeal of Belgian Prime Minister, M. Delacroix, to Council of Three.
30.	29.	Orlando's speech in Chamber. Hints of his negotiation with President Wilson. Discussed from April 14 to 23, when Orlando said would discuss with his Allies. Then 'bombshell of Manifesto' necessitated his return to Italy.
May 1.	30.	Arrival of Count Brockdorff-Rantzau.
		Japanese claim to Shantung conceded.
1.		Wilson's Fiume document of April 14 published.
2.	May 1.	Credentials exchanged with Germans. Delay in handing over Peace Terms.
		Munich recaptured from Reds.
5.	4.	Unsettled points in the Treaty—Egypt.
6.	5.	Italians return to sign Treaty; leave for Paris.
		Belgians decide to sign.
7.		Summary of Peace Terms published in *Times.* (A good forecast.)
7.	6.	*Sixth Plenary Session* approves German Treaty. Press excluded. No final vote. Foch protests.
		Announcement of British recognition of independence of Finland.
8.	7.	Peace Treaty presented to Germans at Trianon Palace Hotel.
		Announcement of Three Powers Treaty.
		Announcement of Disposition of Mandates to German Colonies. Belgian protest as to East African Mandate.
9.		Afghan inroad into India officially announced.
		Sonnino in *Times* on 'An Anglo-Saxon Settlement'.
10.	9.	Orlando attended Council of Four to discuss military terms for Austria-Hungary.
12.	10.	First German Notes, *re* discussion of League of Nations.
12.	11.	Further Notes, *re* Prisoners of War (P. of W.), Labour.
13.	12.	Stated that ratification clause (three ratifications

'Times'. 1919.	*Date.* 1919.	
		of Principal, Allied and Associated Powers sufficient) inserted at eleventh hour in the Treaty because of Italy.
May 14.	May 12.	Two German Delegates return to Germany to consult Government. Austrian Treaty stated to be ready.
15.	14.	Arrival of Austrians at St. Germain under Dr. Renner. Foch leaves for the Rhine.
		Plan for renewal of Blockade approved by S.E.C.
		Three Notes from Brockdorff-Rantzau.
16.	14.	Appointment of Baltic Commission.
	15–17.	Lloyd George's visit to the Rhine armies.
	18.	Adriatic deadlock continues.
20.	19.	Revision of 1839 Treaty discussed.
		Brockdorff-Rantzau returns to Spa.
21.	19.	Foch returns from Rhine.
21.		Poles defying Allies in the Ukraine.
		Further Notes from Germany and replies every day.
	20.	Brockdorff-Rantzau asks for extension, which is granted till May 29.
22.	21.	Orlando leaves Paris for Italy.
23.		'Rhine Armies ready.'
23.		Notes dated 10th and replies 20th, *re* Prisoners of War, published.
		Independents in Berlin demonstrate in favour of signing P.T.
	22.	Germans leave for Spa to consult their Government, last Conference May 23.
24.		Allied strong reply to German Economic Note.
26.	24.	Note admitting German protest *re* Saar Valley payment in gold.
26.		Stated that Austrian Note is to be handed to Austria on the 28th.
	25.	Austrian protest at delay.
27.	26.	Question of Recognition of Koltchak.
		Chinese protest.
	27.	Summary of Polish Minority Treaty.
		Ultimatum to Poland.
29.		German counter-proposals announced in a telegram from Berlin dated the 27th.
30.	29.	Incomplete Austrian Treaty presented to a Seventh Plenary Sitting.
		German counter-proposals reach Council of Four.
		Reported agreement between Wilson and Orlando *re* Adriatic.
31.	30.	German counter-proposals comprise 443 pages. Germans publish full Treaty, including copies in English.

'*Times*'. 1919.	*Date.* 1919.	
		Reuter states Greeks have occupied Aidin.
June 2.	May 31.	*Times* review of incomplete Austrian terms.
3.	June 2.	Official Summary of Austrian Terms. (Military, Reparation, and Financial clauses reserved.)
	2.	Terms presented to Austria.
	2.	Announcements that Kingdom of Serbs, Croats, and Slovenes had been recognized by Great Britain, and also by France (already recognized by U.S.A.).
5.	4.	Lloyd George reported to be in favour of modifications of German Treaty, while Clemenceau and Wilson opposed.
	3 and 4.	Brockdorff-Rantzau visits Cardinal Hartmann, Archbishop of Cologne.
6.	5.	Lloyd George denies having had communication with R. Macdonald and A. Henderson *re* Peace Terms.
		Attacked by *Times* for 'weakening'.
	5.	(Berlin.) German Government abandoning idea of a plebiscite.
	4.	(Coblenz.) Rhineland Republic question.
7.	5.	Hot debates in U.S.A. Senate on non-publication of Treaty.
7.	6.	Concessions probable in Silesia (plebiscite) on fixed sum.
		New Commission for East German frontiers (Headlam-Morley).
		Turkish Delegates to come to Paris.
7.	6.	Wilson (according to *Matin*) does not think Treaty violates Fourteen Points.
	7.	Turkish Delegates leave for Paris.
9.	8.	German reply to Supreme War Council *re* Baltic affairs.
10.	9.	French Press violent against Concessions.
		Especial fear of German admission into the League.
10.	9.	Text published in United States by newspapers.
		Senate orders Treaty to be published by 47 to 24.
10.	9.	Six of ten Commissions of Reply have sent in reports.
10.	8.	Note from Allies to Béla Kun in Hungary asking him to cease offensive and virtually inviting him to Paris.
11.	9.	(Vienna.) Béla Kun's reply to Allies; accepts invitation, denies offensive.
12.	11.	Treaty Concessions on four points: (1) Fixing of total of reparations; (2) League of Nations admission at earlier date; (3) Plebiscites on Eastern frontier; (4) Occupation.

'Times'. 1919.	*Date.* 1919.	
June 12.	June 10.	(Berlin.) Brockdorff-Rantzau declares to *Neue Freie Presse* he would never sign such a Treaty.
13.	12.	A strong peace probable. Terms finished, but delay owing to new drafting.
14.	13.	Commission for reply. Tardieu, Hudson (U.S.A.), Kerr, Vannutelli-Rey, and Saburi. Peace Treaty to be entirely re-written.[1]
14.	13.	Text of Koltchak correspondence *re* recognition published.
		Supreme Council orders Béla Kun to withdraw within his permanent frontiers.
16.		Official summary of German reply published in Press.
17.	16.	Allied reply presented to Germany by Dutasta. Text of covering letter published, and summary of the changes.
17.	16.	Bonar Law, speaking at Guildhall, says Lloyd George represented view of whole delegation.
18.	16.	Civil Convention with regard to Rhineland handed to Germans with reply. Text published.
18.	17.	French Press agitated by concessions as to Germany's admission to League of Nations.
18.	17.	Turkish representatives heard by Council of Ten.
19.		Full text of Allied reply in *Times*.
19.	17.	Discussions at Weimar. 'German public apathetic.'
20.	18.	President Wilson in Belgium.
20.	18.	(Berlin.) German Press against signing, with few exceptions. German Cabinet divided.
	18.	Foch—instructed by Supreme Council—demands German retreat from Esthonia, and evacuation of Libau and Windau.
21.	20.	Scheidemann Cabinet resigns at 1.10 a.m.
21.	20.	(Italians have rejected Adriatic compromise, and Orlando returned to Paris.) Italian Cabinet resigns, succeeded by Nitti as Prime Minister.
23.	21.	Bauer forms a new Cabinet (Erzberger), which is ready to sign if articles are omitted as to Germany being author of war, and if she is not compelled to deliver up persons under Articles 227–330.
23.	21.	German Fleet founders at Scapa.
23.	22.	Council of Four reply to Germans. No reservations allowed; Brockdorff-Rantzau leaves Versailles.
24.	23.	Germans agree to sign.
		(Germans asked for extension, this request refused.)

[1] Tardieu, *L'Illustration*, 29th May, 1920, says he wrote a strong letter (10th June) to one of the five U.S.A. plenipotentiaries, and on the 18th France gained the day on all points. '*Sur tous les points la France avait gagné de cause.*'

'Times'. 1919.	*Date.* 1919.	
	June 23.	Weimar Assembly passes signature by 237 to 138. South German States stated to be governing factor.
June 26.	25.	Difficulty of finding German delegates to sign.
27.	25.	Reported escape of Crown Prince from Holland.
	25.	Supreme Council authorizes Poles to advance in East Galicia.
27.	25.	Tittoni, Foreign Minister of Italy, to leave for Paris.
28.		*Times* gives full text of Treaty.
28.	27.	Council of Three on Austrian Reparation. Blockade to be raised when Germany ratifies.
30.	28.	Smuts protests against Treaty (issued 29). Turkish delegates sent home. Treaties of Alliance (France, Great Britain, U.S.A.) signed in morning.
30.		*Treaty with Germany signed at Versailles.*[1] Protocol Supplementary to Treaty of Versailles signed. Agreement as to Military occupation of Territories of the Rhine signed between U.S.A., Belgium, Great Britain, France, and Germany. Polish Treaty signed.
July 1.	30.	Lloyd George's first appearance in House of Commons after signing of Peace. Tremendous enthusiasm. Clemenceau tables Peace Treaty and Franco-British and Franco-American Agreements in French Chamber. Council of Five to conduct current business of Peace settlement now Council of Four is broken up. Summary of terms of Treaty between Allies and Poland published.
2.	July 1.	Meeting of Council of Foreign Ministers (the Five). Report that General von der Goltz has established martial law in Riga and proclaimed himself Governor-General. Hungarian troops begin evacuation of Czecho-Slovakia in accordance with Allies' Note. Afghanistan Peace Delegates arrive at Jalalabad.
3.		Lloyd George to make statement on Peace Treaty and Anglo-French Treaty in House.
3.	2.	General Botha leaves Southampton for South Africa.
4.	3.	Lloyd George's speech in presenting Treaty. He announces that Kaiser is to be tried by an Inter-Allied Tribunal sitting in London.

[1] The Chinese Delegates refused to sign.

Times 1919.	*Date.* 1919.	
		Terms of Franco-British and Franco-American Alliance Treaties published.
		M. Bratianu, Rumanian Premier, leaves Paris for Bucharest to resign office.
July 7.	July 6.	Thanksgiving services for Peace held throughout England.
7.		Reported declaration by Hindenburg that he takes responsibility for all acts of German Supreme Army Council since August 29, 1916.
7.		Telegram from Prince Eitel Friedrich of Prussia placing himself and four brothers at disposal of King George in place of his father.
7.		American delegates state that they knew nothing of trial of Kaiser in London until Lloyd George's statement.
8.		Hoped that complete Austrian Peace terms will be handed to Dr. Renner on July 9.
		Telegram from Hindenburg begging that Kaiser may be spared 'ignominious humiliation' of trial, and offering to surrender himself instead.
9.	8.	President Wilson arrives in New York.
10.	8.	Speech by President Wilson in New York, declaring America must live up to expectations other nations had formed of her.
10.		Changes made in Economic Clauses in response to representations by Austrian Delegation.
10.	9.	First reading of Treaty Ratification Bill passed in German National Assembly by 208 votes against 115.
11.	10.	President Wilson lays Treaty of Peace with Germany before Senate. Lays special stress on League of Nations Covenant.
11.	10.	Herr Ebert, German President, ratifies Peace Treaty, and document immediately sent by courier to Versailles.
11.	10.	Unlikely that Austrian Treaty will be handed to Austria before Monday or Tuesday (July 14 or 15).
15.	14.	Victory Fête in Paris.
		Bolshevik military communiqué reports Koltchak decisively defeated in Urals.
16.		Full text of Address by President Wilson to Senate on Peace Treaty published.
17.		Marshal Foch demands £40,000 compensation from Berlin for murder of French soldier, and £4,000 for victim's family.
17.	14.	Ekaterinburg reported occupied by Bolshevist forces.

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July 18.		Smuts's farewell message; pleads for reconciliation between nations, policy of non-intervention in Russia, and consideration of Irish problem.
	July 17.	General Franchet d'Esperey demanded resignation of Hungarian Government, which is reported as still trying to come to terms with Entente.
21.	19.	Victory March in London.
21.	20.	Revised and amended Austrian Treaty handed to Austrian Peace Delegates.
		Widespread labour troubles in U.S.A.
		Béla Kun's offensive against Rumanians.
		Germany protests against fine imposed for murder of French soldier.
23.	22.	Victory Review of Allied troops in Brussels.
24.		General Ironside reports mutiny of Russian troops on Archangel front due partly to realization that British evacuation has begun.
25.		General Ironside reports situation now stabilized, except on Onega front.
25.		Consternation in Vienna at terms of revised Austrian Treaty.
		Report of Baltic Commission of Peace Conference (P.C.) recommends neutralization of Aaland Island under League of Nations.
31.	30.	Marshal Foch receives Baton of Field Marshal in London.
		Race riots in Chicago continue.
		War Office announces new offensive by General Denikin on Kharkoff–Poltava front.
Aug. 1.	31.	General Sir H. Rawlinson appointed to co-ordinate withdrawal of Archangel and Murmansk forces.
1.	31.	U.S. Senate public debate on Peace Treaty.
1.		German White Book issued containing documents relating to German request for Peace in October 1918.
		New German Constitution passed by Assembly by 263 to 75.
1.		Reported capture of Poltava by Denikin's troops.
2.		Summary of remainder of German White Book dealing with last ninety days of war.
4.	Aug. 1.	Fall of Béla Kun at Budapest. Soviet Government succeeded by Socialist Democratic Government under Julius Peidl.
		American Delegates' last attendance on S.E.C.
4.		Supreme Council's decision that General Officer commanding French troops on Rhine shall be Commander-in-Chief of all Allied troops in Army of Occupation.

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Aug. 4		Open letter in *Hamburger Nachrichten* from Prince Henry of Prussia to King George asserting that British Government had for years prepared for world war.
4.	Aug. 1 and 2.	Meeting of Supreme Economic Council to consider shortage of coal, food, and raw materials.
5.	4.	Rumanian troops outside Budapest.
6.		Cecil Harmsworth denies accuracy of Erzberger's statement as to Vatican peace move in August 1917.
6.		Supreme Council decides to send Military Mission of 4 Generals to Hungary, and to raise blockade.
7.	5.	Prime Minister receives Order of Merit for services during war and Peace Conference.
		Report that Rumanians have served ultimatum on Hungarian Government making demands far in excess of Armistice terms.
7.		General commanding Rumanians disarming all Hungarian troops.
8.		Resignation of Hungarian Socialist Government. Archduke Joseph installed (? by Entente Mission) State Governor with authority to form new Ministry.
9.	8.	Telegram to Rumanian Government from Allies pointing out grave breaches of Armistice committed by Rumania, and requesting them to obey orders of Allied Mission.
9.		Proclamation at Budapest by Archduke Joseph calling for 'unity, understanding, and work'.
9.	8.	Government of India announce Peace signed with Afghanistan at 11 o'clock.
14.		Report that return of Habsburgs viewed with grave misgivings by Czecho-Slovakia.
16.	9.	Text of Anglo-Persian agreement signed August 9 published.
16.	15.	Supreme Council's Note to Rumania pointing out that Hungary's assets are pledged to Allies, and Rumania is not allowed to appropriate them for her exclusive use.
18.		New Cabinet being formed in Hungary under M. Friedrich. Two portfolios still unfilled pending decision of Socialists to take part in Government.
18.	16.	General von der Goltz recalled by German Government from Lettland.
18.		Criticism of Anglo-Persian agreement in *Temps* and other Paris newspapers.

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		Bill establishing Labour Councils passes German Assembly.
Aug. 20.	Aug. 19.	Interview between President Wilson and Senate Foreign Committee at White House.
20.	18.	Polish rising against Germans in Upper Silesia. 70 per cent. of miners and workmen on strike.
26.		Rejection of Shantung clause of the Peace Treaty by Foreign Relations Committee of U.S. Senate.
27.		Reported compromise solution of Fiume question, giving town to Italians and leasing to League of Nations 'free port of Fiume, together with Porto Baross' for 99 years. Awaiting President Wilson's decision.
27.		Officially announced that Odessa has been occupied by General Denikin's troops.
27.	25.	Further messages from Supreme Council to Rumania warning her that all requisitions on Hungary must cease.
28.		Allied Commission to Upper Silesia begins inquiry into origin of risings in Upper Silesia.
29.	27.	Death of General Botha, succeeded as Prime Minister by General Smuts.
30.	28.	Resolution of Supreme Council that German prisoners are to be repatriated at once without waiting for ratification of Peace Treaty, conditional on the fulfilment of Germany's obligations.
Sept. 1.	30.	Attack on Peace Treaty by Senator Knox in American Senate urging its rejection.
2.	Sept. 1.	Opening of special session of Canadian Parliament by Governor-General called to ratify Peace Treaty.
3.	2.	Text of covering letter accompanying revised text of Austrian Treaty and reply to Austrian counter-proposals handed to Dr. Renner. Allies prepared to modify economic terms but not to accept Austria's plea that she should not be treated as an enemy, in view of dissolution of Austro-Hungarian Monarchy.
3.	2.	Resolution for ratification of P.T. carried by New Zealand Parliament in both Houses.
3.	2.	Bitter comments in French Press on attitude of British officials in Syria.
3.	2.	Ultimatum to Germany demanding elimination of Art. 61 of German Constitution providing for admission of Austrian Deputies to German Imperial Council, this being contrary to terms of P.T. Fifteen days granted in which to suppress Article.

'Times'. 1919.	*Date.* 1919.	
Sept. 4.		Publication of reserved clauses (Financial, Political, Reparation, Military) of final text of Austrian Treaty.
4.	Sept. 2.	Speech by M. Tardieu in French Chamber in defence of P.T. and of alliance with Britain and U.S.A.
4.	2.	Debate in Canadian Parliament on P.T.
4.	3.	Decision of Supreme Council to send Envoy to Bucharest with ultimatum to Rumanian Government, as no answer has been received to Notes addressed to it.
5.	4.	Opening of President Wilson's western tour to support P.T. Speech at Columbus, Ohio.
5.		Extension to Sept. 9 of time in which Austria must make known her decision as to signature of P.T.
5.	2.	Occupation of Kieff by General Denikin's forces.
5.		Ultimatum to Rumania withdrawn owing to fact that the Allied Notes had not been received by Rumania, on account of wireless breakdown. Sir G. Clerk to go to Bucharest with copy of Allied Note and with fresh Note warning Rumanian Government to obey Peace Conference.
6.	4.	U.S. Senate Foreign Relations Committee send back Treaty to Senate with four amendments and several reservations.
6.	5.	P.T. ratified by Canadian Senate.
6.	5.	German answer to Allied Note *re* Art. 61 of German Constitution.
6.	4.	New Hungarian Cabinet formed under Heinrich, complete September 8.
		Rumanian Note to Supreme Council asking for modification of Art. 60 of Austrian Treaty, as Rumania is unwilling to sign Treaty of which she does not know terms.
8.		President Wilson continues his western tour, speaking at St. Louis and Kansas City.
8.		Austrian National Assembly, after resolution of protest, authorizes Dr. Renner to sign Treaty. Signature to take place on 10th.
8.		German Government Note to Entente, stating delay in evacuation of Courland due to insubordination among troops under General von der Goltz.
9.	8.	Decision of Supreme Council that Rumania must sign Austrian Treaty unconditionally, without any reservations.

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Sept. 9.		Grave industrial trouble in Egypt, fermented by Nationalists for political ends.
9.		President Wilson in speech at Omaha said reservations proposed to acceptance of Treaty were unnecessary, and Treaty must stand or fall as it is written.
10.	Sept. 8.	Union of S. Africa charged with Mandate for German S.W. Africa. (Published as Parliamentary Paper.)
10.	9.	General Allenby arrives in Paris in order to be present at discussions on Syrian affairs.
10.		Early occupation of Upper Silesia by Entente troops recommended by Allied Military Commission as result of its inquiries among insurgent refugees.
10.		Doubt expressed as to whether Czecho-Slovak and Yugo-Slav Governments will sign Austrian Treaty owing to problem of Teschen and Macedonia.
10.	8.	M. Heinrich having failed to form new Cabinet, announces that M. Friedrich will prepare elections.
10.	9.	Speech by President Wilson in Minnesota denouncing pro-German activities against League of Nations.
10.	10.	Bolshevik report that Peace negotiations between Esthonia and Soviet Russia will be opened at Pskoff.
10.		Address presented to Lloyd George as to importance of recognizing ties of affection binding together the Mohammedan world and the Sultan of Turkey, and pleading that Turkish sovereignty may not be abolished in Asia Minor and Thrace.
11.	10.	*Austrian Peace Treaty signed at St. Germain.*
11.	10.	German Note to Allies complaining of agitation against Germany in irresponsible Polish circles with regard to recent happenings in Upper Silesia.
12.	11.	Statement by Mr. Churchill that decision to withdraw British troops from North Russia is irrevocable and is being carried out without delay.
12.	11.	Mr. Balfour retires from Peace Conference, succeeded by Sir E. Crowe on Council of Five.
12.		Motion for ratification of P.T. carried in S. African Union House of Assembly by 84 votes to 19.
13.	11.	Ratification of P.T. by Canadian House of Commons.

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Sept. 13.	Sept. 11.	Bill for conferring Mandate to administer S.W. Africa on Union of S. Africa introduced in Union Assembly by General Smuts.
13.	11.	Minority report of Foreign Relations Committee urging early ratification of Treaty presented to U.S. Senate by Senator Hitchcock.
15.		Statement by Mr. Bullitt (member of U.S. Peace Delegation) to Senate Committee on Foreign Relations as to secret history of Prinkipo proposal and subsequent overture of peace with Bolshevists, conveyed by him from Paris to Russia.
15.	12.	Reported entry of d'Annunzio into Fiume with band of volunteers.
15.		S.W. African Mandate accepted by Union Assembly.
15.	13.	Resignation of M. Bratianu, Rumanian Premier. In letter of explanation says he is dissatisfied with division of Banat, which was assigned intact to Rumania by Treaty of 17th August, 1916.
16.		Reported that Conference at its meeting on 15th decided in favour of evacuation of Russia, leaving Russian people to work out own salvation.
16.		Denial of Bullitt's account of private conversations, etc., by the Prime Minister, published by Press Association and in Paris.
16.		Report that Lithuania, Latvia, and Esthonia have agreed to open peace negotiations with Bolsheviks.
16.	15.	Debate on P.T. begins in U.S. Senate.
17.	16.	The Prime Minister, Mr. Bonar Law, Lord Milner, and Mr. Churchill return to London from Paris.
17.		Report that negotiations between Esthonians and Bolsheviks have begun and that meetings of Letts, Lithuanians, and Esthonians have taken place with object of forming Baltic Alliance and making peace with Bolsheviks.
		Temps gives general lines of Anglo-French Agreement in regard to the Levant.
18.		French and Italian denials of statement made by British Delegation that Conference at its meeting on 15th had agreed that intervention in Russia should cease. American Delegation states that matter was not considered at meeting.
18.		Statement by Esthonian Minister for Foreign Affairs that satisfactory peace with Bolsheviks can only be obtained if all states situated

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		within former Russian frontiers join together in discussion.
Sept. 18.		Bullitt reaffirms accuracy of evidence given by him before Foreign Relations Committee of U.S. Senate, and quotes what he describes as hitherto unpublished documents.
18.	Sept. 17.	French Press comment favourably on Anglo-French Agreement with regard to the Levant.
19.		Esthonian Government requests Great Britain to send representative to confer with Baltic States on subject of joint negotiations with Soviet.
19.	18.	Telegram from Finnish Government declining to negotiate with Soviet Government.
20.	19.	Draft Treaty of Peace handed to Bulgarian Delegation.
	20.	S.E.C. meeting at Brussels appoints consultative Food Committee.
22.		Report that Esthonian negotiations for peace with Soviet have been broken off.
	22.	German chief Delegate signs Declaration that no article in German Constitution is valid if contrary to Treaty of Peace (cf. September 5).
25.		Report that Crown Council of Italy has been called to discuss action of d'Annunzio in regard to Fiume.
26.	25.	Sovereignty over Spitzbergen granted to Norway by Supreme Council.
27.		President Wilson compelled to abandon his tour through illness.
27.	26.	At sitting of Crown Council Signor Nitti explained attitude of Peace Conference towards Fiume question, pointing out that it could not regard occupation as settling future of town, since such recognition would encourage other nationalities to take like measures in regard to disputed territory.
30.	27.	Allied Note to Germany demands immediate withdrawal of German troops from Baltic provinces, and declares that until this is done Allies will not consider German Government's demands for food supplies and raw materials.
		Allied evacuation of Archangel completed.
Oct. 1.		Reported that General von der Goltz has been finally recalled from Baltic provinces.
		Allied Note as to Baltic provinces received with dismay in Berlin.
	Oct. 2.	French Chamber ratifies P.T. 372 to 52.
4.		President Wilson seriously ill.

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		Thirty amendments to P.T. proposed by Senator Fall to exclude American representatives from Peace Commissions defeated in U.S. Senate.
Oct. 6.		Report that two battalions of infantry have joined d'Annunzio's forces.
		Proclamation issued by German Government to General von der Goltz, pointing out consequences to Germany if order to evacuate is not complied with.
8.	Oct. 7.	*Italy ratifies P.T. by Royal Decree.*
		Marshal Foch instructed by Supreme Council to prepare a reply to German Note answering Allied demand for immediate evacuation.
9.	8.	Herr Haase, German Deputy, wounded in front of Reichstag.
		Outline of proposals under consideration between German and Russian negotiators for formation of 'Western Russian Government' published.
		Paderewski arrives in London for purpose of urging on British Government views of his Cabinet with regard to future status of Eastern Galicia.
10.	10.	In the terms under discussion between German and Russian negotiators, Germany asked for a treaty which would amount to a German commercial protectorate over Russia.
		General Denikin has forced the Red troops from several positions on the Don below Voronezh and is advancing on Orel.
11.	10.	*King George V signed the Peace Treaty, and the instrument of ratification was dispatched to Paris.*
		Further delay in the ratification of the P.T. in the United States appears certain.
		A new Note to Germany again threatens coercive measures if the German troops are not brought back from the Baltic provinces.
13.	11.	German reply *re* Scapa Flow.
	12.	*The P.T. Bill signed by President Poincaré.*
		The German troops of the so-called West-Russian Government have advanced to the suburbs of Riga.
		The Allies' Note to Berlin, dealing with the failure to secure the withdrawal of von der Goltz's troops, refuses to accept the German Government's explanations, and announces a Commission to control the evacuation.
14.	12.	General Denikin's troops are within six miles of Orel, and have captured 5,000 prisoners.

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	Oct. 12.	The German force, which captured the suburbs of Riga, is now crossing the Dvina to march against the Bolshevists.
	12.	The last transport conveying British troops sailed from Murmansk, completing the evacuation of North Russia.
Oct. 15.	14.	General Yudenitch's Russian Army is marching rapidly on Petrograd.
16.	14.	General Denikin reports further striking victories. He has captured Orel and several thousand prisoners.
	12.	General Annenkoff, one of Koltchak's commanders, has captured 33,000 Bolshevist prisoners in Eastern Turkestan.
	15.	Lettish and Esthonian troops have driven Colonel Bermont's force of Russo-Germans back over the Dvina.
		General Denikin reports further successes in the Volga-Don region.
	16.	It is now announced that on Oct. 9 the Supreme Council sent a Note to Germany and certain neutral Powers, asking for their collaboration in ensuring a blockade of Soviet Russia.
18.	17.	The Austrian Government resigned after passing the P.T. Ratification Bill without a debate.
	17.	General Yudenitch is reported to be about thirty miles from Petrograd.
20.	19.	General Yudenitch's troops have reached the outskirts of Petrograd.
		Clemenceau defines his attitude towards Germany in the Senate.
21.	20.	The Bolshevists are preparing for a siege of Petrograd. General Denikin has recaptured Kieff and defeated Bolshevist attacks.
	20.	German evacuation of Lithuania begun.
	21.	Publication of a British memorandum to the Supreme Council, *re* the illegal sale to the Dutch of certain German merchant vessels, and calling upon Germany to hand over the ships.
	21.	General Denikin's Caucasus Army has gained a brilliant victory on the Volga front, capturing over 3,000 prisoners.
	21.	Four Bolshevist destroyers attacked the British and Esthonian vessels in Kuporia Bay.
24.	22.	More reservations to the P.T. have been reported to the United States Senate by the Foreign Relations Committee.
	23.	Poland has signed a provisional treaty with

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		Germany, the main feature of which is the exchange of Polish produce for German coal.
Oct. 25.	Oct. 24.	General Yudenitch has formally asked for Finnish help in his operations against Petrograd.
27.	25.	The prospect of a coal strike and a general railway strike is threatened in the United States.
	25.	President Wilson's supporters threaten to reject the whole P.T. if undesirable reservations are passed by the Senate.
	26.	A determined struggle is reported about twenty miles from Petrograd, where General Yudenitch is making counter-attacks upon the Bolshevists.
28.	27.	General Yudenitch fell back to a line covering Gatchina and the railway to Pskoff.
	27.	The United States Senate rejected an amendment proposing equal votes for the United States with the British Empire on the League of Nations.
29.	29.	The International Labour Conference established under the P.T. opened at Washington. No American delegates attended.
	28.	The Fiume problem has reached a complete deadlock, President Wilson rejecting Signor Tittoni's scheme.
	28.	Finland refuses to aid General Yudenitch.
30.	29.	The last of the amendments to the P.T. proposed by the Foreign Relations Committee of the United States Senate was defeated.
31.	30.	General Yudenitch, having successfully beaten off many Bolshevist attacks, again advanced towards Krasnoe Selo.
31.	30.	The German Government issued a note refusing to take part in the proposal to blockade Soviet Russia.
	29.	The Russian Soviet Bureau of New York has made arrangements to send supplies to the Bolshevists.
Nov. 1.	31.	In the United States a strike of 435,000 coal miners started. An injunction from Washington was issued forbidding the miners' leaders to issue strike orders and pay.
	Nov. 1.	Allies demand Germans should sign Protocol of Treaty and give reparation for Scapa Flow incident.
3.	2.	Mr. W. B. Wilson was appointed President of the International Labour Conference at Washington.

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Nov. 5.	Nov. 4.	Admiral Koltchak has agreed to the conditions for Finnish intervention. General Yudenitch retired along his whole front.
	4.	The Supreme Council informed the Netherlands that it will not recognize the Dutch ownership of German vessels purchased after the outbreak of war. Germany has protested against the Commission's reading of the P.T. on this subject.
6.	5.	An Allied Note to Germany demanded the surrender of a further five light cruisers and 400,000 tons of docks, tugs, and dredgers as the result of Germany's non-fulfilment of the Armistice terms.
		M. Clemenceau informed the Bulgarian Delegation at Paris that the Treaty must be accepted or rejected in its present form within ten days.
7.	5.	The Finnish Government has declined the appeal for assistance against the Bolshevists.
		Admiral Koltchak's army retreated along the whole front, Yudenitch's retreat also announced.
8.	6.	Protocol and Note sent to the German Government by the Supreme Council providing for the fulfilment of the unexecuted clauses of the Armistice which Germany must sign before the P.T. comes into effect.
10.	8.	President Wilson is reported to have stated that should the reservations to the Treaty be passed by the Senate, he will give his support to Senator Hitchcock's plan for defeating ratification.
	9.	The coal-miners' leaders in the United States were ordered to cancel the strike by Nov. 11.
11.	9.	The position of General Yudenitch's forces is grave. The Red forces are now about 100 miles from Omsk, Admiral Koltchak's headquarters.
	10.	President and Mme. Poincaré visited London.
12.	11.	American miners' leaders obeyed the order of the Federal Court and issued an order to the unions to end the strike.
13.	12.	The first instalment of dye-stuffs, which are being obtained from Germany under the Reparation Clauses of the P.T., is expected to be received shortly.
14.	13.	The Bolshevists announced a new advance against General Yudenitch in the direction of Narva.

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	Nov. 14.	The United States Senate passed the Reservation to Article X of the Covenant of the League of Nations, which President Wilson declared would amount to rejection of the P.T.
Nov. 15.	14.	The Foreign Office announced that Mr. James O'Grady, Labour M.P. for East Leeds, is to negotiate with M. Litvinoff, representing the Soviet Government of Russia, the exchange of war prisoners.
	14.	The State Department at Washington announced that the United States Government will not take part in any conferences in which delegates from Soviet Russia are present.
	14.	The Bulgarian Delegation has stated its willingness to sign the P.T., but it registers a protest against the territorial clauses.
	14.	Holland intends to become a party to the League of Nations.
	16.	Election of new Parliaments in France, Italy, and Belgium.
17.	16.	General Yudenitch has resigned the command of the Russian North-West Army, and has been succeeded by General Laidoner, the Esthonian Commander-in-Chief.
		Omsk, the seat of Admiral Koltchak's Government, has been captured by the Bolshevists.
18.	17.	President Wilson has intimated that he will refuse to sign the P.T. with the reservations added to it by the Senate.
19.		The seat of the Russian Government in Siberia has been transferred to Irkutsk.
		In the French elections the Socialists suffered a very heavy defeat.
		In the Italian elections the results show that the Socialists are leading.
20.	19.	The resolution to ratify the P.T. with reservations was defeated in the United States Senate by 51 votes to 41.
		Election returns in Belgium show that the Socialists have gained at the expense largely of the Catholics.
	19.	The Federal Government of Switzerland has pronounced in favour of joining the League of Nations.
21.	19.	The United States Senate adjourned after failing to ratify the P.T. A motion was introduced declaring the war with Germany at an end; to come up for consideration next Session.

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Nov. 22.		Owing to the continuance of the strike, the coal situation in the United States is very grave.
25.	Nov. 23.	A Coalition Cabinet has been formed at Budapest by M. Huszar, at the suggestion of the Allied representative, Sir George Clerk.
26.	25.	Colonel Bermont's operations in the Baltic having come to an end, his troops are selling their arms and ammunition.
	25.	The Soviet Envoy Litvinoff held the first conference with Mr. O'Grady at Copenhagen.
	25.	A wireless message from Moscow proffers peace on condition that the Entente Powers shall not support any counter-revolutionary movement.
	25.	Herr Simson, Head of German Delegation, arrives in Paris to arrange the details of coming into force of P.T., and Scapa Flow incident.
27.	26.	News has reached Paris that the Italian warships at Genoa and Smyrna have made common cause with d'Annunzio, and it is feared that collision with the Yugo-Slavs leading to war may occur.
28.	27.	*M. Clemenceau presided at the ceremony of signing the Bulgarian Treaty at Neuilly.*
29.	28.	All German warships in the hands of the Allies are to be scrapped, except certain vessels to be assigned to Italy and France as compensation for the reduction of their tonnage.
Dec. 1.	29.	In reply to the Allied demands as the result of the scuttling of the German fleet, the German Government pleads that Admiral von Reuter acted in accordance with 'seamen's usage', and it repudiates the Allied demands.
	Dec. 1.	On the report of Sir George Clerk, the Supreme Council decided to recognize the Hungarian Government.
	2.	A general strike was proclaimed in Rome, Milan, and Florence.
	3.	Peace proposals from the Soviet Government were put forward to the Allies by M. Litvinoff at Copenhagen, and Colonel Malone, M.P., in London.
	6.	The seventh All-Russian Congress of Soviets at Moscow passed a resolution reiterating its willingness to make peace with the Entente Powers.
	8.	Virtual Allied ultimatum to Germany *re* Scapa Flow incident.
	9.	Memorandum to Italy on Adriatic policy signed by British, French, and American representatives. End of U.S.A. coal strike.

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	Dec. 11.	M. Clemenceau arrived in London, and had conferences with the Prime Minister, and with Mr. Balfour and Lord Curzon.
Dec. 11.	10.	Rumania signs Austrian Treaty including the 'Minorities' clause.
11.	10.	Germans decide to send a new Commission to Paris on question of delivery of dock material.
	13.	It was announced that the Red Army has captured Poltava from General Denikin.
	14.	M. Clemenceau left London for Paris.
	15.	The German reply to the Allies' late Note was handed in. It was conciliatory in tone but reiterated the impossibility of complying with the demands for tonnage in dock materials.
		President Wilson issued a statement that he does not intend to compromise with the Republican leaders over the P.T.
	17.	The capture of Kieff by the Red Army was announced in a Bolshevist bulletin.
	17.	Anti-French disturbances have taken place near the Mesopotamia-Kurdistan frontier.
	22.	A Bolshevist report states that at the taking of Novo Nikolaiesk 10,000 prisoners and much booty were captured from Admiral Koltchak.
		An attempt at a general strike in Egypt on the anniversary of the Proclamation of the Protectorate is said to have failed, owing to the Government officials and other classes of workers having refused to come out.
	23.	M. Tchitcherin has notified the Polish Government that the Soviet Government is ready to open negotiations for an immediate peace.
		The Allied reply to the German Note on reparations for the Scapa Flow scuttling was handed to Baron von Lersner.
	23.	M. Clemenceau made a declaration on foreign policy in the French Chamber. He asserted that there would be no negotiations with the Soviet Government, and emphasized the complete accord between France and Great Britain.
	26.	Lettland and Lithuania have decided upon a single military control, under which they will continue the struggle against the Bolshevists.
	30.	It was reported that Japan and the American and British Governments had reached an agreement, whereby Japan is empowered to take the necessary military steps to check the Bolshevist advance in Siberia. Japan is

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		stated to be ready to send troops as far west as Lake Baikal.
	Dec. 31.	Egyptian Nationalists have issued a reply to Lord Milner. They welcome the widening of the field of discussion, but declare that complete independence is their aim.
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Jan. 3.	Jan. 2.	A seven days' armistice and an agreement, recognizing Esthonian independence, has been arranged between Esthonia and the Bolshevists.
5.	3.	The Bolshevists have captured Tsaritsyn, and thrust back Denikin's right. They are close to Taganrog, Denikin's former head-quarters; no effective resistance is made.
4.	3.	Four thousand Communists, including many Russians, were arrested in the United States.
5.	4.	Six Egyptian Princes of the Royal House have issued statements demanding complete independence.
6.	5.	The Supreme Council have decided to insist on a minimum reparation of 300,000 tons from Germany for the Scapa Flow scuttling.
6.	5.	During the recess of the United States Senate efforts have been made to find a way out of the Treaty *impasse*, but without success.
7.	5.	Denikin's armies have been cut into two parts by the Bolshevists, who are now at the Sea of Azov at Marinpol.
8.		The Bolshevists have captured Taganrog, on the Sea of Azov, where Denikin had established his head-quarters.
8.	7.	The Hungarian Peace Delegation has arrived in Paris.
8.	7.	An agreement was announced between France and the Emir Feisul, whereby France consents to the creation of an Arab state, including Damascus, Homs, Hamar, and Aleppo, and the Emir acknowledges the French mandate for the whole of Syria.
9.	7.	*The Times* correspondent states that the prospects of the United States ratifying the French Treaty are now virtually nil.
10.	9.	A Bolshevist message reports the Red troops have captured Krasnoyarsk, and that 'the remnants' of Admiral Koltchak's First, Second, and Third Armies have surrendered.
10.	9.	It is understood that the United States Administration favours an immediate referendum on the Treaty issue.

'Times'. 1920.	*Date.* 1920.	
Jan. 12.	Jan. 10.	*The protocol of the P.T. was signed at Paris, and the state of war as between the Allies and Germany came to an end; French release German prisoners.* The Allies undertook to reduce their demands for reparation, with regard to the Scapa Flow scuttling, to 300,000 tons or less, if the necessity is shown.
13.	11.	The list of German war criminals, whose surrender is to be demanded by the Allies, has been reduced from 1,000 to 800.
	11.	Elections for the French Senate resulted in a victory for the National *bloc*. M. Poincaré obtained an almost unanimous vote in the Meuse department.
14.	13.	In Berlin a demonstration was made to protest against the Government Bill in regard to Employees' Councils. Before the Reichstag the demonstrators were fired upon by the military, and several persons were killed or wounded.
14.	13.	A proposal has been made that the Supreme Council in Paris shall now be replaced by a Council of Ambassadors. No decision has yet been reached.
14.	13.	The Supreme Council has decided upon certain modifications in the Hungarian Treaty.
15.	14.	The evacuation of Flensburg and other Schleswig towns by German officials is in progress.
15.	14.	M. Léon Bourgeois was elected President of the French Senate after a third ballot.
16.	15.	The Hungarian delegates received from the Allied and Associated representatives the terms of their peace treaty.
17.	16.	*The first meeting of the Council of the League of Nations was held in Paris under the presidency of M. Léon Bourgeois.*
17.	16.	A party of Democratic Senators have conferred with Senator Lodge to try to find a compromise set of resolutions which will secure the ratification of the Treaty.
17.	16.	M. Clemenceau has withdrawn his candidature for the Presidency of the French Republic. He was beaten by M. Deschanel by 408 votes to 389 in the preliminary congress.
17.	16.	A note to the Dutch Government for the extradition of the ex-Kaiser has been drafted in Paris.
19.	17.	M. Paul Deschanel was elected President of the French Republic. He obtained 734 votes out of 888 recorded.

'Times'. 1920.	Date. 1920.	
	Jan. 18.	M. Clemenceau placed in the hands of M. Poincaré his resignation and that of his Cabinet. M. Millerand has been asked to form a Cabinet.
Jan. 19.	18.	Budapest was hung with black flags when the terms of the Hungarian peace treaty became known, and the whole city went into mourning.
		Supreme Council assigns to S.E.C. economic decisions *re* re-opening commercial relations with Russia.
	19.	A general strike of railwaymen over the whole of Italy was declared.
	20.	The Yugo-Slav delegates having replied that the Supreme Council's proposals for the settlement of the Adriatic question are unacceptable, the Council has declared that its solution must be accepted or the Treaty of London of 1915 will be put into force.
22.		It is stated that the whereabouts of Admiral Koltchak and the State treasure are still obscure. The temper of the Czechs suggests the possibility of the Admiral being given up to the revolutionaries.
22.	21.	Political agreement has been reached between Czecho-Slovakia and Austria as the result of Dr. Renner's visit to Prague.
	21.	*The Supreme Council held its last meeting; retirement of Clemenceau.* Henceforth an Ambassadorial Council will meet in Paris for the settlement of details of the German treaty, and the Prime Ministers of the Allied nations will assemble to deal with the larger problems as they arise.
		The Yugo-Slavs have agreed to refer once more to Belgrade the Supreme Council's proposals with regard to the Adriatic. The American Government announces that it intends to stand by the policy it has already enunciated.
	22.	The Allied Governments have recognized *de facto* the Armenian Republic of Erivan.
24.	23.	In reply to the Allied Note requesting the extradition of the Kaiser the Netherlands Government declines to give him up, stating that both the Dutch Constitution and the traditional right of asylum forbid compliance with the Allies' request.
	26.	The conference at Washington concerning the Treaty has been interrupted by an ultimatum from Extreme Republicans, who say that they will not agree to any modification of the Lodge reservations.
		General Denikin's Eastern Armies, holding the

'Times'. 1920.	*Date.* 1920.	
		line from the Don to the Caucasus, have again been forced to retire.
	Jan. 24.	Satisfaction is expressed in Germany at the reply of Holland to the Allied Note on the extradition of the ex-Kaiser. American opinion is divided, while in Paris the attitude of Holland is somewhat sharply criticized.
	24.	Arrangements are being made for the election of the President of the German Republic on a democratic franchise.
Jan. 27.	26.	Senator Lodge has announced that the Republicans will accept no change in the reservations in regard to Article X and the Monroe Doctrine.
	26.	Herr Erzberger was wounded by a shot fired at him by a student outside the Criminal Court in Berlin.
	26.	The Belgian High Commissioner made a solemn entry into Malmedy and Eupen. Allied troops have arrived in Flensburg and have taken over the administration of the plebiscite area.
28.	26.	A letter is published from the ex-Kaiser in which he complains of having been deceived by his Ministers, and stating that he has no desire to return to Germany.
30.	29.	The French Government has asked for explanations respecting the surrender of Admiral Koltchak.
	29.	According to the Yugo-Slav reply to the Allies' Note the Belgrade Government is prepared either to take a plebiscite on the Adriatic question or to submit the case to arbitration.
	29.	General Yudenitch has been arrested.
31.	29.	The Italian railway strike was settled.
	31.	In a letter to *The Times*, Viscount Grey explained the attitude of America to the League of Nations.
	Mar. 2.	U.S.A. Senate re-adopts Lodge Reservations to P.T.
	May 1.	Prince Regent of Serb-Croat-Slovene State ratifies German-Austrian-Bulgarian and Minority Treaties by decree.
	16.	Knox Joint-Peace Resolution with Germany, Austria, and Hungary passes U.S.A. Senate.
	27.	U.S.A. Senate rejects mandate for Armenia.
		President Wilson vetoes Knox Joint-Peace Resolution.
	June 4.	Hungarian Treaty signed.
July 17.	16.	Austria exchanges Treaty ratifications.
17.	16.	*The Czecho-Slovak and Yugo-Slav representatives deposit the ratifications of their respective Minority Treaties.*
Aug. 11.	Aug. 10.	Turkish Treaty signed at Sèvres.

APPENDIX I

THE GERMAN TREATIES WITH RUSSIA AND RUMANIA

NOTE.—It has been thought well to give the Treaties contracted by Germany with Russia and Rumania, 1918, in order that they may be compared or contrasted with that concluded by the Allied and Associated Powers with Germany, which immediately follows them.

PART I. RUSSIA AND GERMANY

THE POLITICAL TREATY OF BREST-LITOVSK OF THE 3RD MARCH, 1918.[1]

ARTICLE I. Germany, Austria-Hungary, Bulgaria, and Turkey, on the one part, and Russia, on the other part, declare the state of war between them terminated, and are resolved henceforth to live in peace and friendship with one another.

ARTICLE II. The contracting nations will refrain from all agitation or provocation against Government or State and their existence, and they undertake the obligation to spare the population of the regions occupied by the Powers of the Quadruple Alliance.

ARTICLE III. (1) The regions lying west of the line agreed upon between the contracting parties and formerly belonging to Russia shall no longer be under Russian sovereignty. The line agreed upon appears in the appended Map No. 1, which, as agreed upon, forms an essential part of the Peace Treaty. The fixing of the line in the West shall be made by a mixed German-Russian Commission. The regions in question shall have no obligation whatever towards Russia arising from their former relations with that country.[2]

(2) Russia undertakes to refrain from all interference in the internal affairs of these territories and to let Germany and Austria decide the future fate of these territories in agreement with their populations.

ARTICLE IV. Germany and Austria agree, when a general peace has been concluded and Russian demobilization has been fully carried out, to evacuate the regions east of the line designated in Article III (1) in so far as Article VI does not stipulate otherwise.[3] Russia will do everything in her power to complete as soon as possible the evacuation of the Anatolian provinces and their orderly return to Turkey.

The districts of Ardahan, Kars, and Batum shall likewise without delay be evacuated by Russian troops. Russia shall not interfere in the reorganization of the constitutional and international conditions

[1] The text, as given in *The Times*, from the German.

[2] The territory dealt with in this clause amounted to Poland, Courland, and Lithuania.

[3] The regions to be thus evacuated comprised parts of the Governments of Minsk, Vitebsk, and Mogilyov.

of these districts, but shall leave it to the population of these districts to carry out the reorganization in agreement with the neighbouring States, particularly Turkey.

ARTICLE V. Russia will without delay carry out the complete demobilization of her Army, inclusive of the forces newly formed by the present Government.

Russia will further transfer her warships to Russian harbours and leave them there until the conclusion of a general peace, or immediately disarm them. The warships of the States continuing in a state of war with the Quadruple Alliance will be treated as Russian warships in so far as they are in Russian control.

The barred zone in the Arctic continues to be in force until the conclusion of peace.

An immediate start will be made with the removal of mines in the Baltic and, in so far as Russian power extends, in the Black Sea. Commercial shipping is free in these waters and will be immediately resumed. Mixed commissions will be appointed to draw up further regulations, especially for the announcement of routes for merchant ships. Shipping routes are to be kept permanently free from floating mines.

ARTICLE VI. Russia undertakes immediately to conclude peace with the Ukrainian People's Republic and to recognize the peace treaty between this State and the Quadruple Alliance. Ukrainian territory will be immediately evacuated by Russian troops and Russian Red Guards. Russia will cease all agitation or propaganda against the Government or the public institutions of the Ukrainian People's Republic.

Esthonia and Livonia will likewise be evacuated without delay by the Russian troops and Russian Red Guards. The Eastern frontier of Esthonia follows in general the line of the Narva river. The Eastern frontier of Livonia runs in general through Lake Peipus and Lake Pskov to the south-west corner of the latter, and then over Lake Luban in the direction of Lievenhov on the Dvina. Esthonia and Livonia will be occupied by a German police force until their security is guaranteed by their own national institutions and until their own State organization is restored. Russia will forthwith release all arrested or deported inhabitants of Esthonia and Livonia and will guarantee the safe return of all deported Esthonians and Livonians.

Finland and the Åland Islands will also forthwith be evacuated by the Russian troops and Red Guards, and the Finnish Ports by the Russian Fleet and the Russian naval forces. As long as the ice prevents the Russian warships from being brought into Russian ports, only small detachments will remain on board the vessels. Russia will cease all agitation or propaganda against the Government or the public institutions of Finland.

The fortifications erected on the Åland Islands are to be removed with all possible dispatch. A special agreement is to be made between Germany, Russia, Finland, and Sweden for the permanent non-fortification of these islands, as well as regarding other military and shipping matters. It is agreed that, at Germany's desire, other States bordering on the Baltic are also to be given a voice in the matter.

PART II. RUMANIA AND GERMANY

The Political Treaty of Bucharest of the 7th May, 1918.[1]

Paragraph 1 *deals with the re-establishment of peace and friendship.*

Article I. Germany, Austria-Hungary, Bulgaria, and Turkey, on the one hand, and Rumania, on the other hand, declare the state of war to be ended. The contracting parties are determined henceforth to live together in peace and friendship.

Article II. Diplomatic and consular relations between the contracting parties will be resumed immediately after the ratification of the Peace Treaty. The admission of Consuls will be reserved for a further agreement.

Paragraph 2 *deals with the demobilization of the Rumanian forces.*

Article III. The demobilization of the Rumanian Army, which is now proceeding, will immediately after the Peace Treaty has been signed be carried out according to the prescriptions contained in Articles IV to VIII.

Article IV. The regular military *bureaux*, the supreme military authorities and all military institutions will remain in existence as provided by the last Peace Budget. The demobilization of Divisions 11 to 15 will be continued as stipulated in the Treaty of Focsani signed on the 8th March, 1918. Of the Rumanian Divisions 1 to 10, the two infantry divisions now employed in Bessarabia, including the *Jäger* battalions which are remnants of the dissolved *Jäger* divisions, and including two cavalry divisions of the Rumanian Army, will remain on a war footing until the danger arising from the military operations now being carried on in the Ukraine by the Central Powers ceases to exist. The remaining eight divisions, including their staffs and supreme authorities, shall be maintained in Moldavia at a reduced peace strength. Each division will be composed of four infantry regiments (three battalions each), two cavalry regiments (four squadrons each), two field artillery regiments (seven batteries each), one pioneer battalion, and the necessary technical troops and transport corps, the strength of which is to be fixed by further agreement. The total number of infantry in these eight divisions shall not exceed 20,000 men, the total number of cavalry shall not exceed 3,200, and the entire artillery of the Rumanian Army, apart from those divisions remaining mobilized, shall not exceed 9,000 men. The divisions remaining mobilized in Bessarabia must in case of demobilization be reduced to the same peace standard as that of the eight divisions mentioned in this Article. All other Rumanian troops which did not exist in peace time will at the end of their term of active military service remain as in peace time. Reservists, including men of the Calarash regiments, shall not be called up for training until a general peace has been concluded.

Article V. Guns, machine guns, small arms, parks of horses, cars, and ammunition, which are available owing to the reduction or dissolution of Rumanian units shall be given into the custody of the Supreme

[1] Text, as given in *The Times*, from the German.

Command of the Allied forces in occupied Rumania until the conclusion of a general peace. They shall be guarded and superintended by Rumanian troops under the supervision of the Allied Chief Command. The amount of ammunition to be left to the Rumanian Army in Moldavia is fixed at 250 rounds for each rifle, 2,500 for each machine gun, and 150 for each gun. The Rumanian Army is entitled to exchange unserviceable material at the dépôts of the occupied region in agreement with the Supreme Command of the Allied forces, and to demand from the munition dépôts the equivalent of ammunition already spent. The divisions in Rumania, which remain mobilized, will receive their ammunition requirements on a war basis.

ARTICLE VI. Demobilized Rumanian troops are to remain in Moldavia until the evacuation of the occupied Rumanian regions. Excepted from this provision are the military *bureaux* and men mentioned in Article V, who are required for the supervision of the arms laid down and the material handed over in these regions. Men and reserve officers, who have been demobilized, can return to the occupied regions. Active and formerly active officers require, in order to return to these regions, the permission of the Chief Army Command of the Allied forces.

ARTICLE VII. A General Staff officer of the Allied Powers with a Staff will be attached to the Rumanian Commander-in-Chief in Moldavia, and a Rumanian General Staff officer with a Staff will be attached as *liaison* officer to the Chief Command of the Allied Forces in the occupied Rumanian districts.

ARTICLE VIII. The Rumanian naval forces will be left their full complement and equipment, in so far as their crews, in accordance with Article IX, are not to be limited until affairs in Bessarabia are cleared up, whereupon these forces are to be brought to the usual peace standard. Excepted herefrom are the river forces required for the purposes of the river police and the naval forces in the Black Sea employed for the protection of maritime traffic and the restoration of mine-free fairways. Immediately after the signature of the Peace Treaty these river forces will, on the basis of a special arrangement, be placed at the disposal of the authorities entrusted with the river police. The Nautical Black Sea Commission will receive the right of disposing of the naval forces, and a Rumanian naval officer is to be attached to this Commission in order to restore connexion therewith.

ARTICLE IX. All men serving in the Army and Navy, who in peace time were employed in connexion with harbours of shipping, shall on demobilization be the first to be dismissed, in order that they may find employment in their former occupation.

Paragraph 3 deals with cessions of territory.

ARTICLE X. With regard to the Dobruja, which, according to Paragraph 1 of the peace preliminaries, is to be ceded by Rumania, the following stipulations are laid down :

1. Rumania cedes again to Bulgaria, with frontier rectifications, the Bulgarian territory that fell to her by virtue of the Peace Treaty concluded at Bucharest in 1913. (Here is attached a map showing the

exact extent of the frontier rectification. It forms an essential part of the Peace Treaty.) A Commission composed of representatives of the Allied Powers shall shortly after the signature of the Peace Treaty lay down and demarcate on the spot the new frontier line in the Dobruja. The Danube frontier between the regions ceded to Bulgaria and Rumania follows the river valley. Directly after the signature of the Peace Treaty further particulars shall be decided upon regarding the definition of the valley. The demarcation shall take place in the autumn of 1918 at low-water level.

2. Rumania cedes to the Allied Powers a portion of the Dobruja up to the Danube, north of the new frontier line described under Section 1. That is to say, between the confluence of the stream and the Black Sea to the St. George branch of the river. The Danube frontier between the territory ceded to the Allied Powers and Rumania will be formed by the river valley. The Allied Powers will undertake that Rumania shall receive an assured trade route to the Black Sea *via* Chernavoda and Constanza.

ARTICLE XI. Rumania agreed that her frontiers shall undergo rectification in favour of Austria-Hungary. (Here follows new frontier demarcation shown on map.) Two mixed commissions, to be composed of equal numbers of representatives of the Powers concerned, are immediately after the ratification of the Peace Treaty to fix the new frontier line on the spot.

ARTICLE XII. State property in the ceded regions of Rumania passes without indemnification to the States which acquire these regions. Those States to which the ceded territories fall shall make agreements with Rumania on the following points :

1. With regard to the allegiance of Rumanian inhabitants of those regions, a matter in which they are to be accorded the right of option.
2. With regard to the property of communes split by the new frontiers.

3 and 4. With regard to administrative and judicial matters.

5. With regard to the effect of changes of territories on dioceses.

Paragraph 4 deals with war indemnities.

ARTICLE XIII. The contracting parties mutually renounce the indemnification of their war costs. Special arrangements are to be made with regard to settlement of damages caused by the war.

Paragraph 5 relates to the prescriptions regarding the evacuation of the occupied territories.

In ARTICLES XIV to XXIV it is provided that occupied Rumanian territories shall be evacuated at times to be later agreed upon. The strength of the army of occupation shall, apart from formations employed in economic functions, not surpass six divisions. Until the ratification of the Peace Treaty the present occupation administration continues its existence, but immediately after the signature of the Peace Treaty the Rumanian Government has power to supplement the corps of officials by such appointments or dismissals as may deem

good to it. Up to the time of the evacuation a civil official of the occupation administration shall always be attached to the Rumanian Ministry in order to facilitate as far as possible the transfer of the civil administration to the Rumanian authorities. The Rumanian authorities must follow the directions which the commanders of the army of occupation consider requisite in the interest of the security of the occupied territory as well as the security, maintenance, and distribution of their troops.

For the present, railways, posts, and telegraphs will remain under military administration, and will, in accordance with proper agreements, be at the disposal of the authorities and population.

As a general rule, the Rumanian Courts will resume the jurisdiction in the occupied territories to their full extent. The Allied Powers will retain jurisdiction as well as power of police supervision over those belonging to the army of occupation. Punishable acts against the army of occupation will be judged by its military tribunals, as also offences against the orders of the occupation administration.

Persons can only return to occupied territories in proportion as the Rumanian Government provides for their security and maintenance.

The army of occupation's right to requisition is restricted to corn, peas, beans, fodder, wool, cattle, and meat from the produce of 1918, and further to timber, oil, and oil products, always observing a proper regard for an orderly plan of procuring these commodities, as well as satisfying the home needs of Rumania.

From the ratification of the Peace Treaty onwards the army of occupation shall be maintained at the expense of Rumania.

A separate agreement will be made with regard to the details of the transfer of the civil administration, as well as with regard to the withdrawal of the regulations of the occupation administration.

Money spent by the Allied Powers in the occupied territories on public works, including industrial undertakings, shall be made good on their transfer. Until evacuation, these undertakings shall remain under the military administration.

Paragraph 6 *deals with the regulation of the Danube.*

ARTICLE XXIV. Rumania shall conclude a new Danube Navigation Act with Germany, Austria-Hungary, Bulgaria, and Turkey, regulating the legal position on the Danube from the point where it becomes navigable, with due regard to the prescriptions subsequently set forth under Sections A to D and on condition that the prescriptions under Section B shall apply equally to all parties to the Danube Act. Negotiations regarding the new Danube Navigation Act shall begin in Munich as soon as possible after the ratification of the Peace Treaty.

A. Under the name 'Danube Mouth Commission' the European Danube Commission shall, under conditions subsequently set forth, be maintained as a permanent institution in the powers, privileges, and obligations hitherto appertaining to it for the river from Braila downwards, inclusive of this port. The conditions referred to provide *inter alia* that the Commission shall henceforth only comprise representatives of the States situated on the Danube or the European coasts

of the Black Sea. The Commission's authority extends from Braila downwards to the whole of the arms and mouths of the Danube and the adjoining parts of the Black Sea.

B. Rumania guarantees to the ships of the other contracting parties free navigation on the Rumanian Danube, including harbours. Rumania shall also levy no tolls on the ships or rafts of the contracting parties and their cargoes merely for the navigation of the river. Neither shall Rumania in future levy on the river any tolls save those permitted by the new Danube Navigation Act.

C. The Rumanian *ad valorem* duty of one-half *per cent.* on goods imported into and exported from that country's ports will be abolished at the latest five years after the ratification of the Treaty.

D. This section refers to the control of certain sections of the Danube by Austria-Hungary.

ARTICLE XXV. This Article relates to the property of the European Danube Commission in Rumania's possession.

ARTICLE XXVI. Germany, Austria-Hungary, Bulgaria, Turkey, and Rumania have the right to maintain warships on the Danube. These may navigate down stream as far as the sea and up stream as far as the upper frontier of the ship's territory. They must not, however, enter into intercourse with the shore of another State or put in there except in case of *force majeure*, or unless the consent of the State in question be obtained through diplomatic channels. The Powers represented on the Danube Mouth Commission have the right to maintain two light warships each as guard ships at the mouth of the Danube.

Paragraph 7 deals with equal rights for religious denominations in Rumania.

ARTICLE XXVII. The same freedom and the same protection of the law and the authorities will be accorded in Rumania to the Roman Catholic, the Greek Uniate, the Bulgarian Orthodox,[1] the Protestant, the Moslem, and the Jewish religions as to the Rumanian Orthodox Church. They shall have the right to establish private schools. In all public and private schools the pupils may only be compelled to receive religious instruction from a qualified teacher of their own religion.

ARTICLE XXVIII. The diversity of religious belief shall not exercise any influence on the legal position of the inhabitants and especially on their civil and political rights. The principle laid down in paragraph 1 is also to be applied to persons in Rumania having no nationality, including Jews hitherto regarded there as foreigners. For this purpose, until the ratification of the Peace Treaty a decree will be proclaimed whereby all persons having no nationality, who participated in the war or who were born in and reside in the country and descend from parents born there, are to be immediately regarded as Rumanian subjects with full rights.

Paragraph 8. *Final stipulations.*

ARTICLES XXIX, XXX, AND XXXI. The economic relations between the Allied Powers and Rumania shall be regulated by separate

[1] Probably this means the Bulgarian Exarchist Church.

treaties to come into force at the same time as the Peace Treaty. The same applies to the restoration of public and private legal relations, the exchange of prisoners of war, interned civilians, &c. The instruments of ratification shall be exchanged in Vienna as soon as possible, and the Peace Treaty shall come into force on its ratification.

Summary of the Peace of Bucharest, the 7th May, 1918.

The long negotiations with Rumania during the spring of 1918 resulted in a series of documents constituting the Peace of Bucharest, a political treaty, legal and economic treaties, and petroleum, shipping and commercial conventions. The complete terms were thus exceedingly lengthy, but the main essentials consisted of the following conditions:

The southern half of the Dobruja, acquired by Rumania by the 1913 Bucharest Treaty, was ceded back to Bulgaria, together with frontier rectifications. The remainder of the Dobruja, up to the St. George's mouth of the Danube, was ceded to the Quadruple Alliance. (This condominium was due to the acute difficulties between Turkey and Bulgaria over Adrianople.) The Cernavoda–Constanza railway was to be an 'assured trade route' for Rumania. The whole crest of the Carpathians, and in a few places considerably more, was ceded to Austria-Hungary, which was thus placed in a position of complete strategic domination, besides gaining valuable timber and coal areas. German military and political control was egregiously ensured by most stringent articles in the political treaty. The Rumanian Army was to be completely demobilized, save, for the time being, two infantry and two cavalry divisions in Bessarabia. The evacuation by the Germans of occupied areas was only to take place 'at times later to be agreed upon'; meanwhile their army of occupation was to consist of not more than six divisions, 'apart from formations employed in economic functions'. The cost of maintenance, after the ratification of the Peace Treaty, was to be borne by Rumania, and very wide requisitioning powers were conferred. The German 'occupation administration' was virtually to continue to function, and German control over railways, posts and telegraphs, and other civil and judicial administration reduced Rumanian sovereignty almost to a farce.'

This servitude was rendered yet more complete by the economic and financial articles. All surplus grain for seven years from 1919 was to be at the disposal of the Central Powers; special arrangements were made as to the 1918 harvest. The great oil industry, which was of particular concern to Germany, being without oil of her own, was dealt with in such a way that both exploitation and export control were confined to two companies, predominantly controlled by Germany, and the possibility of Rumanian interference in their proceedings was practically non-existent. Imports from the Central Powers were guaranteed by modifications of previous tariffs, and full rights of acquiring property in Rumania were granted to German firms. In all the economic questions prices were so fixed as to favour Germany to the utmost extent, while the further enslavement of Rumanian finances was attained by two articles in the Legal Treaty, whereby the credits and deposits of the Rumanian National Bank at the German

Reichsbank were to be held as security for five years for the payment of the Rumanian public debt to German subjects.

Finally, a new Danube Navigation Act was to be concluded with the Quadruple Alliance, the general principles of which were laid down in the Political Treaty. Only riparian and European Black Sea States were to be members of the new 'Danube Mouth Commission', which was to replace the European Danube Commission in all its privileges, powers, and obligations. Rumania was to guarantee free navigation and use of her harbours, with no tolls for mere navigation, and even other tolls were to be regulated by the new Act. The contracting parties were to have the right of maintaining warships on the Danube, with rights of navigation down stream as far as the sea, but up stream only as far as 'the upper frontier of the ship's territory'. The net result of the new Act would have been to deprive Rumania of control over and profit from her main artery.

The only matters not dealt with to the disadvantage of Rumania were the Jewish and Bessarabian questions. Full religious and school rights were accorded the Jews, in company with all other religions in Rumania, and further members of all religions were to be assured in their legal and political rights, while the matter of Jewish nationality was trenchantly decided in their favour. There was nothing said in their treaties as to the annexation of Bessarabia, but acceptance of the position was implied and during the negotiations the Rumanians were given to understand that no objection would be made by the Central Powers to its annexation.

APPENDIX II

LEAGUE OF NATIONS DOCUMENTS

PART I

EXTRACTS FROM SPEECHES, ETC., SEPT.—DEC. 1918

Extracts from President Wilson's Speech of the 27th September, 1918

'As I see it the constitution of the League of Nations and the clear definition of its objects must be a part—in a sense the most essential part—of the peace settlement itself. It cannot be formed now. If formed now it would be merely a new alliance confined to the nations associated against a common enemy. It is not likely that it could be formed after the settlement. It is necessary to guarantee the peace, and peace cannot be guaranteed as an afterthought. . . .

'We still read Washington's immortal warning against "entangling alliances" with full comprehension and an answering purpose. But only special and limited alliances entangle; and we recognize and accept the duty of a new day in which we are permitted to hope for a general alliance which will clear the air of the world for common understandings and the maintenance of common rights.'

Extracts from Speech of Lord Robert Cecil at Birmingham, 11th November, 1918

'. . . I am convinced, therefore, that the most important step we can now take is to devise machinery which in case of international dispute will, at least, delay the outbreak of war and secure full and open discussion of the causes of quarrel. For that purpose no very elaborate international machinery is required. All that would be necessary would be a treaty binding the signatories never to wage war themselves or permit others to wage war till a formal conference of nations had been held to inquire into and, if possible, decide upon the dispute. It is probably true, at least in theory, that decisions would be difficult to obtain, for the decisions of such a conference, like all other international proceedings, would have to be unanimous to be binding. But since the important thing is to secure delay and open discussion, that is to say, time to enable public opinion to act, and information to instruct it, this is not a serious objection to the proposal. Indeed, from one point of view, it is an advantage, since it avoids any interference with national sovereignty except the interposition of a delay in seeking redress by force of arms. That is the essential thing, and to secure it the treaty would require each of the signatories to use their whole force, economic as well as military,

against any nation that forced on war before a conference had been held. To that extent, and to that extent only, international coercion would be necessary.

'And here let me say that I attach very great weight to the use in this connexion of the economic weapon. For one thing, it would be easier to induce the weaker members of the League to cut off all intercourse with a powerful offender than to take the field against him. For another, the events of this war have shown that an international boycott would be extraordinarily effective. Hampered as we have been by the difficulties necessarily attaching to the novelty of our proceedings, and by the consequent remonstrances, especially in the earlier stages of the war, of neutrals whose interests were affected by them, we have still been able to do a good deal by our blockade and kindred operations. If all restrictions on the use of this weapon by the League were swept away and it were put in force, as by hypothesis it would be, by the whole or almost the whole of the countries of the world against one offender, it would mean certain and irretrievable ruin for that country. It may be hoped that such a menace would cool the ardour even of a German professor.

'It will be observed that in the plan thus outlined nothing has been said about national disarmament. It is indeed most true that without disarmament there can be no complete security against future war, and I earnestly wish that some really effective and trustworthy means may be found drastically to limit the armed forces of every State. The problem is a difficult one, and I have so far to admit that after giving considerable thought to the subject I have not yet come upon any plan for this purpose which seems safe and practicable. Failing such a plan we must trust that the nations will gradually disarm as and when the necessity for national armament disappears, just as in civilized countries men have ceased to carry swords and pistols. The thing to hope for and to work for is the habit of international goodwill. With this object, besides the big change here proposed, there are many other steps that should be taken. For instance, it is vital to any scheme of international peace that treaties should be rigidly observed, but treaties, like everything else, grow old. The conditions obtaining when they were first made do not last for ever, and when they change the existence of the treaties becomes irksome, and in some cases grossly unjust. The signatories of the League should therefore undertake periodical consultations for the purpose of reviewing obsolescent treaty obligations. So, too, that most thorny of all subjects, the control of backward races, should be solved if possible by international action, and there is probably a large and increasing field for international activity in dealing with certain social questions and other matters of more than national importance.

Extracts from General Smuts's Book, *The League of Nations—Practical Suggestions*. 16th December, 1918

'The question is, what new political form shall be given to these elements of our European civilization? On the answer to that question depends the future of Europe and of the world. My broad contention is that the smaller, embryonic, unsuccessful leagues of nations have been

swept away, not to leave an empty house for national individualism or anarchy, but for a larger and better League of Nations. Europe is being liquidated, and the League of Nations must be the heir to this great estate. The peoples left behind by the decomposition of Russia, Austria, and Turkey are mostly untrained politically; many of them are either incapable of or deficient in power of self-government; they are mostly destitute and will require much nursing towards economic and political independence. If there is going to be a scramble among the victors for this loot, the future of Europe must indeed be despaired of. The application of the spoils system at this most solemn juncture in the history of the world, a repartition of Europe at a moment when Europe is bleeding at every pore as a result of partitions less than half a century old, would indeed be incorrigible madness on the part of rulers, and enough to drive the torn and broken peoples of the world to that despair of the State which is the motive power behind Russian Bolshevism. Surely the only statesmanlike course is to make the League of Nations the reversionary in the broadest sense of these Empires. In this *débâcle* of the old Europe the League of Nations is no longer an outsider or stranger, but the natural master of the house. It becomes naturally and obviously the solvent for a problem which no other means will solve. . . .

'If we are deliberately deciding in favour of a peaceful régime for the future, it seems to me a fair proposition that all newly-arising States shall conform to the new order of ideas, and shall agree, as a condition of their recognition and admission into the League of Nations to raise no military forces and collect no armaments beyond what the League may lay down as reasonable in their case. The result will be that militarism will be scotched *ab initio* in the case of all new States, and a vast impetus will be given to the peace movement all over the world. In such case it will also be much easier for the older States and Powers to adopt a policy of disarmament and reduction of military forces, and the new peaceful policy will become identified with the very constitution of the new order of things. Practically all the independent States arising from the decomposition of Russia, Austria, Turkey, and perhaps even Germany, will then have to adopt the new policy, and thereby help to entrench peace in the new political system of Europe. It is an idea which seems to me well worthy of our consideration, as more likely to preserve peace than more ambitious measures adopted to keep well-armed and militarily equipped States from coming to blows. . . .

'The vital principles are: the principle of nationality involving the ideas of political freedom and equality; the principle of autonomy, which is the principle of nationality extended to peoples not yet capable of complete independent statehood; the principle of political decentralization, which will prevent the powerful nationality from swallowing the weak autonomy as has so often happened in the now defunct European Empires; and finally an institution like the League of Nations, which will give stability to that decentralization and thereby guarantee the weak against the strong. The only compromise I make, and make partly to conciliate the Great Powers and partly in view of the administrative inexperience of the League at the beginning, is the concession that, subject to the authority and control of the League, which I mean to be real and effective, suitable Powers may be appointed

to act as mandataries of the League in the more backward peoples and areas. That compromise will, I hope, prove to be only a temporary expedient.

'Let no one be alarmed at this formidable list of first-class difficulties which I am lavishly scattering in the path of the League. All these matters, and many more, are rapidly, unavoidably becoming subjects for international handling. Questions of industry, trade, finance, labour, transit and communications, and many others, are bursting through the national bounds and are clamouring for international solution. Water-tight compartments and partition walls between the nations and the continents have been knocked through, and the new situation calls for world-government. If the League of Nations refuses to function, some other machinery will have to be created to deal with the new problems which transcend all national limits. The task is there; all that is required is a carefully thought-out form of government by which that task could be undertaken. It is a unique problem, both in its magnitude and in the benefits for the world which a successful solution will secure. . . .

'For there is no doubt that mankind is once more on the move. The very foundations have been shaken and loosened, and things are again fluid. The tents have been struck, and the great caravan of humanity is once more on the march. Vast social and industrial changes are coming, perhaps upheavals which may, in their magnitude and effects, be comparable to war itself. A steadying, controlling, regulating influence will be required to give stability to progress, and to remove that wasteful friction which has dissipated so much social force in the past, and in this war more than ever before. These great functions could only be adequately fulfilled by the League of Nations. Responding to such vital needs and coming at such a unique opportunity in history, it may well be destined to mark a new era in the Government of Man, and become to the peoples the guarantee of Peace, to the workers of all races the great International, and to all the embodiment and living expression of the moral and spiritual unity of the human race.'

APPENDIX II, PART II

COMPOSITION OF THE COMMISSION OF THE LEAGUE OF NATIONS

(As constituted on the 27th January and revised on the 6th February, 1919)

UNITED STATES OF AMERICA:

The President of the United States of America.
Honourable Edward M. House.

THE BRITISH EMPIRE:

The Right Hon. The Lord Robert Cecil, K.C., M.P.
Lieutenant-General the Right Hon. J. C. Smuts, K.C., Minister of Defence of the Union of South Africa.

FRANCE:

M. Léon Bourgeois, former President of the Council of Ministers and Minister for Foreign Affairs.

M. Larnaude, Dean of the Faculty of Law of Paris.

ITALY :

M. Orlando, President of the Council.

M. Scialoja, Senator of the Kingdom.

JAPAN :

Baron Makino, former Minister for Foreign Affairs, Member of the Diplomatic Council.

Viscount Chinda, Ambassador Extraordinary and Minister Plenipotentiary of H.I.M. the Emperor of Japan at London.

BELGIUM :

M. Hymans, Minister for Foreign Affairs and Minister of State.

BRAZIL :

M. Epitacio Pessoa, Senator, former Minister of Justice.

CHINA :

Dr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary of China at Washington

PORTUGAL :

M. Jayme Batalha Reis, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Petrograd.

SERBIA :

M. Vesnitch, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Serbia at Paris.

The undermentioned representatives were not summoned till the 6th February, 1919.

GREECE :

M. Eleftherios Venizelos, President of the Council of Ministers.

POLAND :

M. Roman Dmowski, President of the Polish National Committee.

RUMANIA :

M. Diamandy, Rumanian Minister Plenipotentiary.

THE CZECHO-SLOVAK REPUBLIC :

M. Charles Kramar, President of the Council of Ministers.

APPENDIX II, PART III

RESOLUTIONS PASSED BY THE PLENARY CONFERENCE OF 25TH JANUARY, 1919

The Conference, having considered the proposals for the creation of a League of Nations, resolved that—

1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations and to provide safeguards against war.

2. This League should be treated as an integral part of the general Treaty of Peace, and should be open to every civilized nation which can be relied on to promote its objects.

3. The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the conferences.

The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League.

NOTE.—Above formed the terms of reference of the League of Nations Commission.

APPENDIX II, PART IV

REVISIONS OF THE TEXT OF THE COVENANT OF THE LEAGUE

(1) REVISION OF PRESIDENT WILSON'S ORIGINAL DRAFT OF ARTICLE 10

President Wilson's draft Article ran originally as follows (*v.* H. Wilson-Harris, *Peace in the Making*, pp. 161–2): 'The contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial adjustments, if any, as may in the future become necessary by reason of changes in present racial conditions or present social and political relationships, pursuant to the principle of self-determination, and also such territorial adjustments as may in the judgement of three-fourths of the delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those people; and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.'

(2) Differences between Draft and Covenant

NOTE.—The chief differences between the Draft of 14th February and the Revised Covenant of the 28th April are the following:

a.—There was a general re-arrangement of the articles, to make the order more logical.

b.—Certain drafting alterations were made to enable the Germans to sign the Covenant without thereby becoming Members of the League.

c.—The word 'States' before 'Members of the League' was left out, as not properly applying to the British Dominions and India.

d.—'Body of Delegates' and 'Executive Council' became 'Assembly' and 'Council' respectively.

e.—Provision was made for the admission of new members to the Council, both permanent and elected, in order to cover the cases of Germany and Russia.

f.—States specially invited to sit on the Council are invited to sit 'as members'.

g.—The need of *unanimity* to give force to a decision of the Council or Assembly is expressly stated (except in specified cases).

h.—The Secretary-General's appointment by the Council must have the *approval* of the Assembly.

i.—The Secretariat and other positions under the League are opened to *women.*

k.—Candidates for admission to the League (not being original members) must adhere *without reservation.*

l.—Members of the League may withdraw from it on giving two years' notice.

m.—The Council is only to formulate plans for the reduction of armaments, and not *determine.* Plans are to be *revised every 10 years* at least.

n.—A prima facie definition of *matters suitable for arbitration* is included in Art. XIII.

o.—Art. XIV. The Court is empowered to give an *advisory opinion* to the Council.

p.—Art. XV. Where a unanimous recommendation cannot be had, Members reserve the right to take such action as they think fit.

q.—The Council is to make no recommendation in cases affecting a Member's *domestic jurisdiction.*

r.—When a dispute is transferred from the Council to the Assembly, the agreement of all the Council and *a majority of the Assembly* is effective.

s.—Art. XVI. A Covenant-breaking State may be expelled.

t.—Art. XVII. 'Deemed necessary by the *Council*', instead of 'by the League'.

u.—New Arts. XXIII, XXV. The League is given an interest in White Slave Traffic, Opium Traffic, treatment of natives, prevention of disease, Red Cross.

v.—The Secretariat is to help and supply information in matters not under any existing Bureau.

w.—No Power need accept a *Mandate* against its will.

x.—The Commission on Mandates is to advise the *Council,* not the League.

y.—*Monroe Doctrine Article* (new Art. XXI) inserted.

z.—Amendments may be carried by a *bare majority* of the Assembly if the Council is unanimous.

zz.—*States dissenting* from an amendment carried by the majority *may withdraw.* Otherwise they are bound by it.

NOTE.—The full text of the revised Covenant forms Articles 1–26 of the Peace Treaty with Germany, of which the text is given below, App. III, part 2.

APPENDIX II, PART V

EXTRACTS FROM PRESIDENT WILSON'S SPEECHES SUBSEQUENT TO THE ARMISTICE[1]

Paris, 21st December, 1918.

The task of those who are gathered here, or will presently be gathered here, to make the settlement of this peace, is greatly simplified by the fact that they are the masters of no one; they are the servants of mankind. And if we do not heed the mandates of mankind we shall make ourselves the most conspicuous and deserved failures in the history of the world.

London, 28th December, 1918.

That is the afterthought—the thought that something must be done now; not only to make the just settlements—that, of course—but to see that the settlements remained and were observed, and that honour and justice prevail in the world. And as I have conversed with the soldiers I have been more and more aware that they fought for something that not all of them had defined, but which all of them recognized the moment you stated it to them. They fought to do away with an old order and to establish a new one, and the centre and characteristic of the old order was that unstable thing which we used to call the 'balance of power', a thing in which the balance was determined by the sword which was thrown in on the one side or the other, a balance which was determined by the unstable equilibrium of competitive interests, a balance which was maintained by jealous watchfulness and an antagonism of interests which, though it was generally latent, was always deep-seated.

The men who have fought in this war have been the men from the free nations who are determined that that sort of thing should end now and for ever. It is very interesting to me to observe how from every quarter, from every sort of mind, from every concert of counsel, there comes the suggestion that there must now be not a balance of power, not one powerful group of nations set up against another, but a single over-

[1] The following extracts from President Wilson's speeches delivered subsequent to the Armistice are important as bearing on the forming of the Covenant of the League of Nations.

whelming, powerful group of nations who shall be the trustees of the peace of the world.

It has been delightful in my conferences with the leaders of your government to find how our minds moved along exactly the same line and how our thought was always that the key to the peace was the guarantee of the peace, not the items of it; that the items would be worthless unless there stood back of them a permanent concert of power for their maintenance. That is the most reassuring thing that has ever happened in the world.

When this war began the thought of a League of Nations was indulgently considered as an interesting thought of closeted students. It was thought of as one of those things that it was right to characterize by a name which, as a university man, I have always resented. It was said to be academic, as if that in itself were a condemnation—something that men could think about, but never get. Now we find the practical leading minds of the world determined to get it.

Manchester, 30th December, 1918.

And so, when we analyse the present situation and the future that we now have to mould and control, it seems to me that there is no other thought than that that can guide us. You know that the United States has always felt from the very beginning of her history that she must keep herself separate from any kind of connexion with European politics. I want to say very frankly to you that she is not now interested in European politics, but she is interested in the partnership of right between America and Europe. If the future had nothing for us but a new attempt to keep the world at a right poise by a balance of power the United States would take no interest, because she will join no combination of power which is not a combination of all of us. She is not interested merely in the peace of Europe, but in the peace of the world.

Therefore it seems to me that in the settlement which is just ahead of us something more delicate and difficult than was ever attempted before has to be accomplished—a genuine concert of mind and of purpose. But while it is difficult there is an element present that makes it easy. Never before in the history of the world, I believe, has there been such a keen international consciousness as there is now.

There is a great voice of humanity abroad in the world just now which he who cannot hear is deaf. There is a great compulsion of the common conscience now in existence which, if any statesman resists, will gain for him the most unenviable eminence in history. We are not obeying the mandate of parties or of politics. We are obeying the mandate of humanity.

Rome, 3rd January, 1919.

It is for that reason that it seems to me you will forgive me if I lay some of the elements of the new situation before you for a moment. The distinguishing fact of this war is that great empires have gone to pieces. And the characteristics of those empires are that they held different peoples reluctantly together under the coercion of force and the guidance of intrigue.

The great difficulty among such states as those of the Balkans has been that they were always accessible to secret influence; that they were always being penetrated by intrigue of some sort or another; that north of them lay disturbed populations which were held together not by sympathy and friendship, but by the coercive force of a military power.

Now the intrigue is checked, and the bonds are broken, and what we are going to provide is a new cement to hold the people together. They have not been accustomed to being independent. They must now be independent.

I am sure that you recognize the principle as I do—that it is not our privilege to say what sort of a government they should set up. But we are friends of those peoples, and it is our duty as their friends to see to it that some kind of protection is thrown around them—something supplied which will hold them together.

There is only one thing that holds nations together, if you exclude force, and that is friendship and goodwill. The only thing that binds men together is friendship, and by the same token the only thing that binds nations together is friendship. Therefore our task at Paris is to organize the friendship of the world—to see to it that all the moral forces that make for right and justice and liberty are united and are given a vital organization to which the peoples of the world will readily and gladly respond.

In other words, our task is no less colossal than this: to set up a new international psychology; to have a new real atmosphere. I am happy to say that in my dealings with the distinguished gentlemen who lead your nation, and those who lead France and England, I feel that atmosphere gathering, that desire to do justice, that desire to establish friendliness, that desire to make peace rest upon right; and with this common purpose no obstacles need be formidable.

THE WORLD LEAGUE PLAN

Paris, 14th February, 1919.

President Wilson's speech at the Peace Conference on reading the draft of the Constitution of the League of Nations.

Mr. CHAIRMAN: I have the honour, and assume it a very great privilege, of reporting in the name of the commission constituted by this Conference on the formulation of a plan for the League of Nations. I am happy to say that it is a unanimous report, a unanimous report from the representatives of fourteen nations—the United States, Great Britain, France, Italy, Japan, Belgium, Brazil, China, Czecho-Slovakia, Greece, Poland, Portugal, Rumania, and Serbia.

I think it will be serviceable and interesting if I, with your permission, read the document, as the only report we have to make.

[President Wilson then read the draft. When he reached Article XV and had read through the second paragraph, the President paused and said:]

I pause to point out that a misconception might arise in connexion

with one of the sentences I have just read: 'If any party shall refuse to comply, the Council shall propose measures necessary to give effect to the recommendations.'

A case in point, a purely hypothetical case, is this: Suppose there is in the possession of a particular Power a piece of territory, or some other substantial thing in dispute, to which it is claimed that it is not entitled. Suppose that the matter is submitted to the Executive Council for recommendation as to the settlement of the dispute, diplomacy having failed, and suppose that the decision is in favour of the party which claims the subject-matter of dispute, as against the party which has the subject-matter in dispute.

Then, if the party in possession of the subject-matter in dispute merely sits still and does nothing, it has accepted the decision of the Council in the sense that it makes no resistance, but something must be done to see that it surrenders the subject-matter in dispute.

In such a case, the only case contemplated, it is provided that the Executive Council may then consider what steps may be necessary to oblige the party against whom judgement has been given to comply with the decisions of the Council.

Cites a case for use of force.

[After having read Article XIX, President Wilson also stopped and said:]

Let me say that before being embodied in this document this was the subject-matter of a very careful discussion by representatives of the five greater parties, and that their unanimous conclusion is the matter embodied in this article.

[After having read the entire document, President Wilson continued as follows:]

It gives me pleasure to add to this formal reading of the result of our labours that the character of the discussion which occurred at the sittings of the Commission was not only of the most constructive, but of the most encouraging sort. It was obvious throughout our discussions that, although there were subjects upon which there were individual differences of judgement with regard to the method by which our objects should be obtained, there was practically at no point any serious differences of opinion or motive as to the objects which we were seeking.

Indeed, while these debates were not made the opportunity for the expression of enthusiasm and sentiment, I think the other members of the commission will agree with me that there was an undertone of high respect and of enthusiasm for the thing we are trying to do, which was heartening throughout every meeting, because we felt that in a way this Conference did entrust unto us the expression of one of its highest and most important purposes, to see to it that the concord of the world in the future with regard to the objects of justice should not be subject to doubt or uncertainty, that the co-operation of the great body of nations should be assured in the maintenance of peace upon terms of honour and of international obligations.

The compulsion of that task was constantly upon us, and at no point

was there shown the slightest desire to do anything but suggest the best means to accomplish that great object. There is very great significance, therefore, in the fact that the result was reached unanimously.

Union of Wills that cannot be resisted.

Fourteen nations were represented, among them all of those Powers which for convenience we have called the Great Powers, and among the rest a representation of the greatest variety of circumstances and interests. So that I think we are justified in saying that the significance of the result, therefore, had the deepest of all meanings, the union of wills in a common purpose, a union of wills which cannot be resisted, and which, I dare say, no nation will run the risk of attempting to resist.

Now as to the character of the document. While it has consumed some time to read this document, I think you will see at once that it is very simple, and in nothing so simple as in the structure which it suggests for a League of Nations—a body of delegates, an executive council, and a permanent secretariat.

When it came to the question of determining the character of the representation in the body of delegates, we were all aware of a feeling which is current throughout the world. Inasmuch as I am stating it in the presence of the official representatives of the various governments here present, including myself, I may say that there is a universal feeling that the world cannot rest satisfied with merely official guidance. There has reached us through many channels the feeling that if the deliberating body of the League of Nations was merely to be a body of officials representing the various governments, the peoples of the world would not be sure that some of the mistakes which preoccupied officials had admittedly made might not be repeated.

It was impossible to conceive a method or an assembly so large and various as to be really representative of the great body of the peoples of the world, because, as I roughly reckon it, we represent, as we sit around this table, more than twelve hundred million people. You cannot have a representative assembly of twelve hundred million people, but if you leave it to each government to have, if it pleases, one or two or three representatives, though only with a single vote, it may vary its representation from time to time, not only, but it may govern the choice of its several representatives.

Therefore, we thought that this was a proper and a very prudent concession to the practically universal opinion of plain men everywhere that they wanted the door left open to a variety of representation, instead of being confined to a single official body with which they could or might not find themselves in sympathy.

Provision for Discussion.

And you will notice that this body has unlimited rights of discussion —I mean of discussion of anything that falls within the field of international relations—and that it is especially agreed that war or international misunderstandings, or anything that may lead to friction or trouble, is everybody's business, because it may affect the peace of the world.

And in order to safeguard the popular power so far as we could of this representative body, it is provided, you will notice, that when a subject is submitted, it is not to arbitration, but to discussion by the Executive Council. It can, upon the initiative of either of the parties to the dispute, be drawn out of the Executive Council on the larger form of the general body of delegates, because through this instrument we are depending primarily and chiefly upon one great force, and this is the moral force of the public opinion of the world—the pleasing and clarifying and compelling influences of publicity, so that intrigues can no longer have their coverts, so that designs that are sinister can at any time be drawn into the open, so that those things that are destroyed by the light may be promptly destroyed by the overwhelming light of the universal expression of the condemnation of the world.

Armed force is in the background in this programme, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But that is the last resort, because this is intended as a constitution of peace, not as a league of war.

The simplicity of the document seems to me to be one of its chief virtues, because, speaking for myself, I was unable to see the variety of circumstances with which this League would have to deal. I was unable, therefore, to plan all the machinery that might be necessary to meet the differing and unexpected contingencies. Therefore, I should say of this document that it is not a strait-jacket, but a vehicle of life.

A Living Thing is Born.

A living thing is born, and we must see to it what clothes we put on it. It is not a vehicle of power, but a vehicle in which power may be varied at the discretion of those who exercise it and in accordance with the changing circumstances of the time. And yet, while it is elastic, while it is general in its terms, it is definite in the one thing that we are called upon to make definite. It is a definite guarantee of peace. It is a definite guarantee by word against aggression. It is a definite guarantee against the things which have just come near bringing the whole structure of civilization to ruin.

Its purposes do not for a moment lie vague. Its purposes are declared, and its powers are unmistakable. It is not in contemplation that this should be merely a League to secure the peace of the world. It is a League which can be used for co-operation in any international matter. That is the significance of the provision introduced concerning labour. There are many ameliorations of labour conditions which can be effected by conference and discussion. I anticipate that there will be a very great usefulness in the Bureau of Labour which it is contemplated shall be set up by the League. Men and women and children who work have been in the background through long ages, and sometimes seemed to be forgotten, while governments have had their watchful and suspicious eyes upon the manœuvres of one another, while the thought of statesmen has been about structural action and the larger transactions of commerce and finance.

Now, if I may believe the picture which I see, there comes into the foreground the great body of the labouring people of the world, the men

and women and children upon whom the great burden of sustaining the world must from day to day fall, whether we wish it to do so or not, people who go to bed tired and wake up without the stimulation of lively hope. These people will be drawn into the field of international consultation and help, and will be among the wards of the combined governments of the world. This is, I take leave to say, a very great step in advance.

Then, as you will notice, there is an imperative article concerning the publicity of all international agreements. Henceforth no member of the League can claim any agreement valid which it has not registered with the Secretary-General, in whose office, of course, it will be subject to the examination of anybody representing a member of the League. And the duty is laid upon the Secretary-General to publish every document of that sort at the earliest possible time.

I suppose most persons who have not been conversant with the business of foreign affairs do not realize how many hundreds of these agreements are made in a single year, and how difficult it might be to publish the more unimportant of them immediately, how uninteresting it would be to most of the world to publish them immediately, but even they must be published just as soon as it is possible for the Secretary-General to publish them.

Protection of the Helpless.

Then there is a feature about this covenant which, to my mind, is one of the greatest and most satisfactory advances that have been made. We are done with annexations of helpless peoples, meant in some instances by some Powers to be used merely for exploitation. We recognized in the most solemn manner that the helpless and undeveloped peoples of the world, being in that condition, put an obligation upon us to look after their interests primarily before we use them for our interests; and that in all cases of this sort hereafter it shall be the duty of the League to see that the nations who are assigned as the tutors and advisers and directors of these peoples shall look to their interests and their development before they look to the interests and desires of the mandatory nation itself.

There has been no greater advance than this, gentlemen. If you look back upon the history of the world you will see how helpless peoples have too often been a prey to Powers that had no conscience in the matter. It has been one of the many distressing revelations of recent years that the Great Power which has just been, happily, defeated put intolerable burdens and injustices upon the helpless people of some of the colonies which it annexed to itself, that its interest was rather their extermination than their development, that the desire was to possess their land for European purposes and not to enjoy their confidence in order that mankind might be lifted in these places to the next higher level.

Now, the world, expressing its conscience in law, says there is an end of that, that our consciences shall be settled to this thing. States will be picked out which have already shown that they can exercise a conscience in this matter, and under their tutelage the helpless peoples of the world will come into a new light and into a new hope.

A Practical Document.

So I think I can say of this document that it is at one and the same time a practical document and a human document. There is a pulse of sympathy in it. There is a compulsion of conscience throughout it. It is practical, and yet it is intended to purify, to rectify, to elevate. And I want to say that, so far as my observation instructs me, this is in one sense a belated document. I believe that the conscience of the world has long been prepared to express itself in some such way. We are not just now discovering our sympathy for these people and our interest in them. We are simply expressing it, for it has long been felt, and in the administration of the affairs of more than one of the great States represented here—so far as I know, all of the great States that are represented here—that humane impulse has already expressed itself in their dealings with their colonies, whose peoples were yet at a low stage of civilization.

We have had many instances of colonies lifted into the sphere of complete self-government. This is not the discovery of a principle. It is the universal application of a principle. It is the agreement of the great nations which have tried to live by these standards in their separate administrations to unite in seeing that their common force and their common thought and intelligence are lent to this great and humane enterprise. I think it is an occasion, therefore, for the most profound satisfaction that this humane decision should have been reached in a matter for which the world has long been waiting, and until a very recent period thought that it was still too early to hope.

Many terrible things have come out of this war, gentlemen, but some very beautiful things have come out of it. Wrong has been defeated, but the rest of the world has been more conscious than it ever was before of the majority of right. People that were suspicious of one another can now live as friends and comrades in a single family, and desire to do so. The miasma of distrust, of intrigue, is cleared away. Men are looking eye to eye and saying: 'We are brothers and have a common purpose. We did not realize it before, but now we do realize it, and this is our covenant of friendship.'

APPENDIX III, PART I

I. EXTRACTS FROM DISCUSSION BETWEEN PRESIDENT WILSON AND THE SENATE COMMISSION AT THE WHITE HOUSE, AUGUST 19, 1919.[1]

THE President in his opening statement, after urging 'that the action of the Senate with regard to the treaty (should) be taken at the earliest practicable moment', went on to deal with various points in which the treaty was being criticized, and with the question of reservations and amendments:

The Monroe Doctrine is expressly mentioned as an understanding which is in no way to be impaired or interfered with by anything contained in the covenant, and the expression 'regional understandings like the Monroe Doctrine' was used, not because any one of the conferees thought there was any comparable agreement anywhere else in existence or in contemplation, but only because it was thought best to avoid the appearance of dealing in such a document with the policy of a single nation. Absolutely nothing is concealed in the phrase.

With regard to domestic questions, Article XV of the covenant expressly provides in case of any dispute arising between the members of the League and the matter involved is claimed by one of the parties, 'and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party the council shall so report, and shall make no recommendations as to its settlement'. The United States was by no means the only Government interested in the explicit adoption of this provision, and there is no doubt in the mind of any authoritative student of international law that such matters as immigration, tariff, and naturalization are incontestably domestic questions, with which no international body could deal without express authority to do so. . . .

The right of any sovereign State to withdraw had been taken for granted, but no objection was made to making it explicit. Indeed so soon as the views expressed at the White House conference were laid before the commission, it was at once conceded that it was best not to leave the answer to so important a question to inference. . . .

Article X is in no respect of doubtful meaning when read in the light of the covenant as a whole. The council of the League can only 'advise upon' the means by which the obligations of that great article are to be given effect to unless the United States is a party to the policy or action in question. Her own affirmative vote in the council is necessary before any advice can be given, for a unanimous vote of the council is required. If she is a party the trouble is hers

[1] Extracted by permission from the *International Review*, October 1919, pp. 195-200.

anyhow, and the unanimous vote of the council is only advice in any case. Each Government is free to reject it if it please.

Nothing could have been made more clear to the conference than the right of our Congress under our Constitution to exercise its independent judgment in all matters of peace and war. No attempt was made to question or limit that right. The United States will, indeed, undertake under Article X to 'respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League', and that engagement constitutes a very grave and solemn moral obligation. But it is a moral, not a legal, obligation, and leaves our Congress absolutely free to put its own interpretation upon it in all cases that call for action. It is binding in conscience only, not in law.

Article X seems to me to constitute the very backbone of the whole covenant. Without it the League would be hardly more than an influential debating society.

It has several times been suggested in public debate and in private conference, that interpretations of the sense in which the United States accepts the engagements of the covenant should be embodied in the instrument of ratification. There can be no reasonable objection to such interpretations accompanying the act of ratification provided they do not form a part of the formal ratification itself. Most of the interpretations which have been suggested to me embody what seems to me the plain meaning of the instrument itself.

But if such interpretations should constitute a part of the formal resolution of ratification long delays would be the inevitable consequence, inasmuch as all the many Governments concerned would have to accept, in effect, the language of the Senate as the language of the treaty before ratification would be complete. The assent of the German Assembly at Weimar would have to be obtained, among the rest, and I must frankly say that I could only with the greatest reluctance approach that assembly for permission to read the treaty as we understand it, and as those who framed it quite certainly understood. If the United States were to qualify the document in any way, moreover, I am confident from what I know of the many conferences and debates which accompanied the formulation of the treaty, that our example would immediately be followed in many quarters, in some instances with very serious reservations, and that the meaning and operative force of the treaty would presently be clouded from one end of its clauses to the other.

The following are the more important extracts from the cross-examination of the President by the Committee:

Reparation Clauses

Senator Lodge: Mr. President, I have no prepared set of questions, but there are one or two that I want to ask, and will go to an entirely different subject in my next question. I want to ask, purely for information, is it intended that the United States shall receive any part of the reparation fund which is in the hands of the Reparation Commission?

The President: I left that question open, Senator, because I did not feel that I had any final right to decide it. Upon the basis that was set up by the reparation clauses the portion that the United States would receive would be very small at best, and my own judgment was frequently expressed—not as a decision but as a judgment—that we should claim nothing under those general clauses. I did that because I coveted the moral advantage that that would give us in the council of the world.

Senator McCumber: Did that mean that we would claim nothing for the sinking of the *Lusitania*?

The President: Oh, no; that did not cover questions of that sort at all.

Senator Lodge: I understand, Mr. President, that war claims were not covered by that reparation clause.

The President: That is correct.

Senator Lodge: I asked that question because I desired to know whether, under the Reparation Commission, there was anything expected to come to us.

The President: As I say, that remains to be decided.

Senator Lodge: By the commission?

The President: By the commission.

Withdrawal from the League

Senator Borah: Mr. President, if no one else desires to ask a question I want, so far as I am individually concerned, to get a little clearer information with reference to the withdrawal clause in the League covenant. Who passes upon the question of the fulfilment of our international obligations, upon the question whether a nation has fulfilled its international obligations?

The President: Nobody.

Senator Borah: Does the Council have anything to say about it?

The President: Nothing whatever.

Senator Borah: Then if a country should give notice of withdrawal, it would be the sole judge of whether or not it had fulfilled its international obligations, its covenants to the League.

The President: That is as I understand it; the only restraining influence would be the public opinion of the world.

Senator Borah: Precisely; but if the United States should conceive that it had fulfilled its obligations, that question could [sic. *sc.* not] be referred to the council in any way, or the council could not be called into action?

The President: No.

Senator Borah: Then, as I understand, when the notice is given, the right to withdraw is unconditional?

The President: Well, when the notice is given it is conditional on the faith of the conscience of the withdrawing nation at the close of the two-year period.

Senator Borah: Precisely; but it is unconditional so far as the legal right or the moral right is concerned.

The President: That is my interpretation.

Senator Borah: There is no moral obligation on the part of the United States to observe any suggestion made by the council?

The President: Oh, no.

Senator Borah: With reference to withdrawing?

The President: There might be a moral obligation if that suggestion had weight, Senator, but there is no other obligation.

Interpretation of Article X

Senator Borah: Mr. President, with reference to Article X, in listening to the reading of your statement I got the impression that your view was that the first obligation of Article X, to wit: 'The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League', was simply a moral obligation.

The President: Yes, Sir; inasmuch as there is no sanction in the treaty.

Senator Borah: But that would be a legal obligation so far as the United States was concerned if it should enter into it, would it not?

The President: I would not interpret that way, Senator, because there is involved the element of judgment as to whether the territorial integrity or existing political independence is invaded or impaired. In other words, it is an attitude of comradeship and protection among the members of the League, which in its very nature is moral and not legal.

Senator Borah: If, however, the actual fact of invasion were beyond dispute, then the legal obligation, it seems to me . . . the legal obligations would immediately arise if the fact of actual invasion were undisputed.

The President: The legal obligation to apply the automatic punishments of the covenant, undoubtedly, but not the legal obligation to go to arms and actually to make war—not the legal obligation. There might be a very strong moral obligation.

Senator McCumber: Just so that I may understand definitely what your view is on that subject, Mr. President, do I understand you to mean that while we have two different remedies and possibly others, we would simply be the sole judge of the remedy we would apply, but the obligation would still rest upon us to apply some remedy to bring about the result?

The President: Yes. I cannot quite accept the full wording that you used, Sir. We would have complete freedom of choice as to the application of force.

Obligation in Case of War

Senator Knox: Mr. President, allow me to ask this question: Suppose that it is perfectly obvious and accepted that there is an external aggression against some power, and suppose it is perfectly obvious and accepted that it cannot be repelled except by force of arms. Would we be under any legal obligation to participate?

The President: No, Sir; but we would be under an absolutely compelling moral obligation.

Senator Knox: But no legal obligation?

The President: Not as I contemplate it.

Senator Williams: Mr. President, each nation, if I understand it, is, of course, left to judge the applicability of the principles stated as to the facts in the case, whether there is or is not external aggression?

The President: Yes.

Senator Williams: And if any country should conclude that there were not external aggression, but that France or some other country had started the trouble indirectly, we would have the same right, if I understand it, that Italy had to declare that her alliance with Germany and Austria was purely defensive, and that she did not see anything defensive in it; so when you come to judgment of the facts, outside of the international law involved, each nation must determine, if I understand, whether or not there has been external aggression?

The President: I think you are right, Sir.

Obligations of Article XI

Senator Borah (reading): 'Any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.' What I am particularly anxious to know is whether or not the construction which was placed upon these two Articles by the committee which framed the League was one that it was a binding obligation from a legal standpoint or merely a moral.

The President: Senator, I tried to answer that with regard to Article X.

Senator Borah: Yes, exactly.

The President: I would apply it equally with regard to Article XI, though I ought to hasten to say that we did not formulate these interpretations. I can only speak from my confident impression from the debates that accompanied the formulation of the covenant.

Senator Borah: Yes, I understand; and your construction of Article XI is the same as Article X?

The President: Yes.

The Treaty with France

Senator Borah: Mr. President, does the special alliance treaty with France which has been submitted to us rest upon any other basis, as to legal and moral obligations, than that of Article X and Article XI, which you have just described?

The President: No, Sir.

Senator Borah: That is also, as you understand it, simply our moral obligation which we enter into with France?

The President: Yes.

Secret Treaties

Senator Borah: We did get a reply from Mr. Lansing to the same effect, so far as he was concerned. When did the secret treaties between Great Britain, France, and the other nations of Europe with reference to certain adjustments in Europe first come to your knowledge? Was that after you had reached Paris also?

The President: Yes, Sir. The whole series of understandings was disclosed to me for the first time then.

Senator Borah: Then we had no knowledge of these secret treaties so far as our Government was concerned until you reached Paris?

The President: Not unless there was information at the State Department of which I knew nothing.

Senator Borah: Do you know when these secret treaties between Japan, Great Britain, and other countries were first made known to China?

The President: No, Sir, I do not. I remember a meeting of what was popularly called the Council of Ten, after our reaching Paris, in which it was first suggested that all these understandings should be laid upon the table of the Conference. That was some time after we reached there, and I do not know whether that was China's first knowledge of these matters or not.

Senator Borah: Would it be proper for me to ask if Great Britain and France insisted upon maintaining these secret treaties at the Peace Conference as they were made?

The President: I think it is proper for me to answer that question. Sir, I will put it in this way: They felt that they could not recede from them, that is to say that they were bound by them, but when they involved general interests such as they realized were involved, they were quite willing, and, indeed, I think desirous, that they should be reconsidered with the consent of the other parties. I mean with the consent, so far as they were concerned, of the other parties.

Senator Moses: Were all these treaties then produced, Mr. President?

The President: Oh, yes.

Japan and Shantung

Senator Swanson: Can you tell us, or would it be proper to do so, of your understanding with Japan as to the return of Shantung—a question which has been very much discussed?

The President: I have published the wording of the understanding, Senator. I cannot be confident that I quote it literally, but I know that I quote it in substance. It was that Japan should return to China, in full sovereignty, the old province of Shantung so far as Germany had any claims upon it, preserving to herself the right to establish a residential district at Tsing-tao, which is the town of Kiaochow Bay; that with regard to the railways and mines she should retain only the rights of an economic concession there, with the right, however, to maintain a special body of police on the railway, the *personnel* of which should be Chinese, under Japanese instructors,

nominated by the managers of the company and appointed by the Chinese Government. I think that is the whole of it.

Senator Pomerene: That is, that the instructors should be confirmed by the Chinese Government?

The President: No; not exactly that. The language, as I remember it, is that they should be nominated by the managers of the railway company, and appointed by the Chinese Government.

Senator Williams: This rather curious question presents itself to my mind: As I understand, Japan has retained sovereignty for the ninety-nine years of the lease only at Kiaochow and five kilometres, or some such distance, back from the bay.

The President: She has not retained sovereignty over anything.

Senator Williams: She has not?

The President: I mean she has promised not to.

Senator Williams: During the period of the lease?

The President: No, she has promised not to retain sovereignty at all. Senator Borah asked whether this understanding was oral or otherwise. I do not like to describe the operation exactly if it is not perfectly discreet, but as a matter of fact this was technically oral, but literally written and formulated, and the formulation agreed upon.

Senator Johnson of California: When, Mr. President, is the return to be made?

The President: That was left undecided, Senator, but we were assured at the time that it would be as soon as possible.

Senator Johnson: Did not the Japanese decline to fix any date?

The President: They did at that time, yes; but I think it is fair to them to say, not in the spirit of those who wished it to be within their choice, but simply that they could not at that time say when it would be.

Senator Johnson: The economic privileges that they would retain would give them a fair mastery over the province, would they not, or at least the Chinese think so? Let me put it in that fashion, please.

The President: I believe they do, Senator. I do not feel qualified to judge. I should say that that was an exaggerated view.

Senator Johnson: But the Chinese feel that way about it, and have so expressed themselves.

The President: They have so expressed themselves.

Senator Knox: Mr. President, the economic privileges that they originally acquired in Korea and subsequently in Inner and Outer Mongolia, and in Northern and Southern Manchuria, have almost developed into a complete sovereignty over these countries, have they not?

The President: Yes, Senator, in the absence of a League of Nations they have.

Senator Knox: You think the League of Nations would have prevented that, do you?

The President: I am confident it would.

Senator New: Mr. President, does not this indefinite promise of Japan's suggest the somewhat analogous case of England's occupation

of Malta ? She has occupied Malta for something like a century under a very similar promise.

The President : Well, Senator, I hope you will pardon me if I do not answer that question.

Senator McCumber : Was there anything said by Japan as to anything that she would want to do before she turned the territory over to China ?

The President : No ; nothing was mentioned.

Senator McCumber : Then ' as soon as possible ' would naturally mean, would it not, as soon as the treaty has been signed under which she accepts the transfer from Germany ?

The President : Well, I should say that it would mean that the process should begin then. Of course, there would be many practical considerations of which I know nothing that might prolong the process.

Senator McCumber : The whole purpose of my question, Mr. President, is to satisfy my mind, if I can, that Japan will, in good faith, carry out her agreement.

The President : I have every confidence that she will, Sir.

Senator Pomerene : Mr. President, if I may, I should like to ask a question or two along the same line. If this treaty should fail of ratification, then would not the opportunity be open to Japan to treat the Shantung question just as she has treated the Manchurian situation.

The President : I think so ; yes.

Senator Pomerene : So that, if the treaty should fail of ratification, China, so far as Shantung is concerned, would be practically at the mercy of Japan, whereas if the treaty is ratified, then at least she will have the benefit of the moral assistance of all the other signatory Powers to the treaty to aid in the protection of Chinese rights ?

The President : Senator, I conceive one of the chief benefits of the whole arrangement that centres in the League of Nations to be just what you have indicated—that it brings to bear the opinion of the world and the controlling action of the world on all relationships of that hazardous sort, particularly those relationships which involve the rights of the weaker nations. After all, the wars that are likely to come are most likely to come by aggression against the weaker nations. Without the League of Nations they have no buttress or protection ; with it, they have the united protection of the world. And inasmuch as it is the universal opinion that the great tragedy through which we have just passed never would have occurred if the Central Powers had dreamed that a number of nations would be combined against them, so I have the utmost confidence that this notice beforehand that the strong nations of the world will in every case be united will make war extremely unlikely.

Senator Johnson of California : Do you know, Mr. President, whether or not our Government stated to China that, if China would enter the war, we would protect her interests at the Peace Conference ?

The President : We made no promises.

Senator Johnson of California : No representations of that sort ?

The President : No. She knew that we would do as well as we could. She had every reason to know that.

Senator Johnson of California: Pardon me, a further question: You did make the attempt to do it, too, did you not?

The President: Oh, indeed I did, very seriously.

Senator Johnson of California: And the decision ultimately reached at the Peace Conference was a disappointment to you?

The President: Yes, Sir; I may frankly say that it was.

Senator Johnson of California: You would have preferred, as I think most of us would, that there had been a different conclusion of the Shantung provision or the Shantung difficulty or controversy at the Paris Peace Conference?

The President: Yes; I frankly intimated this.

Senator Johnson of California: First, did Japan decline to sign the award as made or provided in the Peace Treaty?

The President: Her representatives informed us, Senator, that they were instructed not to sign in that event.

The Foreign Relations Committee's Report

The Committee reported to the Senate on September 10, 1919. Two reports were presented, a majority report by Senator Lodge, and a minority report by Senator Hitchcock. The minority report recommended ratification of the treaty without reservations or amendments. The majority report recommended four main reservations or amendments:

(1) To give the United States six votes in the League in order to equalize her voting strength with that of the British Empire;

(2) To exclude the United States from participation in various commissions created under the League, except the Reparations Commission, American participation in which is to be confined to matters connected with shipping;

(3) To hand over German rights in Shantung to China instead of Japan;

(4) To prevent any country interested in a dispute before the League from sitting in judgment upon that dispute.

II. TWO STATEMENTS BY GENERAL SMUTS

I.—THE PEACE TREATY

[*A Statement issued by General Smuts after the Signature of Peace.*]

Criticisms of the Treaty.

I HAVE signed the Peace Treaty, not because I consider it a satisfactory document but because it is imperatively necessary to close the war; because the world needs peace above all, and nothing could be more fatal than the continuance of the state of suspense between war and peace. The six months since the Armistice was signed have, perhaps, been as upsetting, unsettling, and ruinous to Europe as the previous four years of war. I look upon the Peace Treaty as the close of those

two chapters of war and armistice, and only on that ground do I agree to it.

I say this now, not in criticism, but in faith; not because I wish to find fault with the work done, but rather because I feel that in the Treaty we have not yet achieved the real peace to which our peoples were looking, and because I feel that the real work of making peace will only begin after this Treaty has been signed, and a definite halt has thereby been called to the destructive passions that have been desolating Europe for nearly five years. This Treaty is simply the liquidation of the war situation of the world.

The promise of the new life, the victory of the great human ideals, for which the peoples have shed their blood and their treasure without stint, the fulfilment of their aspirations towards a new international order, and a fairer, better world, are not written in this Treaty, and will not be written in treaties. 'Not in this Mountain, nor in Jerusalem, but in spirit and in truth,' as the Great Master said, must the foundations of the new order be laid. A new heart must be given, not only to our enemies, but also to us; a contrite spirit for the woes which have overwhelmed the world; a spirit of pity, mercy, and forgiveness for the sins and wrongs which we have suffered. A new spirit of generosity and humanity, born in the hearts of the peoples in this great hour of common suffering and sorrow, can alone heal the wounds which have been inflicted on the body of Christendom.

And this new spirit among the peoples will be the solvent for the problems which the statesmen have found too hard at the Conference.

There are territorial settlements which will need revision.

There are guarantees laid down which we all hope will soon be found out of harmony with the new peaceful temper and unarmed state of our former enemies.

There are punishments foreshadowed over most of which a calmer mood may yet prefer to pass the sponge of oblivion.

There are indemnities stipulated which cannot be expected without grave injury to the industrial revival of Europe, and which it will be in the interests of all to render more tolerable and moderate.

There are numerous pin-pricks which will cease to pain under the healing influences of the new international atmosphere.

The real peace of the peoples ought to follow, complete, and amend the peace of the statesmen.

In this Treaty, however, two achievements of far-reaching importance for the world are definitely recorded. The one is the destruction of Prussian militarism; the other is the institution of the League of Nations. *I am confident that the League of Nations will yet prove the path of escape for Europe out of the ruin brought about by this war.*

How the League can be Developed.

But the League is as yet only a form. It still requires the quickening life, which can only come from the active interest and the vitalizing contact of the peoples themselves. The new creative spirit, which is once more moving among the peoples in their anguish, must fill the institution with life, and with inspiration for the pacific ideals born of this war, and

so convert it into a real instrument of progress. In that way the abolition of militarism—in this Treaty, unfortunately, confined to the enemy—may soon come as a blessing and relief to the Allied peoples as well.

And the enemy peoples should, at the earliest possible date, join the League, and in collaboration with the Allied peoples learn to practise the great lesson of this war—that not in separate ambitions or in selfish domination, but in common service for the great human causes, lies the true path of national progress.

This joint collaboration is especially necessary to-day for the reconstruction of a ruined and broken world.

The war has resulted, not only in the utter defeat of the enemy armies, but has gone immeasurably further. We witness the collapse of the whole political and economic fabric of Central and Eastern Europe. Unemployment, starvation, anarchy, war, disease, despair stalk through the land. Unless the victors can effectively extend a helping hand to the defeated and broken peoples, a large part of Europe is threatened with exhaustion and decay. Russia has already walked into the night, and the risk that the rest may follow is very grave indeed.

The effects of this disaster would not be confined to Central and Eastern Europe. For civilization is one body, and we are all members of one another.

A supreme necessity is laid on all to grapple with this situation. And in the joint work of beneficence the old feuds will tend to be forgotten, the roots of reconciliation among the peoples will begin to grow again, and ultimately flower into active, fruitful, lasting Peace.

To the peoples of the United States and the British Empire, who have been exceptionally blessed with the good things of life, I would make a special appeal. Let them exert themselves to the utmost in this great work of saving the wreckage of life and industry on the Continent of Europe. They have a great mission, and in fulfilling it they will be as much blessed as blessing.

All this is possible, and, I hope, capable of accomplishment; but only on two conditions.

In the first place, the Germans must convince our peoples of their good faith, of their complete sincerity through a real honest effort to fulfil their obligations under the Treaty to the extent of their ability. They will find the British people disposed to meet them half-way in their unexampled difficulties and perplexities. But any resort to subterfuges or to underhand means to defeat or evade the Peace Treaty will only revive old suspicions and rouse anger and prove fatal to a good understanding.

And in the second place, our Allied peoples must remember that God gave them overwhelming victory, victory far beyond their greatest dreams, not for small, selfish ends, not for financial or economic advantages, but for the attainment of the great human ideals for which our heroes gave their lives, and which are the real victors in this war of ideals.

Paris, 29 *June* 1919.

II. PROBLEMS FOR THE LEAGUE

[*A Farewell Message from General Smuts on leaving England.*]

General Principles.

As I am leaving England to-day on my return to South Africa, I wish to say a few parting words of farewell to all my friends. I had intended to say on the public platform what I am now going to write, but my departure has been hastened, and no occasion for a speech has been found.

From the bottom of my heart I wish to thank the British people who have not hesitated to honour and trust one who was once their enemy. My own case is a striking instance of how the enemy of to-day may be the friend and comrade of to-morrow, and must in these difficult days make all of us realize how important it is to practise moderation and restraint in the expression of our feelings towards those who were yesterday our bitter enemies.

Certain things have to be said to-day, though I find great unwillingness to say them. The position I have occupied in this country and the fact that, under very difficult circumstances, I have taken a most active part against the Germans from the first to the last day of the late war, give me the right to say them without giving offence to anybody.

. . . . . .

The protest which I issued on signing the Peace Treaty has called forth a vast correspondence, which shows a widespread agreement with the views I hold on that document, as well as on the international situation generally. Deep as my disappointment was with many important features of the Treaty, I did not protest in bitterness or from any desire to criticize. The past is done, and must be accepted as a fact; the future is before us to make or mar. And I spoke with an eye to the future, with a desire to create the right spirit wherewith to confront the difficult situation before us.

In spite of the apparent failure of the Peace Conference to bring about the real and lasting appeasement of the nations to which we had been looking forward, our faith in our great ideals should be kept untarnished. The sting of bitterness should be taken out of the great disillusion which is overtaking the peoples. Instead of sitting down in despair as reactionaries or anarchists, we should continue to march forward with firm step as those who have the Great Help.

The fundamental significance of the war has been the victory of the spirit, of the moral over the material factors of life. Germany had entered upon a vast venture in materialism, and had constructed the most tremendous mechanical apparatus of victory which the world had ever seen. But the neglected moral factors, the public opinion of mankind, the outraged conscience of the nations, in the end avenged themselves and inflicted the most signal defeat on the forces of scientific materialism. Spirit has triumphed; the apparently weak moral elements which constitute the motive forces of human progress have been vindicated in a way which will make this war one of the most

significant landmarks in human history. The victory has been not to the strong, but to the finer, more generous elements in human nature. The great ideals of progress have won through; that is the real and abiding significance of this war and its tremendous conclusion.

If that is so, then this war should leave no lasting bitterness behind it in the minds of the peoples. The baser elements of human nature have been defeated in the enemy; they should not re-establish themselves in the victors. The tremendous spiritual *élan* which carried us through the great struggle should not now make way for barren hatreds, abject fears, base greeds. Now more than ever should the banner of the spirit be borne aloft by all of us, as at once the symbol and secret of victory. '*In hoc signo vinces.*' The ethical human factors have vindicated themselves in a way which is little short of miraculous. It is therefore most right and proper that we should practise the great Christian qualities of mercy, pity and forgiveness, which constitute the very essence and differentia of our religion.

If all this is true and admitted, the political application to international affairs follows quite obviously. There must be a real peace between the nations; the word 'reconciliation' has to be writ large on our skies. Our hearts have to be emptied of all bitterness and hatred, and the memories of war atrocities should not harden our hearts against the revival of a new international life.

No, it is not a case for hatred or bitterness, but for all-embracing pity, for extending the helping hand to late friend and foe alike, and for a mission of rescue work such as the world has never seen. Europe is and will for this generation be the greatest mission field in which the energies of the great-hearted people of this country and America could be spent. And the gospel will be that original one of 'goodwill among men', of human comradeship beyond the limits of nations, of fellow-feeling and common service in the great human causes.

Germany and Russia.

All this applies to Europe generally, but I wish to add a word in reference to Germany and Russia in particular, as the situation is too grave to permit of any shrinking from the frankest expression of opinion. The brutal fact is that Great Britain is a very small island on the fringe of the Continent, and that on the Continent the seventy odd million Germans represent the most important and formidable national factor. You cannot have a stable Europe without a stable, settled Germany; and you cannot have a stable, settled, prosperous Great Britain while Europe is weltering in confusion and unsettlement next door.

Russia is an even more obscure and difficult problem than Germany, and one on which no dogmatic opinion would be justified. But from all the information which has come into my possession I am seriously doubtful about the sort of policy which we seem to be pursuing there. Russia can only be saved internally by Russians themselves, working on Russian methods and ideas. She is a case of national pathology of a people with a sick soul; and only Russian ideas can work a cure. Our military forces, our lavish contributions of tanks and other war

material may temporarily bolster up the one side, but the real magnitude of the problem is quite beyond such expedients.

Leave Russia alone, remove the blockade, adopt a policy of friendly neutrality and Gallio-like impartiality to all factions. It may well be that the only ultimate hope for Russia is a sobered, purified Soviet system; and that may be far better than the Tsarism to which our present policy seems inevitably tending. If we have to appear on the Russian scene at all, let it be as impartial benevolent friends and helpers, and not as military or political partisans. Be patient with sick Russia, give her time and sympathy, and await the results of her convalescence.

We have a good deal to set in order in our own house. The Dominions have been well launched on their great career; their status of complete nationhood has now received international recognition, and as members of the Britannic League they will henceforth go forward on terms of equal brotherhood with the other nations on the great paths of the world. The successful launching of her former Colonies among the nations of the world, while they remain members of an inner Britannic circle, will ever rank as one of the most outstanding achievements of British political genius. Forms and formulas may still have to be readjusted, but the real work is done.

India and Egypt.

There still remains the equally important task of properly locating the great Dependencies, like India and Egypt, in the free democratic British League. Recent severe troubles in both Dependencies mentioned serve to remind us that no time must be lost in boldly grappling with this problem. It is a task to be approached in an open mind and with the fixed determination here, too, to realize those principles of freedom and self-government without which this Empire cannot continue to exist in the new time.

The Dominion solution will obviously not apply, but it may be found possible to reconcile native self-government with a system of expert advice and assistance, which will replace the dead hand of bureaucratic domination by the lighter but no less effective touch of a friendly hand. The problem is capable of a practical solution, and precedents for dealing with it are not entirely wanting.

Ireland.

But most pressing of all constitutional problems in the Empire is the Irish question. It has become a chronic wound, the septic effects of which are spreading to our whole system; and through its influence on America it is now beginning to poison our most vital foreign relations. Unless the Irish question is settled on the great principles which form the basis of this Empire, this Empire must cease to exist. The fact that Irishmen cannot be made to agree may have been a good reason for not forcing on a solution during the war; but now after peace the question should be boldly grappled with. Our statesmen have just come back from Paris, where they have dealt with racial problems like

that of Ireland, and in every way as difficult as the Irish problem. They may not shrink from applying to Ireland the same medicine that they have applied to Bohemia and many another part of Europe.

. . . . . .

And this brings me to say finally a word on questions of a more domestic character in this country. There are difficult days ahead for this country, and this nation will be tested as never before in the searching times that are coming. The greatest hurricane in history is raging over the world, and it is idle to expect that we shall be able to shelter ourselves from its effects. Vast changes are coming, and are already beginning to loom into sight. There is no formula or patent medicine that will see us through this crisis.

London, July 1919.

III. SPEECH OF M. CLEMENCEAU IN INTRODUCING PEACE TREATY TO THE FRENCH CHAMBER, 30TH JUNE, 1919.

[THE following text of M. Clemenceau's speech in submitting the Peace Treaty to the Chamber is taken from *The Times*.]

I have the honour of submitting to the Bureau of the Chamber the Bill for the ratification of the Treaty which received the signatures of the Allied and Associated Governments of the Entente on the 28th inst. at Versailles after those of the Plenipotentiaries of the German Empire. I add to it the Anglo-French and Franco-American Convention.

As to the conditions of the Treaty itself and the spirit which inspires it, I have no intention of forestalling the debate which must take place here. At an hour like this, however, when the greatest drama of history is about to close, when we are still thrilled with the sense of supreme duties magnificently fulfilled, the first impulse of our souls must be one of French, as much as humanitarian, hope—the ideal of France, the ideal of humanity itself. We can and must publicly attest the common thought under the eyes of those great ancestors whose Motherland it is our pride to continue.

What boundless joy when from this tribune one can at length definitely declare: 'By France and by our Allies the work of salvation from the danger which placed the world in deadly peril is now accomplished!' If only we hold on to our duty, the old spirit of domination by war may be for ever felled to the ground. That day has come when force and right—terribly separated hitherto—are to unite for the peace of peoples in travail.

For that peace we have the will that we had for the war—a hard will that nothing can bend. That peace we shall make as we made war, without weakness, without theatrical pride, with the inflexible determination to remain worthy of our great dead who desired that France, with all her historic virtues, should march ever onwards and upwards. This we must do, for it was against France in particular that

the abominable attempt at universal oppression was directed which has just been brought to nought.

In order to crush the right of free peoples to the plenitude of life the France of the Revolution must before everything else be beaten down. We were asked for all, and we gave all. And here triumphant right stands inviolable, and here is a righteous peace with all the hopes that that great word suggests about to begin its reign.

Of the peace of human greatness of which we have at present only the precursory signs, it is for us to set the example—to live it—in the accomplishment of all the great duties it implies if we wish to see the honour to which our people is entitled acknowledged for ever by unanimous consent.

Peace at Home.

But this peace, it is only right to say here, even at this very moment, cannot be exclusively a peace with friendly nations and with those on which, after the sanctions of justice have been fulfilled, we wish to impose its duties. A general peace in fact could only be the deceptive mirage of a day if we were not capable of living first of all in peace with ourselves—that is to say, of giving, as a foundation for peace, internal peace to our own country.

For that, no doubt, we must have appeasement of old conflicts, but these appeasements must be mutual, for if the spirit of war should persist at any points whatever, it would mean the betrayal of civil peace at the very moment when we were trying to make it secure.

An external peace can be won in one sublime moment by the sacrifice of all that makes life beautiful and precious. Internal peace can only be obtained by continuous effort in a spirit of supreme equity and by the equitable and successive adjustment of impulses, wishes, beliefs, opinions, and interests, traditionally opposed and sometimes even contradictory to one another.

It requires the unseen heroism of voluntary restraint, often painful, for the determined preservation of that rational order, which, if it does not immediately satisfy all hopes, should none the less permit the progressive realization of those hopes as we prove ourselves more and more capable of putting into action those aspects of idealism so prompt to present themselves but so slow to take their place in living reality.

Have we not there the whole programme of the Republic from the day when it arose bleeding in the first hours of the Revolutionary conflagration? Is that not the programme of France herself, who finds thus traced out a bar to our war victory being our peace victory? At least we already know what victories over ourselves we have first to gain.

Memories of 1871.

At Bordeaux and Versailles in 1871 I had the pain of witnessing with my own eyes, my heart broken, the atrocious laceration, the open wound which has never been healed. Military revenge and moral revenge then had to be united. The first has come. Even in defeat we began the other. In victory we want to complete it.

Long enough, and for too long, have we dissipated our strength in

political and social conflicts, the fatality of all peoples and all times, but which, even when fruitful, are found at the final reckoning to mean loss of energy. It is the common history of mankind. There has been no great conquest which has not cost tumults or efforts.

The outcome is victory in the most noble sense of the word, victory both in reality and in the ideal, a victory not of individuals, but of Republican France herself, of all our Parliaments which have followed one another in the common determination to reconstruct France and put her in her rightful place in the world, a victory of all our Governments which, ever since the dismemberment of the Motherland, have taken upon themselves the perilous honour of facing the dilemma put by the German Sphinx—victory or death. We have chosen. The enigma is solved.

The man who from the very morrow of 1871 organized the great final rush of savagery for universal enslavement stupidly boasted of being able to tolerate, nay, to encourage, our reviving Republic as an organization of national weakness, discord, and dissolution. That was all he had understood of liberty. Well, the experiment he wanted was able to develop freely for half a century. His people, whom he chained to the War Lord's chariot and who submitted to the yoke for the conquest and debasement of mankind, can now realize the whole result of the experiment. History has spoken clearly.

It is true that our fields are ravaged, our villages and our towns razed, the pick of our youth rests in the sacred soil, in the shroud of glory, our most precious treasure. All our wealth has been lavished without stint, our best blood has flowed from all our veins, tears have streamed down every cheek, every heart has shuddered with unspeakable horror, but tears, tortures, and the blood of our wounds have left us better, higher, greater, and more completely French.

'And now to Work.'

France is on her feet living and strong, her will for justice, like the military virtues of her grand soldiers, the majority of whom will soon return to civil life, her vigilance in the works of peace, is ever awake. And now to work all of us, to carry out the duties of to-morrow, following those of yesterday and to-day, to carry out above all the necessary repair work which is as indispensable in peace as in war.

Social union remains the very foundation in our country which we shall not have saved from the barbarians in order to tear it to pieces with our own parricidal hands. One can bend his back to the task, to organizing modern labour in the legitimate methods of just co-operation born of the general principles of right. Let another learn to moderate himself, to control himself, to rid himself of those detestable flatterers who tell him, as they told their master of old, that his power is absolute, that he can exercise his will with impunity and without incurring any responsibilities. This will inevitably lead to a sense of the solidarity of the interests of all and of the mutual sacrifices demanded by a better understanding.

Let us all begin, and we must all hasten. It will be for the Government to set the example. It will try to the best of its ability gradually

to replace the existing empiricism of war-time practices by the rational order of peace, but we must not be asked for *coups de théâtre*. A nation cannot pass suddenly without any transition stages from the overwhelming upheavals of a desperate defence to the ordered life which is the wish of all.

Gentlemen, you are the representatives of the nation. None can doubt but that duty alone inspires you. In harmony with you we have accomplished the work in which your assistance never failed us. This work will be completed by you. You will give your decisions in full independence. The law of democracies provides that the people must be the final judges.

IV. SPEECH OF MR. LLOYD GEORGE IN INTRODUCING PEACE TREATY TO HOUSE OF COMMONS, 3RD JULY, 1919

THE PRIME MINISTER (MR. LLOYD GEORGE): I have to lay on the Table of the House, and to ask the leave of the House, to introduce two Bills to enforce the most momentous document to which the British Empire has ever affixed its seal. There are two Bills which I shall have to ask the leave of the House to introduce. It is unnecessary to obtain the ratification of Parliament to a treaty, except in one or two particulars. The ratification is for the Crown, but there are certain provisions in the Treaty of Peace, signed last Saturday, which it is necessary to obtain an Act of Parliament in order to enforce. Therefore, I propose to ask leave to introduce a Bill in the usual form to enable His Majesty

> to make such appointments, establish such offices, make such Orders in Council and do such things as appear to him to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions of the said Treaty.

That is the usual form, I believe, in which measures of this kind have hitherto been couched. It is also necessary to have an Act of Parliament in order to obtain the sanction of Parliament to the Convention between His Majesty and the President of the French Republic. That Convention has already, I believe, been laid on the Table of the House, and, I hope, has already been circulated.

TRIBUTE TO COLLEAGUES AND BRITISH EXPERTS.

Before I say a word about the character of the Treaty, and about the purpose which animated those who negotiated it, I should like to be able to say how much we all owe to the experts who assisted in the preparation of the Treaty, and my colleagues, more particularly in France, who were associated with me in its preparation. I cannot say how much I personally owe, and how much I am certain the nation owes, to the Foreign Secretary (Mr. Balfour), whose ripe experience, acute intellect, and brilliant pen have been invaluable in the preparation of the various parts of this great document. I should also like to

recognise the services rendered by my right hon. Friend and colleague the Member for the Gorbals Division of Glasgow (Mr. Barnes), for the great tact with which he initiated, negotiated, and put through all the terms of that great labour charter which is now incorporated in this Treaty of Peace. I mention them particularly because, although other Ministers from time to time rendered very great assistance, these were there throughout, and devoted the whole of their time to this great task. I should like also to be able to say how much we owe to the Prime Ministers and other members of the great Dominion Governments for the assistance which they gave—Sir Robert Borden, Mr. Hughes, Mr. Massey, and General Botha. They took part in some of the most difficult Commissions, notably the territorial Commissions for the adjustment of the extraordinarily delicate and complex ethnical, economic, and strategic questions which arose between the various States throughout Europe. They, in the main, represented the British Empire on many of these most difficult Commissions. We owe a great deal to the ability and judgment with which they discharged their functions.

I should not, however, be doing my duty if I did not recognise how much this country owes to the great body of experts who have taken part in the various, the innumerable, Commissions that have been working in connection with the preparation of these documents. We are rather apt in this country, I think, to depreciate our public servants, and to treat them as rather overpaid and under-worked servants. They are neither overpaid nor underworked. Quite the reverse. I cannot tell the House the measure of admiration won amongst the foreign delegations—I think it is right the country should know the admiration won amongst the foreign delegations—by the work of the British experts on the various Commissions. It was a matter of common knowledge and common talk how efficient they were, how skilful; and a good deal of this Treaty is the direct work of public servants of Great Britain on these world Commissions, where they really actually took a lead. They have done arduous, very arduous service—service of a very high order—and we all owe them a deep debt of gratitude and appreciation—and, let me add, admiration—for their splendid work. These British experts have met the experts of the whole world on equal terms to say the very least. I feel it my duty to make that acknowledgment.

Stern, but Just Treaty.

Last time I had the opportunity of addressing the House upon this Treaty, its main outlines had been settled. I ventured then to call it a 'stern, but a just Treaty'. I adhere to that description. The terms are in many respects terrible terms to impose upon a country. Terrible were the deeds which it requites. Terrible were the consequences that were inflicted upon the world. Still more terrible would have been the consequences had they succeeded. What do they mean to Germany? Let us look at the matter quite frankly. In 1914 you had an Empire which possessed the greatest army in the world—the greatest army, probably, the world had ever seen. It had taken nearly two centuries to perfect. It was a perfect and a powerful striking machine. It was

the terror of the world. You had only to visit France or any other country to realise how Europe trembled—it is no exaggeration to say so—how Europe trembled—at the tramp of this mighty machine. It rendered the word of Germany potent. It has now been reduced to the size of a force quite adequate to maintain the peace in Germany, but not equal to disturbing the peace of the feeblest of her neighbours, not even of Czecho-Slovakia. There was a navy, the second in the world. I have heard grave Debates in this House which gave the impression that this navy might successfully challenge this, the greatest Navy in the world, and might enable that terrible army to invade a land which had not been invaded for hundreds of years. That was not so many years ago. Where is it now? The colonies of Germany covered about 1,500,000 square miles. Stripped of the lot! Territories of the size and of the wealth of, say, Scotland and Wales, torn from her side. They ought never to have been there. They were torn from her side, and their populations now form an integral part of other lands. Her mercantile marine is scattered. The ruler who for thirty years spoke for her pride and her majesty and her might—now a fugitive—is soon to be placed on his trial before the tribunals of lands which, on behalf of his country, he sought to intimidate.

They are terrible terms. Her war debt, which was no mean one, is more than doubled in order to pay reparation to those to whom she has done damage. I am not minimising the terms. If hon. Members want to exercise their imagination to realise what the terms mean, they have only to apply the terms to Great Britain, and they will begin to realise what they mean. There is no doubt that they are stern. Are they just? Let us examine separately those which have been challenged.

Territorial Adjustments.

Take the Territorial terms. In so far as territories have been taken away from Germany, it is a restoration. Alsace-Lorraine—forcibly taken away from the land to which its population were deeply attached. Is it an injustice to restore them to their country? Schleswig-Holstein—the meanest of the Hohenzollern frauds; robbing a poor, small, helpless country with a pretence that you are not doing it, and then retaining that land against the wishes of the population for fifty or sixty years. I am glad the opportunity has come for restoring Schleswig-Holstein. Poland—torn to bits, to feed the carnivorous greed of Russian, Austrian, Prussian autocracy. This Treaty has re-knit the torn flag of Poland, which is now waving over a free and a united people; and it will have to be defended, not merely with gallantry, but with wisdom. For Poland is indeed in a perilous position, between a Germany shorn of her prey and an unknown Russia which has not yet emerged. All these territorial adjustments of which we have heard are restorations. Take Danzig—a free city, forcibly incorporated in the Kingdom of Prussia. They are all territories that ought not to belong to Germany, and they are now restored to the independence of which they have been deprived by Prussian aggression.

I should like to say one word before I quit the problem of Poland, because there has been some discussion about it. However unjust it

was to take Polish populations and put them under German rule, it would have been equally unjust to take German populations and place them under Polish rule—and it would have been equally foolish. Whether for strategic or economic reasons, it would do nothing but produce mischief in Europe. Europe has the lesson of Alsace-Lorraine, and it would be folly on our part to create any more Alsace-Lorraines in Europe. It would have been a wrong not merely to Germany but to Poland; it would have been a wrong to Europe. Perhaps in fifty years' time Poland would have had to pay the penalty of the blunder committed by the Allies in this year. For that reason the British Delegation—and I have no hesitation in claiming a share in it—resolutely opposed any attempt to put predominantly German populations under Polish rule. I think Poland will have good reason to thank us for the part which we took in that action. But take all these territorial adjustments. I ask anyone to point to any territorial change we made in respect to Germany in Europe which is in the least an injustice, judged by any principle of fairness.

I come now to the question of reparation. Are the terms we have imposed unjust to Germany? If the whole cost of the War, all the costs incurred by every country that has been forced into war by the action of Germany, had been thrown upon Germany, it would have been in accord with every principle of civilised jurisprudence in the world. There was but one limit to the justice and the wisdom of the reparation we claimed, and that was the limit of Germany's capacity to pay. The experts of all the great Allied countries examined with very close attention that question, and they arrived with fair unanimity at the approximate limits of the reparation which could be recovered from Germany, and under the Treaty we have never exceeded nor fallen short of their verdict. We have set out certain categories of damage which Germany has to repair; damage to property on land and sea; damage for loss of life amongst civilians—that includes the damage sustained by the relatives of those gallant sailors who lost their lives in the merchant shipping of this country; damage for the loss of shipping and of cargoes; and also the damage which is represented by the pensions and the separation allowances paid by each country in respect of casualties in the War. Is there anything unjust in imposing upon Germany those payments? I do not believe anyone could claim it to be unjust. Certainly no one could claim that it was unjust unless he believed that the justice of the War was on the side of Germany.

I come to another condition—disarmament. Having regard to the use which Germany made of her great army, is there anything unjust in scattering that army, disarming it, making it incapable of repeating the injury which it has inflicted upon the world?

German Colonies.

I come again to the Colonies. I am running rapidly through the points which have been challenged as indicating undue harshness to Germany. In some of the Colonies there is most overwhelming evidence that Germany had cruelly ill-treated the natives. If, in the face of that evidence, we had restored those Colonies to Germany—especially

having regard to the part which the natives have taken in their own liberation—and thus given Germany an opportunity of effecting reprisals, it would have been a base betrayal. And it is not merely the treatment of the natives. Take the other use which Germany made of her Colonies. South-West Africa she used as a means of stirring up sedition and rebellion against the South African Colonies. The other Colonies she used as a base for preying upon the commerce of all countries in those seas. It would have been folly on our part to have restored those Colonies to Germany. We should under those conditions have widened the area of injustice in the world—it is already wide enough—and given renewed opportunities to Germany for possible future mischief.

Ex-Kaiser's Trial in London.

Take another condition—the trial of those who have been responsible for the War. I think it is essential, if wars of this kind are to be prevented in future, that those who are personally responsible for them, and have taken part in plotting and planning them, should be held personally responsible. After all, millions of gallant young men have lost their lives, and there has been terrible suffering, in the War; and one or two men have in the main been responsible for engineering it. They ought to be held responsible. Therefore we have decided upon an exceptional course, and a pity it is that it is exceptional. If it had been done before there would have been fewer wars. We have decided that the man who undoubtedly had the prime responsibility for the War, in the judgment, at any rate, of the allied countries, should be tried for the offence he committed in breaking treaties which he was bound in honour to respect, to which he was a party, and by that means bringing such horrors upon the world. The allied countries have decided quite unanimously that the tribunal shall be an inter-allied one, and that it shall sit in London for the trial of the person supremely responsible for this War.

Mr. Hayday: Then the Kaiser looks like getting to London after all. (Laughter.)

The Prime Minister: I hope the House will grant me some indulgence, as I am not quite up to the mark. The same thing applies to punishment for offences against the laws of war. There is a longer category than the House may imagine. Some of them are incredible—I could not have believed it had it not been that the evidence was overwhelming. I should not have thought any nation with a pretence to civilisation could have committed such atrocities. I am not going into the categories, and I should not care to enumerate them, but they ought to be punished. Officers who are guilty of these things in a moment of arrogance, feeling that their power to do what they please is irresistible, ought to know in future that they will be held personally responsible. War is horrible enough without committing these unlicensed infamies upon rules which are quite cruel enough as they are. Therefore the persons responsible must be tried. They will get a fair trial, all of them—an absolutely fair trial. It is due to the honour of the allied countries that the trial should be fair. Our credit stands behind a fair trial. We have to show that we are a civilised people, and

we will try them according to the methods and rules of civilisation. They will get fair play, and they have no right to more. What injustice is there in that? What undue harshness is there in it? It is the averting of it, and making it impossible for the future.

What are the other acts of injustice which are provided for in this Treaty? It is getting rid of the Bucharest and Brest-Litovsk treaties —treaties that made the populations of Rumania and of large tracts of Russia the mere slaves of German greed and rapine. Is that unjust? Is it unjust that we should, in our economic terms, make it clear that Germany is not to take advantage of wanton destruction of the trade machinery of her rivals in Belgium and in France in order to get ahead in the competitive race for business? Money does not put that right. You cannot get machinery in a year or, perhaps, two years, and meanwhile Germany, which has never been devastated, would be going ahead. We had to put in clauses for protection against that. What injustice is there in that?

I have heard that our conditions with regard to the great international rivers of the Continent are unjust because we have put them under international control. Why not? They are rivers which pass not merely through Germany but through Poland and through Czecho-Slovakia, and they pass through Belgium. Is it right that, purely because part of these rivers go through Prussia, they should have the power to strangle the economic life of these young countries higher up the river? These rivers are not for Prussia. They are navigable right up Poland and Czecho-Slovakia, and they must remain navigable. Yet I have heard it said that it was an injustice because we say: 'You will not be allowed to suffocate the lives of these young countries by giving complete power to one riparian owner to make it impossible for the others to carry on their business.' Those are some of the conditions I have heard described as unjust, and I ask anyone to point out in respect of any of these main conditions a single act of injustice, or anything which in a perfectly impartial court would not have been adjudicated upon in exactly the same sense as that in which the Council, which sat for six months in Paris scrupulously examining all these conditions, decided them.

Not Vengeance—Discouragement.

Then I am told, 'Oh, yes, take them individually and they may be quite fair, but the cumulative effect is so crushing that you ought to have taken that into account.' [Hon. Members: 'Hear, hear!'] I will deal with that. That is a criticism, and I am prepared to meet it. They say it may be just, but is it wise? I agree that justice ought not to be merely tempered by mercy, but it ought to be guided by wisdom. If these conditions do not meet that test, I agree they fail, although we could defend each individual decision upon its merits. Let us examine them. There were three alternative methods of dealing with Germany, bearing in mind her crime. What was that crime? Germany not merely provoked, but she planned the most devastating war the earth has ever seen. She planned it and prepared for it for years. She deliberately embarked upon it, not to defend herself against assailants,

but to aggrandise herself at the expense of her neighbours. I cannot think of a worse crime, certainly in the conditions of Europe as they were. They knew there were millions of armed men in other lands, and they deliberately hurled 4,000,000 of their own youth against millions in France, millions in Russia, and possibly millions in the United Kingdom. They knew not how far it would extend. They lit a fire: they knew not what it would devour, what it would scorch, what it would burn, or what sufferings would be caused, or what the desolation would be. They recked it not.

There were three methods of dealing with that crime. It cost millions of lives. It cost actually in the expense of the War for all lands £30,000,000,000, with all that that represents in possible happiness for the human race. But that is not all. The sufferings of that war will not pass away until this generation vanishes. We know what it is in hundreds of thousands of households. It is not merely the gallantry of the young fellows who gave their lives in a grave hour, but it is the households that will suffer tortures as long as they draw breath. All that planned, plotted, deliberately embarked upon! That is what happened when they failed. What would have happened if they had succeeded? The world is rocking and reeling under the blow, a blow that failed. I do not know when it will recover. I have seen something of Europe, and I have heard more, and I do not know when that blow will come to an end. That is the blow that failed. If it had succeeded, liberty in Europe would have vanished, and that is more precious than even precious lives. It would have altered the whole character of Europe, and you would have had a military tyranny throughout the world. That is what would have happened if the blow had succeeded. That is the cumulative effect of the crime.

There are three ways of dealing with that crime. One was to say, 'You tried, you failed; go, and sin no more.' [An Hon. Member: 'Hear, hear!'] Hon. Members may think that that is a good way of doing it, but let us see what it means. I am not afraid of examining that. Do not let us imagine, because it looks ridiculous, that there are not people who believe in it—I mean outside this House. [An Hon. Member: 'And inside it too.'] You have got to answer it. If that had happened, you must remember that Germany suffered less than her victims. Louvain is not in Prussia. France is not in Pomerania, the devastated territories are not in Brandenburg. Look at that land of desolation and wilderness. I have traversed it pretty well from one end to the other. I felt it my duty to do so in order to know what I was dealing with. That is not across the Rhine. Go across the Rhine. There are no devastated cities and no scorched plains there. The country is whole; the factories are there, the machinery is there—their own and other peoples—and if you had done that Germany would have been better off than the people she had victimised. The cost of the War would have been less, because she would have had a perfect military machine. She would have said, 'Look at the triumph of militarism. We have kept all this devastation from you. France is paying more now than we are.' Why to have done that would have been to put a premium on militarism. The point I do not think is worth arguing.

Let us take the second. The second is to go to the other extreme: to treat Germany as Rome treated Carthage, or, may I say, Prussia treated Poland! Destroy her national existence, tear her to pieces, fling one piece to one conqueror, another to another, and a third to another. Fling the bits to the winds of heaven and have done with them. That is how Prussia treated Poland. It was not merely a crime, it was a blunder, and after a century and a half Poland reappears a formidable and bitter foe. She had 20,000,000 population; Germany has 60,000,000. It is not merely that it would have been wrong and an injustice, but it would have been a folly, and I am glad that we have not soiled our hands with Prussian methods in dealing with Prussia.

What is a third method? To compel Germany, in so far as it is in her power to restore, to repair, and to redress. Yes, and to take every possible precaution of every kind that is in our power against the recurrence of another such crime—to make such an example as will discourage ambitious rulers—yea, and ambitious peoples—from ever attempting to repeat this infamy. That is not vengeance. It is discouragement. The crime must be marked. The world cannot take these risks again. I said that Germany failed. I shudder to think how near she got to success. When you are thinking of the terms of peace you must think of making it impossible for any country to repeat an experiment of this kind without running the most terrible risks to her destiny. Every delegate entering the Council felt in his heart the supreme need for imposing terms that would make not merely rulers but nations shrink from attempting a crime of this kind again. That was the principle upon which we proceeded.

But it is said, 'Are you not punishing Germany for the crime of her rulers?' Well, I am sorry to have to answer this, but I must. If Germany had been committed to this War against the will of her people, I say at once we ought to have taken that into account in the terms of peace. But was that so? [HON. MEMBERS: 'No, no!'] The nation approved, the nation applauded; the nation had been taught to approve and to applaud. From the Baltic to the Boden See the nation was united and enthusiastic behind this enterprise. It was not like the unity and enthusiasm of France to repel an invader on French soil. It was an enthusiasm which was at its highest when German troops were marching through Belgium. Supposing that the German Chancellor had returned from the Peace Conference with a Germanic Peace—Belgium added to the Fatherland, the mines of Briey added to the mineral wealth of the Rhineland, the British Fleet surrendered. [HON. MEMBERS: 'Never!'] Well, I agree it requires some imagination, but I ask my hon. Friends to accept it for the moment. Supposing there had been a Peace of that kind—the British Mercantile Marine taken away, the British Dependencies added to the German Colonies, huge indemnities imposed upon France and Great Britain for a war they never provoked and into which they entered against their will——

MR. SEXTON: They would have had to kill us all first!

THE PRIME MINISTER: My hon. Friends now will see what we averted. That was what Germany was after. But suppose these things had happened. The mere fact that Belgium was a helpless

country, and was not capable of invading Germany or any other land, that France was more pacific than ever, and that Great Britain had not the slightest desire to enter into war with any land, would not have prevented the German people as a whole receiving these terms with delirious joy for the triumph of German arms. I should have been glad if it had been possible to say that this was a war that had been entered into against the will of the German people. But it was not, and therefore it is essential that nations must know, if they enter into unprovoked wars of aggression against their neighbours, what may lie in store for them when defeat falls upon their arms. I therefore have no hesitation in challenging anyone, either inside or outside this House, to point to a single Clause in this Treaty that is not in accordance with the stern and highest demands of justice and fair play.

Guarantees from Germany—Disarmament.

The next question that is asked is, 'What are your guarantees for the execution of this stern Treaty?' I need hardly assure the House that this gave us very great concern, and that we thought a great deal about it. We were determined, at any rate, that this Treaty should not be a scrap of paper. What are the guarantees? The first is the disarmament of Germany. The German Army was the foundation and corner-stone of Prussian policy. You had to scatter it, disperse it, disarm it, to make it impossible for it to come together again, to make it impossible to equip such an army. The first step we took was to reduce the German Army from 4,000,000 to 100,000—quite adequate for the maintenance of the peace in Germany. Then came the question whether that army should be a voluntary army or a conscript army. The British Delegation had no hesitation in proposing that it should be a voluntary army, with a long term of service. I will tell the House why we came to that conclusion. The first proposal was that there should be a conscript army of 200,000 men. That would have meant that in ten years you might have had 1,500,000 trained men in Germany, and in twenty years you might have had 3,000,000 armed trained men. As everyone knows, that was more or less the method by which the army which overthrew Napoleon was created in Germany—by their short terms of service passing the youth of the nation as rapidly as they could through the machine. That we did not think was disarming Germany. Therefore we strongly advocated a long-service army, which would leave the mass of the population untrained, and make it impossible for the Germans to raise huge armies, even if they got someone else to equip them. There was always that possible danger—that, although they might not be able to do it themselves, they might be in alliance with a country that could equip them. On the other hand, if they had not the trained men, it would have taken time at any rate to accustom them to the use of arms. We had always our own experience and the experience of America. Although we had a very considerable force in 1914, scattered over the Empire, it was a force equipped rather for defence than for offence, and, in spite of the fact that you had in the British Empire pretty nearly 1,000,000 armed men in 1914, still we were not able to put in the field an army that you could

reckon upon to face a great Continental army until 1916. Why? It took time to train and to equip, to get the necessary officers, and to make ready. You could not wage a war of aggression under these circumstances.

That is why we felt that as long as you forced the German Army down to a small number, so long as you had not in Germany great numbers of men who had received even six months' training, Germany could never take part in a war of aggression. That is what we want to avoid. Those who have read the Treaty know the steps we have taken to make it impossible for Germany to have great factories and arsenals which at any moment she could turn on for the equipment of a great force. I know very well from experience that, though you can convert and adapt to warlike purposes machinery used for peaceable purposes, it takes time, and that makes a war of aggression impossible. We, therefore, regard the disarmament of Germany, the reduction of her army, the destruction of her arsenals, the taking away of her guns, as one of the foremost guarantees for peace which you could exact in the Treaty. The same thing applies to her Navy.

Unprovoked Attack upon France.

Then comes another guarantee, the guarantee to which I have already referred, in regard to which I propose to ask the leave of the House to introduce a Bill, and obtain the approval of the House—that is the United States and British guarantees—in the event of a wanton and unprovoked attack being made upon France. I do not suppose that any section of the House would object to that. It is to be entered into with the approval of the League of Nations. But the League of Nations is an experiment, and France has within living memory twice been invaded by Germany. She is, with a population of 40,000,000, facing a very hostile population of 60,000,000 or 70,000,000, and France has legitimate reason for feeling a nervous apprehension. When Britain has gone home, when America has left 3,000 miles between her and the coast of France, and when those gallant men from the Dominions who have fought so bravely on French soil—the Australians and the men of New Zealand, South Africa, and Canada, who won the deepest affection in France—have departed, France sees herself there with only the Rhine between her and this foe which has trampled upon her ruthlessly and torn her flesh twice within living memory. Therefore France says, 'We would like to know that you, Britain, that you, America, who helped to emancipate our soil, are still behind us if there is any wanton aggression.' I invite the British Parliament to say, 'Yes.'

An Hon. Member: That shows a lack of faith in the League of Nations.

The Prime Minister: I do not agree that that is a lack of faith in the League of Nations. On the contrary, the League of Nations will be of no value unless it has behind it the sanction of strong nations, prepared at a moment's notice to stop aggression. Otherwise the League of Nations will be a scrap of paper. I know it is said that this binds you to engage by the side of France in war with Germany, if ever it

should happen. No! It only engages us if there is wanton provocation on the part of Germany. That is clearly and distinctly stated in the document itself. If there is a wanton attack on the part of Germany—which I do not anticipate, because I think Germany has had enough—I cannot imagine anyone hesitating for a moment to come to the aid of that gallant country which has suffered more than any other country in the world from this wanton aggression. I therefore propose to invite the House of Commons to sanction and approve that agreement.

Rhine Army of Occupation.

What is the other guarantee? The other guarantee is the Army of Occupation. There are some who attach more importance to that than others. The French people, very naturally, would like to feel, at any rate until Germany shows evidence of good will, evidence that she means honestly to execute the Treaty, that they have that force on the Rhine. But I am perfectly certain of this: that France does not wish to keep an Army there for a single day beyond the absolute necessity of the case. Because there is peril in an Army of Occupation. There are unfortunate possibilities in an Army of Occupation. France does not desire to keep an Army there merely in order to be able to occupy German cities. If Germany shows her good will, if Germany gives the necessary guarantees for the execution of the Treaty, then France is quite prepared to reconsider at the proper moment the question of occupation. The second matter, which is a very important one in respect of occupation, is its cost. We are indirectly interested in that, inasmuch as we are interested in Germany paying her instalments of the indemnity. We do not wish to impose upon Germany any unnecessary expense which would be a first charge upon a fund in which we are just as much interested as any other country. Therefore we have had an understanding with France that the moment the German Government carry out their undertaking with regard to disarmament, the cost of the Army of Occupation shall not exceed 240,000,000 marks a year. I do not know what the value of the mark is to-day. [Hon. Members: 'Threepence!'] At any rate, I think that is a satisfactory arrangement, and I propose to put on the Table of the House a document signed by M. Clemenceau, President Wilson, and myself, which notifies that arrangement. That does not require any sanction. It is simply an indication on the part of France of her intention.

League of Nations.

I come to the last and to the greatest guarantee of all—that is, the League of Nations. Let me say, with regard to the League of Nations, that that great and hopeful experiment is only rendered possible by the other conditions. I want the House to realise that thoroughly. Without disarmament, without the indication which this War has given that the nations of the world are determined at all costs to enforce respect for treaties, the League of Nations would be just like other Conventions in the past, something that would be blown away by the first gust of war or of any fierce dispute between the

nations. It is this War, it is the Treaty that concludes this War, that will make the League of Nations possible. The world has had a great fright. We all remember what used to be said by the great military writers, and what was believed by everybody, as to the length of the next great war. It could not last longer than six weeks—three months, perhaps. That was the conviction of everybody at the beginning of this War—it would be very sharp, but it would be short. The nations could not go on beyond a few months. That was the conviction of Germany. She would never have entered upon this War if she had known it would last so long. The world knows now that the conditions of modern warfare, with its ponderous armaments, with its trundling heavy machinery, rather conduce to lengthen war. The world is frightened. It also realises the peril of small disputes. A little quarrel about a murder in Bosnia, and the world is aflame. There are many things the world has realised and is prepared to take into account and to provide against. This League of Nations is an attempt to do it by some less barbarous methods than war. Let us try it. I beg this country to try it seriously, and try it in earnest. It is due to mankind that we should try it. Anything except the horror of the last four and a half years! If you must come to that, well you must, but do let us try this. Take Article 12 of this Covenant:

> The Members of the League——

which means the nations of the earth—

> agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry.

Then I think nine months elapse. Supposing that had been in existence in 1914, it would have been difficult for Germany and Austria to have gone to War. They could not have done it, and, if they had, America would have been in on the first day and not three years afterwards, which would have made a great difference, and made all the difference. You could not have had the War in 1914 if the League of Nations had been in existence. With this machinery I am not going to say you will never have war. Man is a savage animal. You have only to go to the field of Verdun, which is a narrow circle where about 3,000,000 of men were engaged in deadly conflict for five months and where the earth is like congealed human savagery, to see what a terrible being man is when he is roused. If it averts one war, the League of Nations will have justified itself. If you let one generation pass without the blood of millions being spilt and without the agony which fills so many homes, the League of Nations will have been justified. I beg no one to sneer at the League of Nations. Let us try it. I believe it will succeed in stopping something. It may not stop everything. The world has gone from war to war until at last we have despaired of stopping it. But society with all its organisations has not stopped every crime. What it does is that it makes crime difficult or unsuccessful, and that is what the League of Nations will do. Therefore I look to it with hope and with confidence.

Admission of Germany to League.

But they say why do not you let Germany in at once? Well, I thought a good deal about that, and if I thought it would have been better for the peace of the world I would not have minded the clamour. But I do not think it would be better for Germany either. I think you must let some time elapse. It is very difficult to forget some things. It is difficult, especially for France. It is rather difficult for us, but it is especially difficult for France. More than that, I am not sure that, if you introduced Germany now before all the questions that remain for settlement have been disposed of, you would not open up a field for intrigue, mischief and dissension, and harm would be done. It would be a mistake, in my view, for Germany to come in immediately. The date when Germany comes in depends on herself. She can accelerate it. If she places obstacles in the way, if she shows that the same old spirit animates her, she will put off that date. But if Germany shows that she has really broken with her past, if she shows that the fires of war have really purified her soul—if she shows at any rate that she realises that her policy for the last 150 years was a bitter mistake, then Germany can accelerate the date. I am hoping that she will find this mistake, and that she will realise that her defeat has been her salvation, ridding her of militarism, of Junkers and of Hohenzollerns. She has paid a big price for her deliverance. I think she will find it is worth it all. When she does, Germany will then be a fit member of the League of Nations. The sooner that comes about the better it will be for Germany and for the world.

Allies' Mandates.

With regard to the mandates for the Colonies, it was decided in the negotiations that the German Colonies should be disposed of, not by way of distributing them amongst the conquerors, but rather by way of entrusting them to great Powers to be administered in the name and on behalf of humanity, and the conditions under which these mandates were entrusted to the various countries differed according to the particular territory disposed of. For instance, South-West Africa, running as it does side by side with Cape Colony, was felt to be so much a part, geographically, of that area that it would be quite impossible to treat it in the same way as you would a colony 2,000 miles or 3,000 miles away from a centre of administration. There is no doubt at all that South-West Africa will become an integral part of the Federation of South Africa. It will be colonised by people from South Africa. You could not have done anything else. You could not have set customs barriers and have a different system of administration. The same thing applies to New Guinea, part of which is already under the administration of the Australian Commonwealth. You could not have had that part under one system of administration, and the next part under another. It is so near the Australian Commonwealth that it was felt that it ought to be treated as if it were part of the Australian Commonwealth. That does not apply to Togoland, the Cameroons, or German East Africa, and therefore there was a different system of mandate

set up there. But if hon. Members will look at the conditions of the mandates they will find that they are the conditions which apply in respect of British Colonies throughout the world now—freedom of conscience and religion, prohibition of the slave trade, the arms traffic and the liquor traffic, the prevention of the establishment of fortifications or of military and naval bases, the prohibition of the military training of the natives for other than police purposes, and the defence of territory. We have never raised an army for aggressive purposes in any of these Colonies. Equal opportunities for trade and commerce—we have allowed that in all our Colonies without distinction. So that you find that the conditions of the mandate described here are the conditions which we ourselves have always applied in respect to British Colonies throughout the world. Under this mandate the responsibilities of the British Empire have been enormously increased. Something like 800,000 square miles have been added to the gigantic charge already on the shoulders of this Empire, a charge which has undoubtedly been fulfilled in a way which has won the wonder of the whole world. There have been constant references to British administration, its efficiency, its fairness, its gentleness to the natives, the manner in which it won its way, the confidence that it established everywhere—that was a common matter of observation throughout the whole of this great Conference in Paris.

Labour Convention.

The other great condition of Peace is the Labour Convention which has been added to this document. This is a matter of very vital importance for the future industrial conditions of the world. It is intended to secure better and more uniform conditions of labour. When you bear in mind that at least three-fourths of the armies that won this great victory were drawn from the working classes of the various nations you feel that they have won a right to a corner of their own in this great Treaty, and I am very glad that, largely through the negotiations of my right hon. Friend (Mr. Barnes), this charter has been added to the Treaty. Competition is becoming keener, and the markets of the world have been invaded from low-paid countries where the conditions are very degraded, and the mere existence of these conditions in other countries made it difficult to effect improvement in our own, notably with regard to child labour. Now, I hope that by means of the machinery set up in this document, it will be possible to establish some permanent means by which you can raise the level of labour throughout the world, without the countries which are treating labour well being handicapped in the neutral markets where they have to compete with lands where labour has inferior conditions. That is the great purpose of that great charter, and I have no doubt these conferences, representing not merely workmen, but employers of labour, as well as officials of Government Departments, will in themselves promote goodwill and a better understanding amongst the nations of the earth.

Britain's Part in War.

The victory, the fruits of which are scheduled in this Treaty, has been a tremendous achievement, but no country has had a greater share in that achievement than the British Empire. I make no apology for referring to that, because I am a little afraid we have not informed the world—I am not sure we have informed ourselves—as to the splendid part which this great commonwealth of nations known as the British Empire has had in this the greatest achievement in the history of the struggles for human freedom. Let me give one or two figures. I wonder how many men here at the centre of government know the number of men raised by the British Empire for its Army and its Navy in the War. Seven million seven hundred thousand men! The amount raised by loans and revenue for the conduct of the War runs to £9,500,000,000. That is the biggest contribution made by any country. The total casualties of the Empire have been over 3,000,000. Without its Navy, without its great mercantile marine, where should we have been? I had to refresh my memory as to these gallant sailors who, without demur, without fear, without delay, responded to the call of duty and kept the traffic of the world going, fed the Allies, supplied the Allies, gave strength to the arm of the Allies. Fifteen thousand of them have been killed. The mercantile marine and the Navy kept the seas. Without them the War would have collapsed in six months. In the last two years of the War—1917–18—and here is a fact that is little known in this country or abroad—the heaviest fighting, judged by casualties, was undertaken and carried through by the armies of Britain, even in France. In addition to that, whilst we were carrying the heaviest share of the burden there in the matter of hard, ruthless, relentless fighting, with British doggedness and resistlessness, the armies of Britain had the whole burden of the attack upon the Turkish Empire, and that Empire was brought down crumbling to the dust by the strength of British arms. I think we are entitled to call attention to these things.

United Efforts Needed.

It is a great record for a country which at the beginning of the War had only an army that was treated with contempt. It shows—and I want to say this with emphasis—what can be achieved by a great people united and inspired by a common purpose. Let us rejoice over the victory, but let us rejoice as men who are not under the delusion that all our troubles are over, but rather like men who feel that the first and the worst of our troubles are past, and that the spirit, courage, and resolution which enabled us to overcome these will also enable us cheerfully to face what is to come. Let us not waste our strength prematurely in fighting each other. The time will come when that may be quite necessary in order to keep us in trim. But do not let us do it prematurely. We are not out of our troubles yet. We have no strength to spare if we are to save—and I say this in all solemnity—this country from sinking under its burdens and its wounds. The ravages of war have to be repaired. The revelations of war have to be profited by in

trade, in industry, in commerce, in the health of the people, and in their housing conditions. We want to make the most effective use of the resources of this land and of the Empire. We want to make all reasonable men contented. Unreasonable men you will never content, even if you place them in Paradise.

Spirit of Patriotism.

Here let me refer to the Victory Loan. We lent thousands of millions to sow the seeds of victory. Do let us lend hundreds of millions to garner in the harvest, so that it shall not rot on the fields. The losses of the War will take a deal of repairing. Reparation is not a matter of receiving German instalments. That is a small part. We must each and all give such instalments of strength, of good will, of co-operation, and of intelligence as we can command. The country needs it, every grain of it. The strength, the power of every land has been drained and exhausted by this terrible War to an extent one can hardly realise. The nations have bled at every vein, and this restlessness which you get everywhere to-day is the fever of anaemia. There is a tendency in many quarters to assume that now we have won the victory and Peace is established all will come right without any effort, that plenty will spring up unaided from the blood-stained ground, and that all that is left is the scramble. Let us first of all see that there is something to scramble for. What have we got? Output diminished, cost of production increasing. That is exactly the opposite road to that which leads to prosperity. Even Bolshevik Russia is beginning to realise that that method of procedure is one which brings nothing but hopelessness, and it is gradually trying to escape from it. Let us think together, act together, work together. I beg that we do not demobilise the spirit of patriotism in this country. Keep it in the ranks until the country has won through to its real victory. That spirit alone won us the War. That spirit alone can bring us a real and glorious triumph.

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THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

These Powers being described in the present Treaty as the Principal Allied and Associated Powers,

BELGIUM, BOLIVIA, BRAZIL, CHINA, CUBA, ECUADOR, GREECE, GUATEMALA, HAITI, THE HEDJAZ, HONDURAS, LIBERIA, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, CZECHO-SLOVAKIA and URUGUAY,

These Powers constituting with the Principal Powers mentioned above the Allied and Associated Powers,

of the one part;

And GERMANY,

of the other part;

Bearing in mind that on the request of the Imperial German Government an armistice was granted on November 11, 1918, to Germany by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded with her, and

The Allied and Associated Powers being equally desirous that the war in which they were successively involved directly or indirectly and which originated in the declaration of war by Austria-Hungary on July 28, 1914, against Serbia, the declaration of war by Germany against Russia on August 1, 1914, and against France on August 3, 1914, and in the invasion of Belgium, should be replaced by a firm, just and durable Peace,

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

The Honourable Woodrow Wilson, President of the United States, acting in his own name and by his own proper authority;

The Honourable Robert LANSING, Secretary of State;
The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
The Honourable Edward M. HOUSE;
General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:

The Right Honourable David LLOYD GEORGE, M.P., First Lord of His Treasury and Prime Minister;
The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;
The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;
The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;
The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio;

And

for the DOMINION of CANADA, by:

The Honourable Charles Joseph DOHERTY, Minister of Justice;
The Honourable Arthur Lewis SIFTON, Minister of Customs;

for the COMMONWEALTH of AUSTRALIA, by:

The Right Honourable William Morris HUGHES, Attorney General and Prime Minister;
The Right Honourable Sir Joseph COOK, G.C.M.G., Minister for the Navy;

for the UNION of SOUTH AFRICA, by:

General the Right Honourable Louis BOTHA, Minister of Native Affairs and Prime Minister;
Lieutenant-General the Right Honourable Jan Christiaan SMUTS, K.C., Minister of Defence;

for the DOMINION of NEW ZEALAND, by:

The Right Honourable William Ferguson MASSEY, Minister of Labour and Prime Minister;

for INDIA, by:

The Right Honourable Edwin Samuel MONTAGU, M.P., His Secretary of State for India;

Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of BIKANER, G.C.S.I., G.C.I.E., G.C.V.O., K.C.B., A.D.C.;

THE PRESIDENT OF THE FRENCH REPUBLIC, by:

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

Mr. Stephen PICHON, Minister for Foreign Affairs;

Mr. Louis Lucien KLOTZ, Minister of Finance;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY, by:

Baron S. SONNINO, Deputy;

Marquis G. IMPERIALI, Senator, Ambassador of His Majesty the King of Italy at London;

Mr. S. CRESPI, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN, by:

Marquis SAÏONZI, formerly President of the Council of Ministers;

Baron MAKINO, formerly Minister for Foreign Affairs, Member of the Diplomatic Council;

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

HIS MAJESTY THE KING OF THE BELGIANS, by:

Mr. Paul HYMANS, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary, Minister of State;

Mr. Emile VANDERVELDE, Minister of Justice, Minister of State;

THE PRESIDENT OF THE REPUBLIC OF BOLIVIA, by:

Mr. Ismael MONTES, Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Paris;

THE PRESIDENT OF THE REPUBLIC OF BRAZIL, by:

Mr. João Pandiá CALOGERAS, Deputy, formerly Minister of Finance;

Mr. Raul FERNANDES, Deputy;

Mr. Rodrigo Octavio de L. MENEZES, Professor of International Law at Rio de Janeiro;

THE PRESIDENT OF THE CHINESE REPUBLIC, by:

Mr. Lou TSENG-TSIANG, Minister for Foreign Affairs;

Mr. Chengting Thomas WANG, formerly Minister of Agriculture and Commerce;

THE PRESIDENT OF THE CUBAN REPUBLIC, by:

Mr. Antonio Sánchez de BUSTAMANTE, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law;

THE PRESIDENT OF THE REPUBLIC OF ECUADOR, by:

Mr. Enrique DORN Y DE ALSÚA, Envoy Extraordinary and Minister Plenipotentiary of Ecuador at Paris;

HIS MAJESTY THE KING OF THE HELLENES, by:

Mr. Eleftherios K. VENISÉLOS, President of the Council of Ministers;

Mr. Nicholas POLITIS, Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, by:

Mr. Joaquin MÉNDEZ, formerly Minister of State for Public Works and Public Instruction, Envoy Extraordinary and Minister Plenipotentiary of Guatemala at Washington, Envoy Extraordinary and Minister Plenipotentiary on special mission at Paris;

THE PRESIDENT OF THE REPUBLIC OF HAITI, by:

Mr. Tertullien GUILBAUD, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Paris;

HIS MAJESTY THE KING OF THE HEDJAZ, by:
Mr. Rustem HAÏDAR;
Mr. Abdul Hadi AOUNI;

THE PRESIDENT OF THE REPUBLIC OF HONDURAS, by:
Dr. Policarpo BONILLA, on special mission to Washington, formerly President of the Republic of Honduras, Envoy Extraordinary and Minister Plenipotentiary;

THE PRESIDENT OF THE REPUBLIC OF LIBERIA, by:
The Honourable Charles Dunbar Burgess KING, Secretary of State;

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, by:
Mr. Salvador CHAMORRO, President of the Chamber of Deputies;

THE PRESIDENT OF THE REPUBLIC OF PANAMA, by:
Mr. Antonio BURGOS, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

THE PRESIDENT OF THE REPUBLIC OF PERU, by:
Mr. Carlos G. CANDAMO, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris;

THE PRESIDENT OF THE POLISH REPUBLIC, by:
Mr. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister for Foreign Affairs;
Mr. Roman DMOWSKI, President of the Polish National Committee;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by:
Dr. Affonso Augusto da COSTA, formerly President of the Council of Ministers;
Dr. Augusto Luiz Vieira SOARES, formerly Minister for Foreign Affairs;

HIS MAJESTY THE KING OF ROUMANIA, by:
Mr. Ion I. C. BRATIANO, President of the Council of Ministers, Minister for Foreign Affairs;
General Constantin COANDA, Corps Commander, A.D.C. to the King, formerly President of the Council of Ministers;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES, by:

Mr. Nicholas P. PACHITCH, formerly President of the Council of Ministers;

Mr. Ante TRUMBIC, Minister for Foreign Affairs;

Mr. Milenko VESNITCH, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of the Serbs, the Croats and the Slovenes at Paris;

HIS MAJESTY THE KING OF SIAM, by:

His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Siam at Paris;

His Serene Highness Prince Traidos PRABANDHU, Under Secretary of State for Foreign Affairs;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by:

Mr. Karel KRAMÁŘ, President of the Council of Ministers;

Mr. Eduard BENEŠ, Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF URUGUAY, by:

Mr. Juan Antonio BUERO, Minister for Foreign Affairs, formerly Minister of Industry;

GERMANY, by:

Mr. Hermann MÜLLER, Minister for Foreign Affairs of the Empire;

Dr. BELL, Minister of the Empire;

Acting in the name of the German Empire and of each and every component State.

WHO having communicated their full powers found in good and due form have AGREED AS FOLLOWS:

From the coming into force of the present Treaty the state of war will terminate. From that moment and subject to the provisions of this Treaty official relations with Germany, and with any of the German States, will be resumed by the Allied and Associated Powers.

NOTE.—China did not sign the Treaty.

PART I

THE COVENANT OF THE LEAGUE OF NATIONS

THE HIGH CONTRACTING PARTIES,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

ARTICLE 1.

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations

under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE 2.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 3.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE 4.

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council

shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE 5.

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE 6.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 7.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

Article 8.

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

Article 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 11.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE 12.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any

question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be

made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in

by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16.

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE 17.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute,

upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Article 20.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the

duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

ARTICLE 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition

of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(*a*) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control;

(*c*) will entrust the League with the general super-

vision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(*d*) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind;

(*f*) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

Article 26.

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

Annex

I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE

United States of America.
Belgium.
Bolivia.
Brazil.
British Empire.
  Canada.
  Australia.
  South Africa.
  New Zealand.
  India.
China.
Cuba.
Ecuador.
France.
Greece.
Guatemala.
Haiti.
Hedjaz.
Honduras.
Italy.
Japan.
Liberia.
Nicaragua.
Panama.
Peru.
Poland.
Portugal.
Roumania.
Serb-Croat-Slovene State.
Siam.
Czecho-Slovakia.
Uruguay.

STATES INVITED TO ACCEDE TO THE COVENANT

Argentine Republic.
Chili.
Colombia.
Denmark.
Netherlands.
Norway.
Paraguay.
Persia.
Salvador.
Spain.
Sweden.
Switzerland.
Venezuela.

II.—FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS

The Honourable Sir James Eric Drummond, K.C.M.G., C.B.

PART II

BOUNDARIES OF GERMANY

Article 27.

The boundaries of Germany will be determined as follows:

1. *With Belgium:*

From the point common to the three frontiers of Belgium, Holland and Germany and in a southerly direction:

the north-eastern boundary of the former territory of *neutral Moresnet*, then the eastern boundary of the *Kreis* of Eupen, then the frontier between Belgium and the *Kreis* of Montjoie, then the north-eastern and eastern boundary of the *Kreis* of Malmédy to its junction with the frontier of Luxemburg.

2. *With Luxemburg:*

The frontier of August 3, 1914, to its junction with the frontier of France of July 18, 1870.

3. *With France:*

The frontier of July 18, 1870, from Luxemburg to Switzerland with the reservations made in Article 48 of Section IV (Saar Basin) of Part III.

4. *With Switzerland:*

The present frontier.

5. *With Austria:*

The frontier of August 3, 1914, from Switzerland to Czecho-Slovakia as hereinafter defined.

6. *With Czecho-Slovakia:*

The frontier of August 3, 1914, between Germany and Austria from its junction with the old administrative boundary separating Bohemia and the province of Upper Austria to the point north of the salient of the old province of Austrian Silesia situated at about 8 kilometres east of Neustadt.

7. *With Poland:*

From the point defined above to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

the frontier as it will be fixed in accordance with Article 88 of the present Treaty;

thence in a northerly direction to the point where the administrative boundary of Posnania crosses the river Bartsch :

a line to be fixed on the ground leaving the following places in Poland : Skorischau, Reichthal, Trembatschau, Kunzendorf, Schleise, Gross Kosel, Schreibersdorf, Rippin, Fürstlich-Niefken, Pawelau, Tscheschen, Konradau, Johannisdorf, Modzenowe, Bogdaj, and in Germany : Lorzendorf, Kaulwitz, Glausche, Dalbersdorf, Reesewitz, Stradam, Gross Wartenberg, Kraschen, Neu Mittelwalde, Domaslawitz, Wedelsdorf, Tscheschen Hammer ;

thence the administrative boundary of Posnania north-westwards to the point where it cuts the Rawitsch–Herrnstadt railway ;

thence to the point where the administrative boundary of Posnania cuts the Reisen–Tschirnau road :

a line to be fixed on the ground passing west of Triebusch and Gabel and east of Saborwitz ;

thence the administrative boundary of Posnania to its junction with the eastern administrative boundary of the *Kreis* of Fraustadt ;

thence in a north-westerly direction to a point to be chosen on the road between the villages of Unruhstadt and Kopnitz :

a line to be fixed on the ground passing west of Geyersdorf, Brenno, Fehlen, Altkloster, Klebel, and east of Ulbersdorf, Buchwald, Ilgen, Weine, Lupitze, Schwenten ;

thence in a northerly direction to the northernmost point of Lake Chlop :

a line to be fixed on the ground following the median line of the lakes ; the town and the station of Bentschen however (including the junction of the lines Schwiebus–Bentschen and Züllichau–Bentschen) remaining in Polish territory ;

thence in a north-easterly direction to the point of junction of the boundaries of the *Kreise* of Schwerin, Birnbaum and Meseritz :

a line to be fixed on the ground passing east of Betsche ;

thence in a northerly direction the boundary separating the *Kreise* of Schwerin and Birnbaum, then in an easterly direction the northern boundary of Posnania and to the point where it cuts the river Netze ;

thence upstream to its confluence with the Küddow :

the course of the Netze ;

thence upstream to a point to be chosen about 6 kilometres south-east of Schneidemühl:

the course of the Küddow;

thence north-eastwards to the most southern point of the re-entrant of the northern boundary of Posnania about 5 kilometres west of Stahren:

a line to be fixed on the ground leaving the Schneidemühl–Konitz railway in this area entirely in German territory;

thence the boundary of Posnania north-eastwards to the point of the salient it makes about 15 kilometres east of Flatow;

thence north-eastwards to the point where the river Kamionka meets the southern boundary of the *Kreis* of Konitz about 3 kilometres north-east of Grunau:

a line to be fixed on the ground leaving the following places to Poland: Jasdrowo, Gr. Lutau, Kl. Lutau, Wittkau, and to Germany: Gr. Butzig, Cziskowo, Battrow, Böck, Grunau;

thence in a northerly direction the boundary between the *Kreise* of Konitz and Schlochau to the point where this boundary cuts the river Brahe;

thence to a point on the boundary of Pomerania 15 kilometres east of Rummelsburg:

a line to be fixed on the ground leaving the following places in Poland: Konarzin, Kelpin, Adl. Briesen, and in Germany: Sampohl, Neuguth, Steinfort, Gr. Peterkau;

then the boundary of Pomerania in an easterly direction to its junction with the boundary between the *Kreise* of Konitz and Schlochau;

thence northwards the boundary between Pomerania and West Prussia to the point on the river Rheda about 3 kilometres north-west of Gohra where that river is joined by a tributary from the north-west;

thence to a point to be selected in the bend of the Piasnitz river about 1½ kilometres north-west of Warschkau:

a line to be fixed on the ground;

thence this river downstream, then the median line of Lake Zarnowitz, then the old boundary of West Prussia to the Baltic Sea.

8. *With Denmark:*

The frontier as it will be fixed in accordance with Articles 109 to 111 of Part III, Section XII (Schleswig).

ARTICLE 28.

The boundaries of East Prussia, with the reservations made in Section IX (East Prussia) of Part III, will be determined as follows:

from a point on the coast of the Baltic Sea about 1½ kilometres north of Pröbbernau church in a direction of about 159° East from true North:

a line to be fixed on the ground for about 2 kilometres;

thence in a straight line to the light at the bend of the Elbing Channel in approximately latitude 54° 19½′ North, longitude 19° 26′ East of Greenwich;

thence to the easternmost mouth of the Nogat River at a bearing of approximately 209° East from true North;

thence up the course of the Nogat River to the point where the latter leaves the Vistula (Weichsel);

thence up the principal channel of navigation of the Vistula, then the southern boundary of the *Kreis* of Marienwerder, then that of the *Kreis* of Rosenberg eastwards to the point where it meets the old boundary of East Prussia;

thence the old boundary between East and West Prussia, then the boundary between the *Kreise* of Osterode and Neidenburg, then the course of the river Skottau downstream, then the course of the Neide upstream to a point situated about 5 kilometres west of Bialutten being the nearest point to the old frontier of Russia;

thence in an easterly direction to a point immediately south of the intersection of the road Neidenburg–Mlava with the old frontier of Russia:

a line to be fixed on the ground passing north of Bialutten;

thence the old frontier of Russia to a point east of Schmalleningken, then the principal channel of navigation of the Niemen (Memel) downstream, then the Skierwieth arm of the delta to the Kurisches Haff;

thence a straight line to the point where the eastern shore of the Kurische Nehrung meets the administrative boundary about 4 kilometres south-west of Nidden;

thence this administrative boundary to the western shore of the Kurische Nehrung.

ARTICLE 29.

The boundaries as described above are drawn in red on a one-in-a-million map which is annexed to the present Treaty (Map No. 1).

In the case of any discrepancies between the text of the Treaty and this map or any other map which may be annexed, the text will be final.

ARTICLE 30.

In the case of boundaries which are defined by a waterway, the terms "course" and "channel" used in the present Treaty signify: in the case of non-navigable rivers, the median line of the waterway or of its principal arm, and, in the case of navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided by the present Treaty to specify in each case whether the frontier line shall follow any changes of the course or channel which may take place or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

PART III

POLITICAL CLAUSES FOR EUROPE

SECTION I

BELGIUM

ARTICLE 31.

Germany, recognising that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents to the abrogation of the said treaties and undertakes immediately to recognise and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Germany undertakes immediately to give it.

ARTICLE 32.

Germany recognises the full sovereignty of Belgium over the whole of the contested territory of Moresnet (called *Moresnet neutre*).

ARTICLE 33.

Germany renounces in favour of Belgium all rights and title over the territory of Prussian Moresnet situated on the west of the road from Liège to Aix-la-Chapelle; the road will belong to Belgium where it bounds this territory.

ARTICLE 34.

Germany renounces in favour of Belgium all rights and title over the territory comprising the whole of the *Kreise* of Eupen and of Malmédy.

During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authorities at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League.

ARTICLE 35.

A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

Decisions will be taken by a majority and will be binding on the parties concerned.

ARTICLE 36.

When the transfer of the sovereignty over the territories referred to above has become definitive, German nationals habitually resident in the territories will definitively acquire Belgian nationality *ipso facto*, and will lose their German nationality.

Nevertheless, German nationals who became resident in the territories after August 1, 1914, shall not obtain Belgian nationality without a permit from the Belgian Government.

ARTICLE 37.

Within the two years following the definitive transfer of the sovereignty over the territories assigned to Belgium under

the present Treaty, German nationals over 18 years of age habitually resident in those territories will be entitled to opt for German nationality.

Option by a husband will cover his wife, and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to Germany.

They will be entitled to retain their immovable property in the territories acquired by Belgium. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Article 38.

The German Government will hand over without delay to the Belgian Government the archives, registers, plans, title-deeds and documents of every kind concerning the civil, military, financial, judicial or other administrations in the territory transferred to Belgian sovereignty.

The German Government will likewise restore to the Belgian Government the archives and documents of every kind carried off during the war by the German authorities from the Belgian public administrations, in particular from the Ministry of Foreign Affairs at Brussels.

Article 39.

The proportion and nature of the financial liabilities of Germany and of Prussia which Belgium will have to bear on account of the territories ceded to her shall be fixed in conformity with Articles 254 and 256 of Part IX (Financial Clauses) of the present Treaty.

SECTION II

LUXEMBURG

Article 40.

With regard to the Grand Duchy of Luxemburg, Germany renounces the benefit of all the provisions inserted in her favour in the Treaties of February 8, 1842, April 2, 1847, October 20–25, 1865, August 18, 1866, February 21 and May 11, 1867, May 10,

1871, June 11, 1872, and November 11, 1902, and in all Conventions consequent upon such Treaties.

Germany recognises that the Grand Duchy of Luxemburg ceased to form part of the German Zollverein as from January 1, 1919, renounces all rights to the exploitation of the railways, adheres to the termination of the régime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

Article 41.

Germany undertakes to grant to the Grand Duchy of Luxemburg, when a demand to that effect is made to her by the Principal Allied and Associated Powers, the rights and advantages stipulated in favour of such Powers or their nationals in the present Treaty with regard to economic questions, to questions relative to transport and to aerial navigation.

SECTION III

LEFT BANK OF THE RHINE

Article 42.

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine.

Article 43.

In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilisation, are in the same way forbidden.

Article 44.

In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.

SECTION IV

SAAR BASIN

Article 45.

As compensation for the destruction of the coal mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal mines situated in the Saar Basin as defined in Article 48.

Article 46.

In order to assure the rights and welfare of the population and to guarantee to France complete freedom in working the mines, Germany agrees to the provisions of Chapters I and II of the Annex hereto.

Article 47.

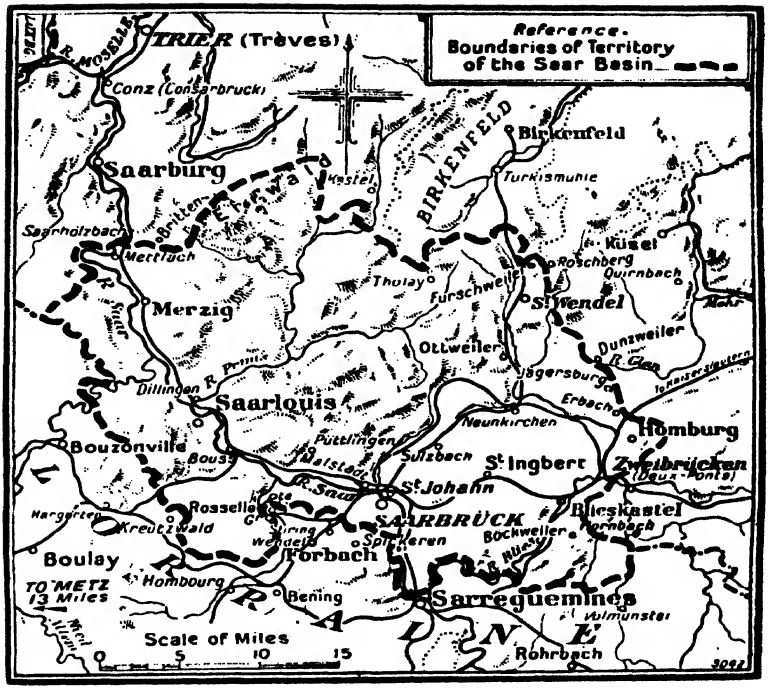
In order to make in due time permanent provision for the government of the Saar Basin in accordance with the wishes of the population, France and Germany agree to the provisions of Chapter III of the Annex hereto.

Article 48.

The boundaries of the territory of the Saar Basin, as dealt with in the present stipulations, will be fixed as follows:

On the south and south-west: by the frontier of France as fixed by the present Treaty.

On the north-west and north: by a line following the northern administrative boundary of the *Kreis* of Merzig from the point where it leaves the French frontier to the point where it meets the administrative boundary separating the commune of Saarhölzbach from the commune of Britten; following this communal boundary southwards and reaching the administrative boundary of the canton of Merzig so as to include in the territory of the Saar Basin the canton of Mettlach, with the exception of the commune of Britten; following successively the northern administrative boundaries of the cantons of Merzig and Haustadt, which are incorporated in the aforesaid Saar Basin, then successively the administrative boundaries separating the *Kreise* of Sarrelouis, Ottweiler and Saint-Wendel



MAP TO ILLUSTRATE SAAR VALLEY

(*To face p.* 132)

from the *Kreise* of Merzig, Trèves (Trier) and the Principality of Birkenfeld as far as a point situated about 500 metres north of the village of Furschweiler (viz., the highest point of the Metzelberg).

On the north-east and east: from the last point defined above to a point about 3½ kilometres east-north-east of Saint-Wendel:

a line to be fixed on the ground passing east of Furschweiler, west of Roschberg, east of points 418, 329 (south of Roschberg), west of Leitersweiler, north-east of point 464, and following the line of the crest southwards to its junction with the administrative boundary of the *Kreis* of Kusel;

thence in a southerly direction the boundary of the *Kreis* of Kusel, then the boundary of the *Kreis* of Homburg towards the south-south-east to a point situated about 1,000 metres west of Dunzweiler;

thence to a point about 1 kilometre south of Hornbach:

a line to be fixed on the ground passing through point 424 (about 1,000 metres south-east of Dunzweiler), point 363 (Fuchs-Berg), point 322 (south-west of Waldmohr), then east of Jägersburg and Erbach, then encircling Homburg, passing through the points 361 (about 2½ kilometres north-east by east of that town), 342 (about 2 kilometres south-east of that town), 347 (Schreiners-Berg), 356, 350 (about 1½ kilometres south-east of Schwarzenbach), then passing east of Einöd, south-east of points 322 and 333, about 2 kilometres east of Webenheim, about 2 kilometres east of Mimbach, passing east of the plateau which is traversed by the road from Mimbach to Böckweiler (so as to include this road in the territory of the Saar Basin), passing immediately north of the junction of the roads from Böckweiler and Altheim situated about 2 kilometres north of Altheim, then passing south of Ringweilerhof and north of point 322, rejoining the frontier of France at the angle which it makes about 1 kilometre south of Hornbach (see Map No. 2 scale 1/100,000 annexed to the present Treaty).

A Commission composed of five members, one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other Powers, will be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described above.

In those parts of the preceding line which do not coincide with administrative boundaries the Commission will endeavour to keep to the line indicated, while taking into consideration, so far as is possible, local economic interests and existing communal boundaries.

The decisions of this Commission will be taken by a majority, and will be binding on the parties concerned.

ARTICLE 49.

Germany renounces in favour of the League of Nations, in the capacity of trustee, the government of the territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed.

ARTICLE 50.

The stipulations under which the cession of the mines in the Saar Basin shall be carried out, together with the measures intended to guarantee the rights and the well-being of the inhabitants and the government of the territory, as well as the conditions in accordance with which the plebiscite hereinbefore provided for is to be made, are laid down in the Annex hereto. This Annex shall be considered as an integral part of the present Treaty, and Germany declares her adherence to it.

Annex

In accordance with the provisions of Articles 45 to 50 of the present Treaty, the stipulations under which the cession by Germany to France of the mines of the Saar Basin will be effected, as well as the measures intended to ensure respect for the rights and well-being of the population and the government of the territory, and the conditions in which the inhabitants will be called upon to indicate the sovereignty under which they may wish to be placed, have been laid down as follows :

CHAPTER I

CESSION AND EXPLOITATION OF MINING PROPERTY

1.

From the date of the coming into force of the present Treaty, all the deposits of coal situated within the Saar Basin, as defined in Article 48 of the said Treaty, become the complete and absolute property of the French State.

The French State will have the right of working or not working

the said mines, or of transferring to a third party the right of working them, without having to obtain any previous authorisation or to fulfil any formalities.

The French State may always require that the German mining laws and regulations referred to below shall be applied in order to ensure the determination of its rights.

2.

The right of ownership of the French State will apply not only to the deposits which are free and for which concessions have not yet been granted, but also to the deposits for which concessions have already been granted, whoever may be the present proprietors, irrespective of whether they belong to the Prussian State, to the Bavarian State, to other States or bodies, to companies or to individuals, whether they have been worked or not, or whether a right of exploitation distinct from the right of the owners of the surface of the soil has or has not been recognised.

3.

As far as concerns the mines which are being worked, the transfer of the ownership to the French State will apply to all the accessories and subsidiaries of the said mines, in particular to their plant and equipment both on and below the surface, to their extracting machinery, their plants for transforming coal into electric power, coke and by-products, their workshops, means of communication, electric lines, plant for catching and distributing water, land, buildings such as offices, managers', employees' and workmen's dwellings, schools, hospitals and dispensaries, their stocks and supplies of every description, their archives and plans, and in general everything which those who own or exploit the mines possess or enjoy for the purpose of exploiting the mines and their accessories and subsidiaries.

The transfer will apply also to the debts owing for products delivered before the entry into possession by the French State, and after the signature of the present Treaty, and to deposits of money made by customers, whose rights will be guaranteed by the French State.

4.

The French State will acquire the property free and clear of all debts and charges. Nevertheless, the rights acquired, or in course of being acquired, by the employees of the mines and their accessories and subsidiaries at the date of the coming into force of the present Treaty, in connection with pensions for old age or disability, will not be affected. In return, Germany must pay over to the French State a sum representing the actuarial amounts to which the said employees are entitled.

5.

The value of the property thus ceded to the French State will be determined by the Reparation Commission referred to in Article 233 of Part VIII (Reparation) of the present Treaty.

This value shall be credited to Germany in part payment of the amount due for reparation.

It will be for Germany to indemnify the proprietors or parties concerned, whoever they may be.

6.

No tariff shall be established on the German railways and canals which may directly or indirectly discriminate to the prejudice of the transport of the personnel or products of the mines and their accessories or subsidiaries, or of the material necessary to their exploitation. Such transport shall enjoy all the rights and privileges which any international railway conventions may guarantee to similar products of French origin.

7.

The equipment and personnel necessary to ensure the despatch and transport of the products of the mines and their accessories and subsidiaries, as well as the carriage of workmen and employees, will be provided by the local railway administration of the Basin.

8.

No obstacle shall be placed in the way of such improvements of railways or waterways as the French State may judge necessary to assure the despatch and the transport of the products of the mines and their accessories and subsidiaries, such as double trackage, enlargement of stations, and construction of yards and appurtenances. The distribution of expenses will, in the event of disagreement, be submitted to arbitration.

The French State may also establish any new means of communication, such as roads, electric lines and telephone connections which it may consider necessary for the exploitation of the mines.

It may exploit freely and without any restrictions the means of communication of which it may become the owner, particularly those connecting the mines and their accessories and subsidiaries with the means of communication situated in French territory.

9.

The French State shall always be entitled to demand the application of the German mining laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war, with a view to the acquisition of such land as it may judge necessary for the exploitation of the mines and their accessories and subsidiaries.

The payment for damage caused to immovable property by the working of the said mines and their accessories and subsidiaries shall be made in accordance with the German mining laws and regulations above referred to.

10.

Every person whom the French State may substitute for itself as regards the whole or part of its rights to the exploitation of the mines and their accessories and subsidiaries shall enjoy the benefit of the privileges provided in this Annex.

11.

The mines and other immovable property which become the property of the French State may never be made the subject of measures of forfeiture, forced sale, expropriation or requisition, nor of any other measure affecting the right of property.

The personnel and the plant connected with the exploitation of these mines or their accessories and subsidiaries, as well as the product extracted from the mines or manufactured in their accessories and subsidiaries, may not at any time be made the subject of any measures of requisition.

12.

The exploitation of the mines and their accessories and subsidiaries, which become the property of the French State, will continue, subject to the provisions of paragraph 23 below, to be subject to the régime established by the German laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war.

The rights of the workmen shall similarly be maintained, subject to the provisions of the said paragraph 23, as established on November 11, 1918, by the German laws and regulations above referred to.

No impediment shall be placed in the way of the introduction or employment in the mines and their accessories and subsidiaries of workmen from without the Basin.

The employees and workmen of French nationality shall have the right to belong to French labour unions.

13.

The amount contributed by the mines and their accessories and subsidiaries, either to the local budget of the territory of the Saar Basin or to the communal funds, shall be fixed with due regard to the ratio of the value of the mines to the total taxable wealth of the Basin.

14.

The French State shall always have the right of establishing and maintaining, as incidental to the mines, primary or technical schools for its employees and their children, and of causing instruction therein to be given in the French language, in accordance with such curriculum and by such teachers as it may select.

It shall also have the right to establish and maintain hospitals, dispensaries, workmen's houses and gardens and other charitable and social institutions.

15.

The French State shall enjoy complete liberty with respect to the distribution, despatch and sale prices of the products of the mines and their accessories and subsidiaries.

Nevertheless, whatever may be the total product of the mines, the French Government undertakes that the requirements of local consumption for industrial and domestic purposes shall always be satisfied in the proportion existing in 1913 between the amount consumed locally and the total output of the Saar Basin.

CHAPTER II

GOVERNMENT OF THE TERRITORY OF THE SAAR BASIN

16.

The Government of the territory of the Saar Basin shall be entrusted to a Commission representing the League of Nations. The Commission shall sit in the territory of the Saar Basin.

17.

The Governing Commission provided for by paragraph 16 shall consist of five members chosen by the Council of the League of Nations, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany.

The members of the Governing Commission shall be appointed for one year and may be re-appointed. They can be removed by the Council of the League of Nations, which will provide for their replacement.

The members of the Governing Commission will be entitled to a salary which will be fixed by the Council of the League of Nations, and charged on the local revenues.

18.

The Chairman of the Governing Commission shall be appointed for one year from among the members of the Commission by the Council of the League of Nations and may be re-appointed.

The Chairman will act as the executive of the Commission.

19.

Within the territory of the Saar Basin the Governing Commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials, and the creation of such administrative and representative bodies as it may deem necessary.

It shall have full powers to administer and operate the railways, canals and the different public services.

Its decisions shall be taken by a majority.

20.

Germany will place at the disposal of the Governing Commission all official documents and archives under the control of Germany, of any German State, or of any local authority, which relate to the territory of the Saar Basin or to the rights of the inhabitants thereof.

21.

It will be the duty of the Governing Commission to ensure, by such means and under such conditions as it may deem suitable, the protection abroad of the interests of the inhabitants of the territory of the Saar Basin.

22.

The Governing Commission shall have the full right of user of all property, other than mines, belonging, either in public or in private

domain, to the Government of the German Empire, or the Government of any German State, in the territory of the Saar Basin.

As regards the railways an equitable apportionment of rolling stock shall be made by a mixed Commission on which the Government of the territory of the Saar Basin and the German railways will be represented.

Persons, goods, vessels, carriages, wagons and mails coming from or going to the Saar Basin shall enjoy all the rights and privileges relating to transit and transport which are specified in the provisions of Part XII (Ports, Waterways and Railways) of the present Treaty.

23.

The laws and regulations in force on November 11, 1918, in the territory of the Saar Basin (except those enacted in consequence of the state of war) shall continue to apply.

If, for general reasons or to bring these laws and regulations into accord with the provisions of the present Treaty, it is necessary to introduce modifications, these shall be decided on, and put into effect by the Governing Commission, after consultation with the elected representatives of the inhabitants in such a manner as the Commission may determine.

No modification may be made in the legal régime for the exploitation of the mines, provided for in paragraph 12, without the French State being previously consulted, unless such modification results from a general regulation respecting labour adopted by the League of Nations.

In fixing the conditions and hours of labour for men, women and children, the Governing Commission is to take into consideration the wishes expressed by the local labour organisations, as well as the principles adopted by the League of Nations.

24.

Subject to the provisions of paragraph 4, no rights of the inhabitants of the Saar Basin acquired or in process of acquisition at the date of the coming into force of the present Treaty, in respect of any insurance system of Germany or in respect of any pension of any kind, are affected by any of the provisions of the present Treaty.

Germany and the Government of the territory of the Saar Basin will preserve and continue all of the aforesaid rights.

25.

The civil and criminal courts existing in the territory of the Saar Basin shall continue.

A civil and criminal court will be established by the Governing Commission to hear appeals from the decisions of the said courts and to decide matters for which these courts are not competent.

The Governing Commission will be responsible for settling the organisation and jurisdiction of the said court.

Justice will be rendered in the name of the Governing Commission.

26.

The Governing Commission will alone have the power of levying taxes and dues in the territory of the Saar Basin.

These taxes and dues will be exclusively applied to the needs of the territory.

The fiscal system existing on November 11, 1918, will be maintained as far as possible, and no new tax except customs duties may be imposed without previously consulting the elected representatives of the inhabitants.

27.

The present stipulations will not affect the existing nationality of the inhabitants of the territory of the Saar Basin.

No hindrance shall be placed in the way of those who wish to acquire a different nationality, but in such case the acquisition of the new nationality will involve the loss of any other.

28.

Under the control of the Governing Commission the inhabitants will retain their local assemblies, their religious liberties, their schools and their language.

The right of voting will not be exercised for any assemblies other than the local assemblies, and will belong to every inhabitant over the age of twenty years, without distinction of sex.

29.

Any of the inhabitants of the Saar Basin who may desire to leave the territory will have full liberty to retain in it their immovable property or to sell it at fair prices, and to remove their movable property free of any charges.

30.

There will be no military service, whether compulsory or voluntary, in the territory of the Saar Basin, and the construction of fortifications therein is forbidden.

Only a local gendarmerie for the maintenance of order may be established.

It will be the duty of the Governing Commission to provide in all cases for the protection of persons and property in the Saar Basin.

31.

The territory of the Saar Basin as defined by Article 48 of the present Treaty shall be subjected to the French customs régime. The receipts from the customs duties on goods intended for local consumption shall be included in the budget of the said territory after deduction of all costs of collection.

No export tax shall be imposed upon metallurgical products or coal exported from the said territory to Germany, nor upon German exports for the use of the industries of the territory of the Saar Basin.

Natural or manufactured products originating in the Basin in transit over German territory and, similarly, German products in transit over the territory of the Basin shall be free of all customs duties.

Products which both originate in and pass from the Basin into Germany shall be free of import duties for a period of five years from the date of the coming into force of the present Treaty, and during the same period articles imported from Germany into the territory of the Basin for local consumption shall likewise be free of import duties.

During these five years the French Government reserves to itself the right of limiting to the annual average of the quantities imported

into Alsace-Lorraine and France in the years 1911 to 1913 the quantities which may be sent into France of all articles coming from the Basin which include raw materials and semi-manufactured goods imported duty free from Germany. Such average shall be determined after reference to all available official information and statistics.

32.

No prohibition or restriction shall be imposed upon the circulation of French money in the territory of the Saar Basin.

The French State shall have the right to use French money in all purchases, payments and contracts connected with the exploitation of the mines or their accessories and subsidiaries.

33.

The Governing Commission shall have power to decide all questions arising from the interpretation of the preceding provisions.

France and Germany agree that any dispute involving a difference of opinion as to the interpretation of the said provisions shall in the same way be submitted to the Governing Commission, and the decision of a majority of the Commission shall be binding on both countries.

CHAPTER III

PLEBISCITE

34.

At the termination of a period of fifteen years from the coming into force of the present Treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:

A vote will take place by communes or districts, on the three following alternatives: (*a*) Maintenance of the régime established by the present Treaty and by this Annex; (*b*) union with France; (*c*) union with Germany.

All persons without distinction of sex, more than twenty years old at the date of the voting, resident in the territory at the date of the signature of the present Treaty, will have the right to vote.

The other conditions, methods and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the freedom, secrecy and trustworthiness of the voting.

35.

The League of Nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting:

(*a*) If, for the whole or part of the territory, the League of Nations decides in favour of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favour of the League of Nations as the latter shall deem necessary. It will be the duty of the League of Nations to take appropriate steps to adapt the régime definitively

adopted to the permanent welfare of the territory and the general interest;

(*b*) If, for the whole or part of the territory, the League of Nations decides in favour of union with France, Germany hereby agrees to cede to France in accordance with the decision of the League of Nations all rights and title over the territory specified by the League;

(*c*) If, for the whole or part of the territory, the League of Nations decides in favour of union with Germany, it will be the duty of the League of Nations to cause the German Government to be re-established in the government of the territory specified by the League.

36.

If the League of Nations decides in favour of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the Council of the League of Nations; the decision of the experts will be given by a majority.

The obligation of Germany to make such payment shall be taken into account by the Reparation Commission, and for the purpose of this payment Germany may create a prior charge upon her assets or revenues upon such detailed terms as shall be agreed to by the Reparation Commission.

If, nevertheless, Germany after a period of one year from the date on which payment becomes due shall not have effected the said payment, the Reparation Commission shall do so in accordance with such instructions as may be given by the League of Nations, and, if necessary, by liquidating that part of the mines which is in question.

37.

If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the Council of the League of Nations.

38.

It is understood that France and Germany may, by special agreements concluded before the time fixed for the payment of the price for the repurchase of the mines, modify the provisions of paragraphs 36 and 37.

39.

The Council of the League of Nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the League of Nations mentioned in paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government of the territory of the

Saar Basin arising from loans raised by the Commission or from other causes.

From the coming into force of the new régime, the powers of the Governing Commission will terminate, except in the case provided for in paragraph 35 (*a*).

40.

In all matters dealt with in the present Annex, the decisions of the Council of the League of Nations will be taken by a majority.

SECTION V

ALSACE-LORRAINE

The High Contracting Parties, recognising the moral obligation to redress the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace and Lorraine, which were separated from their country in spite of the solemn protest of their representatives at the Assembly of Bordeaux,

Agree upon the following Articles:

Article 51.

The territories which were ceded to Germany in accordance with the Preliminaries of Peace signed at Versailles on February 26, 1871, and the Treaty of Frankfort of May 10, 1871, are restored to French sovereignty as from the date of the Armistice of November 11, 1918.

The provisions of the Treaties establishing the delimitation of the frontiers before 1871 shall be restored.

Article 52.

The German Government shall hand over without delay to the French Government all archives, registers, plans, titles and documents of every kind concerning the civil, military, financial, judicial or other administrations of the territories restored to French sovereignty. If any of these documents, archives, registers, titles, or plans have been misplaced, they will be restored by the German Government on the demand of the French Government.

Article 53.

Separate agreements shall be made between France and Germany dealing with the interests of the inhabitants of the territories referred to in Article 51, particularly as regards their

civil rights, their business and the exercise of their professions, it being understood that Germany undertakes as from the present date to recognise and accept the regulations laid down in the Annex hereto regarding the nationality of the inhabitants or natives of the said territories, not to claim at any time or in any place whatsoever as German nationals those who shall have been declared on any ground to be French, to receive all others in her territory, and to conform, as regards the property of German nationals in the territories indicated in Article 51, with the provisions of Article 297 and the Annex to Section IV of Part X (Economic Clauses) of the present Treaty.

Those German nationals who without acquiring French nationality shall receive permission from the French Government to reside in the said territories shall not be subjected to the provisions of the said Article.

ARTICLE 54.

Those persons who have regained French nationality in virtue of paragraph 1 of the Annex hereto, will be held to be Alsace-Lorrainers for the purposes of the present Section.

The persons referred to in paragraph 2 of the said Annex will from the day on which they have claimed French nationality be held to be Alsace-Lorrainers with retroactive effect as from November 11, 1918. For those whose application is rejected, the privilege will terminate at the date of the refusal.

Such juridical persons will also have the status of Alsace-Lorrainers as shall have been recognised as possessing this quality, whether by the French administrative authorities or by a judicial decision.

ARTICLE 55.

The territories referred to in Article 51 shall return to France, free and quit of all public debts, under the conditions laid down in Article 255 of Part IX (Financial Clauses) of the present Treaty.

ARTICLE 56.

In conformity with the provisions of Article 256 of Part IX (Financial Clauses) of the present Treaty, France shall enter into possession of all property and estate within the territories referred to in Article 51, which belong to the German Empire or German States, without any payment or credit on this account to any of the States ceding the territories.

This provision applies to all movable or immovable property of public or private domain together with all rights whatsoever belonging to the German Empire or German States or to their administrative areas.

Crown property and the property of the former Emperor or other German sovereigns shall be assimilated to property of the public domain.

ARTICLE 57.

Germany shall not take any action, either by means of stamping or by any other legal or administrative measures not applying equally to the rest of her territory, which may be to the detriment of the legal value or redeemability of German monetary instruments or monies which, at the date of the signature of the present Treaty, are legally current, and at that date are in the possession of the French Government.

ARTICLE 58.

A special Convention will determine the conditions for repayment in marks of the exceptional war expenditure advanced during the course of the war by Alsace-Lorraine or by public bodies in Alsace-Lorraine on account of the Empire in accordance with German law, such as payment to the families of persons mobilised, requisitions, billeting of troops, and assistance to persons who have been evacuated.

In fixing the amount of these sums Germany shall be credited with that portion which Alsace-Lorraine would have contributed to the Empire to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the Imperial revenues derived from Alsace-Lorraine in 1913.

ARTICLE 59.

The French Government will collect for its own account the Imperial taxes, duties and dues of every kind leviable in the territories referred to in Article 51 and not collected at the time of the Armistice of November 11, 1918.

ARTICLE 60.

The German Government shall without delay restore to Alsace-Lorrainers (individuals, juridical persons and public institutions) all property, rights and interests belonging to them on November 11, 1918, in so far as these are situated in German territory.

ARTICLE 61.

The German Government undertakes to continue and complete without delay the execution of the financial clauses regarding Alsace-Lorraine contained in the Armistice Conventions.

ARTICLE 62.

The German Government undertakes to bear the expense of all civil and military pensions which had been earned in Alsace-Lorraine on the date of November 11, 1918, and the maintenance of which was a charge on the budget of the German Empire.

The German Government shall furnish each year the funds necessary for the payment in francs, at the average rate of exchange for that year, of the sums in marks to which persons resident in Alsace-Lorraine would have been entitled if Alsace-Lorraine had remained under German jurisdiction.

ARTICLE 63.

For the purposes of the obligation assumed by Germany in Part VIII (Reparation) of the present Treaty to give compensation for damages caused to the civil populations of the Allied and Associated countries in the form of fines, the inhabitants of the territories referred to in Article 51 shall be assimilated to the above-mentioned populations.

ARTICLE 64.

The regulations concerning the control of the Rhine and of the Moselle are laid down in Part XII (Ports, Waterways and Railways) of the present Treaty.

ARTICLE 65.

Within a period of three weeks after the coming into force of the present Treaty, the port of Strasburg and the port of Kehl shall be constituted, for a period of seven years, a single unit from the point of view of exploitation.

The administration of this single unit will be carried on by a manager named by the Central Rhine Commission, which shall also have power to remove him.

This manager shall be of French nationality.

He will reside in Strasburg and will be subject to the supervision of the Central Rhine Commission.

There will be established in the two ports free zones in conformity with Part XII (Ports, Waterways and Railways) of the present Treaty.

A special Convention between France and Germany, which shall be submitted to the approval of the Central Rhine Commission, will fix the details of this organisation, particularly as regards finance.

It is understood that for the purpose of the present Article the port of Kehl includes the whole of the area necessary for the movements of the port and the trains which serve it, including the harbour, quays and railroads, platforms, cranes, sheds and warehouses, silos, elevators and hydro-electric plants, which make up the equipment of the port.

The German Government undertakes to carry out all measures which shall be required of it in order to assure that all the making-up and switching of trains arriving at or departing from Kehl, whether for the right bank or the left bank of the Rhine, shall be carried on in the best conditions possible.

All property rights shall be safeguarded. In particular the administration of the ports shall not prejudice any property rights of the French or Baden railroads.

Equality of treatment as respects traffic shall be assured in both ports to the nationals, vessels and goods of every country.

In case at the end of the sixth year France shall consider that the progress made in the improvement of the port of Strasburg still requires a prolongation of this temporary régime, she may ask for such prolongation from the Central Rhine Commission, which may grant an extension for a period not exceeding three years.

Throughout the whole period of any such extension the free zones above provided for shall be maintained.

Pending appointment of the first manager by the Central Rhine Commission a provisional manager who shall be of French nationality may be appointed by the Principal Allied and Associated Powers subject to the foregoing provisions.

For all purposes of the present Article the Central Rhine Commission will decide by a majority of votes.

Article 66.

The railway and other bridges across the Rhine now existing within the limits of Alsace-Lorraine shall, as to all their parts and their whole length, be the property of the French State, which shall ensure their upkeep.

ARTICLE 67.

The French Government is substituted in all the rights of the German Empire over all the railways which were administered by the Imperial railway administration and which are actually working or under construction.

The same shall apply to the rights of the Empire with regard to railway and tramway concessions within the territories referred to in Article 51.

This substitution shall not entail any payment on the part of the French State.

The frontier railway stations shall be established by a subsequent agreement, it being stipulated in advance that on the Rhine frontier they shall be situated on the right bank.

ARTICLE 68.

In accordance with the provisions of Article 268 of Chapter I of Section I of Part X (Economic Clauses) of the present Treaty, for a period of five years from the coming into force of the present Treaty, natural or manufactured products originating in and coming from the territories referred to in Article 51 shall, on importation into German customs territory, be exempt from all customs duty.

The French Government may fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

Further, during the period of five years above mentioned, the German Government shall allow the free export from Germany and the free re-importation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories referred to in Article 51, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerisation, gassing, twisting or dressing.

ARTICLE 69.

During a period of ten years from the coming into force of the present Treaty, central electric supply works situated in German territory and formerly furnishing electric power to

the territories referred to in Article 51 or to any establishment the working of which passes permanently or temporarily from Germany to France, shall be required to continue such supply up to the amount of consumption corresponding to the undertakings and contracts current on November 11, 1918.

Such supply shall be furnished according to the contracts in force and at a rate which shall not be higher than that paid to the said works by German nationals.

ARTICLE 70.

It is understood that the French Government preserves its right to prohibit in the future in the territories referred to in Article 51 all new German participation :

1. In the management or exploitation of the public domain and of public services, such as railways, navigable waterways, water works, gas works, electric power, etc. ;

2. In the ownership of mines and quarries of every kind and in enterprises connected therewith ;

3. In metallurgical establishments, even though their working may not be connected with that of any mine.

ARTICLE 71.

As regards the territories referred to in Article 51, Germany renounces on behalf of herself and her nationals as from November 11, 1918, all rights under the law of May 25, 1910, regarding the trade in potash salts, and generally under any stipulations for the intervention of German organisations in the working of the potash mines. Similarly, she renounces on behalf of herself and her nationals all rights under any agreements, stipulations or laws which may exist to her benefit with regard to other products of the aforesaid territories.

ARTICLE 72.

The settlement of the questions relating to debts contracted before November 11, 1918, between the German Empire and the German States or their nationals residing in Germany on the one part and Alsace-Lorrainers residing in Alsace-Lorraine on the other part shall be effected in accordance with the provisions of Section III of Part X (Economic Clauses) of the present Treaty, the expression "before the war" therein being replaced by the expression "before November 11, 1918." The rate of exchange applicable in the case of such settlement

shall be the average rate quoted on the Geneva Exchange during the month preceding November 11, 1918.

There may be established in the territories referred to in Article 51, for the settlement of the aforesaid debts under the conditions laid down in Section III of Part X (Economic Clauses) of the present Treaty, a special clearing office, it being understood that this office shall be regarded as a " central office " under the provisions of paragraph 1 of the Annex to the said Section.

ARTICLE 73.

The private property, rights and interests of Alsace-Lorrainers in Germany will be regulated by the stipulations of Section IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 74.

The French Government reserves the right to retain and liquidate all the property, rights and interests which German nationals or societies controlled by Germany possessed in the territories referred to in Article 51 on November 11, 1918, subject to the conditions laid down in the last paragraph of Article 53 above.

Germany will directly compensate her nationals who may have been dispossessed by the aforesaid liquidations.

The product of these liquidations shall be applied in accordance with the stipulations of Sections III and IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 75.

Notwithstanding the stipulations of Section V of Part X (Economic Clauses) of the present Treaty, all contracts made before the date of the promulgation in Alsace-Lorraine of the French decree of November 30, 1918, between Alsace-Lorrainers (whether individuals or juridical persons) or others resident in Alsace-Lorraine on the one part and the German Empire or German States and their nationals resident in Germany on the other part, the execution of which has been suspended by the Armistice or by subsequent French legislation, shall be maintained.

Nevertheless, any contract of which the French Government shall notify the cancellation to Germany in the general interest within a period of six months from the date of the

coming into force of the present Treaty, shall be annulled except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder before November 11, 1918. If this dissolution would cause one of the parties substantial prejudice, equitable compensation, calculated solely on the capital employed without taking account of loss of profits, shall be accorded to the prejudiced party.

With regard to prescriptions, limitations and forfeitures in Alsace-Lorraine, the provisions of Articles 300 and 301 of Section V of Part X (Economic Clauses) shall be applied with the substitution for the expression "outbreak of war" of the expression "November 11, 1918," and for the expression "duration of the war" of the expression "period from November 11, 1918, to the date of the coming into force of the present Treaty."

ARTICLE 76.

Questions concerning rights in industrial, literary or artistic property of Alsace-Lorrainers shall be regulated in accordance with the general stipulations of Section VII of Part X (Economic Clauses) of the present Treaty, it being understood that Alsace-Lorrainers holding rights of this nature under German legislation will preserve full and entire enjoyment of those rights on German territory.

ARTICLE 77.

The German Government undertakes to pay over to the French Government such proportion of all reserves accumulated by the Empire or by public or private bodies dependent upon it, for the purposes of disability and old age insurance as would fall to the disability and old age insurance fund at Strasburg.

The same shall apply in respect of the capital and reserves accumulated in Germany falling legitimately to other social insurance funds, to miners' superannuation funds, to the fund of the railways of Alsace-Lorraine, to other superannuation organisations established for the benefit of the personnel of public administrations and institutions operating in Alsace-Lorraine, and also in respect of the capital and reserves due by the insurance fund of private employees at Berlin, by reason of engagements entered into for the benefit of insured persons of that category resident in Alsace-Lorraine.

A special Convention shall determine the conditions and procedure of these transfers.

ARTICLE 78.

With regard to the execution of judgments, appeals and prosecutions, the following rules shall be applied:

(1.) All civil and commercial judgments which shall have been given since August 3, 1914, by the Courts of Alsace-Lorraine between Alsace-Lorrainers, or between Alsace-Lorrainers and foreigners, or between foreigners, and which shall not have been appealed from before November 11, 1918, shall be regarded as final and susceptible of immediate execution without further formality.

When the judgment has been given between Alsace-Lorrainers and Germans or between Alsace-Lorrainers and subjects of the allies of Germany, it shall only be capable of execution after the issue of an *exequatur* by the corresponding new tribunal in the restored territory referred to in Article 51.

(2.) All judgments given by German Courts since August 3, 1914, against Alsace-Lorrainers for political crimes or misdemeanours shall be regarded as null and void.

(3.) All sentences passed since November 11, 1918, by the Court of the Empire at Leipzig on appeals against the decisions of the Courts of Alsace-Lorraine shall be regarded as null and void and shall be so pronounced. The papers in regard to the cases in which such sentences have been given shall be returned to the Courts of Alsace-Lorraine concerned.

All appeals to the Court of the Empire against decisions of the Courts of Alsace-Lorraine shall be suspended. The papers shall be returned under the aforesaid conditions for transfer without delay to the French Cour de Cassation, which shall be competent to decide them.

(4.) All prosecutions in Alsace-Lorraine for offences committed during the period between November 11, 1918, and the coming into force of the present Treaty will be conducted under German law except in so far as this has been modified by decrees duly published on the spot by the French authorities.

(5.) All other questions as to competence, procedure or administration of justice shall be determined by a special Convention between France and Germany.

ARTICLE 79.

The stipulations as to nationality contained in the Annex hereto shall be considered as of equal force with the provisions of the present Section.

All other questions concerning Alsace-Lorraine which are not regulated by the present Section and the Annex thereto or by the general provisions of the present Treaty will form the subject of further conventions between France and Germany.

Annex

1.

As from November 11, 1918, the following persons are *ipso facto* reinstated in French nationality:

(1.) Persons who lost French nationality by the application of the Franco-German Treaty of May 10, 1871, and who have not since that date acquired any nationality other than German;

(2.) The legitimate or natural descendants of the persons referred to in the immediately preceding paragraph, with the exception of those whose ascendants in the paternal line include a German who migrated into Alsace-Lorraine after July 15, 1870;

(3.) All persons born in Alsace-Lorraine of unknown parents, or whose nationality is unknown.

2.

Within the period of one year from the coming into force of the present Treaty, persons included in any of the following categories may claim French nationality:

(1.) All persons not restored to French nationality under paragraph 1 above, whose ascendants include a Frenchman or Frenchwoman who lost French nationality under the conditions referred to in the said paragraph;

(2.) All foreigners, not nationals of a German State, who acquired the status of a citizen of Alsace-Lorraine before August 3, 1914;

(3.) All Germans domiciled in Alsace-Lorraine, if they have been so domiciled since a date previous to July 15, 1870, or if one of their ascendants was at that date domiciled in Alsace-Lorraine;

(4.) All Germans born or domiciled in Alsace-Lorraine who have served in the Allied or Associated armies during the present war, and their descendants;

(5.) All persons born in Alsace-Lorraine before May 10, 1871, of foreign parents, and the descendants of such persons;

(6.) The husband or wife of any person whose French nationality may have been restored under paragraph 1, or who may have claimed and obtained French nationality in accordance with the preceding provisions.

The legal representative of a minor may exercise, on behalf of that minor, the right to claim French nationality; and if that right has not been exercised, the minor may claim French nationality within the year following his majority.

Except in the cases provided for in No. 6 of the present paragraph, the French authorities reserve to themselves the right, in individual cases, to reject the claim to French nationality.

3.

Subject to the provisions of paragraph 2, Germans born or domiciled in Alsace-Lorraine shall not acquire French nationality by reason of the restoration of Alsace-Lorraine to France, even though they may have the status of citizens of Alsace-Lorraine.

They may acquire French nationality only by naturalisation, on condition of having been domiciled in Alsace-Lorraine from a date previous to August 3, 1914, and of submitting proof of unbroken residence within the restored territory for a period of three years from November 11, 1918.

France will be solely responsible for their diplomatic and consular protection from the date of their application for French naturalisation.

4.

The French Government shall determine the procedure by which reinstatement in French nationality as of right shall be effected, and the conditions under which decisions shall be given upon claims to such nationality and applications for naturalisation, as provided by the present Annex.

SECTION VI

AUSTRIA

Article 80.

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.

SECTION VII

CZECHO-SLOVAK STATE

Article 81.

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the Czecho-Slovak State which will include the autonomous territory of the Ruthenians to the south of the Carpathians. Germany hereby recognises the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States.

ARTICLE 82.

The old frontier as it existed on August 3, 1914, between Austria-Hungary and the German Empire will constitute the frontier between Germany and the Czecho-Slovak State.

ARTICLE 83.

Germany renounces in favour of the Czecho-Slovak State all rights and title over the portion of Silesian territory defined as follows:

starting from a point about 2 kilometres south-east of Katscher, on the boundary between the *Kreise* of Leobschütz and Ratibor:

the boundary between the two *Kreise*;

then, the former boundary between Germany and Austria-Hungary up to a point on the Oder immediately to the south of the Ratibor-Oderberg railway;

thence, towards the north-west and up to a point about 2 kilometres to the south-east of Katscher:

a line to be fixed on the spot passing to the west of Kranowitz.

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Poland and one by the Czecho-Slovak State, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line between Poland and the Czecho-Slovak State.

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

Germany hereby agrees to renounce in favour of the Czecho-Slovak State all rights and title over the part of the *Kreis* of Leobschütz comprised within the following boundaries in case after the determination of the frontier between Germany and Poland the said part of that *Kreis* should become isolated from Germany:

from the south-eastern extremity of the salient of the former Austrian frontier at about 5 kilometres to the west of Leobschütz southwards and up to the point of junction with the boundary between the *Kreise* of Leobschütz and Ratibor:

the former frontier between Germany and Austria-Hungary;

then, northwards, the administrative boundary between the *Kreise* of Leobschütz and Ratibor up to a point situated about 2 kilometres to the south-east of Katscher;

thence, north-westwards and up to the starting-point of this definition:

a line to be fixed on the spot passing to the east of Katscher.

ARTICLE 84.

German nationals habitually resident in any of the territories recognised as forming part of the Czecho-Slovak State will obtain Czecho-Slovak nationality *ipso facto* and lose their German nationality.

ARTICLE 85.

Within a period of two years from the coming into force of the present Treaty, German nationals over eighteen years of age habitually resident in any of the territories recognised as forming part of the Czecho-Slovak State will be entitled to opt for German nationality. Czecho-Slovaks who are German nationals and are habitually resident in Germany will have a similar right to opt for Czecho-Slovak nationality.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising the right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Czecho-Slovaks who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Czecho-Slovak nationality and lose their German nationality by complying with the requirements laid down by the Czecho-Slovak State.

ARTICLE 86.

The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

The proportion and nature of the financial obligations of Germany and Prussia which the Czecho-Slovak State will have to assume on account of the Silesian territory placed under its sovereignty will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions not decided by the present Treaty which may arise in consequence of the cession of the said territory.

SECTION VIII

POLAND

Article 87.

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of Poland, and renounces in her favour all rights and title over the territory bounded by the Baltic Sea, the eastern frontier of Germany as laid down in Article 27 of Part II (Boundaries of Germany) of the present Treaty up to a point situated about 2 kilometres to the east of Lorzendorf, then a line to the acute angle which the northern boundary of Upper Silesia makes about 3 kilometres north-west of Simmenau, then the boundary of Upper Silesia to its meeting point with the old frontier between Germany and Russia, then this frontier to the point where it crosses the course of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid.

The provisions of this Article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part.

The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers.

A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated

Powers, one by Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier line between Poland and Germany.

The decisions of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned.

ARTICLE 88.

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland:

starting from the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt, the former frontier between Germany and Austria to its junction with the boundary between the *Kreise* of Leobschütz and Ratibor;

thence in a northerly direction to a point about 2 kilometres south-east of Katscher:

the boundary between the *Kreise* of Leobschütz and Ratibor;

thence in a south-easterly direction to a point on the course of the Oder immediately south of the Ratibor-Oderberg railway:

a line to be fixed on the ground passing south of Kranowitz;

thence the old boundary between Germany and Austria, then the old boundary between Germany and Russia to its junction with the administrative boundary between Posnania and Upper Silesia;

thence this administrative boundary to its junction with the administrative boundary between Upper and Middle Silesia;

thence westwards to the point where the administrative boundary turns in an acute angle to the south-east about 3 kilometres north-west of Simmenau:

the boundary between Upper and Middle Silesia;

then in a westerly direction to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

a line to be fixed on the ground passing north of Klein Hennersdorf:

thence southwards to the point where the boundary between Upper and Middle Silesia cuts the Städtel-Karlsruhe road:

a line to be fixed on the ground passing west of Hennersdorf, Polkowitz, Noldau, Steinersdorf and Dammer, and east of Strehlitz, Nassadel, Eckersdorf, Schwirz and Städtel;

thence the boundary between Upper and Middle Silesia to its junction with the eastern boundary of the *Kreis* of Falkenberg;

then the eastern boundary of the *Kreis* of Falkenberg to the point of the salient which is 3 kilometres east of Puschine;

thence to the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt:

a line to be fixed on the ground passing east of Zülz.

The régime under which this plebiscite will be taken and given effect to is laid down in the Annex hereto.

The Polish and German Governments hereby respectively bind themselves to conduct no prosecutions on any part of their territory and to take no exceptional proceedings for any political action performed in Upper Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country.

Germany hereby renounces in favour of Poland all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite.

Annex

1.

Within fifteen days from the coming into force of the present Treaty the German troops and such officials as may be designated by the Commission set up under the provisions of paragraph 2 shall evacuate the plebiscite area. Up to the moment of the completion of the evacuation they shall refrain from any form of requisitioning in money or in kind and from all acts likely to prejudice the material interests of the country.

Within the same period the Workmen's and Soldiers' Councils which have been constituted in this area shall be dissolved. Members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall be evacuated.

All military and semi-military unions formed in the said area by inhabitants of the district shall be immediately disbanded. All members of such military organisations who are not domiciled in the said area shall be required to leave it.

2.

The plebiscite area shall be immediately placed under the authority of an International Commission of four members to be designated by the following Powers: the United States of America, France, the British Empire and Italy. It shall be occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia.

3.

The Commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation. It shall also be substituted for the government of the province and the *Regierungsbezirk*.

It shall be within the competence of the Commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them, and to what extent they shall be left in the hands of the existing authorities.

Changes in the existing laws and the existing taxation shall only be brought into force with the consent of the Commission.

The Commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

The Commission shall provide immediately for the replacement of the evacuated German officials and, if occasion arises, shall itself order the evacuation of such authorities and proceed to the replacement of such local authorities as may be required.

It shall take all steps which it thinks proper to ensure the freedom, fairness and secrecy of the vote. In particular, it shall have the right to order the expulsion of any person who may in any way have attempted to distort the result of the plebiscite by methods of corruption or intimidation.

The Commission shall have full power to settle all questions arising from the execution of the present clauses. It shall be assisted by technical advisers chosen by it from among the local population.

The decisions of the Commission shall be taken by a majority vote.

4.

The vote shall take place at such date as may be determined by the Principal Allied and Associated Powers, but not sooner than six months or later than eighteen months after the establishment of the Commission in the area.

The right to vote shall be given to all persons without distinction of sex who:

(*a*) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;

(*b*) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to the 1st January, 1919, or who have been expelled by the German authorities and have not retained their domicile there.

Persons convicted of political offences shall be enabled to exercise their right of voting.

Every person will vote in the commune where he is domiciled or in which he was born, if he has not retained his domicile in the area.

The result of the vote will be determined by communes according to the majority of votes in each commune.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.

6.

As soon as the frontier has been fixed by the Principal Allied and Associated Powers, the German authorities will be notified by the International Commission that they are free to take over the administration of the territory which it is recognised should be German; the said authorities must proceed to do so within one month of such notification and in the manner prescribed by the Commission.

Within the same period and in the manner prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory which it is recognised should be Polish.

When the administration of the territory has been provided for by the German and Polish authorities respectively, the powers of the Commission will terminate.

The cost of the army of occupation, and expenditure by the Commission, whether in discharge of its own functions or in the administration of the territory, will be a charge on the area.

Article 89.

Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit between East Prussia and the rest of Germany over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation, starting-point, or ownership as regards facilities, restrictions and all other matters.

Goods in transit shall be exempt from all customs or other similar duties.

Freedom of transit will extend to telegraphic and telephonic services under the conditions laid down by the conventions referred to in Article 98.

Article 90.

Poland undertakes to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia transferred to Poland in accordance with the present Treaty.

Such products shall be free from all export duties or other charges or restrictions on exportation.

Poland agrees to take such steps as may be necessary to secure that any such products shall be available for sale to purchasers in Germany on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or in any other country.

Article 91.

German nationals habitually resident in territories recognised as forming part of Poland will acquire Polish nationality *ipso facto* and will lose their German nationality.

German nationals, however, or their descendants who became resident in these territories after January 1, 1908, will not acquire Polish nationality without a special authorisation from the Polish State.

Within a period of two years after the coming into force of the present Treaty, German nationals over 18 years of age habitually resident in any of the territories recognised as forming part of Poland will be entitled to opt for German nationality.

Poles who are German nationals over 18 years of age and habitually resident in Germany will have a similar right to opt for Polish nationality.

Option by a husband will cover his wife, and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt may within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising the right to opt.

They may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

Within the same period Poles who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Polish nationality and to lose their German nationality by complying with the requirements laid down by the Polish State.

In the portion of Upper Silesia submitted to a plebiscite the provisions of this Article shall only come into force as from the definitive attribution of the territory.

ARTICLE 92.

The proportion and the nature of the financial liabilities of Germany and Prussia which are to be borne by Poland will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

There shall be excluded from the share of such financial liabilities assumed by Poland that portion of the debt which, according to the finding of the Reparation Commission referred to in the above-mentioned Article, arises from measures adopted by the German and Prussian Governments with a view to German colonisation in Poland.

In fixing under Article 256 of the present Treaty the value of the property and possessions belonging to the German Empire and to the German States which pass to Poland with the territory transferred above, the Reparation Commission shall exclude from the valuation buildings, forests and other State property which belonged to the former Kingdom of Poland; Poland shall acquire these properties free of all costs and charges.

In all the German territory transferred in accordance with the present Treaty and recognised as forming definitely part of Poland, the property, rights and interests of German nationals shall not be liquidated under Article 297 by the Polish Government except in accordance with the following provisions:

1. The proceeds of the liquidation shall be paid direct to the owner;

2. If on his application the Mixed Arbitral Tribunal provided for by Section VI of Part X (Economic Clauses) of the present Treaty, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Polish Government outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to

award to the owner equitable compensation to be paid by the Polish Government.

Further agreements will regulate all questions arising out of the cession of the above territory which are not regulated by the present Treaty.

ARTICLE 93.

Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language or religion.

Poland further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

SECTION IX

EAST PRUSSIA

ARTICLE 94.

In the area between the southern frontier of East Prussia, as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong:

the western and northern boundary of *Regierungsbezirk* Allenstein to its junction with the boundary between the *Kreise* of Oletsko and Angerburg; thence, the northern boundary of the *Kreis* of Oletsko to its junction with the old frontier of East Prussia.

ARTICLE 95.

The German troops and authorities will be withdrawn from the area defined above within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied

and Associated Powers. This Commission will have general powers of administration and, in particular, will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy. The Commission will have all necessary authority to decide any questions to which the execution of these provisions may give rise. The Commission will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority.

Every person, irrespective of sex, will be entitled to vote who:

(*a*) Is 20 years of age at the date of the coming into force of the present Treaty, and

(*b*) Was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

Every person will vote in the commune where he is habitually resident or, if not habitually resident in the area, in the commune where he was born.

The result of the vote will be determined by communes (*Gemeinden*) according to the majority of the votes in each commune.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region.

If the line fixed by the Principal Allied and Associated Powers is such as to exclude from East Prussia any part of the territory defined in Article 94, the renunciation of its rights by Germany in favour of Poland, as provided in Article 87 above, will extend to the territories so excluded.

As soon as the line has been fixed by the Principal Allied and Associated Powers, the authorities administering East Prussia will be notified by the International Commission that they are free to take over the administration of the territory

to the north of the line so fixed, which they shall proceed to do within one month of such notification and in the manner prescribed by the Commission. Within the same period and as prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory to the south of the line. When the administration of the territory by the East Prussian and Polish authorities respectively has been provided for, the powers of the Commission will terminate.

Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues. East Prussia will be required to bear such proportion of any deficit as may be fixed by the Principal Allied and Associated Powers.

ARTICLE 96.

In the area comprising the *Kreise* of Stuhm and Rosenberg and the portion of the *Kreis* of Marienburg which is situated east of the Nogat and that of Marienwerder east of the Vistula, the inhabitants will be called upon to indicate by a vote, to be taken in each commune (*Gemeinde*), whether they desire the various communes situated in this territory to belong to Poland or to East Prussia.

ARTICLE 97.

The German troops and authorities will be withdrawn from the area defined in Article 96 within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

On the expiration of the above-mentioned period, the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission, supported if occasion arises by the necessary forces, will have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy. The Commission will conform as far as possible to the provisions of the present Treaty relating to the plebiscite in the Allenstein area; its decisions will be taken by a majority.

Expenditure by the Commission, whether in the discharge

of its own functions or in the administration of the territory, will be borne by the local revenues.

On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region, leaving in any case to Poland for the whole of the section bordering on the Vistula full and complete control of the river including the east bank as far east of the river as may be necessary for its regulation and improvement. Germany agrees that in any portion of the said territory which remains German no fortifications shall at any time be erected.

The Principal Allied and Associated Powers will at the same time draw up regulations for assuring to the population of East Prussia to the fullest extent and under equitable conditions access to the Vistula and the use of it for themselves, their commerce and their boats.

The determination of the frontier and the foregoing regulations shall be binding upon all the parties concerned.

When the administration of the territory has been taken over by the East Prussian and Polish authorities respectively, the powers of the Commission will terminate.

ARTICLE 98.

Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into Conventions of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

SECTION X

MEMEL

Article 99.

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories included between the Baltic, the north-eastern frontier of East Prussia as defined in Article 28 of Part II (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia.

Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

SECTION XI

FREE CITY OF DANZIG

Article 100.

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territory comprised within the following limits:

from the Baltic Sea southwards to the point where the principal channels of navigation of the Nogat and the Vistula (Weichsel) meet:

the boundary of East Prussia as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty;

thence the principal channel of navigation of the Vistula downstream to a point about 6½ kilometres north of the bridge of Dirschau;

thence north-west to point 5, 1½ kilometres south-east of the church of Güttland:

a line to be fixed on the ground;

thence in a general westerly direction to the salient made by the boundary of the *Kreis* of Berent 8½ kilometres north-east of Schöneck:

a line to be fixed on the ground passing between Mühlbanz on the south and Rambeltsch on the north;

thence the boundary of the *Kreis* of Berent westwards to

MAP ILLUSTRATING DANZIG AND PLEBISCITE AREAS IN EAST PRUSSIA

(*To face p.* 168)

the re-entrant which it forms 6 kilometres north-north-west of Schöneck;

thence to a point on the median line of Lonkener See:

a line to be fixed on the ground passing north of Neu Fietz and Schatarpi and south of Barenhütte and Lonken;

thence the median line of Lonkener See to its northernmost point;

thence to the southern end of Pollenziner See:

a line to be fixed on the ground;

thence the median line of Pollenziner See to its northernmost point;

thence in a north-easterly direction to a point about 1 kilometre south of Koliebken church, where the Danzig-Neustadt railway crosses a stream:

a line to be fixed on the ground passing south-east of Kamehlen, Krissau, Fidlin, Sulmin (Richthof), Mattern Schäferei, and to the north-west of Neuendorf, Marschau, Czapielken, Hoch- and Klein-Kelpin, Pulvermühl, Renneberg and the towns of Oliva and Zoppot;

thence the course of the stream mentioned above to the Baltic Sea.

The boundaries described above are drawn on a German map scale 1/100,000, attached to the present Treaty (Map No. 3).

Article 101.

A Commission composed of three members appointed by the Principal Allied and Associated Powers, including a High Commissioner as President, one member appointed by Germany and one member appointed by Poland, shall be constituted within fifteen days of the coming into force of the present Treaty for the purpose of delimiting on the spot the frontier of the territory as described above, taking into account as far as possible the existing communal boundaries.

Article 102.

The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in Article 100, as a Free City. It will be placed under the protection of the League of Nations.

Article 103.

A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this Treaty or any arrangements or agreements made thereunder.

The High Commissioner shall reside at Danzig.

Article 104.

The Principal Allied and Associated Powers undertake to negotiate a Treaty between the Polish Government and the Free City of Danzig, which shall come into force at the same time as the establishment of the said Free City, with the following objects:

(1) To effect the inclusion of the Free City of Danzig within the Polish Customs frontiers, and to establish a free area in the port;

(2) To ensure to Poland without any restriction the free use and service of all waterways, docks, basins, wharves and other works within the territory of the Free City necessary for Polish imports and exports;

(3) To ensure to Poland the control and administration of the Vistula and of the whole railway system within the Free City, except such street and other railways as serve primarily the needs of the Free City, and of postal, telegraphic and telephonic communication between Poland and the port of Danzig;

(4) To ensure to Poland the right to develop and improve the waterways, docks, basins, wharves, railways and other works and means of communication mentioned in this Article, as well as to lease or purchase through appropriate processes such land and other property as may be necessary for these purposes;

(5) To provide against any discrimination within the Free City of Danzig to the detriment of citizens of Poland and other persons of Polish origin or speech;

(6) To provide that the Polish Government shall undertake

the conduct of the foreign relations of the Free City of Danzig as well as the diplomatic protection of citizens of that city when abroad.

ARTICLE 105.

On the coming into force of the present Treaty German nationals ordinarily resident in the territory described in Article 100 will *ipso facto* lose their German nationality, in order to become nationals of the Free City of Danzig.

ARTICLE 106.

Within a period of two years from the coming into force of the present Treaty, German nationals over 18 years of age ordinarily resident in the territory described in Article 100 will have the right to opt for German nationality.

Option by a husband will cover his wife, and option by parents will cover their children less than 18 years of age.

All persons who exercise the right of option referred to above must during the ensuing twelve months transfer their place of residence to Germany.

These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

ARTICLE 107.

All property situated within the territory of the Free City of Danzig belonging to the German Empire or to any German State shall pass to the Principal Allied and Associated Powers for transfer to the Free City of Danzig or to the Polish State as they may consider equitable.

ARTICLE 108.

The proportion and nature of the financial liabilities of Germany and of Prussia to be borne by the Free City of Danzig shall be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

All other questions which may arise from the cession of the territory referred to in Article 100 shall be settled by further agreements.

SECTION XII

SCHLESWIG

Article 109.

The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population.

For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, from East to West (shown by a brown line on the Map No. 4, annexed to the present Treaty):

leaving the Baltic Sea about 13 kilometres east-north-east of Flensburg,

running

south-west so as to pass south-east of: Sygum, Ringsberg, Munkbrarup, Adelby, Tastrup, Jarplund, Oversee, and north-west of: Langballigholz, Langballig, Bönstrup, Rüllschau, Weseby, Kleinwolstrup, Gross-Solt,

thence westwards passing south of Frörup and north of Wanderup,

thence in a south-westerly direction passing south-east of Oxlund, Stieglund and Ostenau and north-west of the villages on the Wanderup-Kollund road.

thence in a north-westerly direction passing south-west of Löwenstedt, Joldelund, Goldelund, and north-east of Kolkerheide and Högel to the bend of the Soholmer Au, about 1 kilometre east of Soholm, where it meets the southern boundary of the *Kreis* of Tondern,

following this boundary to the North Sea,

passing south of the islands of Fohr and Amrum and north of the islands of Oland and Langeness,

shall be called upon to pronounce by a vote which will be taken under the following conditions:

(1.) Within a period not exceeding ten days from the coming into force of the present Treaty, the German troops and authorities (including the *Oberpräsidenten, Regierungs-präsidenten, Landräthe, Amtsvorsteher, Oberbürgermeister*) shall evacuate the zone lying to the north of the line above fixed.

Within the same period the Workmen's and Soldiers' Councils which have been constituted in this zone shall be dissolved; members of such Councils who are natives of

another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall also be evacuated.

The said zone shall immediately be placed under the authority of an International Commission, composed of five members, of whom three will be designated by the Principal Allied and Associated Powers; the Norwegian and Swedish Governments will each be requested to designate a member; in the event of their failing to do so, these two members will be chosen by the Principal Allied and Associated Powers.

The Commission, assisted in case of need by the necessary forces, shall have general powers of administration. In particular, it shall at once provide for filling the places of the evacuated German authorities, and if necessary shall itself give orders for their evacuation, and proceed to fill the places of such local authorities as may be required. It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority.

One-half of the expenses of the Commission and of the expenditure occasioned by the plebiscite shall be paid by Germany.

(2.) The right to vote shall be given to all persons, without distinction of sex, who:

(*a*) Have completed their twentieth year at the date of the coming into force of the present treaty; and

(*b*) Were born in the zone in which the plebiscite is taken, or have been domiciled there since a date before January 1, 1900, or had been expelled by the German authorities without having retained their domicile there.

Every person will vote in the commune (*Gemeinde*) where he is domiciled or of which he is a native.

Military persons, officers, non-commissioned officers and soldiers of the German army, who are natives of the zone of Schleswig in which the plebiscite is taken, shall be given opportunity to return to their native place in order to take part in the voting there.

(3.) In the section of the evacuated zone lying to the north of a line, from East to West (shown by a red line on Map No. 4 which is annexed to the present Treaty):

passing south of the island of Alsen and following the median line of Flensburg Fjord,

leaving the fjord about 6 kilometres north of Flensburg and following the course of the stream flowing past Kupfermühle upstream to a point north of Niehuus,

passing north of Pattburg and Ellund and south of Fröslee to meet the eastern boundary of the *Kreis* of Tondern at its junction with the boundary between the old jurisdictions of Slogs and Kjær (*Slogs Herred* and *Kjær Herred*),

following the latter boundary to where it meets the Scheidebek,

following the course of the Scheidebek (Alte Au), Süder Au and Wied Au downstream successively to the point where the latter bends northwards about 1,500 metres west of Ruttebüll,

thence in a west-north-westerly direction to meet the North Sea north of Sieltoft,

thence passing north of the island of Sylt,

the vote above provided for shall be taken within a period not exceeding three weeks after the evacuation of the country by the German troops and authorities.

The result will be determined by the majority of votes cast in the whole of this section. This result will be immediately communicated by the Commission to the Principal Allied and Associated Powers and proclaimed.

If the vote results in favour of the reincorporation of this territory in the Kingdom of Denmark, the Danish Government in agreement with the Commission will be entitled to effect its occupation with their military and administrative authorities immediately after the proclamation.

(4.) In the section of the evacuated zone situated to the south of the preceding section and to the north of the line which starts from the Baltic Sea 13 kilometres from Flensburg and ends north of the islands of Oland and Langeness, the vote will be taken within a period not exceeding five weeks after the plebiscite shall have been held in the first section.

The result will be determined by communes (*Gemeinden*), in accordance with the majority of the votes cast in each commune (*Gemeinde*).

ARTICLE 110.

Pending a delimitation on the spot, a frontier line will be fixed by the Principal Allied and Associated Powers according

to a line based on the result of the voting and proposed by the International Commission, and taking into account the particular geographical and economic conditions of the localities in question.

From that time the Danish Government may effect the occupation of these territories with the Danish civil and military authorities, and the German Government may reinstate up to the said frontier line the German civil and military authorities whom it has evacuated.

Germany hereby renounces definitively in favour of the Principal Allied and Associated Powers all rights of sovereignty over the territories situated to the north of the frontier line fixed in accordance with the above provisions. The Principal Allied and Associated Powers will hand over the said territories to Denmark.

ARTICLE 111.

A Commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany, shall be constituted within fifteen days from the date when the final result of the vote is known, to trace the frontier line on the spot.

The decisions of the Commission will be taken by a majority of votes and shall be binding on the parties concerned.

ARTICLE 112.

All the inhabitants of the territory which is returned to Denmark will acquire Danish nationality *ipso facto*, and will lose their German nationality.

Persons, however, who had become habitually resident in this territory after October 1, 1918, will not be able to acquire Danish nationality without permission from the Danish Government.

ARTICLE 113.

Within two years from the date on which the sovereignty over the whole or part of the territory of Schleswig subjected to the plebiscite is restored to Denmark :

Any person over 18 years of age, born in the territory restored to Denmark, not habitually resident in this region, and possessing German nationality, will be entitled to opt for Denmark ;

Any person over 18 years of age habitually resident in the territory restored to Denmark will be entitled to opt for Germany.

Option by a husband will cover his wife, and option by parents will cover their children less than 18 years of age.

Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to the State in favour of which they have opted.

They will be entitled to retain the immovable property which they own in the territory of the other State in which they were habitually resident before opting. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 114.

The proportion and nature of the financial or other obligations of Germany and Prussia which are to be assumed by Denmark will be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

Further stipulations will determine any other questions arising out of the transfer to Denmark of the whole or part of the territory of which she was deprived by the Treaty of October 30, 1864.

SECTION XIII

HELIGOLAND

ARTICLE 115.

The fortifications, military establishments, and harbours of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments.

The term "harbours" shall include the north-east mole, the west wall, the outer and inner breakwaters and reclaimed land within them, and all naval and military works, fortifications and buildings, constructed or under construction, between lines connecting the following positions taken from the British Admiralty chart No. 126 of April 19, 1918:

(*a*)	lat.	54° 10′ 49″ N.;	long.	7° 53′ 39″ E.;
(*b*).	—	54° 10′ 35″ N.;	—	7° 54′ 18″ E.;
(*c*).	—	54° 10′ 14″ N.;	—	7° 54′ 00″ E.;
(*d*).	—	54° 10′ 17″ N.;	—	7° 53′ 37″ E.;
(*e*).	—	54° 10′ 44″ N.;	—	7° 53′ 26″ E.

These fortifications, military establishments and harbours shall not be reconstructed; nor shall any similar works be constructed in future.

SECTION XIV

RUSSIA AND RUSSIAN STATES

Article 116.

Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

In accordance with the provisions of Article 259 of Part IX (Financial Clauses) and Article 292 of Part X (Economic Clauses) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions and agreements entered into by her with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty.

Article 117.

Germany undertakes to recognise the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognise the frontiers of any such States as determined therein.

PART IV

GERMAN RIGHTS AND INTERESTS OUTSIDE GERMANY

Article 118.

In territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.

Germany hereby undertakes to recognise and to conform

to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

In particular Germany declares her acceptance of the following Articles relating to certain special subjects.

SECTION I

GERMAN COLONIES

Article 119.

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

Article 120.

All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty. The decision of the local courts in any dispute as to the nature of such property shall be final.

Article 121.

The provisions of Sections I and IV of Part X (Economic Clauses) of the present Treaty shall apply in the case of these territories whatever be the form of Government adopted for them.

Article 122.

The Government exercising authority over such territories may make such provisions as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.

Article 123.

The provisions of Article 260 of Part IX (Financial Clauses) of the present Treaty shall apply in the case of all agreements concluded with German nationals for the construction or exploitation of public works in the German oversea possessions,

as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals.

ARTICLE 124.

Germany hereby undertakes to pay, in accordance with the estimate to be presented by the French Government and approved by the Reparation Commission, reparation for damage suffered by French nationals in the Cameroons or the frontier zone by reason of the acts of the German civil and military authorities and of German private individuals during the period from January 1, 1900, to August 1, 1914.

ARTICLE 125.

Germany renounces all rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. She undertakes to pay to the French Government, in accordance with the estimate to be presented by that Government and approved by the Reparation Commission, all the deposits, credits, advances, etc., effected by virtue of these instruments in favour of Germany.

ARTICLE 126.

Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, and the General Act of Brussels of July 2, 1890, and the Conventions completing or modifying the same.

ARTICLE 127.

The native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the Governments exercising authority over these territories.

SECTION II

CHINA

ARTICLE 128.

Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise

renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

ARTICLE 129.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff.

(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary Arrangement of April 4, 1912.

China, however, will no longer be bound to grant to Germany the advantages or privileges which she allowed Germany under these Arrangements.

ARTICLE 130.

Subject to the provisions of Section VIII of this Part, Germany cedes to China all the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property belonging to the German Government, which are situated or may be in the German Concessions at Tientsin and Hankow or elsewhere in Chinese territory.

It is understood, however, that premises used as diplomatic or consular residences or offices are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the German public and private property situated within the so-called Legation Quarter at Peking, without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain Parties to the Final Protocol of September 7, 1901.

ARTICLE 131.

Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900–1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking.

Article 132.

Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held.

China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

Article 133.

Germany waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of German nationals in China and their repatriation. She equally renounces all claims arising out of the capture and condemnation of German ships in China, or the liquidation, sequestration or control of German properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

Article 134.

Germany renounces in favour of the Government of His Britannic Majesty the German State property in the British Concession at Shameen, at Canton. She renounces in favour of the French and Chinese Governments conjointly the property of the German school situated in the French Concession at Shanghai.

SECTION III

SIAM

Article 135.

Germany recognises that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

Article 136.

All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Government.

The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

Article 137.

Germany waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the seizure or condemnation of German ships, the liquidation of German property, or the internment of German nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

SECTION IV

LIBERIA

Article 138.

Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver of Customs in Liberia.

She further renounces all claim to participate in any measures whatsoever which may be adopted for the rehabilitation of Liberia.

Article 139.

Germany recognises that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

Article 140.

The property, rights and interests of Germans in Liberia shall be dealt with in accordance with Part X (Economic Clauses) of the Present Treaty.

SECTION V

MOROCCO

Article 141.

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments, and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

Article 142.

Germany having recognised the French Protectorate in Morocco, hereby accepts all the consequences of its establishment, and she renounces the régime of the capitulations therein.

This renunciation shall take effect as from August 3, 1914.

Article 143.

The Sherifian Government shall have complete liberty of action in regulating the status of German nationals in Morocco and the conditions in which they may establish themselves there.

German protected persons, semsars and " associés agricoles " shall be considered as having ceased, as from August 3, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

Article 144.

All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

For this purpose the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

All movable and immovable property in the Sherifian Empire belonging to German nationals shall be dealt with in

accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

Article 145.

The German Government shall ensure the transfer to a person nominated by the French Government of the shares representing Germany's portion of the capital of the State Bank of Morocco. The value of these shares, as assessed by the Reparation Commission, shall be paid to the Reparation Commission for the credit of Germany on account of the sums due for reparation. The German Government shall be responsible for indemnifying its nationals so dispossessed.

This transfer will take place without prejudice to the repayment of debts which German nationals may have contracted towards the State Bank of Morocco.

Article 146.

Moroccan goods entering Germany shall enjoy the treatment accorded to French goods.

SECTION VI

EGYPT

Article 147.

Germany declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

This renunciation shall take effect as from August 4, 1914.

Article 148.

All treaties, agreements, arrangements and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914.

In no case can Germany avail herself of these instruments,

and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers.

ARTICLE 149.

Until an Egyptian law of judicial organisation establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over German nationals and property by the British Consular Tribunals.

ARTICLE 150.

The Egyptian Government shall have complete liberty of action in regulating the status of German nationals and the conditions under which they may establish themselves in Egypt.

ARTICLE 151.

Germany consents to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

ARTICLE 152.

Germany consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

ARTICLE 153.

All property and possessions in Egypt of the German Empire and the German States pass to the Egyptian Government without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

All movable and immovable property in Egypt belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 154.

Egyptian goods entering Germany shall enjoy the treatment accorded to British goods.

SECTION VII

TURKEY AND BULGARIA

ARTICLE 155.

Germany undertakes to recognise and accept all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty.

SECTION VIII

SHANTUNG

ARTICLE 156.

Germany renounces, in favour of Japan, all her rights, title and privileges—particularly those concerning the territory of Kiaochow, railways, mines and submarine cables—which she acquired in virtue of the Treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 157.

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 158.

Germany shall hand over to Japan within three months from the coming into force of the present Treaty the archives, registers, plans, title-deeds and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements or agreements relating to the rights, title or privileges referred to in the two preceding Articles.

PART V

MILITARY, NAVAL AND AIR CLAUSES

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

SECTION I

MILITARY CLAUSES

CHAPTER I

EFFECTIVES AND CADRES OF THE GERMAN ARMY

ARTICLE 159.

The German military forces shall be demobilised and reduced as prescribed hereinafter.

ARTICLE 160.

(1) By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

(2) Divisions and Army Corps headquarters staffs shall be organised in accordance with Table No. I annexed to this Section.

The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

The following units may each have their own depot:

An Infantry regiment;
A Cavalry regiment;
A regiment of Field Artillery;
A battalion of Pioneers.

(3) The divisions must not be grouped under more than two army corps headquarters staffs.

The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation for war is forbidden.

The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form.

The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number and are included in the maximum strength of four thousand laid down in the third sub-paragraph of paragraph (1) of this Article.

Article 161.

Army administrative services consisting of civilian personnel not included in the number of effectives prescribed by the present Treaty will have such personnel reduced in each class to one-tenth of that laid down in the Budget of 1913.

Article 162.

The number of employees or officials of the German States, such as customs officers, forest guards and coastguards, shall not exceed that of the employees or officials functioning in these capacities in 1913.

The number of gendarmes and employees or officials of the local or municipal police may only be increased to an extent corresponding to the increase of population since 1913 in the districts or municipalities in which they are employed.

These employees and officials may not be assembled for military training.

Article 163.

The reduction of the strength of the German military forces as provided for in Article 160 may be effected gradually in the following manner:

Within three months from the coming into force of the present Treaty the total number of effectives must be reduced to 200,000 and the number of units must not exceed twice the number of those laid down in Article 160.

At the expiration of this period, and at the end of each subsequent period of three months, a Conference of military experts of the Principal Allied and Associated Powers will fix the reductions to be made in the ensuing three months, so that by March 31, 1920, at the latest the total number of German effectives does not exceed the maximum number of 100,000 men laid down in Article 160. In these successive reductions the same ratio between the number of officers and of men, and between the various kinds of units, shall be maintained as is laid down in that Article.

CHAPTER II

ARMAMENT, MUNITIONS AND MATERIAL

Article 164.

Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No. II annexed to this Section, with the exception of an optional increase not exceeding one-twentyfifth part for small arms and

one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League. Furthermore, she hereby agrees strictly to observe the decisions of the Council of the League on this subject.

ARTICLE 165.

The maximum number of guns, machine guns, trench-mortars, rifles and the amount of ammunition and equipment which Germany is allowed to maintain during the period between the coming into force of the present Treaty and the date of March 31, 1920, referred to in Article 160, shall bear the same proportion to the amount authorised in Table No. III annexed to this Section as the strength of the German Army as reduced from time to time in accordance with Article 163 bears to the strength permitted under Article 160.

ARTICLE 166.

At the date of March 31, 1920, the stock of munitions which the German Army may have at its disposal shall not exceed the amounts fixed in Table No. III annexed to this Section.

Within the same period the German Government will store these stocks at points to be notified to the Governments of the Principal Allied and Associated Powers. The German Government is forbidden to establish any other stocks, depots or reserves of munitions.

ARTICLE 167.

The number and calibre of the guns constituting at the date of the coming into force of the present Treaty the armament of the fortified works, fortresses, and any land or coast forts which Germany is allowed to retain must be notified immediately by the German Government to the Governments of the Principal Allied and Associated Powers, and will constitute maximum amounts which may not be exceeded.

Within two months from the coming into force of the present Treaty, the maximum stock of ammunition for these guns will be reduced to, and maintained at, the following uniform rates :—fifteen hundred rounds per piece for those the calibre of which is 10·5 cm. and under ; five hundred rounds per piece for those of higher calibre.

ARTICLE 168.

The manufacture of arms, munitions, or any war material, shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed.

ARTICLE 169.

Within two months from the coming into force of the present Treaty German arms, munitions and war material, including anti-aircraft material, existing in Germany in excess of the quantities allowed, must be surrendered to the Governments of the Principal Allied and Associated Powers to be destroyed or rendered useless. This will also apply to any special plant intended for the manufacture of military material, except such as may be recognised as necessary for equipping the authorised strength of the German Army.

The surrender in question will be effected at such points in German territory as may be selected by the said Governments.

Within the same period arms, munitions and war material, including anti-aircraft material, of origin other than German, in whatever state they may be, will be delivered to the said Governments, who will decide as to their disposal.

Arms and munitions, which on account of the successive reductions in the strength of the German army become in excess of the amounts authorised by Tables II and III annexed to this Section, must be handed over in the manner laid down above within such periods as may be decided by the Conferences referred to in Article 163.

ARTICLE 170.

Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

The same applies to the manufacture for, and export to,

foreign countries of arms, munitions and war material of every kind.

Article 171.

The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

The same applies to materials specially intended for the manufacture, storage and use of the said products or devices.

The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited.

Article 172.

Within a period of three months from the coming into force of the present Treaty, the German Government will disclose to the Governments of the Principal Allied and Associated Powers the nature and mode of manufacture of all explosives, toxic substances or other like chemical preparations used by them in the war or prepared by them for the purpose of being so used.

CHAPTER III

RECRUITING AND MILITARY TRAINING

Article 173.

Universal compulsory military service shall be abolished in Germany.

The German Army may only be constituted and recruited by means of voluntary enlistment.

Article 174.

The period of enlistment for non-commissioned officers and privates must be twelve consecutive years.

The number of men discharged for any reason before the expiration of their term of enlistment must not exceed in any year five per cent. of the total effectives fixed by the second sub-paragraph of paragraph (1) of Article 160 of the present Treaty.

ARTICLE 175.

The officers who are retained in the Army must undertake the obligation to serve in it up to the age of forty-five years at least.

Officers newly appointed must undertake to serve on the active list for twenty-five consecutive years at least.

Officers who have previously belonged to any formations whatever of the Army, and who are not retained in the units allowed to be maintained, must not take part in any military exercise whether theoretical or practical, and will not be under any military obligations whatever.

The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year five per cent. of the total effectives of officers provided for in the third sub-paragraph of paragraph (1) of Article 160 of the present Treaty.

ARTICLE 176.

On the expiration of two months from the coming into force of the present Treaty there must only exist in Germany the number of military schools which is absolutely indispensable for the recruitment of the officers of the units allowed. These schools will be exclusively intended for the recruitment of officers of each arm, in the proportion of one school per arm.

The number of students admitted to attend the courses of the said schools will be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres will be reckoned in the effectives fixed by the second and third sub-paragraphs of paragraph (1) of Article 160 of the present Treaty.

Consequently, and during the period fixed above, all military academies or similar institutions in Germany, as well as the different military schools for officers, student officers (*Aspiranten*), cadets, non-commissioned officers or student non-commissioned officers (*Aspiranten*), other than the schools above provided for, will be abolished.

ARTICLE 177.

Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs and, generally speaking, associations of every description, whatever be the

age of their members, must not occupy themselves with any military matters.

In particular they will be forbidden to instruct or exercise their members, or to allow them to be instructed or exercised, in the profession or use of arms.

These societies, associations, educational establishments and universities must have no connection with the Ministries of War or any other military authority.

Article 178.

All measures of mobilisation or appertaining to mobilisation are forbidden.

In no case must formations, administrative services or General Staffs include supplementary cadres.

Article 179.

Germany agrees, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory, and Germany further agrees to take appropriate measures to prevent German nationals from leaving her territory to become enrolled in the Army, Navy or Air Service of any foreign Power, or to be attached to such Army, Navy or Air Service for the purpose of assisting in the military, naval or air training thereof, or otherwise for the purpose of giving military, naval or air instruction in any foreign country.

The Allied and Associated Powers agree, so far as they are concerned, from the coming into force of the present Treaty, not to enrol in nor to attach to their armies or naval or air forces any German national for the purpose of assisting in the military training of such armies, or naval or air forces, or otherwise to employ any such German national as military, naval or aeronautic instructor.

The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

CHAPTER IV

FORTIFICATIONS

ARTICLE 180.

All fortified works, fortresses and field works situated in German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled.

Within a period of two months from the coming into force of the present Treaty such of the above fortified works, fortresses and field works as are situated in territory not occupied by Allied and Associated troops shall be disarmed, and within a further period of four months they shall be dismantled. Those which are situated in territory occupied by Allied and Associated troops shall be disarmed and dismantled within such periods as may be fixed by the Allied High Command.

The construction of any new fortification, whatever its nature and importance, is forbidden in the zone referred to in the first paragraph above.

The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.

TABLE No. I

STATE AND ESTABLISHMENT OF ARMY CORPS HEADQUARTERS STAFFS AND OF INFANTRY AND CAVALRY DIVISIONS.

These tabular statements do not form a fixed establishment to be imposed on Germany, but the figures contained in them (number of units and strengths) represent maximum figures, which should not in any case be exceeded.

I.—ARMY CORPS HEADQUARTERS STAFFS

Unit.	*Maximum Number Authorised.*	*Maximum Strengths of each Unit.*	
		Officers.	*N.C.O.'s and Men*
Army Corps Headquarters Staff	2	30	150
TOTAL for Headquarters Staffs ..	.....	60	300

II.—ESTABLISHMENT OF AN INFANTRY DIVISION

Unit.	*Maximum No. of such Units in a Single Division.*	*Maximum Strengths of each Unit.*	
		Officers.	*N.C.O.'s and Men.*
Headquarters of an infantry division.	1	25	70
Headquarters of divisional infantry ..	1	4	30
Headquarters of divisional artillery ..	1	4	30
Regiment of infantry..... (Each regiment comprises 3 battalions of infantry. Each battalion comprises 3 companies of infantry and 1 machine gun company.)	3	70	2,300
Trench mortar company.....	3	6	150
Divisional squadron.....	1	6	150
Field artillery regiment..... (Each regiment comprises 3 groups of artillery. Each group comprises 3 batteries.)	1	85	1,300
Pioneer battalion ..... (This battalion comprises 2 companies of pioneers, 1 pontoon detachment, 1 searchlight section.)	1	12	400
Signal detachment..... (This detachment comprises 1 telephone detachment, 1 listening section, 1 carrier pigeon section.)	1	12	300
Divisional medical service	1	20	400
Parks and convoys.....	.....	14	800
TOTAL for infantry division	.....	410	10,830

III.—ESTABLISHMENT OF A CAVALRY DIVISION

Unit.	*Maximum No. of such Units in a Single Division.*	*Maximum Strengths of each Unit.*	
		Officers.	*N.C.O.'s and Men.*
Headquarters of a cavalry division...	1	15	50
Cavalry regiment ..... (Each regiment comprises 4 squadrons.)	6	40	800
Horse artillery group (3 batteries)...	1	20	400
TOTAL for cavalry division.....	.....	275	5,250

TABLE No. II

TABULAR STATEMENT OF ARMAMENT ESTABLISHMENT FOR A MAXIMUM OF 7 INFANTRY DIVISIONS, 3 CAVALRY DIVISIONS, AND 2 ARMY CORPS HEADQUARTERS STAFFS

Material.	*Infantry Division.*	*For 7 Infantry Divisions.*	*Cavalry Division.*	*For 3 Cavalry Divisions.*	*2 Army Corps Headquarters Staffs.*	*Total of Columns 2, 4 and 5.*
	(1)	(2)	(3)	(4)	(5)	(6)
Rifles.....	12,000	84,000	.....	.....	This establishment must be drawn from the increased armaments of the divisional infantry.	84,000
Carbines	.....	.....	6,000	18,000		18,000
Heavy machine guns.....	108	756	12	36		792
Light machine guns.....	162	1,134	.....	.....		1,134
Medium trench mortars ...	9	63	.....	.....		63
Light trench mortars....	27	189	.....	.....		189
7·7 cm. guns.	24	168	12	36		204
10·5 cm. howitzers	12	84	.....	.....		84

TABLE No. III

MAXIMUM STOCKS AUTHORISED

Material.	*Maximum Number of Arms authorised.*	*Establishment per Unit.*	*Maximum Totals.*
		Rounds.	Rounds.
Rifles	84,000	400	40,800,000
Carbines.....	18,000		
Heavy machine guns	792	8,000	15,408,000
Light machine guns	1,134		
Medium trench mortars	63	400	25,200
Light trench mortars.....	189	800	151,200
Field artillery			
7·7 cm. guns	204	1,000	204,000
10·5 cm. howitzers	84	800	67,200

SECTION II

NAVAL CLAUSES

Article 181.

After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

6 battleships of the *Deutschland* or *Lothringen* type,
6 light cruisers,
12 destroyers,
12 torpedo boats,

or an equal number of ships constructed to replace them as provided in Article 190.

No submarines are to be included.

All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

Article 182.

Until the completion of the minesweeping prescribed by Article 193 Germany will keep in commission such number of minesweeping vessels as may be fixed by the Governments of the Principal Allied and Associated Powers.

Article 183.

After the expiration of a period of two months from the coming into force of the present Treaty the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps.

The total strength of officers and warrant officers must not exceed fifteen hundred.

Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilised.

No naval or military corps or reserve force in connection with the Navy may be organised in Germany without being included in the above strength.

ARTICLE 184.

From the date of the coming into force of the present Treaty all the German surface warships which are not in German ports cease to belong to Germany, who renounces all rights over them.

Vessels which, in compliance with the Armistice of November 11, 1918, are now interned in the ports of the Allied and Associated Powers are declared to be finally surrendered.

Vessels which are now interned in neutral ports will be there surrendered to the Governments of the Principal Allied and Associated Powers. The German Government must address a notification to that effect to the neutral Powers on the coming into force of the present Treaty.

ARTICLE 185.

Within a period of two months from the coming into force of the present Treaty the German surface warships enumerated below will be surrendered to the Governments of the Principal Allied and Associated Powers in such Allied ports as the said Powers may direct.

These warships will have been disarmed as provided in Article XXIII of the Armistice of November 11, 1918. Nevertheless they must have all their guns on board.

BATTLESHIPS.

Oldenburg.	*Posen.*
Thuringen.	*Westfalen.*
Ostfriesland.	*Rheinland.*
Helgoland.	*Nassau.*

LIGHT CRUISERS.

Stettin.	*Stralsund.*
Danzig.	*Augsburg.*
München.	*Kolberg.*
Lübeck.	*Stuttgart.*

And, in addition, forty-two modern destroyers and fifty modern torpedo boats, as chosen by the Governments of the Principal Allied and Associated Powers.

ARTICLE 186.

On the coming into force of the present Treaty the German Government must undertake, under the supervision of the

Governments of the Principal Allied and Associated Powers, the breaking-up of all the German surface warships now under construction.

ARTICLE 187.

The German auxiliary cruisers and fleet auxiliaries enumerated below will be disarmed and treated as merchant ships.

INTERNED IN NEUTRAL COUNTRIES:

Berlin.
Santa Fé.
Seydlitz.
Yorck.

IN GERMANY

Ammon.
Answald.
Bosnia.
Cordoba.
Cassel.
Dania.
Rio Negro.
Rio Pardo.
Santa Cruz.
Schwaben.
Solingen.
Steigerwald.
Franken.
Gundomar.
Fürst Bülow.
Gertrud.
Kigoma.
Rugia.
Santa Elena.
Schleswig.
Möwe.
Sierra Ventana.
Chemnitz.
Emil Georg von Strauss.
Habsburg.
Meteor.
Waltraute.
Scharnhorst.

ARTICLE 188.

On the expiration of one month from the coming into force of the present Treaty all German submarines, submarine salvage vessels and docks for submarines, including the tubular dock, must have been handed over to the Governments of the Principal Allied and Associated Powers.

Such of these submarines, vessels and docks as are considered by the said Governments to be fit to proceed under their own power or to be towed shall be taken by the German Government into such Allied ports as have been indicated.

The remainder, and also those in course of construction, shall be broken up entirely by the German Government under the supervision of the said Governments. The breaking-up

must be completed within three months at the most after the coming into force of the present Treaty.

ARTICLE 189.

Articles, machinery and material arising from the breaking-up of German warships of all kinds, whether surface vessels or submarines, may not be used except for purely industrial or commercial purposes.

They may not be sold or disposed of to foreign countries.

ARTICLE 190.

Germany is forbidden to construct or acquire any warships other than those intended to replace the units in commission provided for in Article 181 of the present Treaty.

The warships intended for replacement purposes as above shall not exceed the following displacement:

Armoured ships	10,000 tons,
Light cruisers	6,000 tons,
Destroyers	800 tons,
Torpedo boats	200 tons.

Except where a ship has been lost, units of the different classes shall only be replaced at the end of a period of twenty years in the case of battleships and cruisers, and fifteen years in the case of destroyers and torpedo boats, counting from the launching of the ship.

ARTICLE 191.

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

ARTICLE 192.

The warships in commission of the German fleet must have on board or in reserve only the allowance of arms, munitions and war material fixed by the Principal Allied and Associated Powers.

Within a month from the fixing of the quantities as above, arms, munitions and war material of all kinds, including mines and torpedoes, now in the hands of the German Government and in excess of the said quantities, shall be surrendered to the Governments of the said Powers at places to be indicated by them. Such arms, munitions and war material will be destroyed or rendered useless.

All other stocks, depots or reserves of arms, munitions or naval war material of all kinds are forbidden.

The manufacture of these articles in German territory for, and their export to, foreign countries shall be forbidden.

ARTICLE 193.

On the coming into force of the present Treaty Germany will forthwith sweep up the mines in the following areas in the North Sea to the eastward of longitude 4° 00′ E. of Greenwich:

(1) Between parallels of latitude 53° 00′ N. and 59° 00′ N.; (2) To the northward of latitude 60° 30′ N.

Germany must keep these areas free from mines.

Germany must also sweep and keep free from mines such areas in the Baltic as may ultimately be notified by the Governments of the Principal Allied and Associated Powers.

ARTICLE 194.

The personnel of the German Navy shall be recruited entirely by voluntary engagements entered into for a minimum period of twenty-five consecutive years for officers and warrant officers; twelve consecutive years for petty officers and men.

The number engaged to replace those discharged for any reason before the expiration of their term of service must not exceed five per cent. per annum of the totals laid down in this Section (Article 183).

The personnel discharged from the Navy must not receive any kind of naval or military training or undertake any further service in the Navy or Army.

Officers belonging to the Germany Navy and not demobilised must engage to serve till the age of forty-five, unless discharged for sufficient reasons.

No officer or man of the German mercantile marine shall receive any training in the Navy.

ARTICLE 195.

In order to ensure free passage into the Baltic to all nations, Germany shall not erect any fortifications in the area comprised between latitudes 55° 27′ N. and 54° 00′ N. and longitudes 9° 00 E. and 16° 00′ E. of the meridian of Greenwich, nor install any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications now existing in this area shall be demolished and the guns removed under the

supervision of the Allied Governments and in periods to be fixed by them.

The German Government shall place at the disposal of the Governments of the Principal Allied and Associated Powers all hydrographical information now in its possession concerning the channels and adjoining waters between the Baltic and the North Sea.

ARTICLE 196.

All fortified works and fortifications, other than those mentioned in Section XIII (Heligoland) of Part III (Political Clauses for Europe) and in Article 195, now established within fifty kilometres of the German coast or on German islands off that coast shall be considered as of a defensive nature and may remain in their existing condition.

No new fortifications shall be constructed within these limits. The armament of these defences shall not exceed, as regards the number and calibre of guns, those in position at the date of the coming into force of the present Treaty. The German Government shall communicate forthwith particulars thereof to all the European Governments.

On the expiration of a period of two months from the coming into force of the present Treaty the stocks of ammunition for these guns shall be reduced to and maintained at a maximum figure of fifteen hundred rounds per piece for calibres of 4·1 inch and under, and five hundred rounds per piece for higher calibres.

ARTICLE 197.

During the three months following the coming into force of the present Treaty the German high-power wireless telegraphy stations at Nauen, Hanover and Berlin shall not be used for the transmission of messages concerning naval, military or political questions of interest to Germany or any State which has been allied to Germany in the war, without the assent of the Governments of the Principal Allied and Associated Powers. These stations may be used for commercial purposes, but only under the supervision of the said Governments, who will decide the wave-length to be used.

During the same period Germany shall not build any more high-power wireless telegraphy stations in her own territory or that of Austria, Hungary, Bulgaria or Turkey.

SECTION III

AIR CLAUSES

Article 198.

The armed forces of Germany must not include any military or naval air forces.

Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

No dirigible shall be kept.

Article 199.

Within two months from the coming into force of the present Treaty the personnel of the air forces on the rolls of the German land and sea forces shall be demobilised. Up to October 1, 1919, however, Germany may keep and maintain a total number of one thousand men, including officers, for the whole of the cadres and personnel, flying and non-flying, of all formations and establishments.

Article 200.

Until the complete evacuation of German territory by the Allied and Associated troops, the aircraft of the Allied and Associated Powers shall enjoy in Germany freedom of passage through the air, freedom of transit and of landing.

Article 201.

During the six months following the coming into force of the present Treaty, the manufacture and importation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft, shall be forbidden in all German territory.

Article 202.

On the coming into force of the present Treaty, all military and naval aeronautical material, except the machines mentioned in the second and third paragraphs of Article 198, must be

delivered to the Governments of the Principal Allied and Associated Powers.

Delivery must be effected at such places as the said Governments may select, and must be completed within three months.

In particular, this material will include all items under the following heads which are or have been in use or were designed for warlike purposes:

Complete aeroplanes and seaplanes, as well as those being manufactured, repaired or assembled.

Dirigibles able to take the air, being manufactured, repaired or assembled.

Plant for the manufacture of hydrogen.

Dirigible sheds and shelters of every kind for aircraft.

Pending their delivery, dirigibles will, at the expense of Germany, be maintained inflated with hydrogen; the plant for the manufacture of hydrogen, as well as the sheds for dirigibles, may, at the discretion of the said Powers, be left to Germany until the time when the dirigibles are handed over.

Engines for aircraft.

Nacelles and fuselages.

Armament (guns, machine guns, light machine guns, bomb-dropping apparatus, torpedo-dropping apparatus, synchronisation apparatus, aiming apparatus).

Munitions (cartridges, shells, bombs loaded or unloaded, stocks of explosives or material for their manufacture).

Instruments for use on aircraft.

Wireless apparatus and photographic or cinematograph apparatus for use on aircraft.

Component parts of any of the items under the preceding heads.

The material referred to above shall not be removed without special permission from the said Governments.

SECTION IV

INTER-ALLIED COMMISSIONS OF CONTROL

Article 203.

All the military, naval and air clauses contained in the present Treaty, for the execution of which a time-limit is prescribed, shall be executed by Germany under the control

of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

ARTICLE 204.

The Inter-Allied Commissions of Control will be specially charged with the duty of seeing to the complete execution of the delivery, destruction, demolition and rendering things useless to be carried out at the expense of the German Government in accordance with the present Treaty.

They will communicate to the German authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take, or which the execution of the military, naval and air clauses may necessitate.

ARTICLE 205.

The Inter-Allied Commissions of Control may establish their organisations at the seat of the central German Government.

They shall be entitled as often as they think desirable to proceed to any point whatever in German territory, or to send sub-commissions, or to authorise one or more of their members to go, to any such point.

ARTICLE 206.

The German Government must give all necessary facilities for the accomplishment of their missions to the Inter-Allied Commissions of Control and to their members.

It shall attach a qualified representative to each Inter-Allied Commission of Control for the purpose of receiving the communications which the Commission may have to address to the German Government and of supplying or procuring for the Commission all information or documents which may be required.

The German Government must in all cases furnish at its own cost all labour and material required to effect the deliveries and the works of destruction, dismantling, demolition, and of rendering things useless, provided for in the present Treaty.

ARTICLE 207.

The upkeep and cost of the Commissions of Control and the expenses involved by their work shall be borne by Germany.

ARTICLE 208.

The Military Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the military clauses.

In particular it will be its duty to receive from the German Government the notifications relating to the location of the stocks and depots of munitions, the armament of the fortified works, fortresses and forts which Germany is allowed to retain, and the location of the works or factories for the production of arms, munitions and war material and their operations.

It will take delivery of the arms, munitions and war material, will select the points where such delivery is to be effected, and will supervise the works of destruction, demolition, and of rendering things useless, which are to be carried out in accordance with the present Treaty.

The German Government must furnish to the Military Inter-Allied Commission of Control all such information and documents as the latter may deem necessary to ensure the complete execution of the military clauses, and in particular all legislative and administrative documents and regulations.

ARTICLE 209.

The Naval Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the naval clauses.

In particular it will be its duty to proceed to the building yards and to supervise the breaking-up of the ships which are under construction there, to take delivery of all surface ships or submarines, salvage ships, docks and the tubular dock, and to supervise the destruction and breaking-up provided for.

The German Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the naval clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus and, in general, everything relating to naval war material, as well as all legislative or administrative documents or regulations.

Article 210.

The Aeronautical Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the air clauses.

In particular it will be its duty to make an inventory of the aeronautical material existing in German territory, to inspect aeroplane, balloon and motor manufactories, and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depots, to authorise, where necessary, a removal of material and to take delivery of such material.

The German Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may consider necessary to ensure the complete execution of the air clauses, and in particular a list of the personnel belonging to all the German Air Services, and of the existing material, as well as of that in process of manufacture or on order, and a list of all establishments working for aviation, of their positions, and of all sheds and landing grounds.

SECTION V

GENERAL ARTICLES

Article 211.

After the expiration of a period of three months from the coming into force of the present Treaty, the German laws must have been modified and shall be maintained by the German Government in conformity with this Part of the present Treaty.

Within the same period all the administrative or other measures relating to the execution of this Part of the Treaty must have been taken.

Article 212.

The following portions of the Armistice of November 11, 1918: Article VI, the first two and the sixth and seventh paragraphs of Article VII; Article IX: Clauses I, II and V of Annex No. 2, and the Protocol, dated April 4, 1919, supplementing the Armistice of November 11, 1918, remain in force so far as they are not inconsistent with the above stipulations.

ARTICLE 213.

So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

PART VI

PRISONERS OF WAR AND GRAVES

SECTION I

PRISONERS OF WAR

ARTICLE 214.

The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty and shall be carried out with the greatest rapidity.

ARTICLE 215.

The repatriation of German prisoners of war and interned civilians shall, in accordance with Article 214, be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other part.

For each of the Allied and Associated Powers a Sub-Commission, composed exclusively of Representatives of the interested Power and of Delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war.

ARTICLE 216.

From the time of their delivery into the hands of the German authorities the prisoners of war and interned civilians are to be returned without delay to their homes by the said authorities.

Those amongst them who before the war were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

ARTICLE 217.

The whole cost of repatriation from the moment of starting shall be borne by the German Government, who shall also provide the land and sea transport and staff considered necessary by the Commission referred to in Article 215.

ARTICLE 218.

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to May 1, 1919.

During the period pending their repatriation all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

ARTICLE 219.

Prisoners of war and interned civilians who are awaiting disposal or undergoing sentence for offences other than those against discipline may be detained.

ARTICLE 220.

The German Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or other German nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

The German Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

ARTICLE 221.

The Allied and Associated Governments reserve the right to make the repatriation of German prisoners of war or German nationals in their hands conditional upon the immediate notification and release by the German Government of any

prisoners of war who are nationals of the Allied and Associated Powers and may still be in Germany.

ARTICLE 222.

Germany undertakes:

(1) To give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals and all other places; and to place at their disposal all documents, whether public or private, which would facilitate their enquiries;

(2) To impose penalties upon any German officials or private persons who have concealed the presence of any nationals of any of the Allied and Associated Powers or have neglected to reveal the presence of any such after it had come to their knowledge.

ARTICLE 223.

Germany undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the German authorities.

ARTICLE 224.

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

SECTION II

GRAVES

ARTICLE 225.

The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognise any Commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves and to facilitate the discharge of its duties.

Furthermore they agree to afford, so far as the provisions of

their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

Article 226.

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 225 of the present Treaty.

The Allied and Associated Governments on the one part and the German Government on the other part reciprocally undertake also to furnish to each other:

(1) A complete list of those who have died together with all information useful for identification;

(2) All information as to the number and position of the graves of all those who have been buried without identification.

PART VII

PENALTIES

Article 227.

The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.

A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan.

In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial.

ARTICLE 228.

The German Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.

ARTICLE 229.

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

ARTICLE 230.

The German Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

PART VIII

REPARATION

SECTION I

GENERAL PROVISIONS

Article 231.

The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

Article 232.

The Allied and Associated Governments recognise that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at the rate of five per cent. (5 %) per annum on such sums. This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the

German Government, on May 1 in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

ARTICLE 233.

The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of thirty years from May 1, 1921. If, however, within the period mentioned, Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the Commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the Allied and Associated Governments, acting in accordance with the procedure laid down in this Part of the present Treaty, shall determine.

ARTICLE 234.

The Reparation Commission shall after May 1, 1921, from time to time, consider the resources and capacity of Germany, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date, and to modify the form of payments, such as are to be provided for in accordance with Article 233; but not to cancel any part, except with the specific authority of the several Governments represented upon the Commission.

ARTICLE 235.

In order to enable the Allied and Associated Powers to proceed at once to the restoration of their industrial and

economic life, pending the full determination of their claims, Germany shall pay in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may fix, during 1919, 1920 and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (*c*) of Annex II hereto.

ARTICLE 236.

Germany further agrees to the direct application of her economic resources to reparation as specified in Annexes III, IV, V and VI, relating respectively to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her towards liquidation of her obligations under the above Articles.

ARTICLE 237.

The successive instalments, including the above sum, paid over by Germany in satisfaction of the above claims will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each.

For the purposes of this division the value of property transferred and services rendered under Article 243, and under Annexes III, IV, V, VI and VII, shall be reckoned in the same manner as cash payments effected in that year.

ARTICLE 238.

In addition to the payments mentioned above Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken

away, seized or sequestrated, and also restitution of animals, objects of every nature and securities taken away, seized or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies.

Until this procedure is laid down, restitution will continue in accordance with the provisions of the Armistice of November 11, 1918, and its renewals and the Protocols thereto.

Article 239.

The German Government undertakes to make forthwith the restitution contemplated by Article 238 and to make the payments and deliveries contemplated by Articles 233, 234, 235 and 236.

Article 240.

The German Government recognises the Commission provided for by Article 233 as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present Treaty.

The German Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, and further any information relative to military operations which in the judgment of the Commission may be necessary for the assessment of Germany's liability for reparation as defined in Annex I.

The German Government will accord to the members of the Commission and its authorised agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers.

Germany further agrees to provide for the salaries and expenses of the Commission and of such staff as it may employ.

Article 241.

Germany undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

ARTICLE 242.

The provisions of this Part of the present Treaty do not apply to the property, rights and interests referred to in Sections III and IV of Part X (Economic Clauses) of the present Treaty, nor to the product of their liquidation, except so far as concerns any final balance in favour of Germany under Article 243 (*a*).

ARTICLE 243.

The following shall be reckoned as credits to Germany in respect of her reparation obligations :—

(*a*) Any final balance in favour of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present Treaty ;

(*b*) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (Political Clauses for Europe), Part IX (Financial Clauses), and Part XII (Ports, Waterways and Railways) ;

(*c*) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions or other interests.

In no case however shall credit be given for property restored in accordance with Article 238 of the present Part.

ARTICLE 244.

The transfer of the German submarine cables which do not form the subject of particular provisions of the present Treaty is regulated by Annex VII hereto.

Annex I

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories :

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment), deportation, internment or evacuation, of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalised cost of such pensions and compensation at the date of the coming into force of the present Treaty, on the basis of the scales in force in France at such date.

(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents.

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.

(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

Annex II

1.

The Commission referred to in Article 233 shall be called "The Reparation Commission" and is hereinafter referred to as "the Commission."

2.

Delegates to this Commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and the Serb-Croat-Slovene State. Each of these Powers will appoint one Delegate and also one Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

On no occasion shall the Delegates of more than five of the above Powers have the right to take part in the proceedings of the Com-

mission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan shall have this right on occasions when questions relating to damage at sea, and questions arising under Article 260 of Part IX (Financial Clauses) in which Japanese interests are concerned, are under consideration. The Delegate of the Serb-Croat-Slovene State shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each Government represented on the Commission shall have the right to withdraw therefrom upon twelve months' notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

3.

Such of the other Allied and Associated Powers as may be interested shall have the right to appoint a Delegate to be present and act as Assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

4.

In case of the death, resignation or recall of any Delegate, Assistant Delegate, or Assessor, a successor to him shall be nominated as soon as possible.

5.

The Commission will have its principal permanent Bureau in Paris and will hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as it may deem convenient and as may be necessary for the most expeditious discharge of its duties.

6.

At its first meeting the Commission shall elect, from among the Delegates referred to above, a Chairman and a Vice-Chairman, who shall hold office for one year and shall be eligible for re-election. If a vacancy in the Chairmanship or Vice-Chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

7.

The Commission is authorised to appoint all necessary officers, agents and employees who may be required for the execution of its functions, and to fix their remuneration; to constitute committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents and committees.

8.

All proceedings of the Commission shall be private, unless, on particular occasions, the Commission shall otherwise determine for special reasons.

9.

The Commission shall be required, if the German Government so desire, to hear, within a period which it will fix from time to time, evidence and arguments on the part of Germany on any question connected with her capacity to pay.

10.

The Commission shall consider the claims and give to the German Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Germany, when it shall consider that their interests are in question.

11.

The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

12.

The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it, by the present Treaty.

The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this Part of the present Treaty. The Commission must comply with the following conditions and provisions:

(*a*) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

(*b*) In periodically estimating Germany's capacity to pay, the Commission shall examine the German system of taxation, first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

(*c*) In order to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries, the Commission will, as provided in Article 235, take from Germany by way of

security for and acknowledgment of her debt a first instalment of gold bearer bonds free of all taxes and charges of every description established or to be established by the Government of the German Empire or of the German States, or by any authority subject to them; these bonds will be delivered on account and in three portions, the marks gold being payable in conformity with Article 262 of Part IX (Financial Clauses) of the present Treaty as follows:

(1) To be issued forthwith, 20,000,000,000 Marks gold bearer bonds, payable not later than May 1, 1921, without interest. There shall be specially applied towards the amortisation of these bonds the payments which Germany is pledged to make in conformity with Article 235, after deduction of the sums used for the reimbursement of expenses of the armies of occupation and for payment of foodstuffs and raw materials. Such bonds as have not been redeemed by May 1, 1921, shall then be exchanged for new bonds of the same type as those provided for below (Paragraph 12, *c*, 2).

(2) To be issued forthwith, further 40,000,000,000 Marks gold bearer bonds, bearing interest at 2½ per cent. per annum between 1921 and 1926, and thereafter at 5 per cent. per annum with an additional 1 per cent. for amortisation beginning in 1926 on the whole amount of the issue.

(3) To be delivered forthwith a covering undertaking in writing to issue when, but not until, the Commission is satisfied that Germany can meet such interest and sinking fund obligations, a further instalment of 40,000,000,000 Marks gold 5 per cent. bearer bonds, the time and mode of payment of principal and interest to be determined by the Commission.

The dates for payment of interest, the manner of applying the amortisation fund, and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.

(*d*) In the event of bonds, obligations or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favour Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(*e*) The damage for repairing, reconstructing and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery and other equipment, will be calculated according to the cost at the dates when the work is done.

(*f*) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any verified debt of Germany must be accompanied by a statement of its reasons.

13.

As to voting, the Commission will observe the following rules:

When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their Assistant Delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors have no vote.

On the following questions unanimity is necessary:

(*a*) Questions involving the sovereignty of any of the Allied and Associated Powers, or the cancellation of the whole or any part of the debt or obligations of Germany;

(*b*) Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

(*c*) Any postponement, total or partial, beyond the end of 1930, of the payment of instalments falling due between May 1 1921, and the end of 1926 inclusive;

(*d*) Any postponement, total or partial, of any instalment falling due after 1926 for a period exceeding three years;

(*e*) Questions of applying in any particular case a method of measuring damages different from that which has been previously applied in a similar case;

(*f*) Questions of the interpretation of the provisions of this Part of the present Treaty.

All other questions shall be decided by the vote of a majority.

In case of any difference of opinion among the Delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

14.

Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

15.

The Commission will issue to each of the interested Powers, in such form as the Commission shall fix:

(1) A certificate stating that it holds for the account of the said Power bonds of the issues mentioned above, the said certificate, on the demand of the Power concerned, being divisible in a number of parts not exceeding five;

(2) From time to time certificates stating the goods delivered by Germany on account of her reparation debt which it holds for the account of the said Power.

The said certificates shall be registered, and, upon notice to the Commission, may be transferred by endorsement.

When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

16.

Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Article 248. The rate of interest shall be 5 per cent., unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921.

17.

In case of default by Germany in the performance of any obligation under this Part of the present Treaty, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

18.

The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

19.

Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for gold being fixed at a fair and just amount by the Commission itself.

20.

The Commission, in fixing or accepting payment in specified properties or rights, shall have due regard for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein.

21.

No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied or Associated Governments assumes any responsibility in respect of any other Government.

22.

Subject to the provisions of the present Treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

23.

When all the amounts due from Germany and her allies under the present Treaty or the decisions of the Commission have been discharged and all sums received, or their equivalents, shall have been distributed to the Powers interested, the Commission shall be dissolved.

Annex III

1.

Germany recognises the right of the Allied and Associated Powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless, and in spite of the fact that the tonnage of German shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the German aggression, the right thus recognised will be enforced on German ships and boats under the following conditions:

The German Government, on behalf of themselves and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upwards; in one-half, reckoned in tonnage, of the ships which are between 1,000 tons and 1,600 tons gross; in one-quarter, reckoned in tonnage, of the steam trawlers; and in one-quarter, reckoned in tonnage, of the other fishing boats.

2.

The German Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

3.

The ships and boats mentioned in paragraph 1 include all ships and boats which (*a*) fly, or may be entitled to fly, the German merchant flag; or (*b*) are owned by any German national, company or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (*c*) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company or corporation.

4.

For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the German Government will:

(*a*) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds, as the Commission may require;

(*b*) Take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

5.

As an additional part of reparation, Germany agrees to cause merchant ships to be built in German yards for the account of the Allied and Associated Governments as follows:

(*a*) Within three months of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in German shipyards in each of the two years next succeeding the three months mentioned above.

(*b*) Within two years of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in each of the three years following the two years mentioned above.

(*c*) The amount of tonnage to be laid down in each year shall not exceed 200,000 tons, gross tonnage.

(*d*) The specifications of the ships to be built, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building and delivery of the ships, shall be determined by the Commission.

6.

Germany undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers, within two months of the coming into force of the present Treaty, in accordance with procedure to be laid down by the Reparation Commission, any boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals, and which can be identified.

With a view to make good the loss in inland navigation tonnage, from whatever cause arising, which has been incurred during the war by the Allied and Associated Powers, and which cannot be made good by means of the restitution prescribed above, Germany agrees to cede to the Reparation Commission a portion of the German river fleet up to the amount of the loss mentioned above, provided that such cession shall not exceed 20 per cent. of the river fleet as it existed on November 11, 1918.

The conditions of this cession shall be settled by the arbitrators referred to in Article 339 of Part XII (Ports, Waterways and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

7.

Germany agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining the full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments.

8.

Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent Agreements.

The handing over of ships of the German mercantile marine must be continued without interruption in accordance with the said Agreement.

9.

Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved, in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of Germany or of her allies.

Annex IV

1.

The Allied and Associated Powers require, and Germany undertakes, that in part satisfaction of her obligations expressed in the present Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers, to the extent that these Powers may determine.

2.

The Allied and Associated Governments may file with the Reparation Commission lists showing:

(*a*) Animals, machinery, equipment, tools and like articles of a commercial character, which have been seized, consumed or destroyed by Germany or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate and urgent needs, desire to have replaced by animals and articles of the same nature which are in being in German territory at the date of the coming into force of the present Treaty;

(*b*) Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window-glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character which the said Governments desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas.

3.

The lists relating to the articles mentioned in 2 (*a*) above shall be filed within sixty days after the date of the coming into force of the present Treaty. The lists relating to the articles in 2 (*b*) above shall be filed on or before December 31, 1919. The lists shall contain all such details as are customary in commercial contracts dealing with

the subject matter, including specifications, dates of delivery (but not extending over more than four years), and places of delivery, but not price or value, which shall be fixed as hereinafter provided by the Commission.

4.

Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Germany. In reaching a decision on this matter the Commission shall take into account such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for German articles, and the general interest of the Allied and Associated Governments that the industrial life of Germany be not so disorganised as to affect adversely the ability of Germany to perform the other acts of reparation stipulated for.

Machinery, equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Germany unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of thirty per cent. of the quantity of such articles in use in any one establishment or undertaking.

The Commission shall give representatives of the German Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals. The decision of the Commission shall thereupon and at the earliest possible moment be communicated to the German Government and to the several interested Allied and Associated Governments. The German Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given, or are not, in the judgment of the Commission, unfit to be utilised in the work of reparation.

5.

The Commission shall determine the value to be attributed to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees to be charged with such value, and the amount thereof shall be treated as a payment by Germany to be divided in accordance with Article 237 of this Part of the present Treaty.

In cases where the right to require physical restoration as above provided is exercised, the Commission shall ensure that the amount to be credited against the reparation obligation of Germany shall be the fair value of work done or materials supplied by Germany, and that the claim made by the interested Power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

6.

As an immediate advance on account of the animals referred to in Paragraph 2 (*a*) above, Germany undertakes to deliver in equal monthly instalments in the three months following the coming into force of the present Treaty, the following quantities of live stock:

(1) *To the French Government.*

500 stallions (3 to 7 years);
30,000 fillies and mares (18 months to 7 years); type: Ardennais, Boulonnais or Belgian;
2,000 bulls (18 months to 3 years);
90,000 milch cows (2 to 6 years);
1,000 rams;
100,000 sheep;
10,000 goats.

(2) *To the Belgian Government.*

200 stallions (3 to 7 years), large Belgian type;
5,000 mares (3 to 7 years), large Belgian type;
5,000 fillies (18 months to 3 years), large Belgian type;
2,000 bulls (18 months to 3 years);
50,000 milch cows (2 to 6 years);
40,000 heifers;
200 rams;
20,000 sheep;
15,000 sows.

The animals delivered shall be of average health and condition.

To the extent that animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Germany in accordance with paragraph 5 of this Annex.

7.

Without waiting for the decisions of the Commission referred to in Paragraph 4 of this Annex to be taken, Germany must continue the delivery to France of the agricultural material referred to in Article III of the renewal dated January 16, 1919, of the Armistice.

Annex V

1.

Germany accords the following options for the delivery of coal and derivatives of coal to the undermentioned signatories of the present Treaty.

2.

Germany undertakes to deliver to France seven million tons of coal per year for ten years. In addition, Germany undertakes to deliver to France annually for a period not exceeding ten years an amount of coal equal to the difference between the annual production before the war of the coal mines of the Nord and Pas de Calais, destroyed as

a result of the war, and the production of the mines of the same area during the years in question: such delivery not to exceed twenty million tons in any one year of the first five years, and eight million tons in any one year of the succeeding five years.

It is understood that due diligence will be exercised in the restoration of the destroyed mines in the Nord and the Pas de Calais.

3.

Germany undertakes to deliver to Belgium eight million tons of coal annually for ten years.

4.

Germany undertakes to deliver to Italy up to the following quantities of coal:

July 1919 to June 1920	.. .. ..	4½	million tons,
,, 1920 ,, 1921	.. .. ..	6	,,
,, 1921 ,, 1922	.. .. ..	7½	,,
,, 1922 ,, 1923	.. .. ..	8	,,
,, 1923 ,, 1924	.. .. ..	8½	,,
and each of the following five years	..		

At least two-thirds of the actual deliveries to be land-borne.

5.

Germany further undertakes to deliver annually to Luxemburg, if directed by the Reparation Commission, a quantity of coal equal to the pre-war annual consumption of German coal in Luxemburg.

6.

The prices to be paid for coal delivered under these options shall be as follows:

(*a*) For overland delivery, including delivery by barge, the German pithead price to German nationals, plus the freight to French, Belgian, Italian or Luxemburg frontiers, provided that the pithead price does not exceed the pithead price of British coal for export. In the case of Belgian bunker coal, the price shall not exceed the Dutch bunker price. Railroad and barge tariffs shall not be higher than the lowest similar rates paid in Germany.

(*b*) For sea delivery, the German export price f.o.b. German ports, or the British export price f.o.b. British ports, whichever may be lower.

7.

The Allied and Associated Governments interested may demand the delivery, in place of coal, of metallurgical coke in the proportion of 3 tons of coke to 4 tons of coal.

8.

Germany undertakes to deliver to France, and to transport to the French frontier by rail or by water, the following products, during each of the three years following the coming into force of this Treaty:

Benzol	35.000 tons.
Coal tar	50.000 tons.
Sulphate of ammonia..	30,000 tons.

All or part of the coal tar may, at the option of the French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, naphthalene or pitch.

9.

The price paid for coke and for the articles referred to in the preceding paragraph shall be the same as the price paid by German nationals under the same conditions of shipment to the French frontier or to the German ports, and shall be subject to any advantages which may be accorded similar products furnished to German nationals.

10.

The foregoing options shall be exercised through the intervention of the Reparation Commission, which, subject to the specific provisions hereof, shall have power to determine all questions relative to procedure and the qualities and quantities of products, the quantity of coke which may be substituted for coal, and the times and modes of delivery and payment. In giving notice to the German Government of the foregoing options the Commission shall give at least 120 days' notice of deliveries to be made after January 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of this Treaty and January 1, 1920. Until Germany has received the demands referred to in this paragraph, the provisions of the Protocol of December 25, 1918 (Execution of Article VI of the Armistice of November 11, 1918), remain in force. The notice to be given to the German Government of the exercise of the right of substitution accorded by paragraphs 7 and 8 shall be such as the Reparation Commission may consider sufficient. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany, the Commission is authorised to postpone or to cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace coal from destroyed mines shall receive priority over other deliveries.

Annex VI

1.

Germany accords to the Reparation Commission an option to require as part of reparation the delivery by Germany of such quantities and kinds of dyestuffs and chemical drugs as the Commission may designate, not exceeding 50 per cent. of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the present Treaty.

This option shall be exercised within sixty days of the receipt by the Commission of such particulars as to stocks as may be considered necessary by the Commission.

2.

Germany further accords to the Reparation Commission an option to require delivery during the period from the date of the coming into force of the present Treaty until January 1, 1920, and during each

period of six months thereafter until January 1, 1925, of any specified kind of dyestuff and chemical drug up to an amount not exceeding 25 per cent. of the German production of such dyestuffs and chemical drugs during the previous six months period. If in any case the production during such previous six months was, in the opinion of the Commission, less than normal, the amount required may be 25 per cent. of the normal production.

Such option shall be exercised within four weeks after the receipt of such particulars as to production and in such form as may be considered necessary by the Commission; these particulars shall be furnished by the German Government immediately after the expiration of each six months period.

3.

For dyestuffs and chemical drugs delivered under paragraph 1, the price shall be fixed by the Commission having regard to pre-war net export prices and to subsequent increases of cost.

For dyestuffs and chemical drugs delivered under paragraph 2, the price shall be fixed by the Commission having regard to pre-war net export prices and subsequent variations of cost, or the lowest net selling price of similar dyestuffs and chemical drugs to any other purchaser.

4.

All details, including mode and times of exercising the options, and making delivery, and all other questions arising under this arrangement shall be determined by the Reparation Commission; the German Government will furnish to the Commission all necessary information and other assistance which it may require.

5.

The above expression "dyestuffs and chemical drugs" includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing, so far as they are manufactured for sale. The present arrangement shall also apply to cinchona bark and salts of quinine.

Annex VII

Germany renounces on her own behalf and on behalf of her nationals in favour of the Principal Allied and Associated Powers all rights, titles or privileges of whatever nature in the submarine cables set out below, or in any portions thereof:

Emden-Vigo: from the Straits of Dover to off Vigo;
Emden-Brest: from off Cherbourg to Brest;
Emden-Teneriffe: from off Dunkirk to off Teneriffe;
Emden-Azores (1): from the Straits of Dover to Fayal;
Emden-Azores (2): from the Straits of Dover to Fayal;
Azores-New York (1): from Fayal to New York;
Azores-New York (2): from Fayal to the longitude of Halifax;
Teneriffe-Monrovia: from off Teneriffe to off Monrovia;

Monrovia-Lome :

from about	lat.	: 2° 30′ N. ;
	long.	: 7° 40′ W. of Greenwich ;
to about ..	lat.	: 2° 20′ N. ;
	long.	: 5° 30′ W. of Greenwich ;
and from about	lat.	: 3° 48′ N. ;
	long.	: 0° 00′,

to Lome ;

Lome-Duala : from Lome to Duala ;
Monrovia-Pernambuco : from off Monrovia to off Pernambuco ;
Constantinople-Constanza : from Constantinople to Constanza ;
Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes) : from Yap Island to Shanghai, from Yap Island to Guam Island, and from Yap Island to Menado.

The value of the above-mentioned cables or portions thereof in so far as they are privately owned, calculated on the basis of the original cost less a suitable allowance for depreciation, shall be credited to Germany in the reparation account.

SECTION II

SPECIAL PROVISIONS

Article 245.

Within six months after the coming into force of the present Treaty the German Government must restore to the French Government the trophies, archives, historical souvenirs or works of art carried away from France by the German authorities in the course of the war of 1870–1871 and during this last war, in accordance with a list which will be communicated to it by the French Government ; particularly the French flags taken in the course of the war of 1870–1871 and all the political papers taken by the German authorities on October 10, 1870, at the chateau of Cerçay, near Brunoy (Seine-et-Oise) belonging at the time to Mr. Rouher, formerly Minister of State.

Article 246.

Within six months from the coming into force of the present Treaty, Germany will restore to His Majesty the King of the Hedjaz the original Koran of the Caliph Othman, which was removed from Medina by the Turkish authorities and is stated to have been presented to the ex-Emperor William II.

Within the same period Germany will hand over to His Britannic Majesty's Government the skull of the Sultan

Mkwawa, which was removed from the Protectorate of German East Africa and taken to Germany.

The delivery of the articles above referred to will be effected in such place and in such conditions as may be laid down by the Government to which they are to be restored.

Article 247.

Germany undertakes to furnish to the University of Louvain, within three months after a request made by it and transmitted through the intervention of the Reparation Commission, manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain. All details regarding such replacement will be determined by the Reparation Commission.

Germany undertakes to deliver to Belgium, through the Reparation Commission, within six months of the coming into force of the present Treaty, in order to enable Belgium to reconstitute two great artistic works:

(1) The leaves of the triptych of the Mystic Lamb painted by the Van Eyck brothers, formerly in the Church of St. Bavon at Ghent, now in the Berlin Museum;

(2) The leaves of the triptych of the Last Supper, painted by Dierick Bouts, formerly in the Church of St. Peter at Louvain, two of which are now in the Berlin Museum and two in the Old Pinakothek at Munich.

PART IX

FINANCIAL CLAUSES

Article 248.

Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present Treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

ARTICLE 249.

There shall be paid by the German Government the total cost of all armies of the Allied and Associated Governments in occupied German territory from the date of the signature of the Armistice of November 11, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling stock, air services, treatment of sick and wounded, veterinary and remount services, transport service of all sorts (such as by rail, sea or river, motor lorries), communications and correspondence, and in general the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territories shall be paid by the German Government to the Allied and Associated Governments in marks at the current or agreed rate of exchange. All other of the above costs shall be paid in gold marks.

ARTICLE 250.

Germany confirms the surrender of all material handed over to the Allied and Associated Powers in accordance with the Armistice of November 11, 1918, and subsequent Armistice Agreements, and recognises the title of the Allied and Associated Powers to such material.

There shall be credited to the German Government, against the sums due from it to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commission, referred to in Article 233 of Part VIII (Reparation) of the present Treaty, of the material handed over in accordance with Article VII of the Armistice of November 11, 1918, Article III of the Armistice Agreement of January 16, 1919, as well as of any other material handed over in accordance with the Armistice of November 11, 1918, and of subsequent

Armistice Agreements, for which, as having non-military value, credit should in the judgment of the Reparation Commission be allowed to the German Government.

Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice Agreements in specie shall not be credited to the German Government.

ARTICLE 251.

The priority of the charges established by Article 248 shall, subject to the qualifications made below, be as follows:

(*a*) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions;

(*b*) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present Treaty;

(*c*) The cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto;

(*d*) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers.

ARTICLE 252.

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

ARTICLE 253.

Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between

Germany and the Allied or Associated Power concerned, by the German Empire or its constituent States, or by German nationals, on assets in their ownership at that date.

ARTICLE 254.

The Powers to which German territory is ceded shall, subject to the qualifications made in Article 255, undertake to pay:

(i) A portion of the debt of the German Empire as it stood on August 1, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the ceded territory, and the average for the same years of such revenues of the whole German Empire as in the judgment of the Reparation Commission are best calculated to represent the relative ability of the respective territories to make payment;

(ii) A portion of the debt as it stood on August 1, 1914, of the German State to which the ceded territory belonged, to be determined in accordance with the principle stated above.

Such portions shall be determined by the Reparation Commission.

The method of discharging the obligation, both in respect of capital and of interest, so assumed shall be fixed by the Reparation Commission. Such method may take the form, *inter alia*, of the assumption by the Power to which the territory is ceded of Germany's liability for the German debt held by her nationals. But in the event of the method adopted involving any payments to the German Government, such payments shall be transferred to the Reparation Commission on account of the sums due for reparation so long as any balance in respect of such sums remains unpaid.

ARTICLE 255.

(1) As an exception to the above provision and inasmuch as in 1871 Germany refused to undertake any portion of the burden of the French debt, France shall be, in respect of Alsace-Lorraine, exempt from any payment under Article 254.

(2) In the case of Poland that portion of the debt which, in the opinion of the Reparation Commission, is attributable to

the measures taken by the German and Prussian Governments for the German colonisation of Poland shall be excluded from the apportionment to be made under Article 254.

(3) In the case of all ceded territories other than Alsace-Lorraine, that portion of the debt of the German Empire or German States which, in the opinion of the Reparation Commission, represents expenditure by the Governments of the German Empire or States upon the Government properties referred to in Article 256 shall be excluded from the apportionment to be made under Article 254.

Article 256.

Powers to which German territory is ceded shall acquire all property and possessions situated therein belonging to the German Empire or to the German States, and the value of such acquisitions shall be fixed by the Reparation Commission, and paid by the State acquiring the territory to the Reparation Commission for the credit of the German Government on account of the sums due for reparation.

For the purposes of this Article the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

In view of the terms on which Alsace-Lorraine was ceded to Germany in 1871, France shall be exempt in respect thereof from making any payment or credit under this Article for any property or possessions of the German Empire or States situated therein.

Belgium also shall be exempt from making any payment or any credit under this Article for any property or possessions of the German Empire or States situated in German territory ceded to Belgium under the present Treaty.

Article 257.

In the case of the former German territories, including colonies, protectorates or dependencies, administered by a Mandatory under Article 22 of Part I (League of Nations) of the present Treaty, neither the territory nor the Mandatory Power shall be charged with any portion of the debt of the German Empire or States.

All property and possessions belonging to the German

Empire or to the German States situated in such territories shall be transferred with the territories to the Mandatory Power in its capacity as such and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

For the purposes of this Article the property and possessions of the German Empire and of the German States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

ARTICLE 258.

Germany renounces all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies or other financial or economic organisations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

ARTICLE 259.

(1) Germany agrees to deliver within one month from the date of the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the sum in gold which was to be deposited in the Reichsbank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

(2) Germany recognises her obligation to make annually for the period of twelve years the payments in gold for which provision is made in the German Treasury Bonds deposited by her from time to time in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes.

(3) Germany undertakes to deliver, within one month from the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the gold deposit constituted in the Reichsbank or elsewhere, representing the residue of the advance in gold

agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government.

(4) Germany agrees to transfer to the Principal Allied and Associated Powers any title that she may have to the sum in gold and silver transmitted by her to the Turkish Ministry of Finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish Internal Loan.

(5) Germany undertakes to transfer to the Principal Allied and Associated Powers, within a period of one month from the coming into force of the present Treaty, any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government.

(6) Without prejudice to Article 292 of Part X (Economic Clauses) of the present Treaty, Germany confirms the renunciation provided for in Article XV of the Armistice of November 11, 1918, of any benefit disclosed by the Treaties of Bucharest and of Brest-Litovsk and by the treaties supplementary thereto.

Germany undertakes to transfer, either to Roumania or to the Principal Allied and Associated Powers as the case may be, all monetary instruments, specie, securities and negotiable instruments, or goods, which she has received under the aforesaid Treaties.

(7) The sums of money and all securities, instruments and goods of whatsoever nature, to be delivered, paid and transferred under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

Article 260.

Without prejudice to the renunciation of any rights by Germany on behalf of herself or of her nationals in the other provisions of the present Treaty, the Reparation Commission may within one year from the coming into force of the present Treaty demand that the German Government become possessed of any rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary and Bulgaria, or in the possessions or dependencies of these States or in any territory

formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any Power or to be administered by a Mandatory under the present Treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission.

Germany shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Germany, on account of sums due for reparation, with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and the German Government shall, within six months from the coming into force of the present Treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of itself and its nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

ARTICLE 261.

Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfilment of undertakings made by Germany during the war to those Governments.

ARTICLE 262.

Any monetary obligation due by Germany arising out of the present Treaty and expressed in terms of gold marks shall be payable at the option of the creditors in pounds sterling payable in London; gold dollars of the United States of America payable in New York; gold francs payable in Paris; or gold lire payable in Rome.

For the purpose of this Article the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

ARTICLE 263.

Germany gives a guarantee to the Brazilian Government that all sums representing the sale of coffee belonging to the

State of Sao Paolo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleichröder at Berlin, shall be reimbursed together with interest at the rate or rates agreed upon. Germany, having prevented the transfer of the sums in question to the State of Sao Paolo at the proper time, guarantees also that the reimbursement shall be effected at the rate of exchange of the day of the deposit.

PART X

ECONOMIC CLAUSES

SECTION I

COMMERCIAL RELATIONS

CHAPTER I

CUSTOMS· REGULATIONS· DUTIES AND RESTRICTIONS

ARTICLE 264.

Germany undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into German territory, from whatsoever place arriving, shall not be subjected to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

Germany will not maintain or impose any prohibition or restriction on the importation into German territory of any goods the produce or manufacture of the territories of any one of the Allied or Associated States, from whatsoever place arriving, which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any other foreign country.

ARTICLE 265.

Germany further undertakes that, in the matter of the régime applicable on importation, no discrimination against the commerce of any of the Allied and Associated States as compared with any other of the said States or any other foreign

country shall be made, even by indirect means, such as customs regulations or procedure, methods of verification or analysis, conditions of payment of duties, tariff classification or interpretation, or the operation of monopolies.

ARTICLE 266.

In all that concerns exportation Germany undertakes that goods, natural products or manufactured articles, exported from German territory to the territories of any one of the Allied or Associated States, shall not be subjected to other or higher duties or charges (including internal charges) than those paid on the like goods exported to any other such State or to any other foreign country.

Germany will not maintain or impose any prohibition or restriction on the exportation of any goods sent from her territory to any one of the Allied or Associated States which shall not equally extend to the exportation of the like goods, natural products or manufactured articles, sent to any other such State or to any other foreign country.

ARTICLE 267.

Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by Germany to any Allied or Associated State or to any other foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the Allied and Associated States.

ARTICLE 268.

The provisions of Articles 264 to 267 inclusive of this Chapter and of Article 323 of Part XII (Ports, Waterways and Railways) of the present Treaty are subject to the following exceptions:

(*a*) For a period of five years from the coming into force of the present Treaty, natural or manufactured products which both originate in and come from the territories of Alsace and Lorraine reunited to France shall, on importation into German customs territory, be exempt from all customs duty.

The French Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent

annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

Further, during the period above mentioned the German Government shall allow the free export from Germany, and the free re-importation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories of Alsace or Lorraine, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerisation, gassing, twisting or dressing.

(*b*) During a period of three years from the coming into force of the present Treaty, natural or manufactured products which both originate in and come from Polish territories which before the war were part of Germany shall, on importation into German customs territory, be exempt from all customs duty.

The Polish Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

(*c*) The Allied and Associated Powers reserve the right to require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxemburg, for a period of five years from the coming into force of the present Treaty.

The nature and amount of the products which shall enjoy the benefits of this régime shall be communicated each year to the German Government.

The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

Article 269.

During the first six months after the coming into force of the present Treaty, the duties imposed by Germany on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into Germany on July 31, 1914.

During a further period of thirty months after the expiration of the first six months, this provision shall continue to be applied exclusively with regard to products which, being comprised in Section A of the First Category of the German Customs Tariff of December 25, 1902, enjoyed at the abovementioned date (July 31, 1914) rates conventionalised by treaties with the Allied and Associated Powers, with the addition of all kinds of wine and vegetable oils, of artificial silk and of washed or scoured wool, whether or not they were the subject of special conventions before July 31, 1914.

ARTICLE 270.

The Allied and Associated Powers reserve the right to apply to German territory occupied by their troops a special customs régime as regards imports and exports, in the event of such a measure being necessary in their opinion in order to safeguard the economic interests of the population of these territories.

CHAPTER II

SHIPPING

ARTICLE 271.

As regards sea fishing, maritime coasting trade, and maritime towage, vessels of the Allied and Associated Powers shall enjoy, in German territorial waters, the treatment accorded to vessels of the most favoured nation.

ARTICLE 272.

Germany agrees that, notwithstanding any stipulation to the contrary contained in the Conventions relating to the North Sea fisheries and liquor traffic, all rights of inspection and police shall, in the case of fishing boats of the Allied Powers, be exercised solely by ships belonging to those Powers.

ARTICLE 273.

In the case of vessels of the Allied or Associated Powers, all classes of certificates or documents relating to the vessel, which were recognised as valid by Germany before the war, or which may hereafter be recognised as valid by the principal maritime States, shall be recognised by Germany as valid and as equivalent to the corresponding certificates issued to German vessels.

A similar recognition shall be accorded to the certificates

and documents issued to their vessels by the Governments of new States, whether they have a sea-coast or not, provided that such certificates and documents shall be issued in conformity with the general practice observed in the principal maritime States.

The High Contracting Parties agree to recognise the flag flown by the vessels of an Allied or Associated Power having no sea-coast which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

CHAPTER III

UNFAIR COMPETITION

ARTICLE 274.

Germany undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the Allied and Associated Powers from all forms of unfair competition in commercial transactions.

Germany undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in its territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices, or descriptions whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature, or special characteristics of such goods.

ARTICLE 275.

Germany undertakes on condition that reciprocity is accorded in these matters to respect any law, or any administrative or judicial decision given in conformity with such law, in force in any Allied or Associated State and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of wine or spirits produced in the State to which the region belongs, or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such law or order shall be prohibited by the German Government and repressed by the measures prescribed in the preceding Article.

CHAPTER IV

TREATMENT OF NATIONALS OF ALLIED AND ASSOCIATED POWERS

Article 276.

Germany undertakes:

(*a*) not to subject the nationals of the Allied and Associated Powers to any prohibition in regard to the exercise of occupations, professions, trade and industry, which shall not be equally applicable to all aliens without exception;

(*b*) not to subject the nationals of the Allied and Associated Powers in regard to the rights referred to in paragraph (*a*) to any regulation or restriction which might contravene directly or indirectly the stipulations of the said paragraph, or which shall be other or more disadvantageous than those which are applicable to nationals of the most favoured nation;

(*c*) not to subject the nationals of the Allied and Associated Powers, their property, rights or interests, including companies and associations in which they are interested, to any charge, tax or impost, direct or indirect, other or higher than those which are or may be imposed on her own nationals or their property, rights or interests;

(*d*) not to subject the nationals of any one of the Allied and Associated Powers to any restriction which was not applicable on July 1, 1914, to the nationals of such Powers, unless such restriction is likewise imposed on her own nationals.

Article 277.

The nationals of the Allied and Associated Powers shall enjoy in German territory a constant protection for their persons and for their property, rights and interests, and shall have free access to the courts of law.

Article 278.

Germany undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the

acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

ARTICLE 279.

The Allied and Associated Powers may appoint consuls-general, consuls, vice-consuls, and consular agents in German towns and ports. Germany undertakes to approve the designation of the consuls-general, consuls, vice-consuls, and consular agents, whose names shall be notified to her, and to admit them to the exercise of their functions in conformity with the usual rules and customs.

CHAPTER V

GENERAL ARTICLES

ARTICLE 280.

The obligations imposed on Germany by Chapter I and by Articles 271 and 272 of Chapter II above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Article 276 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

ARTICLE 281.

If the German Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges or immunities of sovereignty.

SECTION II

TREATIES

ARTICLE 282.

From the coming into force of the present Treaty and subject to the provisions thereof the multilateral treaties, conventions and agreements of an economic or technical character enumerated below and in the subsequent Articles shall alone

be applied as between Germany and those of the Allied and Associated Powers party thereto:

1. Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

2. Convention of October 11, 1909, regarding the international circulation of motor-cars.

3. Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

4. Agreement of May 15, 1886, regarding the technical standardisation of railways.

5. Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

6. Convention of December 31, 1913, regarding the unification of commercial statistics.

7. Convention of April 25, 1907, regarding the raising of the Turkish customs tariff.

8. Convention of March 14, 1857, for the redemption of toll dues on the Sound and Belts.

9. Convention of June 22, 1861, for the redemption of the Stade Toll on the Elbe.

10. Convention of July 16, 1863, for the redemption of the toll dues on the Scheldt.

11. Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal.

12. Conventions of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

13. Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in ports.

14. Convention of February 4, 1898, regarding the tonnage measurement of vessels for inland navigation.

15. Convention of September 26, 1906, for the suppression of night work for women.

16. Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

17. Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

18. Convention of May 4, 1910, regarding the suppression of obscene publications.

19. Sanitary Conventions of January 30, 1892, April 15, 1893, April 3, 1894, March 19, 1897, and December 3, 1903.

20. Convention of May 20, 1875, regarding the unification and improvement of the metric system.

21. Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

22. Convention of November 16 and 19, 1885, regarding the establishment of a concert pitch.

23. Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

24. Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

25. Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

26. Convention of June 12, 1902, as to the protection of minors.

ARTICLE 283.

From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned, in so far as concerns them, on condition that the special stipulations contained in this Article are fulfilled by Germany.

Postal Conventions:

Conventions and agreements of the Universal Postal Union concluded at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

Telegraphic Conventions:

International Telegraphic Conventions signed at St. Petersburg, July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

Germany undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the conventions and agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

ARTICLE 284.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the International Radio-Telegraphic Convention of July 5, 1912, on condition that Germany fulfils the provisional regulations which will be indicated to her by the Allied and Associated Powers.

If within five years after the coming into force of the present Treaty a new convention regulating international radio-telegraphic communications should have been concluded to take the place of the Convention of July 5, 1912, this new convention shall bind Germany, even if Germany should refuse either to take part in drawing up the convention, or to subscribe thereto.

This new convention will likewise replace the provisional regulations in force.

ARTICLE 285.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them and under the conditions stipulated in Article 272, the conventions hereinafter mentioned:

(1) The Conventions of May 6, 1882, and February 1, 1889, regulating the fisheries in the North Sea outside territorial waters.

(2) The Conventions and Protocols of November 16, 1887, February 14, 1893, and April 11, 1894, regarding the North Sea liquor traffic.

ARTICLE 286.

The International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911; and the International Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908, and completed by the additional Protocol signed at Berne on March 20, 1914, will again come into effect as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

ARTICLE 287.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the

Convention of The Hague of July 17, 1905, relating to civil procedure. This renewal, however, will not apply to France, Portugal and Roumania.

ARTICLE 288.

The special rights and privileges granted to Germany by Article 3 of the Convention of December 2, 1899, relating to Samoa shall be considered to have terminated on August 4, 1914.

ARTICLE 289.

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany.

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived. In case of any difference of opinion, the League of Nations will be called on to decide.

A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

Only those bilateral treaties and conventions which have been the subject of such a notification shall be revived between the Allied and Associated Powers and Germany; all the others are and shall remain abrogated.

The above regulations apply to all bilateral treaties or conventions existing between all the Allied and Associated Powers signatories to the present Treaty and Germany, even if the said Allied and Associated Powers have not been in a state of war with Germany.

ARTICLE 290.

Germany recognises that all the treaties, conventions or agreements which she has concluded with Austria, Hungary, Bulgaria or Turkey since August 1, 1914, until the coming into force of the present Treaty are and remain abrogated by the present Treaty.

ARTICLE 291.

Germany undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights and advantages of any kind which she may have granted to Austria, Hungary, Bulgaria or Turkey, or to the officials and nationals of these States by treaties, conventions or arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements remain in force.

The Allied and Associated Powers reserve the right to accept or not the enjoyment of these rights and advantages.

ARTICLE 292.

Germany recognises that all treaties, conventions or arrangements which she concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, or with Roumania, before August 1, 1914, or after that date until the coming into force of the present Treaty, are and remain abrogated.

ARTICLE 293.

Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public authority, concessions, privileges and favours of any kind to Germany or to a German national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

ARTICLE 294.

From the coming into force of the present Treaty Germany undertakes to give the Allied and Associated Powers and their nationals the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions or arrangements to non-belligerent States or their nationals since August 1, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements remain in force.

ARTICLE 295.

Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

SECTION III

DEBTS

ARTICLE 296.

There shall be settled through the intervention of clearing offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (*e*) hereafter the following classes of pecuniary obligations:

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

(3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV and in the Annex thereto will be accounted for through the clearing offices, in the currency and at the rate of exchange hereinafter provided in paragraph (*d*), and disposed of by them under the conditions provided by the said Section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section:

(*a*) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than through the clearing offices;

(*b*) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency or where the debt was due by a company whose business has been liquidated under emergency legislation

during the war. Nevertheless, debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice will not be guaranteed by the States of which those territories form part;

(*c*) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the clearing office of the country of the debtor, and paid to the creditor by the clearing office of the country of the creditor;

(*d*) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of new States the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII (Reparation);

(*e*) The provisions of this Article and of the Annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of one month from the deposit of the ratifications of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given to Germany by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be.

(*f*) The Allied and Associated Powers who have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and German nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

Annex

1.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 296, paragraph (*e*), establish a Clearing Office for the collection and payment of enemy debts.

Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the Clearing Office in the Opposing State must be effected through the central Clearing Office.

2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 296 are described as "enemy debts," the persons from whom the same are due as "enemy debtors," the persons to whom they are due as "enemy creditors," the Clearing Office in the country of the creditor is called the "Creditor Clearing Office," and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office."

3.

The High Contracting Parties will subject contraventions of paragraph (*a*) of Article 296 to the same penalties as are at present provided by their legislation for trading with the enemy. They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

4.

The Government guarantee specified in paragraph (*b*) of Article 296 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridical conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debt.

6.

When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

8.

When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

9.

The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses or commissions.

10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the Clearing Office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period

provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall in so far as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

11.

The balance between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

13.

Except for special reasons all discussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

14.

In conformity with Article 296, paragraph (*b*), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

As an exception, the admitted debts owing by persons having suffered injury from acts of war shall only be credited to the Creditor Clearing Office when the compensation due to the person concerned in respect of such injury shall have been paid.

15.

Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

17.

Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

18.

Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to re-open and maintain a claim abandoned by the same.

19.

The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

21.

With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned.

Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

22.

Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum except in cases where, by contract, law or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Office in the same way as such debts.

23.

Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 296, the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

24.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

25.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex, intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

SECTION IV

PROPERTY, RIGHTS AND INTERESTS

Article 297.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

(*a*) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Germany with respect to the property, rights and interests of nationals

of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.

(*b*) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owner shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

(*c*) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (*b*) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(*d*) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto, shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(*e*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application

either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an Arbitrator appointed by that Tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Germany.

(*f*) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (*e*) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (*e*) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (*e*) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(*g*) The rights conferred by paragraph (*f*) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general

liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(*h*) Except in cases where, by application of paragraph (*f*), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations, and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and if retained the cash value thereof shall be dealt with as provided in Article 243.

In the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 and 260, be paid direct to the owner. If on the application of that owner, the Mixed Arbitral Tribunal, provided for by Section VI of this Part or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly

prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

(*i*) Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(*j*) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights and interests of the nationals of the Allied or Associated Powers from November 11, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

ARTICLE 298.

Germany undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 297, paragraph (*a*) or (*f*):

(*a*) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of German nationals under the laws in force before the war;

(*b*) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

Annex

1.

In accordance with the provisions of Article 297, paragraph (*d*), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order,

direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void.

2.

No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or Department of the Government of such a Power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

3.

In Article 297 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the

payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

4.

All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or, if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5.

Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under German war legislation with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within German territory.

6.

Up to the time when restitution is carried out in accordance with Article 297, Germany is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 297, paragraph (*f*).

8.

The restitution provided in Article 297 will be carried out by order of the German Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the German authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9.

Until completion of the liquidation provided for by Article 297, paragraph (*b*), the property, rights and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10.

Germany will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Germany will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of German nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

11.

The expression " cash assets " includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators, or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Germany will deliver to the Allied and

Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within German territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the German Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

14.

The provisions of Article 297 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III regulating only the method of payment.

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Germany that the said provisions are not to be applied.

15.

The provisions of Article 297 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 297, paragraph (*b*).

SECTION V

CONTRACTS, PRESCRIPTIONS, JUDGMENTS

Article 299.

(*a*) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

(*b*) Any contract of which the execution shall be required

in the general interest, within six months from the date of the coming into force of the present Treaty, by the Allied or Associated Governments of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

(*c*) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 300, nor the Annex hereto shall apply to contracts made between nationals of these States and German nationals; nor shall Article 305 apply to the United States of America or its nationals.

(*d*) The present Article and the Annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(*e*) Nothing in the present Article or the Annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

Article 300.

(*a*) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(*b*) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in German territory to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(*c*) Upon the application of any interested person who is a national of an Allied or Associated Power the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (*b*), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the German Government.

(*d*) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (*c*).

(*e*) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Germany in invaded or occupied territory, if they have not been otherwise compensated.

(*f*) Germany shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(*g*) As regards negotiable instruments, the period of three months provided under paragraph (*a*) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

Article 301.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or endorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or endorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

Article 302.

Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognised in Germany as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment in respect of any dispute which may have arisen has been given during the war by a German Court against a national of an Allied or Associated State in a case in which he was not able to make his defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the German Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or

Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

Article 303.

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Germany and the coming into force of the present Treaty.

Annex

I. *General Provisions.*

1.

Within the meaning of Articles 299, 300 and 301, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2.

The following classes of contracts are excepted from dissolution by Article 299 and, without prejudice to the rights contained in Article 297 (*b*) of Section IV, remain in force subject to the application of domestic laws, orders or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

(*a*) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

(*b*) Leases and agreements for leases of land and houses;

(*c*) Contracts of mortgage, pledge or lien;

(*d*) Concessions concerning mines, quarries or deposits;

(*e*) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

3.

If the provisions of a contract are in part dissolved under Article 299, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

II. *Provisions relating to certain classes of Contracts.*

Stock Exchange and Commercial Exchange Contracts.

4.

(*a*) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided :

(i) That the contract was expressed to be made subject to the rules of the Exchange or Association in question ;
(ii) That the rules applied to all persons concerned ;
(iii) That the conditions attaching to the closure were fair and reasonable.

(*b*) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(*c*) The closure of contracts relating to cotton "futures," which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

Security.

5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

Negotiable Instruments.

6.

As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III. *Contracts of Insurance.*

8.

Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

Fire Insurance.

9.

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war, or of claims for losses which occurred during the war.

10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

Life Insurance.

11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at 5 per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming

into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at 5 per cent. per annum within three months from the coming into force of the present Treaty.

12.

Any Allied or Associated Power may within three months of the coming into force of the present Treaty cancel all the contracts of insurance running between a German insurance company and its nationals under conditions which shall protect its nationals from any prejudice.

To this end the German insurance company will hand over to the Allied or Associated Government concerned the proportion of its assets attributable to the policies so cancelled and will be relieved from all liability in respect of such policies. The assets to be handed over shall be determined by an actuary appointed by the Mixed Arbitral Tribunal.

13.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

14.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled where the giving of such notice was prevented by the war to recover the unpaid premiums with interest at 5 per cent. per annum from the insured.

15.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 14 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

Marine Insurance.

16.

Contracts of marine insurance, including time policies and voyage policies entered into between an insurer and a person who subsequently

became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

17.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

18.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

Other Insurances.

19.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 18, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

Re-insurance.

20.

All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the

re-insured to find another re-insurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risk which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 18 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

21.

The provisions of the preceding paragraph will extend equally to re-insurances existing at the date of the parties becoming enemies of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

22.

Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

The provisions of paragraph 12 apply to treaties of re-insurance of life insurance contracts in which enemy companies are the re-insurers.

23.

In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of re-insurance in respect either of premiums or of losses shall be recoverable after the war.

24.

The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

SECTION VI

MIXED ARBITRAL TRIBUNAL

Article 304.

(*a*) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If any Government does not proceed within a period of one month in case there is a vacancy to appoint a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(*b*) The Mixed Arbitral Tribunals established pursuant to paragraph (*a*) shall decide all questions within their competence under Sections III, IV, V and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(*c*) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(*d*) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(*e*) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments con-

cerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(*f*) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(*g*) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

Annex

1.

Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3.

The agent and counsel of the parties on each side are authorised to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5.

Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6.

The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7.

Germany agrees to give the Tribunal all facilities and information required by it for carrying out its investigations.

8.

The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

9.

The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

ARTICLE 305.

Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V or VII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German court.

SECTION VII

INDUSTRIAL PROPERTY

ARTICLE 306.

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and Berne, mentioned in Article 286, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard

to the rights of German nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph 1 of this Article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (*b*).

ARTICLE 307.

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to German nationals are revived

under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade-mark or design used, and it is further agreed that no patent, registered trade-mark or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade-mark or design for two years after the coming into force of the present Treaty.

Article 308.

The rights of priority, provided by Article 4 of the International Convention for the Protection of Industrial Property of Paris, of March 20, 1883, revised at Washington in 1911 or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade-marks, designs and models which had not expired on August 1, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bonâ fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

Article 309.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Germany on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively,

or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the declaration of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 307 and 308.

Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Germany on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the declaration of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Germany during the war.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

Article 310.

Licences in respect of industrial, literary or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and German nationals, on the other part, shall be considered as cancelled as from the date of the declaration of war between Germany and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months, after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under German law. In such cases the conditions shall be fixed by the Mixed Arbitral

Tribunal referred to in Section VI of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of German nationals, as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

Article 311.

The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and the change of nationality consequent thereon, continue to enjoy in Germany all the rights in industrial, literary and artistic property to which they were entitled under German legislation at the time of the separation.

Rights of industrial, literary and artistic property which are in force in the territories separated from Germany under the present Treaty at the moment of the separation of these territories from Germany, or which will be re-established or restored in accordance with the provisions of Article 306 of the present Treaty, shall be recognised by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the German law.

SECTION VIII

SOCIAL AND STATE INSURANCE IN CEDED TERRITORY

Article 312.

Without prejudice to the provisions contained in other Articles of the present Treaty the German Government undertakes to transfer to any Power to which German territory in Europe is ceded, and to any Power administering former German territory as a mandatory under Article 22 of Part I (League of Nations), such portion of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are transferred must apply them to the performance of the obligations arising from such insurances.

The conditions of the transfer will be determined by special conventions to be concluded between the German Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the German Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by a majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Germany and the other Government concerned.

PART XI

AERIAL NAVIGATION

Article 313.

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory and territorial waters of Germany, and shall enjoy the same privileges as German aircraft, particularly in case of distress by land or sea.

Article 314.

The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory and territorial waters of Germany without landing, subject always to any regulations which may be made by Germany, and which shall be applicable equally to the aircraft of Germany and to those of the Allied and Associated countries.

Article 315.

All aerodromes in Germany open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodrome such aircraft shall be treated on a footing of equality with German aircraft as regards charges of every description, including charges for landing and accommodation.

Article 316.

Subject to the present provisions, the rights of passage, transit and landing, provided for in Articles 313, 314 and 315, are subject to the observance of such regulations as Germany may consider it necessary to enact, but such regulations shall be applied without distinction to German aircraft and to those of the Allied and Associated countries.

Article 317.

Certificates of nationality, airworthiness, or competency, and licences, issued or recognised as valid by any of the Allied or Associated Powers, shall be recognised in Germany as valid and as equivalent to the certificates and licences issued by Germany.

ARTICLE 318.

As regards internal commercial air traffic, the aircraft of the Allied and Associated Powers shall enjoy in Germany most favoured nation treatment.

ARTICLE 319.

Germany undertakes to enforce the necessary measures to ensure that all German aircraft flying over her territory shall comply with the Rules as to lights and signals, Rules of the Air and Rules for Air Traffic on and in the neighbourhood of aerodromes, which have been laid down in the Convention relative to Aerial Navigation concluded between the Allied and Associated Powers.

ARTICLE 320.

The obligations imposed by the preceding provisions shall remain in force until January 1, 1923, unless before that date Germany shall have been admitted into the League of Nations or shall have been authorised, by consent of the Allied and Associated Powers, to adhere to the Convention relative to Aerial Navigation concluded between those Powers.

PART XII

PORTS, WATERWAYS AND RAILWAYS

SECTION I

GENERAL PROVISIONS

ARTICLE 321.

Germany undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway, or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers (whether contiguous or not); for this purpose the crossing of territorial waters shall be allowed. Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restrictions, and shall be entitled in Germany to national treatment as regards charges, facilities, and all other matters.

Goods in transit shall be exempt from all Customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge, facility or restriction shall depend directly or indirectly on the ownership or on the nationality of the ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

ARTICLE 322.

Germany undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bonâ fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any part whatever in, or to exercise any direct or indirect influence over, any administrative service that may be necessary for this purpose.

ARTICLE 323.

Germany undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportations from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories, based on the frontier crossed; or on the kind, ownership or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of transhipment on the journey; or on whether any port through which the goods are imported or exported is a German port or a port belonging to any foreign country or on whether the goods are imported or exported by sea, by land, or by air.

Germany particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export or import by German ports or vessels, or by those of another Power, for example by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be sub-

jected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through a German port or a port of any other Power, or used a German vessel or a vessel of any other Power.

ARTICLE 324.

All necessary administrative and technical measures shall be taken to shorten, as much as possible, the transmission of goods across the German frontiers and to ensure their forwarding and transport from such frontiers, irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the same kind carried on German territory under similar conditions of transport.

In particular the transport of perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

ARTICLE 325.

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or of any port of another Power.

ARTICLE 326.

Germany may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Germany to her own ports or the ports of any other Power.

SECTION II

NAVIGATION

CHAPTER I

FREEDOM OF NAVIGATION

ARTICLE 327.

The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all German ports and on the inland navigation routes of Germany the same

treatment in all respects as German nationals, vessels and property.

In particular the vessels of any one of the Allied or Associated Powers shall be entitled to transport goods of any description, and passengers, to or from any ports or places in German territory to which German vessels may have access, under conditions which shall not be more onerous than those applied in the case of national vessels; they shall be treated on a footing of equality with national vessels as regards port and harbour facilities and charges of every description, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, lighthouse, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

In the event of Germany granting a preferential régime to any of the Allied or Associated Powers or to any other foreign Powers, this régime shall be extended immediately and unconditionally to all the Allied and Associated Powers.

There shall be no impediment to the movement of persons or vessels other than those arising from prescriptions concerning customs, police, sanitation, emigration and immigration, and those relating to the import and export of prohibited goods. Such regulations must be reasonable and uniform and must not impede traffic unnecessarily.

CHAPTER II

FREE ZONES IN PORTS

Article 328.

The free zones existing in German ports on August 1, 1914, shall be maintained. These free zones, and any other free zones which may be established in German territory by the present Treaty, shall be subject to the régime provided for in the following Articles.

Goods entering or leaving a free zone shall not be subjected to any import or export duty, other than those provided for in Article 330.

Vessels and goods entering a free zone may be subjected to

the charges established to cover expenses of administration, upkeep and improvement of the port, as well as to the charges for the use of various installations, provided that these charges shall be reasonable having regard to the expenditure incurred, and shall be levied in the conditions of equality provided for in Article 327.

Goods shall not be subjected to any other charge except a statistical duty which shall not exceed 1 per mille *ad valorem*, and which shall be devoted exclusively to defraying the expenses of compiling statements of the traffic in the port.

ARTICLE 329.

The facilities granted for the erection of warehouses, for packing and for unpacking goods, shall be in accordance with trade requirements for the time being. All goods allowed to be consumed in the free zone shall be exempt from duty, whether of excise or of any other description, apart from the statistical duty provided for in Article 328 above.

There shall be no discrimination in regard to any of the provisions of the present Article between persons belonging to different nationalities or between goods of different origin or destination.

ARTICLE 330.

Import duties may be levied on goods leaving the free zone for consumption in the country on the territory of which the port is situated. Conversely, export duties may be levied on goods coming from such country and brought into the free zone. These import and export duties shall be levied on the same basis and at the same rates as similar duties levied at the other Customs frontiers of the country concerned. On the other hand, Germany shall not levy, under any denomination, any import, export or transit duty on goods carried by land or water across her territory to or from the free zone from or to any other State.

Germany shall draw up the necessary regulations to secure and guarantee such freedom of transit over such railways and waterways in her territory as normally give access to the free zone.

CHAPTER III

CLAUSES RELATING TO THE ELBE, THE ODER, THE NIEMEN (RUSSSTROM-MEMEL-NIEMEN) AND THE DANUBE

(1) *General Clauses.*

ARTICLE 331.

The following rivers are declared international:

the Elbe (*Labe*) from its confluence with the Vltava (*Moldau*), and the Vltava (*Moldau*) from Prague;
the Oder (*Odra*) from its confluence with the Oppa;
the Niemen (*Russstrom-Memel-Niemen*) from Grodno;
the Danube from Ulm;

and all navigable parts of these river systems which naturally provide more than one State with access to the sea, with or without transhipment from one vessel to another; together with lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river systems, or to connect two naturally navigable sections of the same river.

The same shall apply to the Rhine-Danube navigable waterway, should such a waterway be constructed under the conditions laid down in Article 353.

ARTICLE 332.

On the waterways declared to be international in the preceding Article, the nationals, property and flags of all Powers shall be treated on a footing of perfect equality, no distinction being made to the detriment of the nationals, property or flag of any Power between them and the nationals, property or flag of the riparian State itself or of the most favoured nation.

Nevertheless, German vessels shall not be entitled to carry passengers or goods by regular services between the ports of any Allied or Associated Power, without special authority from such Power.

ARTICLE 333.

Where such charges are not precluded by any existing conventions, charges varying on different sections of a river may be levied on vessels using the navigable channels or their approaches, provided that they are intended solely to cover equitably the cost of maintaining in a navigable condition,

or of improving, the river and its approaches, or to meet expenditure incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenditure and shall be posted up in the ports. These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in cases of suspected fraud or contravention.

Article 334.

The transit of vessels, passengers and goods on these waterways shall be effected in accordance with the general conditions prescribed for transit in Section I above.

When the two banks of an international river are within the same State goods in transit may be placed under seal or in the custody of Customs agents. When the river forms a frontier goods and passengers in transit shall be exempt from all Customs formalities; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by the riparian State.

Article 335.

No dues of any kind other than those provided for in the present Part shall be levied along the course or at the mouth of these rivers.

This provision shall not prevent the fixing by the riparian States of Customs, local octroi or consumption duties, or the creation of reasonable and uniform charges levied in the ports, in accordance with public tariffs, for the use of cranes, elevators, quays, warehouses, etc.

Article 336.

In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take suitable measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, if there is one, may appeal to the tribunal instituted for this purpose by the League of Nations.

ARTICLE 337.

The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, if there is one, shall be given priority over the requirements of navigation.

Appeal to the tribunal of the League of Nations does not require the suspension of the works.

ARTICLE 338.

The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river systems of the Elbe (*Labe*), the Oder (*Odra*), the Niemen (*Russstrom-Memel-Niemen*), and the Danube, and such other parts of these river systems as may be covered by a general definition.

Germany undertakes, in accordance with the provisions of Article 379, to adhere to the said General Convention as well as to all projects prepared in accordance with Article 343 below for the revision of existing international agreements and regulations.

ARTICLE 339.

Germany shall cede to the Allied and Associated Powers concerned, within a maximum period of three months from the date on which notification shall be given her, a proportion of the tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 after the deduction of those surrendered by way of restitution or reparation. Germany shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of those river systems.

The number of the tugs and boats, and the amount of the

material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.

All craft so ceded shall be provided with their fittings and gear, shall be in a good state of repair and in condition to carry goods, and shall be selected from among those most recently built.

The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators, shall not in any case exceed the value of the capital expended in the initial establishment of the material ceded, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

(2) *Special Clauses relating to the Elbe, the Oder and the Niemen (Russstrom-Memel-Niemen).*

ARTICLE 340.

The Elbe (*Labe*) shall be placed under the administration of an International Commission, which shall comprise:

4 representatives of the German States bordering on the river;
2 representatives of the Czecho-Slovak State;
1 representative of Great Britain;
1 representative of France;
1 representative of Italy;
1 representative of Belgium.

Whatever be the number of members present, each delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 341.

The Oder (*Odra*) shall be placed under the administration of an International Commission, which shall comprise:

1 representative of Poland;
3 representatives of Prussia;

1 representative of the Czecho-Slovak State;
1 representative of Great Britain;
1 representative of France;
1 representative of Denmark;
1 representative of Sweden.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

Article 342.

On a request being made to the League of Nations by any riparian State, the Niemen (*Russstrom-Memel-Niemen*) shall be placed under the administration of an International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the League of Nations.

Article 343.

The International Commissions referred to in Articles 340 and 341 shall meet within three months of the date of the coming into force of the present Treaty. The International Commission referred to in Article 342 shall meet within three months from the date of the request made by a riparian State. Each of these Commissions shall proceed immediately to prepare a project for the revision of the existing international agreements and regulations, drawn up in conformity with the General Convention referred to in Article 338, should such Convention have been already concluded. In the absence of such Convention, the project for revision shall be in conformity with the principles of Articles 332 to 337 above.

Article 344.

The projects referred to in the preceding Article shall, *inter alia*:

(*a*) designate the headquarters of the International Commission, and prescribe the manner in which its President is to be nominated;

(*b*) specify the extent of the Commission's powers, particularly in regard to the execution of works of maintenance, control, and improvement on the river system, the financial

régime, the fixing and collection of charges, and regulations for navigation;

(*c*) define the sections of the river or its tributaries to which the international régime shall be applied.

ARTICLE 345.

The international agreements and regulations at present governing the navigation of the Elbe (*Labe*), the Oder (*Odra*), and the Niemen (*Russstrom-Memel-Niemen*) shall be provisionally maintained in force until the ratification of the above-mentioned projects. Nevertheless, in all cases where such agreements and regulations in force are in conflict with the provisions of Articles 332 to 337 above, or of the General Convention to be concluded, the latter provisions shall prevail.

(3) *Special Clauses relating to the Danube.*

ARTICLE 346.

The European Commission of the Danube reassumes the powers it possessed before the war. Nevertheless, as a provisional measure, only representatives of Great Britain, France, Italy and Roumania shall constitute this Commission.

ARTICLE 347.

From the point where the competence of the European Commission ceases, the Danube system referred to in Article 331 shall be placed under the administration of an International Commission composed as follows:

Two representatives of German riparian States;

One representative of each other riparian State;

One representative of each non-riparian State represented in the future on the European Commission of the Danube.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 348.

The International Commission provided for in the preceding Article shall meet as soon as possible after the coming into force of the present Treaty, and shall undertake provisionally the administration of the river in conformity with the provisions of

Articles 332 to 337, until such time as a definitive statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers.

ARTICLE 349.

Germany agrees to accept the régime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year after the coming into force of the present Treaty, and at which German representatives may be present.

ARTICLE 350.

The mandate given by Article 57 of the Treaty of Berlin of July 13, 1878, to Austria-Hungary, and transferred by her to Hungary, to carry out works at the Iron Gates, is abrogated. The Commission entrusted with the administration of this part of the river shall lay down provisions for the settlement of accounts subject to the financial provisions of the present Treaty. Charges which may be necessary shall in no case be levied by Hungary.

ARTICLE 351.

Should the Czecho-Slovak State, the Serb-Croat-Slovene State or Roumania, with the authorisation of or under mandate from the International Commission, undertake maintenance, improvement, weir, or other works on a part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution and maintenance of such works.

ARTICLE 352.

Germany shall be obliged to make to the European Commission of the Danube all restitutions, reparations and indemnities for damages inflicted on the Commission during the war.

ARTICLE 353.

Should a deep-draught Rhine-Danube navigable waterway be constructed, Germany undertakes to apply thereto the régime prescribed in Articles 332 to 338.

CHAPTER IV

CLAUSES RELATING TO THE RHINE AND THE MOSELLE

ARTICLE 354.

As from the coming into force of the present Treaty, the Convention of Mannheim of October 17, 1868, together with the Final Protocol thereof, shall continue to govern navigation on the Rhine, subject to the conditions hereinafter laid down.

In the event of any provisions of the said Convention being in conflict with those laid down by the General Convention referred to in Article 338 (which shall apply to the Rhine) the provisions of the General Convention shall prevail.

Within a maximum period of six months from the coming into force of the present Treaty, the Central Commission referred to in Article 355 shall meet to draw up a project of revision of the Convention of Mannheim. This project shall be drawn up in harmony with the provisions of the General Convention referred to above, should this have been concluded by that time, and shall be submitted to the Powers represented on the Central Commission. Germany hereby agrees to adhere to the project so drawn up.

Further, the modifications set out in the following Articles shall immediately be made in the Convention of Mannheim.

The Allied and Associated Powers reserve to themselves the right to arrive at an understanding in this connection with Holland, and Germany hereby agrees to accede if required to any such understanding.

ARTICLE 355.

The Central Commission provided for in the Convention of Mannheim shall consist of nineteen members, viz. :

2 representatives of the Netherlands ;
2 representatives of Switzerland ;
4 representatives of German riparian States ;
4 representatives of France, which in addition shall appoint the President of the Commission ;
2 representatives of Great Britain ;
2 representatives of Italy ;
2 representatives of Belgium.

The headquarters of the Central Commission shall be at Strasburg.

Whatever be the number of members present, each Delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

Article 356.

Vessels of all nations, and their cargoes, shall have the same rights and privileges as those which are granted to vessels belonging to the Rhine navigation, and to their cargoes.

None of the provisions contained in Articles 15 to 20 and 26 of the above-mentioned Convention of Mannheim, in Article 4 of the Final Protocol thereof, or in later Conventions, shall impede the free navigation of vessels and crews of all nations on the Rhine and on waterways to which such Conventions apply, subject to compliance with the regulations concerning pilotage and other police measures drawn up by the Central Commission.

The provisions of Article 22 of the Convention of Mannheim and of Article 5 of the Final Protocol thereof shall be applied only to vessels registered on the Rhine. The Central Commission shall decide on the steps to be taken to ensure that other vessels satisfy the conditions of the general regulations applying to navigation on the Rhine.

Article 357.

Within a maximum period of three months from the date on which notification shall be given Germany shall cede to France tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by way of restitution or reparation, or shares in German Rhine navigation companies.

When vessels and tugs are ceded, such vessels and tugs, together with their fittings and gear, shall be in good state of repair, shall be in condition to carry on commercial traffic on the Rhine, and shall be selected from among those most recently built.

The same procedure shall be followed in the matter of the cession by Germany to France of:

(1) the installations, berthing and anchorage accommoda-

tion, platforms, docks, warehouses, plant, etc., which German subjects or German companies owned on August 1, 1914, in the port of Rotterdam, and

(2) the shares or interests which Germany or German nationals possessed in such installations at the same date.

The amount and specifications of such cessions shall be determined within one year of the coming into force of the present Treaty by an arbitrator or arbitrators appointed by the United States of America, due regard being had to the legitimate needs of the parties concerned.

The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators mentioned above, shall not in any case exceed the value of the capital expended in the initial establishment of the ceded material and installations, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

ARTICLE 358.

Subject to the obligation to comply with the provisions of the Convention of Mannheim or of the Convention which may be substituted therefor, and to the stipulations of the present Treaty, France shall have on the whole course of the Rhine included between the two extreme points of the French frontiers:

(*a*) the right to take water from the Rhine to feed navigation and irrigation canals (constructed or to be constructed) or for any other purpose, and to execute on the German bank all works necessary for the exercise of this right;

(*b*) the exclusive right to the power derived from works of regulation on the river, subject to the payment to Germany of the value of half the power actually produced, this payment, which will take into account the cost of the works necessary for producing the power, being made either in money or in power and in default of agreement being determined by arbitration. For this purpose France alone shall have the right to carry out in this part of the river all works of regulation (weirs or other works) which she may consider necessary for the production of power.

Similarly, the right of taking water from the Rhine is accorded to Belgium to feed the Rhine-Meuse navigable waterway provided for below.

The exercise of the rights mentioned under (*a*) and (*b*) of the present Article shall not interfere with navigability nor reduce the facilities for navigation, either in the bed of the Rhine or in the derivations which may be substituted therefor, nor shall it involve any increase in the tolls formerly levied under the Convention in force. All proposed schemes shall be laid before the Central Commission in order that that Commission may assure itself that these conditions are complied with.

To ensure the proper and faithful execution of the provisions contained in (*a*) and (*b*) above, Germany:

(i) binds herself not to undertake or to allow the construction of any lateral canal or any derivation on the right bank of the river opposite the French frontiers;

(ii) recognises the possession by France of the right of support on and the right of way over all lands situated on the right bank which may be required in order to survey, to build, and to operate weirs which France, with the consent of the Central Commission, may subsequently decide to establish. In accordance with such consent, France shall be entitled to decide upon and fix the limits of the necessary sites, and she shall be permitted to occupy such lands after a period of two months after simple notification, subject to the payment by her to Germany of indemnities of which the total amount shall be fixed by the Central Commission. Germany shall make it her business to indemnify the proprietors whose property will be burdened with such servitudes or permanently occupied by the works.

Should Switzerland so demand, and if the Central Commission approves, the same rights shall be accorded to Switzerland for the part of the river forming her frontier with other riparian States;

(iii) shall hand over to the French Government, during the month following the coming into force of the present Treaty, all projects, designs, drafts of concessions and of specifications concerning the regulation of the Rhine for any purpose whatever which have been drawn up or received by the Governments of Alsace-Lorraine or of the Grand Duchy of Baden.

ARTICLE 359.

Subject to the preceding provisions, no works shall be carried out in the bed or on either bank of the Rhine where it forms the boundary of France and Germany without the previous approval of the Central Commission or of its agents.

ARTICLE 360.

France reserves the option of substituting herself as regards the rights and obligations resulting from agreements arrived at between the Government of Alsace-Lorraine and the Grand Duchy of Baden concerning the works to be carried out on the Rhine: she may also denounce such agreements within a term of five years dating from the coming into force of the present Treaty.

France shall also have the option of causing works to be carried out which may be recognised as necessary by the Central Commission for the upkeep or improvement of the navigability of the Rhine above Mannheim.

ARTICLE 361.

Should Belgium within a period of 25 years from the coming into force of the present Treaty decide to create a deep-draught Rhine-Meuse navigable waterway, in the region of Ruhrort, Germany shall be bound to construct, in accordance with plans to be communicated to her by the Belgian Government, after agreement with the Central Commission, the portion of this navigable waterway situated within her territory.

The Belgian Government shall, for this purpose, have the right to carry out on the ground all necessary surveys.

Should Germany fail to carry out all or part of these works, the Central Commission shall be entitled to carry them out instead; and, for this purpose, the Commission may decide upon and fix the limits of the necessary sites and occupy the ground after a period of two months after simple notification, subject to the payment of indemnities to be fixed by it and paid by Germany.

This navigable waterway shall be placed under the same administrative régime as the Rhine itself, and the division of the cost of initial construction, including the above indemnities, among the States crossed thereby shall be made by the Central Commission.

Article 362.

Germany hereby agrees to offer no objection to any proposals of the Central Rhine Commission for extending its jurisdiction:

(1) to the Moselle below the Franco-Luxemburg frontier down to the Rhine, subject to the consent of Luxemburg;

(2) to the Rhine above Basle up to the Lake of Constance, subject to the consent of Switzerland;

(3) to the lateral canals and channels which may be established either to duplicate or to improve naturally navigable sections of the Rhine or the Moselle, or to connect two naturally navigable sections of these rivers, and also any other parts of the Rhine river system which may be covered by the General Convention provided for in Article 338 above.

CHAPTER V

CLAUSES GIVING TO THE CZECHO-SLOVAK STATE THE USE OF NORTHERN PORTS

Article 363.

In the ports of Hamburg and Stettin Germany shall lease to the Czecho-Slovak State, for a period of 99 years, areas which shall be placed under the general régime of free zones and shall be used for the direct transit of goods coming from or going to that State.

Article 364.

The delimitation of these areas, and their equipment, their exploitation, and in general all conditions for their utilisation, including the amount of the rental, shall be decided by a Commission consisting of one delegate of Germany, one delegate of the Czecho-Slovak State and one delegate of Great Britain. These conditions shall be susceptible of revision every ten years in the same manner.

Germany declares in advance that she will adhere to the decisions so taken.

SECTION III

RAILWAYS

CHAPTER I

CLAUSES RELATING TO INTERNATIONAL TRANSPORT

ARTICLE 365.

Goods coming from the territories of the Allied and Associated Powers, and going to Germany, or in transit through Germany from or to the territories of the Allied and Associated Powers, shall enjoy on the German railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities, and all other matters, the most favourable treatment applied to goods of the same kind carried on any German lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Germany and going to their territories.

International tariffs established in accordance with the rates referred to in the preceding paragraph and involving through way-bills shall be established when one of the Allied and Associated Powers shall require it from Germany.

ARTICLE 366.

From the coming into force of the present Treaty the High Contracting Parties shall renew, in so far as concerns them and under the reserves indicated in the second paragraph of the present Article, the conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

If within five years from the date of the coming into force of the present Treaty a new convention for the transportation of passengers, luggage and goods by rail shall have been concluded to replace the Berne Convention of October 14, 1890, and the subsequent additions referred to above, this new convention and the supplementary provisions for international

transport by rail which may be based on it shall bind Germany, even if she shall have refused to take part in the preparation of the convention or to subscribe to it. Until a new convention shall have been concluded, Germany shall conform to the provisions of the Berne Convention and the subsequent additions referred to above, and to the current supplementary provisions.

Article 367.

Germany shall be bound to co-operate in the establishment of through ticket services (for passengers and their luggage) which shall be required by any of the Allied and Associated Powers to ensure their communication by rail with each other and with all other countries by transit across the territories of Germany; in particular Germany shall, for this purpose, accept trains and carriages coming from the territories of the Allied and Associated Powers and shall forward them with a speed at least equal to that of her best long-distance trains on the same lines. The rates applicable to such through services shall not in any case be higher than the rates collected on German internal services for the same distance, under the same conditions of speed and comfort.

The tariffs applicable under the same conditions of speed and comfort to the transportation of emigrants going to or coming from ports of the Allied and Associated Powers and using the German railways shall not be at a higher kilometric rate than the most favourable tariffs (drawbacks and rebates being taken into account) enjoyed on the said railways by emigrants going to or coming from any other ports.

Article 368.

Germany shall not apply specially to such through services, or to the transportation of emigrants going to or coming from the ports of the Allied and Associated Powers, any technical, fiscal or administrative measures, such as measures of customs examination, general police, sanitary police, and control, the result of which would be to impede or delay such services.

Article 369.

In case of transport partly by rail and partly by internal navigation, with or without through way-bill, the preceding Articles shall apply to the part of the journey performed by rail.

CHAPTER II

ROLLING STOCK

ARTICLE 370.

Germany undertakes that German wagons shall be fitted with apparatus allowing:

(1) of their inclusion in goods trains on the lines of such of the Allied and Associated Powers as are parties to the Berne Convention of May 15, 1886, as modified on May 18, 1907, without hampering the action of the continuous brake which may be adopted in such countries within ten years of the coming into force of the present Treaty, and

(2) of the acceptance of wagons of such countries in all goods trains on the German lines.

The rolling stock of the Allied and Associated Powers shall enjoy on the German lines the same treatment as German rolling stock as regards movement, upkeep and repairs.

CHAPTER III

CESSIONS OF RAILWAY LINES

ARTICLE 371.

Subject to any special provisions concerning the cession of ports, waterways and railways situated in the territories over which Germany abandons her sovereignty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the cession of railways will take place under the following conditions:

(1) The works and installations of all the railroads shall be handed over complete and in good condition.

(2) When a railway system possessing its own rolling stock is handed over in its entirety by Germany to one of the Allied and Associated Powers, such stock shall be handed over complete, in accordance with the last inventory before November 11, 1918, and in a normal state of upkeep.

(3) As regards lines without any special rolling stock, Commissions of experts designated by the Allied and Associated Powers, on which Germany shall be represented, shall

fix the proportion of the stock existing on the system to which those lines belong to be handed over. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 11, 1918, the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to ensure their repair in German workshops.

(4) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling stock.

The provisions of paragraphs (3) and (4) above shall be applied to the lines of former Russian Poland converted by Germany to the German gauge, such lines being regarded as detached from the Prussian State System.

CHAPTER IV

PROVISIONS RELATING TO CERTAIN RAILWAY LINES

Article 372.

When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations cannot come to an agreement as to the terms of such convention the points of difference shall be decided by commissions of experts composed as provided in the preceding article.

Article 373.

Within a period of five years from the coming into force of the present Treaty the Czecho-Slovak State may require the construction of a railway line in German territory between the stations of Schlauney and Nachod. The cost of construction shall be borne by the Czecho-Slovak State.

Article 374.

Germany undertakes to accept, within ten years of the coming into force of the present Treaty, on request being made

by the Swiss Government after agreement with the Italian Government, the denunciation of the International Convention of October 13, 1909, relative to the St. Gothard railway. In the absence of agreement as to the conditions of such denunciation, Germany hereby agrees to accept the decision of an arbitrator designated by the United States of America.

CHAPTER V

TRANSITORY PROVISIONS

ARTICLE 375.

Germany shall carry out the instructions given her, in regard to transport, by an authorised body acting on behalf of the Allied and Associated Powers:

(1) for the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use,

(2) as a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organisation of postal and telegraphic services.

SECTION IV

DISPUTES AND REVISION OF PERMANENT CLAUSES

ARTICLE 376.

Disputes which may arise between interested Powers with regard to the interpretation and application of the preceding Articles shall be settled as provided by the League of Nations.

ARTICLE 377.

At any time the League of Nations may recommend the revision of such of these Articles as relate to a permanent administrative régime.

ARTICLE 378.

The stipulations in Articles 321 to 330, 332, 365, and 367 to 369 shall be subject to revision by the Council of the League of Nations at any time after five years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of five years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of five years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

SECTION V

SPECIAL PROVISION

Article 379.

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Germany undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.

SECTION VI

CLAUSES RELATING TO THE KIEL CANAL

Article 380.

The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality.

Article 381.

The nationals, property and vessels of all Powers shall, in respect of charges, facilities, and in all other respects, be treated on a footing of perfect equality in the use of the Canal, no distinction being made to the detriment of nationals, property and vessels of any Power between them and the nationals, property and vessels of Germany or of the most favoured nation.

No impediment shall be placed on the movement of persons or vessels other than those arising out of police, customs, sanitary, emigration or immigration regulations and those relating to the import or export of prohibited goods. Such

regulations must be reasonable and uniform and must not unnecessarily impede traffic.

ARTICLE 382.

Only such charges may be levied on vessels using the Canal or its approaches as are intended to cover in an equitable manner the cost of maintaining in a navigable condition, or of improving, the Canal or its approaches, or to meet expenses incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenses, and shall be posted up in the ports.

These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in the case of suspected fraud or contravention.

ARTICLE 383.

Goods in transit may be placed under seal or in the custody of customs agents; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by Germany.

ARTICLE 384.

No charges of any kind other than those provided for in the present Treaty shall be levied along the course or at the approaches of the Kiel Canal.

ARTICLE 385.

Germany shall be bound to take suitable measures to remove any obstacle or danger to navigation, and to ensure the maintenance of good conditions of navigation. She shall not undertake any works of a nature to impede navigation on the Canal or its approaches.

ARTICLE 386.

In the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles, any interested Power can appeal to the jurisdiction instituted for the purpose by the League of Nations.

In order to avoid reference of small questions to the League of Nations, Germany will establish a local authority at Kiel qualified to deal with disputes in the first instance and to give satisfaction so far as possible to complaints which may be presented through the consular representatives of the interested Powers.

PART XIII

LABOUR

SECTION I

ORGANISATION OF LABOUR

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:

CHAPTER I

ORGANISATION

Article 387.

A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organisation, and hereafter member-

ship of the League of Nations shall carry with it membership of the said organisation.

ARTICLE 388.

The permanent organisation shall consist of:

(1) a General Conference of Representatives of the Members, and

(2) an International Labour Office controlled by the Governing Body described in Article 393.

ARTICLE 389.

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

ARTICLE 390.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

ARTICLE 391.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

ARTICLE 392.

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

ARTICLE 393.

The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:

The Governing Body of the International Labour Office shall be constituted as follows:

Twelve persons representing the Governments;

Six persons elected by the Delegates to the Conference representing the employers;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any questions as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

ARTICLE 394.

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

ARTICLE 395.

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

ARTICLE 396.

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable,

a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

ARTICLE 397.

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or, failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

ARTICLE 398.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

ARTICLE 399.

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II

PROCEDURE

ARTICLE 400.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 389.

ARTICLE 401.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

ARTICLE 402.

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

ARTICLE 403.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

ARTICLE 404.

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

ARTICLE 405.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals shall take the form: (*a*) of a recommendation to be submitted to the Members for consideration with a view to effect being given

to it by national legislation or otherwise, or (*b*) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

ARTICLE 406.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

ARTICLE 407.

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

ARTICLE 408.

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE 409.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to

secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

Article 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 411.

Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 409.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 410 or 411 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

ARTICLE 412.

The Commission of Enquiry shall be constituted in accordance with the following provisions:

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

ARTICLE 413.

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

ARTICLE 414.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE 415.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and, if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE 416.

In the event of any Member failing to take the action required by Article 405, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

ARTICLE 417.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 or Article 416 shall be final.

ARTICLE 418.

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

ARTICLE 419.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

ARTICLE 420.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to

comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

CHAPTER III

GENERAL

ARTICLE 421.

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or,

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 422.

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

ARTICLE 423.

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV

TRANSITORY PROVISIONS

ARTICLE 424.

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 425.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

ARTICLE 426.

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

Annex

FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven

Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda:

(1) Application of principle of the 8-hours day or of the 48-hours week.

(2) Question of preventing or providing against unemployment.

(3) Women's employment:
   (*a*) Before and after child-birth, including the question of maternity benefit;
   (*b*) During the night;
   (*c*) In unhealthy processes.

(4) Employment of children:
   (*a*) Minimum age of employment;
   (*b*) During the night;
   (*c*) In unhealthy processes.

(5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

SECTION II

GENERAL PRINCIPLES

Article 427.

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem

to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

PART XIV

GUARANTEES

SECTION I

WESTERN EUROPE

Article 428.

As a guarantee for the execution of the present Treaty by Germany, the German territory situated to the west of the Rhine, together with the bridgeheads, will be occupied by Allied and Associated troops for a period of fifteen years from the coming into force of the present Treaty.

Article 429.

If the conditions of the present Treaty are faithfully carried out by Germany, the occupation referred to in Article 428 will be successively restricted as follows:

(i) At the expiration of five years there will be evacuated: the bridgehead of Cologne and the territories north of a line running along the Ruhr, then along the railway Jülich, Düren, Euskirchen, Rheinbach, thence along the road Rheinbach to Sinzig, and reaching the Rhine at the confluence with the Ahr; the roads, railways and places mentioned above being excluded from the area evacuated.

(ii) At the expiration of ten years there will be evacuated: the bridgehead of Coblenz and the territories north of a line to be drawn from the intersection between the frontiers of Belgium, Germany and Holland, running about 4 kilometres south of Aix-la-Chapelle, then to and following the crest of Forst Gemünd, then east of the railway of the Urft Valley, then along Blankenheim, Valdorf, Dreis, Ulmen to and following the Moselle from Bremm to Nehren, then passing by Kappel and Simmern, then following the ridge of the heights between Simmern and the Rhine and reaching this river at Bacharach; all the places, valleys, roads and railways mentioned above being excluded from the area evacuated.

(iii) At the expiration of fifteen years there will be evacuated: the bridgehead of Mainz, the bridgehead of Kehl and the remainder of the German territory under occupation.

If at that date the guarantees against unprovoked aggression by Germany are not considered sufficient by the Allied and Associated Governments, the evacuation of the occupying troops may be delayed to the extent regarded as necessary for the purpose of obtaining the required guarantees.

ARTICLE 430.

In case either during the occupation or after the expiration of the fifteen years referred to above the Reparation Commission finds that Germany refuses to observe the whole or part of her obligations under the present Treaty with regard to reparation, the whole or part of the areas specified in Article 429 will be re-occupied immediately by the Allied and Associated forces.

ARTICLE 431.

If before the expiration of the period of fifteen years Germany complies with all the undertakings resulting from the present Treaty, the occupying forces will be withdrawn immediately.

ARTICLE 432.

All matters relating to the occupation and not provided for by the present Treaty shall be regulated by subsequent agreements, which Germany hereby undertakes to observe.

SECTION II

EASTERN EUROPE

ARTICLE 433.

As a guarantee for the execution of the provisions of the present Treaty, by which Germany accepts definitely the abrogation of the Brest-Litovsk Treaty, and of all treaties, conventions and agreements entered into by her with the Maximalist Government in Russia, and in order to ensure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the Principal Allied and Associated Powers shall think the moment suitable, having regard to the internal situation of these territories. These troops shall abstain from all requisitions and seizures and from any other

coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defence as may be adopted by the Provisional Governments of Esthonia, Latvia and Lithuania.

No other German troops shall, pending the evacuation or after the evacuation is complete, be admitted to the said territories.

PART XV

MISCELLANEOUS PROVISIONS

Article 434.

Germany undertakes to recognise the full force of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany and to recognise whatever dispositions may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria and of the Ottoman Empire, and to recognise the new States within their frontiers as there laid down.

Article 435.

The High Contracting Parties, while they recognise the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district

are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

Annex

I

The Swiss Federal Council has informed the French Government on May 5, 1919, that after examining the provisions of Article 435 in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations:

(1) The neutralized zone of Haute-Savoie:

(*a*) It will be understood that as long as the Federal Chambers have not ratified the agreement come to between the two Governments concerning the abrogation of the stipulations in respect of the neutralized zone of Savoy, nothing will be definitively settled, on one side or on the other, in regard to this subject.

(*b*) The assent given by the Swiss Government to the abrogation of the above-mentioned stipulations presupposes, in conformity with the text adopted, the recognition of the guarantees formulated in favour of Switzerland by the Treaties of 1815 and particularly by the Declaration of November 20, 1815.

(*c*) The agreement between the Governments of France and Switzerland for the abrogation of the above-mentioned stipulations will only be considered as valid if the Treaty of Peace contains this Article in its present wording. In addition the Parties to the Treaty of Peace should endeavour to obtain the assent of the signatory Powers of the Treaties of 1815 and of the Declaration of November 20, 1815, which are not signatories of the present Treaty of Peace.

(2) Free zone of Haute-Savoie and the district of Gex:

(*a*) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above Article for insertion in the Treaty of Peace, which provides that "the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with present conditions." The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.

In the opinion of the Federal Council the question is not the modification of the custom systems of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms

of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft Convention concerning the future constitution of the zones which was annexed to the note of April 26 from the French Government. While making the above reservations the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

(*b*) It is conceded that the stipulations of the Treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

II

The French Government have addressed to the Swiss Government, on May 18, 1919, the following note in reply to the communication set out in the preceding paragraph:

In a note dated May 5 the Swiss Legation in Paris was good enough to inform the Government of the French Republic that the Federal Government adhered to the proposed Article to be inserted in the Treaty of Peace between the Allied and Associated Governments and Germany.

The French Government have taken note with much pleasure of the agreement thus reached, and, at their request, the proposed Article, which had been accepted by the Allied and Associated Governments, has been inserted under No. 435 in the Peace conditions presented to the German Plenipotentiaries.

The Swiss Government, in their note of May 5 on this subject, have expressed various views and reservations.

Concerning the observations relating to the free zones of Haute-Savoie and the Gex district, the French Government have the honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.

The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear in mind the desirability of assuring them a suitable customs régime and determining, in a manner better suited to present conditions, the methods of exchanges between these territories and the adjacent Swiss territories, while taking into account the reciprocal interest of both regions.

It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region.

The French Government are pleased to note on this subject in what a friendly disposition the Swiss Government take this opportunity of

declaring their willingness to consider any French proposal dealing with the system to be substituted for the present régime of the said free zones, which the French Government intend to formulate in the same friendly spirit.

Moreover, the French Government have no doubt that the provisional maintenance of the régime of 1815 as to the free zones referred to in the above-mentioned paragraph of the note from the Swiss Legation of May 5, whose object is to provide for the passage from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which has been found necessary by the two Governments. This remark applies also to the ratification by the Federal Chambers, dealt with in paragraph 1 (*a*), of the Swiss note of May 5, under the heading "Neutralized zone of Haute-Savoie."

Article 436.

The High Contracting Parties declare and place on record that they have taken note of the Treaty signed by the Government of the French Republic on July 17, 1918, with His Serene Highness the Prince of Monaco defining the relations between France and the Principality.

Article 437.

The High Contracting Parties agree that, in the absence of a subsequent agreement to the contrary, the Chairman of any Commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote.

Article 438.

The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the

Missions are conducted, will safeguard the interests of such Missions.

Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waive all claims on their behalf.

Article 439.

Without prejudice to the provisions of the present Treaty, Germany undertakes not to put forward directly or indirectly against any Allied or Associated Power, signatory of the present Treaty, including those which without having declared war, have broken off diplomatic relations with the German Empire, any pecuniary claim based on events which occurred at any time before the coming into force of the present Treaty.

The present stipulation will bar completely and finally all claims of this nature which will be thenceforward extinguished, whoever may be the parties in interest.

Article 440.

Germany accepts and recognises as valid and binding all decrees and orders concerning German ships and goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any German national.

The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of German Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Germany agrees to furnish copies of all the documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

THE PRESENT TREATY, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Germany on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.[1]

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbaux of the deposit of ratifications.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

Done at Versailles, the Twenty-eight day of June, One Thousand Nine Hundred and Nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

[1] Ratifications were exchanged and the Treaty came into force on the 10th January, 1920; Germany, Great Britain, France, and Italy having ratified the Treaty before that date, though the United States had not done so.

ANNEX I

TREATY BETWEEN FRANCE AND GREAT BRITAIN

(Signed at Versailles, 28th June, 1919)

Assistance to France in the Event of unprovoked Aggression by Germany

ARTICLE 1.

In case the following stipulations relating to the Left Bank of the Rhine contained in the Treaty of Peace with Germany signed at Versailles the 28th day of June, 1919, by the British Empire, the French Republic, and the United States of America among other Powers :

"ARTICLE 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilom. to the east of the Rhine.

"ARTICLE 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilisation, are in the same way forbidden.

"ARTICLE 44. In case Germany violates in any manner whatsoever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world."

may not at first provide adequate security and protection to France, Great Britain agrees to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

ARTICLE 2.

The present Treaty, in similar terms with the Treaty of even date for the same purpose concluded between the French Republic and the United States of America, a copy of which Treaty is annexed hereto, will only come into force when the latter is ratified.

ARTICLE 3.

The present Treaty must be submitted to the Council of the League of Nations and must be recognised by the Council, acting if need be by a majority, as an engagement which is

consistent with the Covenant of the League; it will continue in force until on the application of one of the Parties to it the Council, acting if need be by a majority, agrees that the League itself affords sufficient protection.

ARTICLE 4.

The present Treaty shall before ratification by His Majesty be submitted to Parliament for approval.

It shall before ratification by the President of the French Republic be submitted to the French Chambers for approval.

ARTICLE 5.

The present Treaty shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the Parliament of the Dominion concerned.

The present Treaty shall be ratified, and shall, subject to Articles 2 and 4, come into force at the same time as the Treaty of Peace with Germany of even date comes into force for the British Empire and the French Republic.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty, drawn up in the English and French languages.

Done in duplicate at Versailles, on the twenty-eighth day of June, 1919.

(Seal) D. LLOYD GEORGE.
(Seal) ARTHUR JAMES BALFOUR.
(Seal) G. CLEMENCEAU.
(Seal) S. PICHON.

NOTE.—The exchange of ratifications between Great Britain and France in connexion with this Treaty took place at Paris on the 20th November, 1919.

The following parliamentary questions and answers exhibit the British view of the situation thus created (*Times*, 22nd November, 1919):

Sir S. Hoare (Chelsea, C.U.).—Can the right hon. gentleman say whether the action of the Congress has made any difference to the Anglo-French-American Treaty?

Mr. Bonar Law.—My hon. friend knows that our undertaking under that Treaty was contingent on its being carried out also by the U.S. Up to now that Treaty has not been considered, I think—at all events, it has not been ratified by the United States.

Lieutenant-Commander Kenworthy (Hull, Central, L.).—Are we to understand that the Anglo-French portion of the Treaty—namely, our assurances and insurances to the French Government—stand, irrespective of America's action?

Mr. Bonar Law.—As far as any obligation of this country is concerned—I do not say that another situation will not make a new condition of affairs—it is contingent upon the United States Government undertaking the same obligation.

ANNEX II

ASSISTANCE TO FRANCE IN THE EVENT OF UNPROVOKED AGGRESSION BY GERMANY

AGREEMENT BETWEEN THE UNITED STATES AND FRANCE

Signed at Versailles June 28, 1919.

WHEREAS the United States of America and the French Republic are equally animated by the desire to maintain the Peace of the world so happily restored by the Treaty of Peace signed at Versailles the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that Power; and,

WHEREAS the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the Treaty of Versailles to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the Treaty of Versailles as a hostile act against all the Powers signatory to that Treaty and as calculated to disturb the Peace of the world by involving inevitably and directly the States of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and,

WHEREAS the United States of America and the French Republic fear that the stipulations relating to the left bank of the Rhine contained in the said Treaty of Versailles may not at first provide adequate security and protection to France on the one hand, and the United States of America, as one of the signatories of the Treaty of Versailles, on the other;

THEREFORE, the United States of America and the French Republic having decided to conclude a treaty to effect these necessary purposes, Woodrow Wilson, President of the United States of America, and Robert Lansing, Secretary of State of the United States, specially authorised thereto by the President of the United States, and Georges Clemenceau, President of the Council, Minister of War, and Stéphen Pichon, Minister of Foreign Affairs, specially authorised thereto by Raymond Poincaré, President of the French Republic, have agreed upon the following articles:

Article 1.

In case the following stipulations relating to the Left Bank of the Rhine, contained in the Treaty of Peace with Germany signed at Versailles on the 28th day of June, 1919, by the United States of America, the French Republic, and the British Empire among other Powers:

'*Article* 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right

bank to the west of a line drawn 50 kilometres to the east of the Rhine.

'*Article* 43. In the area defined above, the maintenance and assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

'*Article* 44. In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.'

may not at first provide adequate security and protection to France, the United States of America shall be bound to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

ARTICLE 2.

The present Treaty, in similar terms with the Treaty of even date for the same purpose concluded between Great Britain and the French Republic, a copy of which Treaty is annexed hereto, will only come into force when the latter is ratified.

ARTICLE 3.

The present Treaty must be submitted to the Council of the League of Nations, and must be recognised by the Council, acting if need be by a majority, as an engagement which is consistent with the Covenant of the League. It will continue in force until on the application of one of the parties to it the Council, acting if need be by a majority, agrees that the League itself affords sufficient protection.

ARTICLE 4.

The present Treaty will be submitted to the Senate of the United States at the same time as the Treaty of Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chamber of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the Treaty of Versailles at Paris or as soon thereafter as shall be possible.

In faith whereof the respective Plenipotentiaries, to wit: On the part of the United States of America, Woodrow Wilson, President, and Robert Lansing, Secretary of State, of the United States; and on the part of the French Republic, Georges Clemenceau, President of the Council of Ministers, Minister of War, and Stephen Pichon, Minister of Foreign Affairs, have signed the above articles both in English and French languages, and they have hereunto affixed their seals.

Done in duplicate at the City of Versailles, on the twenty-eighth day of June, in the year of our Lord one thousand nine hundred and nineteen, and the one hundred and forty-third of the Independence of the United States of America.

(Seal) WOODROW WILSON.
(Seal) ROBERT LANSING.
(Seal) CLEMENCEAU.
(Seal) S. PICHON.

Note.—The U.S.A. Senate has, up to date, refused to ratify this.

ANNEX III

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, AND FRANCE AND GERMANY

WITH REGARD TO THE MILITARY OCCUPATION OF THE TERRITORIES OF THE RHINE

Signed at Versailles, June 28th, 1919.

AGREEMENT

between the UNITED STATES OF AMERICA, BELGIUM, the BRITISH EMPIRE, and FRANCE,

of the one part,

and GERMANY,

of the other part,

with regard to the military occupation of the territories of the Rhine.

The Undersigned, acting under the powers conferred upon them by their respective Governments, have come to the following agreement as provided for in Article 432 of the Treaty of Peace of even date.

Article 1.

In accordance with Article 428 and the following Articles of the Treaty of even date, the armed forces of the Allied and Associated Powers will continue in occupation of German territory (as such occupation is defined by Article 5 of the Armistice Convention of the 11th November 1918, as extended by Article 7 of the Additional Convention of the 16th January 1919), as a guarantee of the execution by Germany of the Treaty.

No German troops, except prisoners of war in process of repatriation, shall be admitted to the occupied territories, even in transit; but police forces of a strength to be determined by the Allied and Associated Powers may be maintained in these territories for the purpose of ensuring order.

Article 2.

There shall be constituted a civilian body styled *the Inter-Allied Rhineland High Commission,* and hereinafter called *the High Commission,* which, except in so far as the Treaty may otherwise provide, shall be the supreme representative of the Allied and Associated Powers within the occupied territory. It shall consist of four members representing Belgium, France, Great Britain, and the United States.

Article 3.

(*a*) The High Commission shall have the power to issue ordinances so far as may be necessary for securing the maintenance, safety, and requirements of the Allied and Associated forces. Such ordinances

shall be published under the authority of the High Commission, and copies thereof shall be sent to each of the Allied and Associated Governments and also to the German Government.

When so published they shall have the force of law and shall be recognised as such by all the Allied and Associated military authorities and by the German civil authorities.

(*b*) The members of the High Commission shall enjoy diplomatic privileges and immunities.

(*c*) The German courts shall continue to exercise civil and criminal jurisdiction subject to the exceptions contained in paragraphs (*d*) and (*e*) below.

(*d*) The armed forces of the Allied and Associated Powers and the persons accompanying them, to whom the General Officers Commanding the Armies of Occupation shall have issued a revocable pass, and any persons employed by, or in the service of such troops, shall be exclusively subject to the military law and jurisdiction of such forces.

(*e*) Any person who commits any offence against the persons or property of the armed forces of the Allied and Associated Powers may be made amenable to the military jurisdiction of the said forces.

ARTICLE 4.

The German authorities, both in the occupied and in the unoccupied territories, shall, on the demand of any duly authorised military officer of the occupying forces, arrest and hand over to the nearest commander of the Allied or Associated troops any person charged with an offence who is amenable under paragraph (*d*) or paragraph (*e*) of Article 3 above to the military jurisdiction of the Allied or Associated Forces.

ARTICLE 5.

The civil administration of the provinces (*Provinzen*), Government departments (*Regierungsbezirke*), Urban Circles (*Stadtkreise*), Rural Circles (*Landkreise*), and Communes (*Gemeinde*), shall remain in the hands of the German authorities, and the civil administration of these areas shall continue under German law and under the authority of the Central German Government, except in so far as it may be necessary for the High Commission by Ordinance under Article 3 to adapt that administration to the needs and circumstances of military occupation. It is understood that the German authorities shall be obliged, under penalty of removal, to conform to the ordinances issued in virtue of Article 3 above.

ARTICLE 6.

The right to requisition in kind and to demand services in the manner laid down in the Hague Convention, 1907, shall be exercised by the Allied and Associated Armies of Occupation.

The charges for the requisitions effected in the zone of each Allied and Associated army and the estimate of damage caused by the troops of occupation shall be determined by local Commissions composed in equal representation of German civilians appointed by the German civil authorities and Allied or Associated military officers, and presided over by some person appointed by the High Commission.

The German Government shall continue to be responsible for the

cost of maintenance of the troops of occupation under the conditions fixed by the Treaty. The German Government shall also be responsible for the costs and expenses of the High Commission, and for its housing. Suitable premises for the housing of the High Commission shall be selected after consultation with the German Government.

ARTICLE 7.

The Allied and Associated troops shall continue undisturbed in possession of any premises at present occupied by them, subject to the provision of Article 8 (*b*) below.

ARTICLE 8.

(*a*) The German Government shall undertake, moreover, to place at the disposal of the Allied and Associated troops and to maintain in good state of repair all the military establishments required for the said troops, with the necessary furniture, heating, and lighting, in accordance with the regulations concerning these matters in force in the various armies concerned. These shall include accommodation for officers and men, guard-rooms, offices, administrative, regimental and staff head-quarters, workshops, store-rooms, hospitals, laundries, regimental schools, riding schools, stables, training grounds and rifle and artillery ranges, aviation grounds, grazing grounds, warehouses for supplies and grounds for military manœuvres, also theatre and cinema premises, and reasonable facilities for sport and for recreation grounds for the troops.

(*b*) Private soldiers and non-commissioned officers shall be accommodated in barracks, and shall not be billeted on the inhabitants, except in cases of exceptional emergency.

In the event of the existing military establishments being insufficient or not being considered suitable, the Allied and Associated troops may take possession of any other public or private establishment with its personnel, suitable for those purposes, or, if there are no such suitable premises, they may require the construction of new barracks.

Civilian and military officers and their families may be billeted on the inhabitants in accordance with the billeting regulations in force in each army.

ARTICLE 9.

No German direct taxes or duties will be payable by the High Commission, the Allied and Associated armies or their personnel.

Food supplies, arms, clothing, equipment, and provisions of all kinds for the use of the Allied and Associated Armies, or addressed to the military authorities, or to the High Commission, or to canteens and officers' messes, shall be transported free of charge and free of all import duties of any kind.

ARTICLE 10.

The personnel employed on all means of communication (railways, railroads, and tramways of all kinds, waterways (including the Rhine), roads and rivers), shall obey any orders given by, or on behalf of, the Commander-in-Chief of the Allied and Associated armies for military purposes.

All the material and all the civil personnel necessary for the maintenance and working of all means of communication must be kept intact on all such means of communication in the occupied territory.

The transport on the railways of troops or individual soldiers or officers, on duty or furnished with a warrant, will be effected without payment.

ARTICLE 11.

The Armies of Occupation may continue to use for military purposes all existing telegraphic and telephonic installations.

The Armies of Occupation shall also have the right to continue to install and use military telegraph and telephone lines, wireless stations and all other similar means of communication which may appear to them expedient. For this purpose, subject to the approval of the High Commission, they may enter upon and occupy any land, whether public or private.

The personnel of the public telegraph and telephone services shall continue to obey the orders of the Commander-in-Chief of the Allied and Associated Armies given for military purposes.

Telegrams and messages to or from the Allied and Associated authorities and the High Commission and of an official nature shall be entitled to priority over all other communications and shall be dispatched free of charge. The Allied and Associated military authorities shall have the right to supervise the order in which such communications are transmitted.

No wireless telegraphy installations shall be allowed to be erected by the authorities or by the inhabitants of the occupied territory without previous authorisation by the Allied and Associated military authorities.

ARTICLE 12.

The personnel of the postal services shall obey any orders given by or on behalf of the Commander-in-Chief of the Allied and Associated Armies for military purposes. The public postal service shall continue to be carried out by the German authorities, but this shall not in any way affect the retention of the military postal services organised by the Armies of Occupation, who shall have the right to use all existing postal routes for military requirements.

The said armies shall have the right to run postal wagons with all necessary personnel on all existing postal routes.

The German Government shall transmit free of charge and without examination letters and parcels which may be entrusted to its post-offices by or for the Armies of Occupation or by or for the High Commission ; and shall be responsible for the value of any letters or parcels lost.

ARTICLE 13.

The High Commission shall have the power, whenever they think it necessary, to declare a state of siege in any part of the territory or in the whole of it. Upon such declaration the military authorities shall

have the powers provided in the German Imperial Law of May 30th, 1892.

In case of emergency, where public order is disturbed or threatened in any district, the local military authorities shall have the power to take such temporary measures as may be necessary for restoring order. In such case the military authorities shall report the facts to the High Commission.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen.

ANNEX IV

PROTOCOL. SUPPLEMENTARY TO THE TREATY OF PEACE

Signed at Versailles, 28th June, 1919.

With a view to indicating precisely the conditions in which certain provisions of the Treaty of even date are to be carried out, it is agreed by the HIGH CONTRACTING PARTIES that :—

(1) A Commission will be appointed by the Principal Allied and Associated Powers to supervise the destruction of the fortifications of Heligoland in accordance with the Treaty. This Commission will be authorised to decide what portion of the works protecting the coast from sea erosion are to be maintained and what portion must be destroyed;

(2) Sums reimbursed by Germany to German nationals to indemnify them in respect of the interests which they may be found to possess in the railways and mines referred to in the second paragraph of Article 156 shall be credited to Germany against the sums due by way of reparation;

(3) The list of persons to be handed over to the Allied and Associated Governments by Germany under the second paragraph of Article 228 shall be communicated to the German Government within a month from the coming into force of the Treaty;

(4) The Reparation Commission referred to in Article 240 and paragraphs 2, 3 and 4 of Annex IV cannot require trade secrets or other confidential information to be divulged;

(5) From the signature of the Treaty and within the ensuing four months Germany will be entitled to submit for examination by the Allied and Associated Powers documents and proposals in order to expedite the work connected with

reparation, and thus to shorten the investigation and to accelerate the decisions;

(6) Proceedings will be taken against persons who have committed punishable offences in the liquidation of German property, and the Allied and Associated Powers will welcome any information or evidence which the German Government can furnish on this subject.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen.

Note.—The text of the Treaty between the United States of America, the British Empire, France, Italy and Japan, and Poland (28th June, 1920) will be given in a subsequent Volume.

APPENDIX IV

TEXT OF THE NEW GERMAN CONSTITUTION[1]

THE CONSTITUTION OF THE GERMAN REALM AS DECREED BY THE NATIONAL ASSEMBLY, 1919.

THE German nation united in its every branch and inspired by the determination to restore and confirm its Realm in liberty and justice, to serve peace at home and peace abroad, and to further social progress, has given itself this Constitution.

FIRST CHAPTER

THE REALM: ITS STRUCTURE AND FUNCTIONS

SECTION I

REALM[2] AND LANDS[3]

ARTICLE 1.

The German Realm is a Republic.

Constitutional power proceeds from the people.

ARTICLE 2.

The territory of the Realm consists of the territories of the German Lands. Other territories may be incorporated in the Realm by a national law, if their populations should so desire in virtue of the right of self-determination.

ARTICLE 3.

The national colours are black-red-gold. The commercial flag is black-white-red with the national colours in the inner upper corner.

[1] We acknowledge, with thanks, permission to reproduce this text, which is mainly that printed in the November and December numbers of the *International Review* of 1919. The whole text has, however, been collated with the German, and numerous modifications introduced. Some suggestions have also been adopted from Professor G. Young's translation of the text in *The New Germany*, pp. 262–320.

[2] The word *Reich* we translate as *Realm*. But compound words formed with *Reich*, e.g. *Reichsregierung*, we generally translate by the adjective *national*, e.g. *the National Government*—(as distinct from the Land Governments). See further note on page 378.

[3] *Länder*.—The word *Länder*, literally *countries* or *territories*, has been deliberately used instead of the word *Staaten*, apparently to signify the loss of all sovereign rights imposed under the new Constitution on the separate kingdoms, &c., like Bavaria. The word *States* for the members of a federal constitution seems therefore to be misleading as expressly repudiated and 'Lands' is used, a new word coined by Professor Young.

ARTICLE 4.

The universally recognized rules of international law are valid as binding constituent parts of German law of the Realm.

ARTICLE 5.

Constitutional power is exercised, in matters pertaining to the Realm, through the institutions of the Realm in virtue of the constitution of the Realm, and, in matters pertaining to the Lands, by the constitutional bodies of those Lands within the lines laid down by the constitutions of those Lands.

ARTICLE 6.

The Realm has the exclusive power of legislation on the following subjects :

(1) Foreign relations.

(2) Colonies.

(3) Nationality, freedom of domicile, immigration and emigration, extradition.

(4) National defence.

(5) Currency.

(6) Tariffs, including uniformity in tariff and commercial spheres and free transit of goods.

(7) Posts and telegraphs, including telephones.

ARTICLE 7.

The Realm has power of legislation on the following subjects :

(1) Citizenship.

(2) The criminal code.

(3) Judicial procedure, including the execution of justice ; further, official assistance given by one public authority to another.

(4) Passports and police supervision of aliens.

(5) Pauper relief and vagrancy.

(6) The Press, the right of association, the right of meeting.

(7) Population questions, care of motherhood, infants, children, and young persons.

(8) Public health, veterinary regulations, and protection of plants against disease or injury.

(9) The right to work, insurance and protection of workers and employees, and employment exchange.

(10) The institution of vocational associations extending over the Realm.[1]

(11) The care of discharged soldiers and their dependants.

(12) The right of expropriation.

(13) Socialization of natural resources and of economic undertakings, further the manufacture, production, distribution, and pricing of economic commodities destined for public use.

(14) The commercial code, weights and measures, the issue of paper money, banking, and stock exchange regulations.

[1] i.e. the representation of particular callings or occupations as in the Trade Unions, &c.

(15) Transactions in foodstuffs and food luxuries, and also in commodities of daily use.

(16) Industry and mining.

(17) Insurance.

(18) Merchant shipping, fishing on the high seas and coast fishing.

(19) Railways, canal traffic, motor traffic by land, sea, and air, and the construction of roads serving general traffic and national defence.

(20) Theatres and cinemas.

Article 8.

The Realm has further the right of legislating as to taxation and other sources of revenue, if such taxes are wholly or partially claimed in order to meet its expenditure. Should the Realm lay claim to taxes or other sources of revenue which have hitherto been credited to the Lands, it must pay due consideration to preserving those Lands in a condition of efficiency.

Article 9.

The Realm has the right to legislate on the following subjects, if and when it is necessary to issue uniform regulations :

(1) Public Health.

(2) Protection of public order and public safety.

Article 10.

The Realm is entitled, in the course of legislation, to lay down principles concerning the following:

(1) Rights and duties of religious communities.

(2) Education, including the Universities and scientific librarianship.

(3) Rights of the officials of all public bodies.

(4) Right to the land, land distribution, land settlement and small holdings, the law of entail, housing, and distribution of the population.

(5) Burial of the dead.

Article 11.

The Realm is entitled, in the course of legislation, to lay down principles, if and when necessary, concerning the validity of taxes levied by the Lands, and the procedure therein followed, in cases :

(1) Where the national revenues or the national commercial relations suffer injury.

(2) Where taxation has overlapped.

(3) Where dues have been levied on public communications or institutions such as threaten to be excessive or to interfere with communication.

(4) Where, in the course of traffic between the different Lands or provinces, commodities entering a certain State suffer financial disabilities as compared with the same class of commodity manufactured in such State.

(5) In order to exclude export premiums or to safeguard important social interests.

ARTICLE 12.

As long as, and in so far as, the Realm fails to make use of its rights of legislation, the Lands retain their own rights of legislating.

This does not apply to the legislative power which belongs to the Realm exclusively.

The Government of the Realm has the right of veto against any legislation of the Lands which touches the topics mentioned under Number 18 of Article 7, in so far as the interests of the whole community of persons comprised in the Realm are thereby affected.

ARTICLE 13.

Law of the Realm prevails over law of the Lands.

Should any doubt or difficulty arise as to whether an act of the Land legislature is compatible with the national law of the Realm, the competent national or Land authorities may appeal to the decision of a Supreme National Court of Judicature; as may be subsequently determined by an act of the Realm.

ARTICLE 14.

The execution of national laws shall rest with the authorities of the Lands except where other regulations are laid down in those laws themselves.

ARTICLE 15.

The National Government has the right of supervision in those matters on which it has the right of legislation.

The National Government may lay down general directions where national laws are to be put into execution by the authorities of the Lands. It is entitled to send commissioners to the authorities of the Lands, and with their concurrence to subordinate authorities, in order to supervise the execution of the national laws.

The Land Governments are bound to remedy, on demand of the National Government, any deficiencies which may have appeared in the course of executing the national laws. In cases of dispute, both National Government and Land Governments may appeal to the decision of a Supreme Court of Judicature, except where a national law declares another court to be competent.

ARTICLE 16.

Officials directly charged with national business in any Land shall, as a rule, be citizens of that Land. Officials, employees, and workers in the employ of the National Government shall, if they so desire, be employed within their home Land, in so far as this is possible, and in so far as the requirements of the service or the requirements of their training do not suffer.

ARTICLE 17.

Every Land must have a liberal constitution.[1] The Representative Body (of such State) must be chosen by universal, equal, direct and

[1] '*Freistaatliche Verfassung*'. It cannot be monarchical (see Art. 1) and must apparently have an executive responsible to the majority of the popular house. (See last para. Art. 17.)

secret suffrage by all nationals of either sex, on the system of proportional representation. The Land Government must have the confidence of its popular Representative Body.

The principles laid down for the election of the popular Representative Body apply also to the elections to local bodies. Nevertheless, Land legislation may require, as an elector's qualification, domicile within the locality not exceeding one year.

Article 18.

The division of the Realm into Lands shall serve the highest economic and cultural progress of the nation, while paying all possible regard to the wishes of the population affected. A national law is required to alter the frontiers of Lands, or to create new Lands within the bounds of the Realm.

Where the Lands directly affected consent, a simple national law shall suffice.

A simple national law shall further suffice where one of the Lands affected does not consent, but where the alteration of a frontier or the creation of a new Land is demanded by the wishes of the population and there is an overwhelming national interest in favour of it.

The wishes of the population shall be ascertained by means of a plebiscite. The National Government shall order a plebiscite to take place if one-third of the total number of those who have a vote for the Reichstag, living within the territory affected, demand it.

Three-fifths of the votes recorded, and at least a bare majority of the total number of electors, are necessary to determine any alteration of frontier or the foundation of a new Land. Even where there is only question of separating part of a Prussian county or of a Bavarian district, or of the corresponding divisions in any other Land, the wishes of the population inhabiting the whole district affected must be ascertained. Should there be no geographical connexion between the portion to be disconnected and the whole district, a special national law may declare the wishes of the portion which is to be disconnected to be sufficient.

When the wishes of the population have been ascertained, the National Government shall lay a law embodying them before the Reichstag.

Should any dispute arise on the occasion of a union or a disconnexion of territory in respect of property claims, the decision shall lie with the Supreme National Court of Judicature of the whole Realm on appeal of either party.

Article 19.

Should a constitutional dispute arise within a Land, for deciding which there is no competent court, or should a dispute of a public nature arise between Lands or between the Realm and a Land, either of the disputing parties may appeal, unless another court of the Realm is competent, to the Supreme National Court of Judicature,[1] which shall decide. Execution of the decision of the Supreme Court of Judicature shall lie with the President of the Realm.

[1] *Staatsgerichtshof.*

SECTION II

THE REICHSTAG (NATIONAL ASSEMBLY)

ARTICLE 20

The Reichstag is composed of the deputies of the German people.

ARTICLE 21.

The deputies are representatives of the whole people. They are subject to their conscience only and are not bound by instructions.

ARTICLE 22.

The deputies shall be elected by universal, equal, direct, and secret suffrage by those of either sex over twenty years of age, on the principles of proportional representation. The day of the election must be a Sunday or public holiday. A national electoral law shall lay down further detailed regulations.

ARTICLE 23.

The Reichstag shall be chosen for four years. New elections must take place at latest within sixty days after the expiration of its term of office. The Reichstag must hold its first meeting at latest on the thirtieth day after election.

ARTICLE 24.

The Reichstag shall meet on the first Wednesday of November in every year at the seat of the Government. The President of the Reichstag is bound to call it together at an earlier date if the President of the Realm, or at least one-third of the deputies, demand it.

The Reichstag determines the date of the close of its session and the date of its re-assembly.

ARTICLE 25.

The President of the Realm has power to dissolve the Reichstag, but may only do so once on account of the same cause.

New elections must be held at latest on the sixtieth day after the dissolution.

ARTICLE 26.

The Reichstag shall choose its own President, its Vice-President, and its Secretaries. It shall regulate its own procedure.

ARTICLE 27.

The President of the Reichstag and the Vice-President holding office during the preceding session shall continue the business of the House between two sessions or between two election periods.

ARTICLE 28.

Disciplinary and police powers within the Reichstag building are in the hands of the President of the Reichstag. Further, the administration of the House is in his hands; he has control of the income

and expenditure of the House within the limits laid down by the national budget, and he represents the House in all the legal proceedings and legal business involved in its administration.

ARTICLE 29.

The sittings of the Reichstag are public. The public may be excluded on the demand of fifty deputies and by a two-thirds majority vote.

ARTICLE 30.

True reports of the proceedings at the public sittings of the Reichstag, of the proceedings at a Landtag, of the proceedings at Committees of the Reichstag or Landtag, are privileged matter.

ARTICLE 31.

A Court of Inquiry into election proceedings shall be formed in connexion with the Reichstag. Such Court shall also decide whether any deputy has forfeited his mandate.

The Court of Inquiry into election proceedings shall be formed of members of the Reichstag, who shall be elected by the Reichstag for the duration of the electoral period, and further of members of the Supreme Court of Administration, who shall be nominated by the President of the Realm on the suggestion of the Presiding officers of this Court.

The Court of Inquiry into election proceedings shall pronounce judgment in public and oral session through three members of the Reichstag and two legal members.

Apart from inquiries actually conducted before the Court of Inquiry, proceedings may be taken before an officer of the Realm appointed by the President of the Realm. Further procedure shall be determined by the Court of Inquiry.

ARTICLE 32.

A resolution of the Reichstag requires a simple majority of votes, except where some other proportion of votes is laid down by the constitution. The Standing Orders of the Reichstag may admit exceptions to this rule in the case of elections carried out by the Reichstag.

The Standing Order shall regulate all questions of the validity of resolutions.

ARTICLE 33.

The Reichstag and the Committees of the Reichstag are entitled to demand the presence of the Chancellor or of any other National Minister. The Chancellor, the National Ministers, and their deputies have access to the sittings of the Reichstag and to the sittings of the Committees of the Reichstag. The Lands are entitled to send plenipotentiaries to these sittings who shall submit the views of their Government on the question under discussion.

The representatives of the Lands may demand to be heard during the discussion; the representatives of the National Government may also demand to be heard, and without regard to the agenda before the House.

Both sets of representatives are subject to the rulings of the Chair.

Article 34.

The Reichstag is entitled to set up Committees of Inquiry: it must do so if one-fifth of the members demand it. Such Committees shall in open meeting inquire into such evidence as they consider necessary, or the petitioners consider necessary. The public may be excluded by resolution of a two-thirds majority of the Committee of Inquiry. The Standing Orders shall regulate the procedure of the Committee and determine the number of its members.

The courts and the civil service are bound to submit any evidence demanded by these Committees; the Committees may demand to see their records.

The regulations of the Criminal Code apply to the taking of evidence by the Committees or by such authorities as they have instructed; nevertheless, the secrecy of the post office, of the letter, telegraph, and telephone services remain unaffected.

Article 35.

The Reichstag shall appoint a Permanent Committee for Foreign Affairs; such Committee shall be entitled to carry on business independently of the sessions of the Reichstag, or after the election period has come to an end, or after the Reichstag has been dissolved until the meeting of the new Reichstag. The sittings of such Committee are not public, unless the Committee itself decides on publicity by a two-thirds majority.

The Reichstag shall further appoint a Permanent Committee for those periods during which it is out of session, and for the period following the termination of an election period, in order to safeguard the rights of the people's representatives against the National Government.

Such Committees have the same rights as the Committees of Inquiry.

Article 36.

No member of the Reichstag or of a Landtag may at any time be made subject to judicial or administrative penalty, or may be made responsible outside the House, on account of his vote or on account of any utterances made in virtue of his office as deputy.

Article 37.

No member of the Reichstag or of a Landtag may, without the consent of the House of which he is a member, be arrested or subjected to examination, while the House is in session, on account of any act for which criminal proceedings are threatened unless and except he has been arrested while committing the said act or at latest in the course of the following day.

A like consent is necessary for every other restriction of personal liberty calculated to obstruct a deputy in the free exercise of his office.

The Reichstag or a Landtag may require any criminal proceedings, any arrest, or any other restriction placed on the personal liberty of one of its members to be suspended for the duration of the session.

ARTICLE 38.

The members of the Reichstag and of the Landtags are entitled to refuse their evidence, both as to the identity of persons who have made communications to them in their capacity as deputies, and as to the nature of these communications themselves. With regard to the seizure of documents their position is further identical with that of persons who have the legal right of refusing evidence.

A search or seizure of documents may not take place within the precincts of the Reichstag building or a Landtag building, except by consent of the President of the House in each respective case.

ARTICLE 39.

Officials or members of the armed forces require no leave in order to exercise their functions as members of the Reichstag, or of a Landtag.

Should they be candidates for a seat in these bodies, leave to prepare their candidature must be granted to them.

ARTICLE 40.

The members of the Reichstag are entitled to free passes on all German railways, and also to allowances as laid down in a national law.

SECTION III

THE PRESIDENT OF THE REALM AND THE NATIONAL GOVERNMENT

ARTICLE 41.

The President of the Realm shall be elected by the whole German nation.

Every German who has completed his thirty-fifth year is eligible. A national law shall determine further regulations.

ARTICLE 42.

The President of the Realm shall swear the following oath on taking office—

I swear that I will devote my powers to the good of the German people, that I will advance the people's interests, will avert injury from it, will maintain the constitution and the laws, will fulfil my duties conscientiously, and will exercise justice towards all.

The addition of a religious oath is permissible.

ARTICLE 43.

The office of President is tenable for seven years.

A President is re-eligible.

The President of the Realm may be deposed from office before the expiry of his term by popular plebiscite on resolution of the Reichstag. The resolution of the Reichstag must be passed by a two-thirds majority. Its passage precludes the President from any further exercise of office. Should the popular plebiscite reject deposition, such vote counts as a new election and must be followed by the dissolution of the Reichstag.

The President of the Realm cannot be subject to a criminal prosecution without the consent of the Reichstag.

ARTICLE 44.

The President of the Realm cannot hold a seat in the Reichstag during his tenure of office as President.

ARTICLE 45.

The President of the Realm represents the nation in international intercourse. He shall make alliances and other treaties with foreign Powers in the name of the Realm. He shall accredit and receive ambassadors.

Declaration of war and conclusion of peace shall be made by Act of the Realm.

Alliances and treaties with foreign States which have reference to subjects covered by national legislation require the consent of the Reichstag.

ARTICLE 46.

The President of the Realm appoints and dismisses officials and officers of the Realm, except in so far as other regulations are laid down by law. He may exercise his rights of appointment and dismissal through the agency of other authorities.

ARTICLE 47.

The supreme command over the whole of the National Defence Forces [1] lies with the President of the Realm.

ARTICLE 48.

Should any Land fail to fulfil the obligations imposed on it by the national constitution or the national laws, the President of the Realm may hold it to such obligations by means of armed force.

Should public order and safety be seriously disturbed or threatened within the national frontiers, the President of the Realm may take the necessary measures to restore public order and safety; in case of need he may use armed force. For this purpose he may, for the time being, declare the fundamental rights (of the citizens) detailed in Articles 114, 115, 117, 118, 123, 124, and 153 wholly or partly in abeyance.

The President of the Realm is bound without any delay whatsoever to communicate to the Reichstag all measures taken by him in virtue of Clause 1 or Clause 2 of this Article. The Reichstag may require such measures to be abrogated.

A Land Government may take temporary measures of the nature indicated in Clause 2, should delay threaten to be dangerous. The President of the Realm or the Reichstag may require such measures to be abrogated.

Further regulations will be laid down in an Act of the Realm.

ARTICLE 49.

The right of pardon for the whole Realm lies with the President of the Realm. Amnesties affecting the whole Realm require the passing of a national law.

[1] *Wehrmacht.*

ARTICLE 50.

All orders and decrees issued by the President of the Realm, including those regarding national defence, require the counter-signature of the Chancellor or of the competent National Minister in order to be valid. Responsibility is assumed with the act of counter-signature.

ARTICLE 51.

Should the President of the Realm be prevented from exercising his office, he shall be represented in the first place by the Chancellor. Should it seem probable that he will be so prevented for a longer period, the question of his proxy shall be settled by a national law.

The same regulation applies should the office of President fall vacant for the period preceding a new election.

ARTICLE 52.

The National Government consists of the Chancellor and the National Ministers.

ARTICLE 53.

The President of the Realm appoints and dismisses the Chancellor and, on his recommendation, the National Ministers.

ARTICLE 54.

Chancellor and National Ministers require the confidence of the Reichstag for the exercise of office. Any one of them must resign should the Reichstag pass an express resolution withdrawing its confidence.

ARTICLE 55.

The Chancellor is chairman of the National Government, and conducts its business on the basis of Standing Orders, which shall be drawn up by the National Government and approved by the President of the Realm.

ARTICLE 56.

The Chancellor lays down general policy and bears the responsibility therefor in the Reichstag. Each National Minister shall carry on his Department independently within the lines laid down by the national policy, and shall bear individual responsibility therefor to the Reichstag.

ARTICLE 57.

The National Ministers are bound to submit for discussion and resolution to the National Cabinet all proposed legislation ; further, all questions which either the constitution or the laws require to be so submitted ; also differences of opinion on questions which touch more than one Ministerial Department.

ARTICLE 58.

The National Government shall pass its resolutions by simple majority. Where the voting is equal the Chair has a casting vote.

ARTICLE 59.

The Reichstag is entitled to impeach the President of the Realm, the Chancellor, and the National Ministers in the Supreme Court of Judicature, on the plea that they have knowingly violated the national constitution or a national law. The resolution calling for impeachment must be signed by at least one hundred members of the Reichstag, and requires, in order to be valid, the same majority as is laid down for alterations in the constitution. Further regulations shall be laid down in the law for regulating the Supreme Court of Judicature.[1]

SECTION IV

THE REICHSRAT (COUNCIL OF THE REALM)

ARTICLE 60.

A Reichsrat shall be formed in order to represent the Lands in the legislation and administration of the Realm.

ARTICLE 61.[2]

Each Land shall have at least one vote in the Reichsrat. In the case of the larger Lands there shall be one vote per million of inhabitants. Any excess over a million which is not less than the total number of the inhabitants of the smallest Land shall be reckoned as a full million. No Land may have more than two-fifths of the total number of votes.

German-Austria shall, after it has joined the German Realm, have the right to participate in the Reichsrat with such a number of votes as shall correspond to the size of its population. Until that time the representatives of German-Austria shall have an advisory voice.

The number of votes shall be determined afresh by the Reichsrat after each universal census.

ARTICLE 62.

No Land may have more than one seat on the Committees which the Reichsrat elects from among its own members.

ARTICLE 63.

The Lands shall be represented in the Reichsrat by members of their Governments. But one-half of the Prussian votes will be provided by the Prussian provincial administrations; a Prussian law shall lay down further regulations.

ARTICLE 64.

The National Government is bound to summon the Reichsrat should one-third of the members of the Reichsrat demand it.

ARTICLE 65.

A member of the National Government shall preside over the meetings of the Reichsrat. The members of the National Government are entitled to take part in the proceedings of the Reichsrat and of its Committees; they are bound to do so if summoned. They are entitled to be heard at their request in the course of the proceedings.

[1] *Staatsgerichtshof.*

[2] See on this Vol. I, Chap. VIII, pt. 3, § 11, p. 347.

ARTICLE 66.

The National Government, and also each member of the Reichsrat, is entitled to propose resolutions in the Reichsrat.

The Reichsrat shall regulate its procedure by means of Standing Orders.

The plenary sessions of the Reichsrat are public. The Standing Orders may provide for the suspension of publicity in particular discussions.

The voting shall be decided by simple majority.

ARTICLE 67.

The Reichsrat shall be kept informed of the course of current business by the National Ministries. The National Ministries shall consult the competent Committees of the Reichsrat in their deliberations on subjects of importance.

SECTION V

LEGISLATION OF THE REALM

ARTICLE 68.

Proposed Bills shall be introduced by the National Government, or from the body of the House.

National laws shall be passed by the Reichstag.

ARTICLE 69.

Bills proposed by the National Government require the consent of the Reichsrat. Should the National Government and the Reichsrat fail to come to an agreement, the National Government shall be entitled, nevertheless, to introduce its Bill, but is bound to state the dissenting opinion of the Reichsrat. Should the Reichsrat pass a Bill which has failed to obtain the assent of the National Government, the National Government shall be bound to introduce such Bill in the Reichstag together with an explanation of its own views.

ARTICLE 70.

The President of the Realm shall have an accurate copy made of laws constitutionally passed, and shall proclaim them within a month in the Law Gazette of the Realm.

ARTICLE 71.

National laws, unless their text includes regulations to the contrary, shall come into force on the fourteenth day after the day of publication of the Law Gazette in the capital of the Realm.

ARTICLE 72.

Proclamation of a national law shall be deferred for two months on request of one-third of the Reichstag. Laws which the Reichstag and the Reichsrat declare to be urgent may be proclaimed by the President of the Realm notwithstanding this request.

Article 73.

A law passed by the Reichstag must, before being proclaimed, be submitted to popular plebiscite, should the President of the Realm so decide, within a month.

A law whereof the proclamation has been deferred on request of one-third of the members of the Reichstag must be submitted to popular plebiscite, should one-twentieth of the voters demand it.

A popular plebiscite must further be taken if one-tenth of the voters demand the discussion of a proposed Bill; such popular initiative must be based on a Bill which has been completely drafted. The National Government must inform the Reichstag of such request together with an explanation of its own views. No popular plebiscite shall be held should the Reichstag accept the Bill demanded without amendment.

The President of the Realm is alone entitled to initiate a popular plebiscite concerning the budget, taxation, or payment of officials.

A national law shall lay down further regulations concerning popular plebiscite and popular initiative.

Article 74.

The Reichsrat has the right to veto laws passed by the Reichstag.

Such veto must be communicated to the Reichstag by the National Government within two weeks after it has been determined upon, and within two further weeks the reasons inspiring it must also be submitted.

Where such veto has been determined upon, the law in question shall be again submitted to the Reichstag for discussion. Should the Reichstag and Reichsrat fail to reach an agreement by this means, the President of the Realm may, within three months, order a popular plebiscite on the subject under discussion. Should the President fail to exercise this right, the Bill is reckoned to have lapsed. Should the Reichstag, by a two-thirds majority, pass a resolution against the veto of the Reichsrat, the President must, within three months, either proclaim the law as passed by the Reichstag, or must order a popular plebiscite.

Article 75.

No resolution of the Reichstag may be abrogated by popular plebiscite unless a majority of the voters record their votes.

Article 76.

The constitution may be legislatively amended. Nevertheless, constitutional amendments by the Reichstag are only valid if two-thirds of the accredited members are present, and at least two-thirds of those present record their vote. Further, amendments of the constitution by the Reichsrat require a majority of two-thirds of the recorded votes. Should an amendment of the constitution be determined by means of popular plebiscite, the consent of a majority of the voters is necessary.

Should the Reichstag have determined on an amendment of the con-

stitution against the veto of the Reichsrat, the President shall not be entitled to proclaim such law should the Reichsrat, within two weeks, demand a popular plebiscite.

ARTICLE 77.

The National Government shall, failing legislative enactment to the contrary, issue such general administrative regulations as are necessary for the execution of national laws. It requires for this purpose the assent of the Reichsrat in cases where the execution of a national law rests with the Government of a Land.

SECTION VI

ADMINISTRATION OF THE REALM

ARTICLE 78.

The conduct of foreign affairs is exclusively in the hands of the Realm.

The Lands may make treaties with foreign States on matters which fall within their own legislative competence; such treaties require the consent of the Realm.

Agreements with foreign States concerning alteration of the national frontiers shall be concluded by the Realm after the Land affected has given its consent. Frontier alterations are valid only in consequence of a national law, except where it is a question of mere delimitation of frontiers in uninhabited districts.

The Realm shall take the necessary measures and make the necessary arrangements, in agreement with the Lands affected, in order to safeguard such interests of those Lands which are due to their peculiar economic situation or to their geographical contiguity to foreign States.

ARTICLE 79.

National defence is in the hands of the Realm. A national law shall uniformly regulate the military constitution[1] of the German nation, while making due allowance for local characteristics.

ARTICLE 80.

Colonies pertain exclusively to the Realm.

ARTICLE 81.

All German merchant vessels form a united merchant fleet.

ARTICLE 82.

Germany forms a single zone for tariffs and commerce, and is surrounded by a uniform tariff frontier.

The tariff frontier runs concurrently with the frontier towards foreign States. Towards the sea the mainland coast and the coast of the islands belonging to the territory of the Realm shall form the tariff frontier. Deviations may be admitted where the tariff frontier reaches the sea or other waters.

The territory of foreign States, or of parts thereof, may be included within the tariff zone in consequence of treaties or by agreements.

[1] *Wehrverfassung.*

Parts of the tariff zone may be excluded from the tariff zone in consequence of some special necessity. In the case of free harbours such exclusion can be terminated only by constitutional amendment.

Territories excluded from the tariff zone may be joined to a foreign tariff zone in consequence of treaties or by agreements.

All natural products and all articles produced by manufacture or as works of art, which are circulating freely within the Realm, may be carried across the frontiers of the Lands or of the local communities for import, export, or through traffic. A national law may admit exceptions to this regulation.

ARTICLE 83.

The authorities of the Realm shall administer all tariffs and all indirect taxes.

Where the authorities of the Realm administer national taxation, arrangements shall be made which shall permit the Lands to safeguard their peculiar interests in the sphere of agriculture, commerce, manufacture, and industry.

ARTICLE 84.

The Realm shall, by means of legislation, regulate the following questions:

(1) Financial administration within the Lands in so far as required in the interests of the uniform execution of the national fiscal laws.

(2) The appointment of, and powers conferred on, authorities entrusted with the execution of the national fiscal laws.

(3) The regulation of accounts between the Realm and the Lands.

(4) Re-imbursement (to the Lands) for the expenses of administering the national taxation laws.

ARTICLE 85.

All income and expenditure of the Realm must be estimated yearly and incorporated in the Budget.

The Budget shall be passed as an Act before the opening of the financial year.

Expenditure shall normally be voted for a year; in special cases it may also be voted for a longer period. In general, no clause in the Budget is admissible which runs beyond the financial year, or which does not refer to income or expenditure of the Realm or to financial administration.

The Reichstag is not entitled to increase items of expenditure proposed in the Budget or to insert new items of expenditure without the assent of the Reichsrat.

In the absence of the assent of the Reichsrat, the regulations of Article 74 shall be valid.

ARTICLE 86.

The Minister of National Finance shall, with a view to discharging the responsibility of the National Government, submit to the Reichstag and to the Reichsrat an account of all appropriations made out of the national revenues in the year following that in which the appropriations have been made. A national law shall lay down regulations concerning the auditing of such accounts.

ARTICLE 87.

Money may be voted in the form of credits only for extraordinary expenditure and, as a rule, only on account of expenditure for remunerative purposes. Such a vote, as also the assumption of liability in the name of the Realm, must be passed in the form of a national law.

ARTICLE 88.

Posts and telegraphs, including telephones, are exclusively in the hands of the Realm. Stamps are uniform throughout the Realm.

The National Government shall, with the consent of the Reichsrat, issue the regulations fixing regulations and rates for the use of communications. With the consent of the Reichsrat it may delegate this power to the National Minister of Posts.

The National Government shall, with the consent of the Reichsrat, set up an Advisory Committee for Posts, Telegraphs, Telephones, and their rates.

The Realm is alone entitled to make treaties with foreign States concerning communications. (*v.* Art. 170.)

ARTICLE 89.

The Realm shall undertake to acquire as its own property all railways serving public communication and to administer them according to a uniform system.

The rights of the Lands to buy private railways shall be transferred to the Realm on its demand.

ARTICLE 90.

The Realm, in acquiring the railways, shall acquire all rights of expropriation and all sovereign prerogatives in connexion with the railway system. In case of dispute the Supreme Court of Judicature[1] shall decide the extent of such rights.

ARTICLE 91.

The National Government shall, with the consent of the Reichsrat, issue all regulations concerning building, running, and traffic of the railways. With the consent of the Reichsrat it may delegate these powers to the competent National Minister.

ARTICLE 92.

The national railways shall be administered as an independent economic concern notwithstanding that their Budget and their accounts are incorporated in the national Budget and accounts; they shall be responsible for their own expenditure, including interest on, and sinking-fund for, their own debt, and they shall accumulate their own reserve-fund. A special law shall regulate the extent of the sinking-fund and of the reserve-fund, as well as the purposes to which the reserve-fund may be put.

ARTICLE 93.

The National Government shall, with the consent of the Reichsrat, set up Advisory Committees for Railway Communication and Rates over the national railways.

ARTICLE 94.

When the Realm has taken over the railways serving public communication within a particular district, new railways serving public

[1] *Staatsgerichtshof.*

communication may not be built within such district except by the Realm or with consent of the Realm. Should the building of new lines, or the alteration of existing lines, touch on the province of the police authorities of a Land, the railway administration authorities are bound to allow the local authorities to express their opinion before they come to a decision.

Where the Realm has not yet taken over the administration of the railways, it shall be entitled, in virtue of a national law, to build at its own cost, or to commission others to build, if necessary endowing such other persons with the right of expropriation, such railways as shall be deemed essential to public communication or to national defence, notwithstanding that those Lands, through whose territories such railways run, have raised objection; nevertheless, the sovereign prerogatives of the Lands shall not hereby be affected.

Every railway must permit another railway to effect a junction with it at the cost of the latter.

ARTICLE 95.

Railways serving purposes of public communication which are not administered by the Realm are subject to the supervision of the Realm.

Railways subject to the supervision of the Realm shall be constructed and equipped on the same principles as those laid down by the Realm (for the national railways). They must be maintained in good working order and must be extended to meet traffic requirements. Passenger and goods traffic must be served according to their requirements.

In regulating rates, the aim must be to maintain uniform and low rates.

ARTICLE 96.

All railways, including those not serving purposes of public communication, must accede to requirements of the Realm made in the interests of national defence.

ARTICLE 97.

The Realm shall undertake to acquire as its own property the waterways serving purposes of public communication, and to administer them.

When the Realm has taken over the waterways, new waterways serving the purposes of public communication shall not be constructed or extended except by the Realm or with its consent.

In administering, extending, or constructing waterways, the Realm shall co-operate with the Lands to safeguard the requirements of agriculture and of irrigation. Regard shall also be had to the further advancement both of agriculture and of irrigation.

Every waterways administration must permit another inland waterways system to effect a junction with it at the cost of the latter. The same obligation shall apply to the construction of connexions between waterways and railways.

In taking over the waterways the Realm acquires the right to expropriate, to fix rates, and to administer the river police system.

The undertakings of the River Development Companies in regard to the natural waterways of the Rhine, Weser, and Elbe shall be taken over by the Realm.

ARTICLE 98.

The National Government shall, with the consent of the Reichsrat, issue further detailed regulations for setting up Advisory Committees to co-operate in the administration of waterways.

ARTICLE 99.

No dues may be levied over natural waterways except such as are applied to construction, plant, or other works facilitating communication. They must not exceed, in the case of State or municipal construction, the costs incurred by building and upkeep. Costs incurred by the building and upkeep of works which do not exclusively facilitate communication but are also designed for other purposes, may only be defrayed out of dues levied on shipping in a proportionate ratio. Interest and sinking-fund for the capital involved are reckoned as part of the cost of construction.

The regulations of the preceding clause shall apply to dues levied on artificial waterways and on constructions in connexion with them or in harbours.

In the administration of inland canals it shall be permissible to levy shipping dues on a basis of the total combined costs of a canal, a river, or of a whole waterways system.

These regulations shall also apply to floating constructions on the navigable waterways.

The Realm alone is entitled to levy heavier dues on foreign ships and their freights than are levied on German ships and their freights.

The Realm is entitled, by means of legislation, to obtain contributions from users of the waterways by other methods, in order to serve the upkeep and extension of the German waterways system.

ARTICLE 100.

A national law may include as responsible for part of the cost of upkeep and construction of inland waterways any person benefiting, otherwise than by navigation, from the construction of dams in cases where more than one Land has participated in the costs of construction or where such costs have been borne by the Realm.

ARTICLE 101.

The Realm shall undertake to acquire and administer all navigation lights, in particular beacons, light-ships, buoys, and land beacons. When the Realm has taken these over, new navigation lights shall not be constructed or extended except by the Realm or with its consent.

SECTION VII

JUSTICE

ARTICLE 102.

Judges are independent and subject to the law only.

ARTICLE 103.

The normal judicature shall be administered through the Court of the Realm and the Courts of the Lands.

ARTICLE 104.

Judges of the normal judicature shall be appointed for life. They may not be deposed from their office, either permanently or temporarily, nor may they be transferred to another bench, nor may they be pensioned off against their will, except in consequence of a judicial decision, and then only for the reasons, and in the form, laid down by the laws. Legislation may lay down a retiring age, on reaching which judges must accept a pension.

This clause shall not affect suspensions from office carried out in virtue of a legal enactment.

Should alterations be introduced in the system of courts or of circuits, the judicial administrations of the Lands may force judges to accept transference to another bench, or pensions, but only together with payment of full salary. These clauses do not apply to commercial judges, assessors, or jurors.

ARTICLE 105.

Extraordinary courts are forbidden. Every person has the right to demand that he be produced before the competent court. Legal enactments concerning military courts and courts-martial are not hereby affected. Military courts of honour are abolished.

ARTICLE 106.

The system of military courts shall be abolished except in time of war and on board men-of-war. A national law shall lay down further regulations.

ARTICLE 107.

Legislative Acts shall regulate the obligatory setting up of administrative courts in Realm and Lands for the protection of the individual against decrees and ordinances of the administrative authorities.

ARTICLE 108.

A national law shall set up a Supreme Court of Judicature [1] for the German Realm.

SECOND CHAPTER

FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES OF CITIZENS

SECTION I

THE INDIVIDUAL

ARTICLE 109.

All Germans are equal in the eyes of the law.

Men and women have, as citizens, fundamentally the same civil rights and duties.

Public privileges or disadvantages arising out of birth or rank shall be abolished. Titles of nobility count only as part of a name; they may no longer be conferred.

[1] *Staatsgerichtshof.*

Only such titles may be conferred as indicate an office or a profession; academic rank is not hereby affected.

The State[1] may confer no orders or insignia.

No German may accept titles or orders from a foreign State.

ARTICLE 110.

Nationality of the Realm and of the Lands shall be acquired and lost according to the regulations of a national law. Every national of a Land is at the same time a national of the Realm.

Every German has, in every Land, the same rights and duties as the national of that Land.

ARTICLE 111.

All Germans have the right of free movement throughout the whole Realm. Every German has the right of staying and of settling in any part of the Realm he please; he has the right of acquiring property there and of earning his livelihood. Exceptions shall require a national law.

ARTICLE 112.

Every German is entitled to emigrate to a foreign country. Emigration may not be restricted except in virtue of a national law.

All nationals have the right to the protection of the Realm both within and without the Realm, as against a foreign country.

No German may be handed over to a foreign Government for prosecution or punishment.[2]

ARTICLE 113.

The alien-speaking parts of the Realm shall not be obstructed, either by legislative or by administrative means, in the free development of their national peculiarities, especially in the use of their mother tongue in educational establishments, as well as regards their internal administration and the administration of courts of justice.

ARTICLE 114.

Liberty of person is inviolable. Restrictions on, or deprivation of, personal liberty may not be imposed by the public authorities except in virtue of a law.

Persons who have been deprived of their liberty must at latest be informed on the following day what authority has ordered such deprivation of liberty and on what account it has made such order; they must have immediate opportunity of lodging objections against such deprivation of liberty.

ARTICLE 115.

Every German has complete control over his house, which is inviolable. Exceptions are only admissible when the law so provides.

[1] State (*Staat*) is used throughout in the generic sense to cover 'Realm' or 'Land'.

[2] See Art. 178, *infra*.

ARTICLE 116.

Acts are punishable only if they have been designated by law as punishable before they were committed.

ARTICLE 117.

Secrecy of postal packets, post, telegraph, and telephone secrecy are inviolable. Exceptions shall be regulated by national law.

ARTICLE 118.

Every German is entitled to express his opinion in word, writing, print, pictorially, or by any other means, within the limits imposed by the law. He may not be obstructed in this right by any contract relating to his work or his employment; no disadvantage may be imposed on him by any person, should he make use of his right.

There is no censorship; nevertheless, regulations may be laid down by law with regard to cinemas. Legislative action is further admissible for the suppression of obscene or indecent literature, as well as for the protection of young persons at public performances or exhibitions.

SECTION II

THE LIFE OF THE COMMUNITY

ARTICLE 119.

Marriage, as being the foundation of family life and of the preservation and the increase of the nation, shall be under the special protection of the constitution. It rests on the equality of the two sexes.

The State and the municipalities shall undertake to perfect, purify, and further on a social basis the purity of family life. Prolific families are entitled to claim proportionate compensatory treatment.

Motherhood is entitled to the protection and care of the State.

ARTICLE 120.

The education of their children with a view to physical, spiritual, and social efficiency is the supreme duty and natural right of the parents; the State as community shall supervise their activities.

ARTICLE 121.

Legislation shall provide for illegitimate children the same opportunities for physical, spiritual, and social development as are provided for legitimate children.

ARTICLE 122.

Young persons shall be protected against exploitation and against moral, spiritual, and physical neglect. The necessary arrangements shall be instituted by the State and local authorities.

Force used in the imposition of protective measures must rest on the basis of a law.

ARTICLE 123.

All Germans are entitled to meet together, peaceably and unarmed, without previous notice or special permission.

A national law may impose an obligation to notify open-air meetings, and, in case of immediate danger to public security, may forbid them.

ARTICLE 124.

All Germans are entitled to form associations or unions for purposes which are not in contravention of the penal law. This right may not be limited by preventive measures. The same regulations hold good for religious unions and associations.

Every association may acquire corporate rights in accordance with the regulations of the Civil Code. Corporate rights may not be refused to any association on the ground that its aims are of a political, social-political, or religious nature.

ARTICLE 125.

Free and secret voting is guaranteed. Further regulations shall be laid down by the election laws.

ARTICLE 126.

Every German is entitled to address a written petition or complaint to the competent authority or the people's representatives. This right may be exercised both by the individual or by several persons in common.

ARTICLE 127.

Local authorities and associations of local authorities have the right to administer their own affairs within the limits laid down by the law.

ARTICLE 128.

All nationals without exception are eligible for public office in accordance with the law, and in proportion to their capacity and achievement.

All exceptional measures against women officials are abolished.

A national law shall lay down principles as to the relations of officials to the State.

ARTICLE 129.

The engagement of officials shall be for life, unless regulations to the contrary are laid down by law. Pensions and the pensions of dependants shall be regulated by law. Rights duly acquired by officials are inviolable. Officials may have recourse to legal process for recovering their financial claims.

Officials shall not be dismissed from office, nor temporarily nor permanently pensioned off, nor transferred to another office to which a lesser salary attaches, except in virtue of regulations and by methods which have been authorized by law.

Every official censure must be subject to appeal and liable to revocation. Unfavourable remarks may not be entered in the personal record of any official unless he has had opportunity to reply to them. Officials have the right to examine their own record.

The inviolability of duly acquired rights and the right to have recourse to legal process for the recovery of financial claims are especially guaranteed to professional soldiers. In all other respects their position shall be regulated by a national law.

ARTICLE 130.

Officials are servants of the community, not of a party.

Freedom of political opinion and freedom of meeting shall be secured to all officials.

National legislative enactment shall lay down more detailed regulations for securing to officials special vocational representation.

ARTICLE 131.

Should an official, in exercising his public authority, be guilty of a breach of his constitutional duty towards a third party, responsibility therefor shall fundamentally attach to the State or the body employing such official. They may reserve the right of retributory measures against the official. Recourse to an ordinary court of law must not be excluded.

Further regulations shall be laid down by appropriate legal measures.

ARTICLE 132.

Every German is bound to undertake honorary duties in accordance with the law.

ARTICLE 133.

Every German is bound to give personal service on behalf of the State or the local authority in accordance with the law.

The Military service shall be regulated according to the enactments of the Law of National Defence of the Realm. The same law shall determine how far any citizen's fundamental rights shall be restricted for members of the National Defence Force[1] in the interests of the fulfilment of their duties and of discipline.

ARTICLE 134.

All citizens without exception shall contribute proportionately to their means to all public burdens, in accordance with the law.

SECTION III

RELIGION AND RELIGIOUS BODIES

ARTICLE 135.

All persons living in the Realm enjoy entire liberty of faith and of conscience. The constitution guarantees the undisturbed practice of religion, which is under the protection of the State. General legislation shall not hereby be affected.

ARTICLE 136.

The free exercise of religious practices shall neither condition nor limit the civil and constitutional rights and duties of citizens.

Enjoyment of civil and constitutional rights and admission to public office are independent of religious faith.

No person is bound to reveal his religious convictions. The public authorities may not inquire into any person's membership of a religious body except where rights and duties are involved on account of such membership or except when a legally instituted statistical census makes such inquiry necessary.

[1] *Wehrmacht.*

No person may be forced to take part in any religious act or ceremony or to be present at any religious exercise or to adopt any religious form of oath.

ARTICLE 137.

There is no State Church.

Freedom of association in religious bodies is guaranteed. No limits shall be imposed on the formation of religious associations within the Realm.

Every religious association shall order and administer its own affairs independently within the limits of the law. Such associations shall bestow their offices without the co-operation of the State or the local authorities.

Religious associations shall acquire a juridic personality according to the general regulations laid down in the Civil Code.

Religious associations shall retain the status of public corporations if they have previously enjoyed it. Other religious associations may, on demand, obtain a similar status, should their constitution and their membership give guarantee of their permanent character. Should several such public corporate bodies join to form one union, such union is itself a public corporate body.

Religious associations which are public corporate bodies are entitled to impose taxes on their members on the basis of the rate assessments and in accordance with the regulations laid down by the Lands.

Associations, whose aim is to promote the cult of a common view of life, shall be on a par with religious associations.

The Legislatures of the Lands shall lay down any further regulations required for the carrying out of this Article.

ARTICLE 138.

The Legislatures of the Lands shall discharge any liabilities due to religious bodies in virtue of a law, a contract, or a legal title. The Realm shall lay down general principles on this matter.

The property of religious bodies and religious associations shall be guaranteed, as also shall be their rights in respect of their institutions, foundations, and other funds devoted to purposes of worship, education, and social welfare.

ARTICLE 139.

Sundays and feast days recognized by the State are maintained as holidays and days of spiritual refreshment.

ARTICLE 140.

Members of the National Defence Force must be granted sufficient free time to enable them to fulfil their religious duties.

ARTICLE 141.

In so far as a need of religious services and of religious ministration makes itself felt in the army, in hospitals, prisons, or other public institutions, admission may be accorded to religious associations. But in this there shall be no coercion.

SECTION IV

SCHOOLS AND EDUCATION

Article 142.

Art and knowledge and their instruction are free. The State guarantees to protect them and co-operates in promoting them.

Article 143.

The education of youth shall be in the hands of public institutions. Realm, Lands, and local authorities shall co-operate in forming such institutions.

The training of teachers shall be uniformly regulated for the whole Realm according to the general principles laid down for higher education.

Teachers in public schools have the rights and duties of State officials.

Article 144.

The whole of education is under the supervision of the State; the State may cause the local authorities to co-operate herein. The schools shall be supervised by Chief Departmental officers who are experts.

Article 145.

Education is universally compulsory. To this end are instituted elementary schools covering at least eight years of attendance, and continuation schools in connexion with these up to the completed eighteenth year. Education and educational apparatus in elementary and continuation schools are free of charge.

Article 146.

Public education shall be organically developed. The primary school, which shall be common to all, shall lead on to the secondary and higher school system. The basis of this upward organization shall be the preparation for a variety of vocations; the basis for accepting a child in a certain school shall be its capacities and inclinations, and not the financial or social position of its parents or their religious beliefs.

Nevertheless, on demand of the parents or guardians, elementary schools on the basis of their particular religious faith or their particular views shall be set up within a locality, always provided that the regular school programme in the sense of Clause 1 be not hereby prejudiced. The wishes of the parents and guardians shall receive the greatest possible attention. The Legislatures of the Lands shall lay down further regulations on the basis of a national law.

Realm, Lands, and local authorities shall provide funds to enable poorer members of the community to attend the secondary and higher schools; in particular, they shall provide maintenance grants for the parents of children who are deemed suitable to receive further education in the secondary and higher schools for the period of such education.

Article 147.

Private schools, if substituted for public schools, require the consent of the State and must conform to Land law. The consent of the State must be given if such private schools are not inferior to the public schools in respect of their educational aims and arrangements, and in respect of the professional standard of their teaching staffs, and if no distinctions

are made between scholar and scholar on account of the financial position of their parents. Consent shall be refused if the financial and legal position of the teaching staff be not sufficiently secured.

Private elementary schools may only be set up if a minority of parents or guardians, to whose wishes in accordance with Clause 2 of Article 146 attention is bound to be paid, have no public elementary school organized in accordance with their faith or views, or if the educational administrative authorities recognize that special educational interests are involved.

Private preparatory schools are abolished.

The legal status of private schools, which do not take the place of public schools, remains unchanged.

Article 148.

All schools shall aim at inculcating moral character, a sense of civic duty, personal and professional efficiency in the spirit of German nationality and of the reconciliation of peoples.

The teacher in public schools shall take into account the duty of avoiding offence to those of contrary opinion.

Instruction in the duties of a citizen and technical instruction are part of the curricula of the schools. Every scholar shall, on leaving school, receive a copy of the constitution.

Realm, Lands, and local authorities shall encourage popular education, including the People's Colleges.

Article 149.

Religious instruction is an ordinary part of the curriculum except in the non-religious (secular) schools. It shall be regulated on the basis of the laws affecting school education. The giving of religious instruction shall be carried out in harmony with the principles of the religious association concerned, without prejudice to the control of the State.

The giving of religious instruction and the instituting of Church ceremonies shall be dependent on a declaration from the teacher that he consents to either ; the acceptance of religious instruction and participation in Church ceremonies and acts shall be dependent on a declaration of consent from those persons responsible for a child's religious education.

The theological faculties in the Universities shall be maintained.

Article 150.

Objects of artistic, historic, natural, or picturesque interest shall be under the protection and care of the State.

The duty of preventing the export of German artistic treasures to foreign countries lies in the hands of the Realm.

SECTION V

THE ECONOMIC SYSTEM

Article 151.

The economic system must be so arranged that justice shall be maintained and that all men shall have a sufficient livelihood assured to them. Within these limits economic freedom shall be secured to each individual.

Legal compulsion is only admissible in order to maintain rights which have been threatened or to secure an important public interest.

Freedom of trade and of manufacture shall be guaranteed on the basis of the national laws.

ARTICLE 152.

In economic transactions freedom of contract shall prevail subject to the law.

Usury is forbidden. Contracts which violate public morality are null and void.

ARTICLE 153.

Property is guaranteed by the constitution. Its meaning (*Inhalt*) and the restrictions to be imposed on it shall be a subject of legislative interpretation.

Expropriation can only be undertaken in the common interest and on the basis of a law. Adequate compensation shall be paid, unless otherwise provided by a national law. Should any dispute arise as to the amount of compensation, recourse shall be had to the ordinary courts, unless otherwise provided by a national law. Property of the Lands, the local authorities, or public associations can only be expropriated by the Realm and by payment of compensation. Property imposes obligations. Its uses by the owner must at the same time serve the common good.

ARTICLE 154.

The right of inheritance shall be guaranteed in accordance with the Civil Code. The laws shall determine the proportion of inherited property accruing to the State.

ARTICLE 155.

Distribution and cultivation of the soil shall be supervised by the State in such manner as to ensure that no abuses take place, and that efforts are made to secure a healthy lodging for every German, and suitable homes for each German family, especially for those prolific in children, in which they can live and work. In drawing up a housing code special consideration shall be paid to the claims of those who have fought in the war.

Landed estates may be expropriated if it is required for housing needs, or for the encouragement of a settlement or reclamation policy, or in the interests of the improvement of agriculture. Entails shall be abolished.

The owner of the soil is bound to cultivate and make use of his land, in the common interest. Increase of value arising without any expenditure of work or of capital shall be utilized for the common good.

All riches of the soil and all natural resources, which can be turned to economic uses, shall be under the supervision of the State. Private royalties shall, by law, be transferred to the State.

ARTICLE 156.

The Realm shall be entitled by legal enactment, without prejudice to the payment of compensation, and with the appropriate application of the regulations laid down concerning compensation, to transfer to public ownership private businesses suitable for socialization. It shall be entitled to name itself, the Lands, or the local authority as partners

in the administration of such business undertakings or associations, or in any other way to assure to itself a predominant influence therein.

The Realm shall further be entitled, in case of urgent necessity and in the interest of the national economy, by means of legislative enactment, to oblige business undertakings or associations to combine, on the basis of an autonomous administration, with a view to securing the co-operation of all the productive forces of the nation, to associating employers and employed in the administration and in regulating the production, manufacture, distribution, employment, prices, as also import and export of goods, on principles of public economy.

Distributive and productive co-operative societies and their federations may, on their own demand, and with due regard to their constitution and special characteristics, be incorporated in the public economic system.

ARTICLE 157.

Labour is under the special protection of the Realm. The Realm shall draw up a uniform labour code.

ARTICLE 158.

Intellectual work, the rights of discoverers, inventors, and artists, shall be under the care and protection of the Realm.

International agreements will secure validity and protection in foreign countries for German intellectual, artistic, and technical creations.

ARTICLE 159.

Freedom of association with the object of guaranteeing and improving conditions of work and of employment shall be secured to all individuals and all professions. All compacts or measures which seek to limit or obstruct this freedom are illegal.

ARTICLE 160.

Any person occupying the position of employee or worker is entitled to have at his disposal such free time as is necessary in order to avail himself of his rights as citizen, and, in so far as serious injury is not thereby done to his employment, such free time as is necessary in order to discharge honorary public offices conferred on him. His payment for his services shall be determined by legislation.

ARTICLE 161.

The Realm, with the controlling co-operation of insured persons,[1] shall create a comprehensive system of insurance with a view to the maintenance of health and of efficiency, to the protection of motherhood, to providing against the economic consequences of old age, infirmity, and change of circumstances.

ARTICLE 162.

The Realm shall support the principle of international regulation of the legal rights of workers, with the object of securing a uniform minimum of social rights to the working classes of mankind.

ARTICLE 163.

Every German is bound, as a moral obligation, without prejudice to his personal liberty, to make such use of his intellectual and physical capacities as shall be required for the common good.

[1] *Unter massgebender Mitwirkung der Versicherten.*

Every German shall be provided with the possibility of earning his living by Economic labour. In so far as suitable employment cannot be found for him, provision shall be made for his necessary maintenance. Further regulations shall be laid down in special national laws.

ARTICLE 164.

Legislative and administrative measures shall be taken to encourage an independent middle class in agriculture, manufacture, and commerce, and to protect it against exploitation and extortion.

ARTICLE 165.

Workers and employees are entitled to co-operate, in common with the employers and on a basis of equality, in regulating wage and work conditions and in furthering the general economic development of productive forces. The organizations of either side and their agreements shall be recognized.

Workers and employees shall, in order to maintain their social and economic interests, receive a legally recognized representation in Workers' Councils, and also in District Workers' Councils organized by economic spheres, and in a Central Workers' Council.

District Workers' Councils and the Central Workers' Council shall meet the employers' representatives and the representatives of groups of the population affected in District Economic Councils and in a Central Economic Council, in order to carry out their Economic functions and to co-operate in putting the Socialization Laws into force. District Economic Councils and the Central Economic Council shall be so constituted as to include representatives of all important professional groups in proportion to their economic and social importance.

Drafts of bills on social and economic questions which are of fundamental importance must be submitted by the Government of the Realm to the Central Economic Council for consideration before being introduced. The Central Economic Council is entitled itself to initiate such bills. Should the Government of the Realm not agree, it must, nevertheless, submit such draft to the Reichstag together with an explanation of its own point of view. The Central Economic Council may appoint one of its members to support the bill in the Reichstag.

Rights of control and of administration may be transferred to Workers' and Economic Councils within the spheres assigned to each.

The duty of developing the Workers' and Economic Councils, of assigning to them their functions, and of regulating their relations to other bodies concerned with the self-administration of society, is exclusively in the hands of the Realm.

TEMPORARY CLAUSES AND CONCLUDING CLAUSES

ARTICLE 166.

Until the Supreme Administrative Court has been constituted, the Supreme Court shall appoint to the court of electoral revision.

ARTICLE 167.

The provisions of Clauses 3 to 6 of Article 18 shall only come into force two years after the constitution has been proclaimed.

ARTICLE 168.

Until the National Law referred to in Article 63 shall have been promulgated, but at longest for the period of one year, the Prussian votes in the Reichsrat may be exercised by members of the Government.

ARTICLE 169.

The Government of the Realm shall determine at what date the regulation laid down in Clause 1 of Article 83 shall come into force.

Collection and administration of tariff dues and excise may, on their demand, be left to the Lands for a corresponding transition period.

ARTICLE 170.

The postal and telegraph departments of Bavaria and Würtemberg shall be transferred to the Realm at latest on April 1st, 1921.

In so far as agreement concerning the terms of the transfer has not been reached by October 1st, 1920, decision shall lie with the Supreme Court of Judicature.

Existing rights and responsibilities of Bavaria and Würtemberg shall remain in force until the date of transfer. Nevertheless, postal and telegraphic communications with foreign countries shall be exclusively regulated by the Realm.

ARTICLE 171.

State railways, waterways, and navigation lights shall be transferred to the Realm at latest on April 1st, 1921.

In so far as agreement concerning the terms of transfer has not been reached by October 1st, 1920, decision shall lie with the Supreme Court of Judicature.

ARTICLE 172.

Until the law constituting a Supreme Court of Judicature[1] comes into force its functions shall be carried out by a Senate of seven members, of whom four shall be chosen by the Reichstag and three by the Supreme Court[2] from among their own members. It shall regulate its own procedure.

ARTICLE 173.

Until a national law has been promulgated in accordance with the regulations of Article 138, existing grants of the State to the religious associations in virtue of laws, contracts, or titles shall remain in force.

ARTICLE 174.

Until the national law referred to in Clause 2 of Article 146 shall have been promulgated the current laws shall remain in force. The national law shall pay special regard to those districts where schools which make no religious distinctions are recognized by law.

ARTICLE 175.

The regulations of Article 109 are not valid in reference to orders and insignia which have been bestowed for service during the years of the 1914–1919 war.

ARTICLE 176.

All public officers and members of the National Defence Force must take the oath to this constitution. The President of the Realm shall regulate further proceedings.

[1] *Staatsgerichtshof.* [2] *Reichsgericht* (i.e. old Imperial Supreme Court).

ARTICLE 177.

Where the existing law makes provision for the formula of an oath by including a religious formula, an individual may also be legally sworn in such a way that he omit the religious formula and pronounce the words: I swear. In all other respects the legal oath remains unaffected.

ARTICLE 178.

The constitution of the German Empire, dated April 16th, 1871, and the Act for the Provisional Government, dated February 10th, 1919, are abolished.

The rest of the laws and ordinances of the Realm remain in force, in so far as consonant with this constitution. The conditions of the Peace Treaty signed at Versailles on June 28th, 1919, are not affected by this constitution.[1]

Orders legally issued by the public authorities in virtue of previously existing laws remain valid until replaced by further orders or legislation.

ARTICLE 179.

In so far as reference is made in laws or ordinances to regulations or to institutions which have been abolished in virtue of this constitution, there shall be substituted therefor the corresponding regulations or institutions of this constitution. In particular the Reichstag shall be substituted for the Constituent Assembly,[2] the Reichsrat for the States' Committee,[3] and for the President of the Realm, who was elected under the Act for the Provisional Government, a President of the Realm elected in virtue of this constitution.

The function of issuing ordinances belonging to the States' Committee in virtue of previous regulations shall pass to the Government of the Realm; in issuing ordinances the Government of the Realm shall require the consent of the Reichsrat as laid down in this constitution.

ARTICLE 180.

Until the first Reichstag, the Constituent Assembly[2] shall count as Reichstag. Until the first President of the Realm shall enter upon office, his functions shall be carried out by the President elected under the Act for the Provisional Government.

ARTICLE 181.

The German nation has determined upon and passed this constitution through its Constituent Assembly. It comes into force on the day of its proclamation.[4]

[1] Cf. Art. 61 and 112.

[2] *Die Nationalversammlung.*

[3] *Staaten-Ausschuss.*

[4] This Constitution was accepted at Weimar by the Assembly on July 31st, 1919. The final date of authorization was August 11th, 1919, when it was signed at Schwarzburg by President Ebert and eight ministers.

Further Note on Reich. At Versailles on the 28th June 1919 the rendering *république allemande* for *Deutsches Reich* was objected to by Müller, then Foreign Minister, and *l'Empire allemande* substituted. A subsequent treaty, however, contains the expression *république allemande.*

OFFICIAL INDEX TO THE TREATY OF PEACE[1]

BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY, SIGNED AT VERSAILLES, JUNE 28, 1919

IN this Index each section of the Treaty of Peace has been analysed and re-assembled in alphabetical form. With minor exceptions the original arrangement of the Treaty has been followed, so that under any one of the main headings will be found collected all the materials coming under it. Where other subjects occur or run across the main headings these form cross headings which consist largely of references back to the main classification.

Some subjects will thus be found indexed fully under their own headings and others will be found merely by cross references. In many cases a combination of these methods has been found desirable.

The Index thus compiled is designed to give a bird's-eye view of the Treaty as a whole and to indicate, without reference to the Treaty itself, the broad principles of the settlement.

All matters concerning particular persons, places, authorities &c., will be found under the appropriate headings. Thus all matters concerning the Central Rhine Commission in general will be found under "Navigation: Rhine: Central Rhine Commission." The heading "Central Rhine Commission" refers enquirers to "Navigation: Rhine." It also gives a cross reference to "Alsace-Lorraine" because the latter heading deals with a particular activity of the Commission. In this manner much repetition has been avoided, though at the same time care has been taken to make the cross references self-explanatory; for instance, the heading "Moselle" gives merely "see Navigation: Rhine: Central Rhine Commission: Jurisdiction," but this entry shows that the question of the jurisdiction of the Central Rhine Commission over the Moselle is involved.

Where not stated any obligation mentioned is understood to be an obligation on Germany.

The references to the Treaty are to Parts (Roman numerals), sections (Roman numerals), Articles (Arabic figures), and in some cases to Annexes (ann.). N.B. In a few instances it has been necessary to give a page-reference, in which case the number is preceded by p.

The following table gives the scheme of references:—

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		or
X	II	Ann. I (1)

ABBREVIATIONS.

The following abbreviations have been used:—

A. $\frac{\text{and}}{\text{or}}$ A.P...	Allied $\frac{\text{and}}{\text{or}}$ Associated Powers.
A. $\frac{\text{and}}{\text{or}}$ A.S...	" " " States.
Ann...	Annex or Annexes.
H.C.P.	High Contracting Parties.
L. of N.	League of Nations.
P.A. $\frac{\text{and}}{\text{or}}$ A.P.	Principal Allied $\frac{\text{and}}{\text{or}}$ Associated Powers.

[1] Treaty Series (1920), No. 1 (Cmd. 516).

OFFICIAL INDEX TO THE GERMAN PEACE TREATY

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* Arrangements were made for the signature of the Treaty by China and her inclusion among the original members of the L. of N., but her representatives did not sign the Treaty.

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4. Prisoners of war, maltreatment.
5. Armed forces, pensions to victims of war capitalised on basis of French scales.
6. Prisoners of war, cost of assistance by A. and A.P. to prisoners and dependants.
7. Separation allowances, amount for each year capitalised on basis of French scale.
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APPENDIX

TIME LIMITS

THE following table gives all the times and periods mentioned in the Treaty. It is arranged in the order of the length of the periods and, subject to that, in the order of the articles where they occur.

It should, however, be pointed out that these periods, even when equal, have not the same significance. For instance, a period may, *inter alia*, connote time :—

1. Within which a certain act must be performed ;
2. Within which certain optional acts must be performed, if at all ;
3. During which certain conditions must obtain ;
4. After which certain conditions must obtain ;
5. The action taken in which, even if optional, determines future conditions.

Where not otherwise stated, the period runs from the date of the coming into force of the Treaty.

Period.	Subject.	Reference.
10 days .	Schleswig : evacuation of plebiscite zone and dissolution of Workmen's and Soldiers' Councils there . .	III, XII, 109 (1).
Ditto	Ditto : International Commission .	III, XII, 109 (1).
15 days	Boundary Commission, Belgium .	III, I, 35.
Ditto	Ditto, Saar Basin	III, IV, 48.
Ditto	Ditto, Czecho-Slovak State and Poland	III, VII, 83.
Ditto	Ditto, Poland and Germany . .	III, VIII, 87.
Ditto	Upper Silesia . evacuation of plebiscite area and dissolution of Workmen's and Soldiers' Councils there .	III, VIII, Ann. (1).
Ditto . . .	Prussia, East : Allenstein plebiscite : evacuation of zone . . .	III, IX, 95.
Ditto . . .	Ditto : ditto : International Commission	III, IX, 95.
Ditto . . .	Prussia, East : Marienburg plebiscite : evacuation of zone . . .	III, IX, 97.
Ditto . . .	Ditto : ditto : International Commission	III, IX, 97.
Ditto . . .	Boundary Commission, Danzig . .	III, IX, 101.
15 days from result of plebiscite	Schleswig : constitution of Delimitation Commission	III, XII, 111.
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1 month after notification of result of plebiscite	Upper Silesia : administration by authorities indicated by plebiscite .	III, VIII, Ann. (6).
1 month . . .	Submarines, &c., handed to P.A. and A.P.	V, II, 188.
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1 month . . .	Gold deposit of Ottoman Public Debt in Reichsbank : transfer of . .	IX, —, 259 (1).

Period.	Subject.	Reference.
1 month .	Gold deposit of Ottoman Public Debt in Reichsbank (advance to Ottoman Government): transfer of . .	IX, —, 259 (3).
Ditto . . .	Gold deposit against loans to Austria-Hungary: transfer of . . .	IX, —, 259 (5).
1 month after ratification	Enemy debts: notification of adoption of Art. 296	X, III, 296 (*e*).
1 month . .	Property of nationals of A. or A.P. in German territory: information .	X, IV, Ann. 13.
Ditto . . .	Rhine plans of Alsace-Lorraine or Baden: handing over . . .	XII, II, 358.
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60 days after receipt of particulars	Reparation: option of Commission on dyestuffs and chemical drugs . .	VIII, I, Ann. VI (1).
2 months . .	League of Nations: accessions . .	I. —, 1.
Ditto . . .	Armaments: reduction of . .	V, I, 167.
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Ditto . . .	Warships: surrender . . .	V, II, 185.
Ditto . . .	Coast zone: limitation of munitions .	V, II, 196.
Ditto . . .	Air force: demobilisation . . .	V, III, 199.
Ditto . . .	Shipping: delivery of . . .	VIII, I, Ann. III (2).
Ditto . . .	Ditto: restitution	VIII, I, Ann. III (6).
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Ditto . . .	Shipbuilding for reparation: notification of programme for 2 years	VIII, I, Ann. III (5 *a*).
Ditto . . .	Live stock: delivery to France and Belgium	VIII, I, Ann. IV (6).
3 months after demand	Louvain: reparation in kind to Library	VIII, II, 247.

Period.	Subject.	Reference.
3 months after notification	Enemy debts: constitution of Clearing Offices	X, III, 296; X, III, Ann. (1).
3 months . .	Property of nationals of A. and A.P. in Germany exempt from taxation of capital	X, IV, 297 (*j*).
Ditto . . .	Prescription: suspension of periods of	X, V, 300 (*a*).
3 months after cessation of war measures	Negotiable instruments: resumption of periods of prescription . .	X, V, 300 (*g*).
3 months . .	Negotiable instruments: acceptance, non-acceptance, protest . .	X, V, 301.
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6 months . .	German-held securities, &c., in A. and A.S.: surrender	X, IV, Ann. (10).

Period.	Subject.	Reference.
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2 years	Danzig: nationality option for inhabitants of ceded territory	III, XI, 106.
2 years after plebiscite settlement	Schleswig: nationality option	III, XII, 113.
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Ditto	Patents, trade marks, &c.: extension of time for working or using	X, VII, 307.
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Period.	Subject.	Reference.
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10 years	Alsace-Lorraine: continuance, for ten years, of supply of electric power from German stations	III, V, 69.
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Ditto	Reparation: delivery of coal to Belgium for 10 years	VIII, I, Ann. V (3).
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After 10 years	Occupation of the Rhine: evacuation of Coblenz district	XIV, I, 429 (2).
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12 years	Ottoman Public Debt: annual gold payments for 12 years	IX, —, 259 (2).
15 years	Upper Silesia: exportation of coal to Germany for 15 years	III, VIII, 90.
Ditto	Occupation of Rhine provinces for 15 years	XIV, I, 428; XIV, I, 430/1.
After 15 years	Saar Basin: plebiscite	III, IV, 49, Ann. (34).
Ditto	Occupation of the Rhine: evacuation of remainder of German territory	XIV, I, 429 (3).
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BY FREDERICK HALL
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A HISTORY OF THE PEACE CONFERENCE OF PARIS

First printed 1921

PRINTED IN ENGLAND
AT THE OXFORD UNIVERSITY PRESS
BY FREDERICK HALL

A HISTORY OF THE PEACE CONFERENCE OF PARIS

EDITED BY

H. W. V. TEMPERLEY

VOL. IV

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EDITORIAL FOREWORD

THE publication of the first three volumes of this work resulted in the production of much helpful suggestion and criticism from both sides of the water, of which advantage will be taken in this and the two remaining volumes. But, as the attempt to write contemporary history is in some sense both audacious and strange, it may be well to state briefly what experience has shown that this history can, and cannot, do.

The Peace Conference was undoubtedly in the main the work of Four, or perhaps more often of Three, men. In not a few important decisions, as for instance Reparation, Compulsory Military Service, and Poland, it is well known that the solutions adopted were directly due to the influence of one or other of these commanding personalities. But even if the records of the conversations of these men were available (and some of them certainly never will be) we should not have the whole truth. Agreements are not always in writing, stenographic reports do not invariably show the trend of a debate, and the motives of individuals are seldom entirely visible in their arguments. Much valuable information has already been published by such men as Tardieu or Lansing and House, who stood on the steps of the throne, and men like C. T. Thompson and Wilson Harris, who waited in the ante-chambers. More is certain to be forthcoming. But it is practically certain that some of the 'arcana' of the Conference will never really be revealed.

One suggestion made is that the motives of men can be understood by estimating the pressure to which they were subjected. This would involve estimating the relative pressure exercised on their plenipotentiaries, first by the American,

British, French, or Italian legislatures, and next by popular opinion as revealed in the press and in public meetings. But to estimate the exact importance at critical moments of the Conference of a great press organ or of a great public demonstration demands both more space than any history, and more judgment than any editor, can at this time provide.

On the other hand, the contributions of Keynes and of Baruch, of Haskins and of Lord, have revealed much that is of the highest importance in showing the influence (and incidentally the limitations) of expert opinion at the Conference. It is, in fact, far more possible to reveal the general spirit inspiring a Commission in its recommendations than to gauge the motives of an individual or the influence of popular opinion on him. The methods and decisions of the Commissions were relatively known and exact, more reducible to a formula, and therefore far more intelligible than were the decisions of the 'Four' or of the 'Ten'. It is really possible to give the executive acts and decisions of the Conference and to supply expert comment on them which will show a good deal, though not all, of the processes leading to these results. Where the results were altered by the 'Four' it is possible to state the fact, but the real explanation is not always known and, when known, it cannot always be revealed.

In addition to this it is possible to analyse and make fully known the published correspondence of both Allied and Enemy Powers, with respect to the various stages of the Treaty negotiations. It is likewise possible to examine and to estimate the value of that vast mass of evidence, ethnic, economic, and historic, by which the rival States justified their claims on the heritage of the old Austria-Hungary. By these public pronouncements the Great Powers in the one case, and the Small Powers in the other, will ultimately be judged, and therefore every effort has been made to give representative selections and quotations from this enormous mass of material. As no such extensive publication of correspondence or documents

has ever been made in the case of any treaties previous to those signed at Paris, the reader has excellent materials for judgment provided that the selection has been properly made.

Two further points appear to be worth mentioning. The fourth and fifth volumes deal with the reconstruction or founding of new States upon the ruins of Old Austria-Hungary. The highly interesting questions of the new status assumed by the Dominions and by Japan, as a result of the war and of the Peace Conference, are reserved for treatment in Volume VI. But it may be a question whether the result of the war was not in fact more important in that it stimulated national consciousness in the Western Hemisphere rather than in the east and centre of Europe. It will also be necessary to give some discussion of American affairs, as the attitude of the Senate produced important diplomatic results. The other subjects for Volume VI will be Poland and Russia, Shantung, the Turkish Treaty, and the League of Nations, and a general summary of the lessons of the Conference.

Much help has been received from many quarters, but it would be invidious to mention any names except those of persons whose work has been actually quoted or used in the text. Mr. A. G. Ogilvie's absence in America has prevented his directing the work of the geographical side, and his place has been very difficult to fill. Some valuable suggestions have, however, been adopted both from Mr. A. G. Ogilvie on the geographical side and from Mr. Leon Dominian on the ethnographic. The statistical details, which are of great importance in Vols. IV and V, have been revised by Mr. B. C. Wallis.

It should be mentioned that the publication of the fourth and fifth, as of the preceding, volumes was only rendered possible by the public-spirited action of Mr. T. W. Lamont.

It seems desirable, in conclusion, to emphasize once more that the Editor has sought to steer a course equally remote from official apologetics and unofficial jeremiads. Within reasonable limits he has even encouraged the contributors to

express their individual points of view. For while it is in selection of facts that the experts can perceive the views of a writer, the general reader can only discern the writer's bias if he expresses his opinions with relative freedom. The purpose of this History will be achieved if the materials and authorities quoted in these volumes enable the reader to criticize any opinions expressed by editor or contributors.

PLAN OF THE VOLUME

THE scheme follows generally the lines of the preceding volumes but with some important differences. The main problem in the case of Germany was the defeat and punishment of a great military Power. The same problem is offered in the case of a small military Power such as Bulgaria, but the case of Austria-Hungary involves the dissolution of a Dual Monarchy embracing fifty millions of subjects, and the attempt to construct on its ruins the foundations of four new States.

The volume opens with the military defeat of Bulgaria, which was the prelude to the collapse of the Dual Monarchy. The military collapse of Austria-Hungary is next treated, but treated in a very different fashion, for that military collapse came primarily not from external assault but from internal disunion. It is therefore not a purely military study but an explanation of how nationalistic tendencies reacted upon centralist traditions, and finally broke to pieces a great military machine. The political collapse of Austria-Hungary is next treated from the standpoint of history and politics and of the singular results produced by the unique political relationships of Austria and of Hungary. Its dissolution is explained by the fact that its condition was essentially static, and therefore ultimately rendered it unable to divert or to oppose the tremendous political forces which the war had released or created.

The second chapter deals in a brief general way with the Armistices and attempts to give a bird's-eye view of the problems of the peace. The third chapter relates the stages by which Disarmament was successfully imposed on the three defeated nations. With the fourth we face the problems of

the new nationalities—the Yugo-slavs, the Rumans, and the Czecho-Slovaks (Poland being reserved for the sixth volume). The story of how these nationalities developed self-consciousness during the war and realized their dreams after the Armistice is then told with relative fullness, as it forms a necessary prelude to the understanding of the Conference.

The fifth chapter brings before us the main difficulty of the Peace Conference, the Treaty of London, and the obligations it imposed on the Allies.

The sixth chapter examines the plebiscites connected with these treaties as realized in the Klagenfurt Basin, and as proposed at Teschen, Orava, Zips, and in German West Hungary.

The seventh chapter relates the details of the negotiations of the treaties with Austria, Bulgaria, and Hungary respectively, and examines the important question as to how far the Wilsonian principles were actually applied in these settlements. The full legal analysis, which was indispensable in dealing with the German Treaty, is not necessary here because the obligation to apply the Wilsonian principles in the Austrian, Hungarian, and Bulgarian Treaties was in the main a moral and not a legal one. But much pains have been taken to examine the principles underlying the Treaties, and extensive quotations have been made from both the Allied and Enemy correspondence in reference to the Treaties. It was needless and would have been impossible to quote at the same length as from the German Treaty, but the materials given enable the reader to grasp the arguments for and against all the important clauses of the three Treaties, and to form his independent judgment thereon.

The volume closes with two chapters, one on the New Bulgaria, and the other dealing with the New Austria and the New Hungary. In each case an attempt has been made to look at the problem from the point of view of the State concerned and to outline its prospects for the future.

In this scheme there are certain important subjects reserved

for Volume V. The great question of Reparation for Austria, Hungary, and Bulgaria is fully dealt with there. The Economic Clauses and Commercial Policy, and the whole question of Enemy Property and Debts, are treated at considerable length not only in these Treaties but in the German. The fifth volume also includes the great question of the Treaties for the Protection of Minorities, a most important instrumentality for the future.

It should be understood both for Volumes IV and V that they do not attempt to cover events occurring after the end of March 1921, though a later date has been added in one or two cases for the sake of completeness.

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CHAPTER I

THE COLLAPSE OF THE CENTRAL POWERS

PART I

THE MILITARY COLLAPSE OF BULGARIA

A. The Balkan Campaigns (1915–18)

1. *Introductory.* The collapse of Bulgaria had a very great influence not only on Central Europe but on the Western Front. Ludendorff described the day when he heard of the defection of Bulgaria as an even blacker day for Germany than the 8th August, when the British Army attacked him in the West. It is therefore of importance to examine the events which led up to a catastrophe so striking and important in itself. In reality it was, of course, only one of a huge series of combined movements on that vast battle-field which stretched across three continents. Success against Bulgaria would not have been possible without the Germans being held in the West, the Austrians in the centre, and the Turks in the East. Yet not only was it one of the most dramatic and successful of all these movements, but for Central Europe it was the most important, for it led directly not only to the Bulgarian but also to the Turkish armistices, and exercised an important influence on the Austro-Hungarian and the German. This was because the position of Bulgaria across the Berlin–Bagdad railway lent her an importance out of all proportion to her resources and power. As Ludendorff wrote, 'The Entente could attack Constantinople through Bulgaria.'[1]

2. *The outbreak of the Great War, July 1914; Turkey's entry, October 1914, and Bulgaria's decision to join the Central Powers, September 1915.* In July 1914 war broke out between Serbia and Austria-Hungary. This conflict did not at first involve any of the other Balkan States except Montenegro, who immediately threw in her lot with Serbia. Turkey

[1] Ludendorff, *The General Staff and its Problems*, vol. ii, p. 650.

ranged herself with Germany and Austria in October 1914, strongly influenced by her fear of Russia and by German diplomacy backed by the *Goeben* and the *Breslau*.

Bulgaria bided her time. The influence of Russia had greatly diminished and that of Austria-Hungary had grown, largely owing to the personal leanings of King Ferdinand towards the latter group. In the meantime, however, she entered into active negotiations with both groups of belligerents. As the price of her neutrality she obtained from Turkey a strip of territory west of the Maritza river which secured her connexion by rail via Karagatch (Adrianople Station) with her new territories in Western Thrace. She negotiated also with the Entente, and at their suggestion Serbia was offering her territorial concessions in Macedonia when Bulgaria entered the war.[1] If the German campaign against Russia in 1915 had not been such a convincing success and if the British campaign in the Dardanelles had not been a failure, Bulgaria might have joined the side of the Entente and been rewarded with a part of the coveted Macedonia. The events of 1915 seem to have led her to the erroneous conclusion that the war was rapidly nearing its end, that Germany could not lose, and that her own best policy was to join the Central Powers. Until this conclusion was falsified by military events Bulgaria remained a staunch supporter of the Central Powers.

Bulgaria mobilized her army on the 21st September 1915, and declared war on Serbia on the 14th October. From the east and south-east she attacked with twelve strong divisions, whilst Field-Marshal von Mackensen with a German-Austrian force, crossing the Danube, simultaneously invaded Serbia from the north. By the middle of December this led to the complete occupation of Serbia and Montenegro by the Central Powers, the administration of these countries being divided between Bulgaria and Austria, Germany retaining in her own hands the administration of the railways. Henceforward the policy of Bulgaria became an entirely selfish one. The lessons of past experiences had sunk deep and she was fully convinced that the only way to secure new territory for herself was to

[1] *v.* the evidence in Report of Commission, Responsibility of Authors of the War, 29th March 1919, *American Journal of International Law*, January–April, 1920, vol. xiv, p. 105. The agreement with Turkey was signed 22 July 1915.

be in possession of it at the moment hostilities ceased, and that all other military objectives were for her merely a snare. She determined to concentrate all her efforts on holding Macedonia. Unlike Turkey, therefore, she steadily repulsed all German and Austrian attempts to get her to pool her resources and place her troops freely at the disposal of the German Higher Command. Bulgarian strategy also was entirely governed by this policy.

3. *General situation of the Allies at the date of Bulgaria's entry into the war; Allies land at Salonica, October 1915.* The general situation of the Allies at the date of Bulgaria's entry into the war was as follows:

On the Western Front quiet had reigned throughout the summer. On the Eastern Front the Germans had defeated the Russian Armies and forced their front back after a successful break-through in Galicia. On the Italian Front the Italians had attacked repeatedly but without marked success. The Franco-British expedition had failed to get through the Dardanelles and everything there was at a standstill.

The end of the summer campaign in Russia enabled the Germans to transfer troops southwards for the conquest of Serbia and westwards to reinforce the Western Front in time to meet the powerful offensive of the Allies near Loos and in Champagne in September 1915.

When attacked from the north and east Serbia appealed to the Entente for assistance. After the war of 1913 Serbia and Greece had formed a defensive alliance and furthermore Serbia had obtained special rights to the port of Salonica and on the railway from Salonica to Serbia.[1] Greece should therefore have come to the help of Serbia in the autumn of 1915, and M. Venizelos, who was then Prime Minister, actually ordered the mobilization of the Greek Army and invited the Entente to land troops at Salonica to assist the Serbs. King Constantine, however, doubtless greatly influenced by his wife, the Kaiser's sister, and by the Kaiser himself, disapproved of this policy and drove Venizelos from power. He interpreted the Treaty with Serbia of the 19th May 1913 for mutual defence and reciprocal guarantee in a purely local sense, refused to help

[1] *v.* Convention relative to transit through Salonica concluded between Greece and Serbia 10th May 1914. *American Journal of International Law*, October 1919, supplement, pp. 441–56. The Defensive Treaty between Greece and Serbia of 19th May 1913 is given in C. Strupp, *La Situation internationale de la Grèce*, Zurich, 1920, pp. 220–1.

Serbia, and put every possible obstacle in the way of Allied troops short of actually fighting them.

Allied troops from the Dardanelles began to land at the beginning of October and were later joined by troops, both French and British, from the Western Front, too late, however, to unite with the Serbian Armies and to stem the advance of the Bulgars into Serbia. The French and British troops were driven back over the Greek frontier by the middle of December after a gallant but unsuccessful attempt to join up with the Serbs. The latter were driven westwards through Albania to the Adriatic coast.

Owing to the fatigue of their troops, the state of their communications, and probably also owing to the fact that as they were not quite sure of the attitude of the Greeks, they did not wish to break the neutrality of Greece, the German and Bulgarian Armies did not advance beyond the Greek frontier on Salonica. There more Entente troops were daily arriving, and it was rapidly being transformed into a very strongly entrenched fortress.

The entry of Bulgaria into the war and the defeat of Serbia enabled direct communication with Turkey to be established by the Central Powers. The latter were no longer obliged to smuggle their war material through Rumania, were able to give Turkey direct assistance and to tap the vast resources of the East to relieve their own economic situation.

4. *The situation in the spring of 1916; Bulgar offensive begins* (*May*). The early months of 1916 were spent by the Allies in the Balkans in the completion of the defences of Salonica whilst the remnants of the Serbian Army which had been collected at Corfu and Bizerta were brought to Salonica and reorganized.[1] The bulk of the Bulgarian Army was on the Greek frontier, stiffened by two German divisions and a considerable number of other German technical troops, such as Artillery, Machine Guns, and German Flying Corps. There they began to organize an elaborate defensive system and to improve communications behind it.

[1] They numbered about 150,000 men in all. Subsequently these were increased by over 10,000 Yugo-slav volunteers from America and some 10,000 Yugo-slav deserters and prisoners from the Austro-Hungarian Army. In addition one Yugo-slav volunteer division was practically annihilated in the Dobrudja, and Yugo-slav contingents fought for the Entente in Siberia and in the Archangel–Murmansk area.

In the meanwhile the German offensive at Verdun had begun, and the Austrians were preparing to attack on the Italian Front. For the offensive against Verdun most of the German divisions had been withdrawn from Serbia, whilst the Austrians had reinforced the Italian Front from the Russian. To the German offensive against Verdun the Allies responded with the fifth Isonzo battle and with a series of Russian attacks on the Eastern Front beginning at the end of March and culminating in the amazingly successful operations of Brussiloff against the Austrians in June and July. The Entente were also preparing a big counter-offensive to start in July on the Western Front. Great pressure was brought to bear on Rumania both by the Entente and the Central Powers, to induce her to join in the war; doubtless influenced by the great Russian victories in the East and the far larger promises of reward which the Entente could offer her in case of victory, Rumania declared war on Austria-Hungary on the 27th August, 1916.

The months from April to June on the Macedonian Front saw a gradual moving up of Allied troops towards the Greek frontier north and west of Salonica, and the preparations of a line to serve either as an advanced position to resist an enemy attack or as a 'jumping-off' place for an Allied offensive. This entailed much building of roads, light railways, and improvements of communications generally. The Bulgars, having prepared their communications up to the Greek frontier, decided to increase their gains in Macedonia and to take the offensive in the direction of Salonica. By May the German and Bulgarian Governments had obtained King Constantine's consent to an advance on the part of their armies into Greek territory. In consideration of a loan of £3,000,000 Constantine pledged himself, not only not to resist the advance, but even to allow their armies to occupy certain frontier forts such as Rupel Fort and the port and defences of Kavalla, whilst the Greek troops in the surrendered territory were to allow themselves to be interned by the Germans.[1]

At the end of May the Bulgar Armies crossed the frontier, occupying Rupel and Demir-Hissar in the Seres Plain and the port and defences of Kavalla.

5. *Allied Operations in Macedonia, August–December 1916.*

[1] *v.* Official publication of Greek Government (1917). Cf. also C. Strupp, *La Situation internationale de la Grèce* (1821–1917), Zurich, 1920.

In accordance with the Allied general plan General Sarrail, who commanded the Allied Armies in Macedonia, was also preparing an offensive for the end of August, to be launched at the same time as the offensive by Rumania began.[1] The Russians renewed operations, whilst on the Western Front the battle of the Somme was entered upon in a mighty and universal effort to defeat the enemy. Sarrail's plan was to advance up the Vardar Valley with the majority of the British and French troops available whilst the Serbian Army on the west advanced to Monastir, Prilep, and Uskub. This advance started on the 15th August with some successful preliminary operations south-west of Lake Doiran.

The offensive which the Bulgarians had been preparing was ready, and was set in motion as the best means of countering the Allied attack. Their main thrust was delivered south of Monastir across the Greek frontier, east of Florina and thence eastwards. This advance, successful at first, was ultimately held up by the Serbs in the Gornichevo Pass and on the range of the Malka Nidze, after some very severe fighting. At the same time the Eastern Bulgarian Army advanced farther into eastern Macedonia up to the line of the Struma river, where it was held up by British troops. The losses of the Bulgars in the fighting on the West had been very heavy. To quote Ludendorff, 'their offensive and their spirit collapsed together. The Tsar of Bulgaria and Radoslavoff, who were in Pless at the beginning of September, were full of laments and demanded German troops.'

Sarrail, who had had to give up his movement up the Vardar Valley in order to reinforce both his flanks, decided to take advantage of the state of the Bulgars on the West and started a counter-offensive in the latter half of September, having in the meantime been further reinforced by three Russian and three Italian brigades. The British, who were now holding a very extended front from the mouth of the Struma to the Vardar (90–100 miles), undertook a series of successful subsidiary operations with a view to retaining enemy forces on their front. The operations across the river Struma were particularly successful, the Bulgars suffering very heavy

[1] Rumania, after signing a secret Treaty with the Entente, 17th August 1916 (*q.v.* A, pp. 225–6), declared war on Austria-Hungary, and invaded Transylvania on 27th August.

casualties through making repeated counter-attacks in mass formation.

On the West, Serbian, French, and Russian troops pushed the Bulgars back to the positions they had occupied in August, where they were held up for a while; the most notable and severe fighting in these operations being that which led to the capture of the Peak of Kaimakchalan (8,300 ft.) by the Serbs under General Vassić. In consequence of these Bulgarian reverses the German Higher Command were obliged to send further German reinforcements and General Otto von Below to take command of the German and Bulgarian troops in Macedonia.

In the middle of October the Allied offensive was renewed, and after severe fighting in the Cerna Loop, Monastir fell and was reoccupied by the Serbs on the 18th November. In spite of the exhaustion of the Allied troops and of the lack of reinforcements further attacks were made on the German-Bulgarian positions north of Monastir. The German reinforcements had, however, arrived, and by putting in their last ounce of strength succeeded in beating off all Allied attacks. The effect of these operations, however, was very considerable. The recapture of Monastir produced a very great moral effect on the Serbs, whilst the fighting which preceded it proved that the new Serbian Army was a wonderful instrument of war and in every way the equal of those Serbian armies which had inflicted such severe defeats on the Austro-Hungarians earlier in the war.

The German Higher Command were compelled to send to Macedonia German troops which had really been intended for their campaign against Rumania, whilst there could be no longer any question of taking further Bulgarian troops from the Macedonian Front to assist in that campaign. The Bulgarian Army had been considerably shaken, for not only had its offensive against Salonica failed but it had been beaten back with heavy losses and had lost Monastir. It seems quite likely that, if the Allies had had a few more troops available in Macedonia or if the Greek Army had then been fighting by their side, what was accomplished with such far-reaching results in 1918 could have been achieved in 1916.

6. *Rumania's invasion of Transylvania and the enemy counter-offensive.* On the 27th August Rumania had joined in the war, on the side of the Entente, and had initiated an

invasion of Transylvania which at first met with considerable success. Whilst concentrating troops in Hungary for a counter-offensive Field-Marshal von Mackensen, with a mixed force of German, Austro-Hungarian, Bulgarian, and Turkish troops, attacked the Southern Rumanian Front in the Dobrudja. The Russians had not given much help, and the Rumanians had to detach more troops to hold up this attack. The German-Austro-Hungarian offensive in Transylvania was launched in the second half of September and by the middle of October the Rumanian invasion had been definitely thrown back.

By the middle of October further concentration of German-Austrian troops having been carried out, the second phase of the campaign against Rumania was entered upon, Mackensen attacking in the Dobrudja, where he met with great success. The German Armies from the West and North-west advanced on Rumania, which they overran rapidly, Bucharest falling on the 5th December. After occupying the whole of the Dobrudja and Wallachia, they came to a halt on the line from the mouth of the Danube along that river to and including Braila and thence north-eastwards along the Lower Sereth and across to the Carpathians where the line joined up with the old Russian front. This successful campaign secured for the Central Powers vast oil and corn supplies which were to prove of such enormous importance in the war and also opened a new route (via Constanza) both to Constantinople and to Trans-Caucasia, whence Germany was able to draw upon further economic assets.

7. *The Greek Revolution and deposition of King Constantine, 1916–17.* Indignation amongst the Greek population in Macedonia at the invasion by the Bulgars and at King Constantine's studied inaction, led to the 'Salonica Revolution' of the 30th August. A Committee of National Defence was formed which called upon Venizelos to come and place himself at its head. He came and, together with Admiral Conduriotis and General Danglis, formed a Government of National Defence at Salonica. Macedonia, Crete, and the Islands of the Archipelago sided with him, and he raised a Corps of National Defence which was placed at the disposal of the Allied Commander-in-Chief and which gave a very good account of itself in the course of the next two years.

During the autumn of 1916 the situation in Greece became very serious. Pro-German propaganda and King Constantine's

belief in the invincibility of the German Army culminated in the incidents of the 1st December at Athens, in which British and French sailors and marines were treacherously attacked, whilst many of Venizelos's partisans were subjected to outrageous indignities and even imprisoned or shot. This event led to the recognition of Venizelos's Government as a *de facto* Government by the Allies, to the blockade of the Greek coast by the Allied Navies, and to an Allied ultimatum to Greece forcing King Constantine to transfer the bulk of his troops to the Morea (14th December 1916). The Allied Armies in Macedonia had to detach strong forces to watch the northern frontier of Old Greece in case of failure to transfer the troops and of the resulting possibility of attack by Greek Royalist troops. M. Venizelos's position improved in the spring of 1917 with the gradual adherence of various parts of Greece to his Government. In June M. Jonnart was sent as Allied High Commissioner to Athens, where he persuaded Constantine to leave Greece, and to 'design as his successor' his second son Alexander (11th June).[1] Venizelos and his Government were restored to power and the whole of Greece then joined in the war on the side of the Allies.

8. *The situation at the end of 1916; plans for 1917.* The end of 1916, with the arrival of the winter, brought active operations to a comparative standstill on all fronts. Both sides, though in a very exhausted condition, were making plans for the 1917 campaign and paying the greatest attention to the reorganization of their armies, man-power, and material and economic resources. Germany, in particular, took in hand the reorganization of her weaker Allies and the economic organization of their territories. In Bulgaria this took the form of a very elaborate system of requisition of foodstuffs under German supervision, a large contribution being sent to Germany every month. The Allied plan of campaign for 1917, conceived at the Chantilly Conference in November 1916, consisted of a series of offensives on all fronts. The Central Powers decided to adopt a defensive policy, to resist the Allied offensives and ultimately to launch counter-offensives. In the Balkans, Bulgaria was determined to follow her traditional policy of holding on to all she had got and had no desire to

[1] *v.* documents in Strupp, *La Situation internationale de la Grèce*, Zurich, 1920, p. 249.

renew an offensive which might prove as costly as her attempt in 1916. Her policy therefore became a purely defensive one.

9. *Operations in the Balkans, 1917.* Whilst on the Western Front there took place the great offensives of the French in Champagne and the British at Vimy, in Macedonia the spring of 1917 witnessed a series of attacks made by the Allies with varying success. The most important operations were an attack by the French north-west of Monastir and between Lakes Prespa and Ochrida, in which they captured a number of prisoners but failed to make substantial progress; whilst the British on the 24th April and again early in May attacked the very strong Bulgar positions south-west of Lake Doiran. These attacks were only partially successful and very heavy casualties were suffered by the attacking troops. The Bulgar showed himself to be a very good and stubborn fighter when defending strongly entrenched positions and supported by a considerably superior artillery with a large percentage of German personnel. He, however, undertook no counter-offensives, and for the remainder of the year no large operations were entered upon by either side on the Macedonian Front. The Bulgar forces, however, were kept constantly on the alert and their *moral* was considerably affected by continuous operations on a small scale and raids, in which the Allies proved themselves almost invariably superior.

Two divisions and two mounted brigades from the British Army were sent to reinforce General Allenby's army for his forthcoming campaign in Palestine; whilst in the autumn Venizelos had begun to mobilize the Royal Greek Army. The progress was slow and very gradual as much of the equipment and clothing for the army had to be provided from France and Great Britain. Its training was undertaken by a French Mission and later on completed behind the Front under French and British instructors.

10. *Operations on other Fronts. Russian and Rumanian armistices, 1917.* On other fronts, however, great events were happening. On the Western Front the Allies continued their offensive operations with considerable success, particularly at Cambrai in November. In Italy the Italians made successful attacks on the Isonzo Front in August and September, but these were followed by the great disaster of Caporetto which led to the withdrawal of the Italian Front to the line of the

Piave river. In Rumania fighting took place on the Sereth, but the reorganized Rumanian Army fought well at Mărășești (the 'Rumanian Verdun') against superior numbers and held its ground. In Palestine General Allenby's campaign started in August and resulted in the occupation of Jerusalem on the 9th December, whilst in Mesopotamia, after occupying Bagdad, the British had advanced farther up the Euphrates and the Tigris towards Mosul. In Russia, however, Bolshevism gradually got a stronger hold, the Russian Armies practically ceased fighting and armistice negotiations commenced early in December at Brest-Litovsk. As a consequence the position of Rumania became untenable and similar armistice negotiations were entered upon at Focsani in December.

11. *The situation at the end of 1917; early operations 1918.* The close of 1917 thus found the Central Powers in a strong position, as the end of their campaigns in the East released large numbers of troops for their Western and Southern Fronts, and at the same time provided them with new and wide fields from which they could draw extensive supplies of all kinds, and thus alleviate to a certain extent the economic pressure of the Blockade.

The German Higher Command decided therefore to employ their renewed strength in a desperate attempt to secure final victory before the arrival of the Americans could decisively affect the situation in favour of the Entente. For this purpose large numbers of troops were transferred from the East to the West, whilst the Bulgarian Third Army, which occupied the Dobrudja, was reduced to very small dimensions, the greater part (60,000 men) being sent to reinforce the Macedonian Front and to relieve further German units for the Western Front.

In December 1917 General Sarrail was replaced as Commander-in-Chief of the Allied Armies by General Guillaumat. During the winter and spring the equipping, organizing, and training of the Greek Army were carried on with all speed. In March 1918 the first division of the Royal Greek Army appeared on the front and by June a whole Corps was in the line under the orders of General Milne, the British Commander-in-Chief. As a consequence of the German offensive on the Western Front in March, a considerable number of British and French troops had to be sent from Macedonia to France, and British

and French divisions, which hitherto comprised 12 battalions, were reorganized on the 9-battalion basis.

In May two divisions of the Greek Corps of National Defence carried out a very successful operation in the high mountains west of the Vardar, taking a very strongly organized Bulgarian salient known as the Srka di Legen and over 2,000 prisoners.

12. *The appearance of war-weariness in the Bulgarian Army, 1918.* In Bulgaria and in the army a very marked feeling of war-weariness and discontent began to manifest itself at the end of 1917 and in the spring of 1918. In the army this was partly due to bad food and lack of clothing, and partly to the fact that the Bulgar peasant was thoroughly tired of the war and thought with longing of his neglected farm; nor could he see the object of going on with the war after Bulgaria had obtained by conquest all she could hope for. To him it appeared that Germany was the only party who would derive any benefit from further fighting. Much disappointment was also caused by the failure of the collapse of Russia and the German victories in the West to bring peace.

In the country the Treaty of Bucharest further increased the discontent and irritation against Germany, already created by the wholesale requisition of supplies. By this Treaty the Bulgars saw their ambitions in the Dobrudja only partially satisfied. Bulgaria, who claimed the whole of the Dobrudja up to the Danube, had only been given that portion lying to the south of the Cernavoda–Constanza railway. The latter was kept in Bulgarian hands, whilst Northern Dobrudja was placed under the joint administration of the Central Powers (Turkey included).[1] In addition, the Turkish Government claimed as compensation from Bulgaria the return of the districts east of the Maritza and round Adrianople ceded to her in 1915.[2] Other grievances of Bulgaria against Germany were due to the unequal distribution of Rumanian spoils, to the failure of promised supplies from the Ukraine, to the suspicion of German intentions as regards Seres, Drama, and Kavalla in the event of Constantine's restoration to the Greek throne, and to suspicion of German support to the various Turkish claims in Eastern Macedonia and Thrace. All this, together with the failure of the Germans to break through on the

[1] Ludendorff, *War Memories*, vol. i, p. 356. [2] *v. supra*, p. 2.

Western Front, brought about the fall of Radoslavoff (August) and the entry into power of Malinoff with a Cabinet, some of whose members were openly in favour of securing an early peace; this was an unmistakable sign that the German hold on Bulgaria was rapidly weakening.

The German Higher Command were keenly alive to the fact that the Italian and Macedonian Fronts were merely a prolongation of the Western Front and formed the protection of their flanks, the Macedonian Front at the same time protecting the flank of Austria-Hungary. They endeavoured to remedy the state of affairs in the Bulgarian Army by taking closer control and arranging for better food and clothing supplies. In May and June they called upon the Bulgarian Armies to undertake offensive operations intended to synchronize with the German attacks on the Western Front and to prevent the sending of reinforcements by the Allies from Macedonia to France. The Bulgarian attacks, however, were very half-hearted and in some cases never materialized at all owing to the refusal of the troops to advance. They openly declared that they were willing to defend their positions but not to attack, several minor mutinies occurring in regiments which were ordered to take part in attacks. These facts show how consistently the *moral* of the Bulgarian Army had deteriorated and how its offensive spirit had been destroyed by war-weariness and exhaustion, and yet throughout 1918 until its final defeat the Bulgar soldier showed himself as stubborn and gallant as ever in defence and counter-attack.

When later the Bulgarian Government feared the impending Allied attack and asked for German reinforcements the German Higher Command, not fully realizing the magnitude of the attack and unable to spare troops from the sorely pressed Western Front, advised the Bulgars to form adequate reserves and, if necessary, to give up a certain amount of ground.

13. *Decision to undertake large-scale operations in the Balkans.* In June General Guillaumat was replaced by General Franchet d'Esperey, a bold and brilliant leader, who rapidly became convinced of the possibilities of an offensive on a large scale on the Macedonian Front as soon as the greater portion of the Greek Army was mobilized. He immediately started the process of thinning out the line and replacing good

but tired British, French, and Serbian troops by fresh Greek troops, and thus collecting a reserve which, when rested, was to form the striking force to be thrown into the battle at the decisive point. By July the Second Greek Corps had arrived at the Front. In the latter half of July the Supreme War Council at Versailles communicated to General Franchet d'Esperey its decision that the armies under his command were to take part in the Allied general counter-offensive which Marshal Foch had opened on the 18th July at Soissons.

The Bulgarian Army held the Front from the river Devoli in Albania to the Aegean, a distance of about 230 miles, with some 210,000 rifles, 4,000 sabres, and 1,270 guns (including 345 heavy).

To oppose these the Allies disposed of 190,000 rifles, 8,000 sabres, and 1,520 guns (including 325 heavy), i. e. they were slightly inferior to the Bulgar forces in rifles and heavy guns.

14. *Enemy dispositions.* The enemy's dispositions were very largely influenced by the physical conditions of this theatre of war and his armies were consequently grouped according to well-defined geographical sectors :

(i) The Eleventh German Army (about 98,000 rifles) held the sector from the Devoli to the Dzena Massif (about 120 miles). The Army and Corps Staffs were German, the troops mainly Bulgarian, with the bulk of the forces across the Monastir Plain and in the loop of the river Cerna.[1] It was based on the Vardar Valley railway and supplied by a light railway from Gradsko to Prilep and down the Monastir Plain, by roads from Uskub through the Tetovo–Kičevo Pass, from Veles through the Babuna Pass and from Demir-Kapu to Konopiste.

(ii) The First Bulgar Army (about 52,000 rifles) held the sector from Dzena across the Vardar to the crest of the Beles Mountains (about 35 miles) just north of Lake Doiran ; its line of communication was the Vardar Valley railway and its branch from Hudovo to Dedeli.

(iii) The Second Bulgar Army (about 40,000 rifles) held the sector along the crest of the Beles and then across the Struma river and down its valley to south of Seres (about 55 miles) ; its line of communication was the Struma Valley light Railway

[1] At the moment of the offensive only three or four battalions in this army were German.

to the northern end of the Rupel Pass and the roads in the Strumica and Struma Valleys.

(iv) The Fourth Bulgar Army (about 20,000 rifles) held the sector from Seres to the Gulf of Orfano and thence along the coast to the mouth of the Maritza river; its line of communication was the Drama–Dedeagach–Adrianople Railway.

Lateral communications between the Eleventh and First Armies were bad as, except by the Vardar and Cerna Valleys, they were blocked by the Dzena Massif. Between the First and Second Armies, however, the Strumica Valley with its good road afforded excellent lateral communication.

15. *Allied dispositions.* The Allies were organized into three armies and an independent Corps.

(i) On the right General Sir George Milne's Army (about 65,000 rifles) composed of (*a*) British troops: 1 Cavalry Brigade, 4 Divisions, 1 independent Infantry Brigade and Heavy Artillery; (*b*) Greek troops: 1 Cavalry Regiment, 5 Infantry Divisions. This army held the sector from the Gulf of Orfano to west of the Vardar (about 100 miles).

(ii) The First French Corps (about 22,000 rifles) of 1 French and 2 Greek Divisions, acting as a connecting link between British and Serbian Armies, held a very mountainous sector from west of the Vardar to Nonte (about 20 miles).

(iii) The two Serbian Armies (about 37,000 rifles) of 1 Cavalry and 6 Infantry Divisions, reinforced by 2 French Divisions and French Heavy Artillery, commanded by the Prince-Regent of Serbia with Marshal Mishitch as Chief of Staff, held the sector from Nonte to the eastern arm of the Cerna river (about 30 miles).

(iv) The French Armée D'Orient (about 66,000 rifles) of 1 French Cavalry Brigade and 5 French Divisions and French Heavy Artillery, commanded by General Henrys, held the sector from the river Cerna across the Monastir Plain to the river Devoli (about 80 miles).

In Albania an Italian Corps opposed to an Austrian one carried on the line to the Adriatic. Both these Corps, however, were under the direct orders of their respective G.H.Q. at home and worked independently of the forces in Macedonia.

16. *The Allied Plan of Attack.* Hitherto only three lines of attack had been considered possible:

(i) Across the Struma Plain towards Drama and Kavalla, and north through the Rupel Pass.

(ii) Up the Vardar Valley.

(iii) Up the Monastir Valley to Prilep and thence to the Vardar Valley.

At the suggestion of Marshal Mishitch, General Franchet d'Esperey adopted a bold plan of action, which certainly contained that very valuable aid to victory—surprise—but which would have been impossible of achievement for troops not possessing the special qualities of the Serbian soldier.

The plan aimed at the dislocation of the Bulgarian Armies. This was to be brought about in the following manner:

(i) A main operation with the object of reaching the zone Kavadar–confluent of the Cerna and Vardar rivers, this region forming the heart of the communications of the Eleventh German and First Bulgarian armies. This main operation entailed:

(*a*) Breaking through the hostile front on the sector Sokol–Vetrenik.

(*b*) Capture of Koziak mountain and the watershed between the Cerna and Boshoba rivers, thus ensuring the separation of the Bulgarian forces.

(*c*) The widening of the gap to east and west.

(ii) A subsidiary operation in the Vardar–Lake Doiran sector.

(iii) Exploitation on the whole front by all the Allied forces.

This plan was remarkable for the selection of the sector for the 'break-through' attack. In this sector the Bulgarian forces held the heights of the Moglena Mountains overlooking the Allied positions and communications. The Bulgar positions were strongly entrenched, the country behind was very mountainous and with bad communications. In rear of the front system only a few mountain peaks were entrenched as strong points. Owing to the extraordinary natural strength of this position it was only lightly held. Six battalions held a front of nearly 10 miles and these were to be attacked by three whole divisions. It was also the point of junction of the 2nd and 3rd Bulgar Divisions.

17. *The 'break-through', 15th September 1918.*[1] In order to obtain the full effect of surprise preliminary operations were undertaken by the British and Greek in the Vardar and Struma

[1] Allenby's offensive, which began on 18th September and destroyed the Turkish Army in Palestine, was also of great importance (*v.* Vol. I, p. 31).

Valleys respectively. Their object was to deceive the enemy as to the real point of attack and to prevent his reinforcing the threatened sector. On the 14th September the general bombardment of the whole line was commenced, and on the 15th September just after dawn one Serbian and two French divisions of the Second Serbian Army were launched to the attack of the positions from Sokol to Vetrenik. By the evening they had carried the whole front system on a 7-mile front after some very severe fighting. On the 16th the second system was carried including the height of Koziak, whilst the gap was widened to 15 miles; the First Serbian Army on the West, and Franco-Greek troops on the East, having extended the front of attack. That afternoon the Timok and Yugo-slav Divisions of the Second Serbian Army passed through the attacking divisions, which were very exhausted by heavy fighting and continual climbing, the two French Divisions alone, which had started with very low effectives, losing over 2,000 casualties in 36 hours in the course of this attack.

On the 17th the advance was continued with the object of definitely separating the Bulgar forces in the valley of the Cerna from those in the Vardar Valley, the Second Serbian Army swinging round north-eastwards to advance on the line Demir-Kapu–Krivolak, whilst the First Army advanced northwards on the line Gradsko–Prilep.

The 'break-through' had been successfully accomplished.

On the 18th the subsidiary operation was set in motion. General Milne's Anglo-Greek forces attacked the Bulgarian First Army north and south of Lake Doiran, where it held positions of great natural strength, improved by three years' constant work. North of the lake the attack was carried out by the Cretan Division, supported by the British 28th Division; south of the lake by the 22nd and 26th British and the Greek Seres Divisions. North of the lake the attack failed to penetrate the main Bulgarian position in spite of heavy fighting. South of the lake the attack was very successful at first, but after repeated counter-attacks by the Bulgars the Allied gains were confined to holding the whole Bulgar front system.

On the 19th the attack south of the lake was renewed with great gallantry, but only succeeded in partially taking the Bulgar second line. The fighting had been very severe, very heavy casualties being suffered by both sides. The effect of

this attack, however, was very considerable as it pinned down the First Bulgarian Army to its position and even obliged it to put in all its reserves in this fighting, thus preventing it from sending badly needed help to the Eleventh German Army and from protecting its own line of communication against the advance of the victorious Serbs.

18. *The pursuit and retreat.* In the meantime the Serbian Armies were advancing very rapidly. By the 22nd they had reached the Vardar at Demir-Kapu, Krivolak and Gradsko, thus cutting the line of communication of the First Bulgarian and Eleventh German Armies.

The position of the First Bulgarian Army had become very serious directly its line of communication up the Vardar Valley was threatened by the advance of the Serbian Second Army. For there existed only one other route by which it could be extricated, namely, the road through the Kosturino Pass from the Vardar Valley to that of the Strumica. On the 21st the troops west of the Vardar withdrew from their positions, crossed the Vardar, and began the retreat of the First Army. On the 22nd the troops between the Vardar and Lake Doiran began their retirement. Although strongly pressed by Allied troops the retirement of this army was effected in good order at first, their rear-guards offering considerable resistance in a country eminently suitable for rear-guard actions. In the retreat up the pass, however, the enemy became utterly disorganized, the road and entrance to the pass being blocked for miles with troops, guns, and transport offering wonderful targets to the British aeroplanes who bombed and machine-gunned them incessantly for two days.

On the 24th the Allied forces had reached the line Lake Doiran–Hudovo–Demir-Kapu–Krivolak and preparations were made for the attack of the mountain ranges east of the Vardar, which were carried in the course of the next two days. The British entered Bulgarian territory on the 25th and occupied Strumica on the following day. On this day also the heights of the Beles (north of Lake Doiran) were stormed by Anglo-Greek troops, whilst on the left the Serbs entered Štip (Ishtip).

The First Bulgarian Army, short-headed in its retreat northwards by the Serbs at Štip, continually pressed by the Anglo-Greek Army, was now forced to withdraw down the Strumica Valley and across the mountains to the north of it,

towards the Struma Valley, i. e. the line of communications of the Second Army. The Anglo-Greek Army swung eastwards in pursuit with the object of striking at the Struma Valley communications. On the 28th and 29th British aeroplanes found the Kresna Pass choked with the retreating enemy, whose Struma Army was now in danger, and again did great execution. It was within a day's march of the Rupel Pass when the armistice was signed on the 29th September.

The Serbian Second Army had advanced up the Bregalnitsa Valley and its cavalry had reached Tsarevoselo on the Serbo-Bulgarian frontier, only 60 miles from Sofia. Meanwhile, in the west, rapid progress had been made towards the disruption of the Eleventh Army. The front of attack had been extended by the French Armée D'Orient, whilst the wedge in the enemy's line had been increased. By the 23rd the First Serbian Army had reached the line Gradsko–Prilep, the Eleventh German Army being thus practically cut in two. The western portion of the latter was left with only one very indifferent and devious route to regain touch with the rest of the Bulgarian Army, or its base, viz. the road through the Tetovo Pass (4,500 ft.) to Uskub. Their only alternative was the unattractive one of a withdrawal through the roadless mountains of Albania. Part of the eastern portion had retired north-eastwards through the Babuna Pass on Veles, whilst the remains of the 2nd and 3rd Bulgar Divisions had been driven across the Vardar towards Štip by the Second Serbian Army. The First Serbian Army, continuing their wonderful advance northwards on Uskub, occupied Veles on the 25th and by the evening of the 29th had reached Levterce (south-east of Uskub) and Kliseli, whilst the French Cavalry Brigade entered Uskub on the 29th after an extraordinary four days' ride across the mountains (8,000 ft. high) which separate Prilep from Uskub. The Eleventh German Army of the Bulgars was thus completely cut off.

North of Monastir the Allied troops were slowly driving back the Eleventh Army out of the Monastir Plain into the mountainous regions of the west towards the mouth of the Tetovo Pass and Albania. The Eleventh Army put up a strong resistance, but by the 29th French and Italian troops were nearing Kičevo, whilst farther west they had occupied Resna and had advanced into Albania reaching the Elbassan road. At midday on the 30th September operations against Bulgaria

ceased in accordance with the terms of an armistice signed the previous evening in Salonica.

19. *The Armistice (29th September).* On the 26th a Bulgarian *parlementaire* presented himself to the British outposts in the Strumica Valley. He was the bearer of a letter from the Commander-in-Chief of the Bulgarian Army asking for a forty-eight hours' suspension of hostilities with a view to arranging an armistice. The suspension of hostilities was refused, but the Bulgar Commander-in-Chief was informed that if accredited representatives of the Bulgarian Government were sent to negotiate an armistice, they would be received. On the 28th a Delegation consisting of M. Liaptcheff, Minister of Finance, General Lukoff commanding the Second Bulgarian Army, and M. Radeff, ex-Minister at Berne and Bucharest, crossed the British lines, arriving in Salonica on the evening of the same day. On the 29th General Franchet d'Esperey handed to them the Allied terms. The Bulgar Delegates, after consulting their Government at Sofia by wireless, signed the Armistice Convention that evening.

By the terms of this Convention:

(i) Hostilities between the Allies and Bulgaria were to cease at 12 noon on the 30th September.

(ii) All Bulgarian units west of Uskub became prisoners of war.

(iii) The remainder of the Bulgarian forces were to be withdrawn into Bulgaria and demobilized immediately with the exception of 3 Divisions which Bulgaria was allowed to retain to guard her Turkish frontier and the railways.

(iv) The Allies were to have all facilities for the transport of their troops through Bulgaria for further operations, and the right to occupy any strategic point they wished.

(v) All German and Austrian subjects in Bulgaria were to leave the country within four weeks.

(vi) All Allied prisoners of war were to be given up at once.[1]

20. *The nature of the Defeat.* The nature of these terms indicates the extent of the Bulgarian defeat. The majority of

[1] *v.* text in Appendix I, pp. 511–12, and also Chap. II, pp. 120–1, for further discussion.

the Eleventh Army was completely cut off from its line of communication and bases, the First Army cut off from its line of communication, and thrown back in disorder upon the already over-burdened line of communication of the Second Army, whilst Allied troops were already on the verge of cutting this last line of communication.

During the fifteen days' fighting over 15,000 prisoners and 400 guns were taken. By the surrender of the Eleventh Army these numbers were increased to over 100,000 prisoners, 800 guns, and several thousand machine guns; supplies and stores of all kinds lost by the enemy comprised practically all the war material belonging to the Eleventh and First Armies.

Thus did the Allied troops crush the Bulgarian Army in the course of this fortnight's campaign.

Military history will no doubt acknowledge this campaign as a typical example of the two classic forms of decisive strategical operations against lines of communication: (*a*) the complete interception of an army; (*b*) the driving away of an army from its line of communication and forcing it to form front to a flank, as the consequences of a successful 'break-through'.

B. Causes of the Collapse

21. *Allied Generalship and fighting qualities; Bulgar moral.* Events are still too recent to enable one to determine accurately all the causes of the Bulgarian collapse.

It was primarily the consequence of the thoroughness and severity of the reverse the Bulgar Army had suffered at the hands of the Allied Armies. This in turn was due to a bold plan, skilfully executed. Full credit must be given to the Serbian Armies, whose marvellous fighting and marching powers alone rendered the success of the 'break-through' possible, to the French who actually made the gap, to the British and Greeks who attacked repeatedly with great gallantry and devotion positions almost impregnable, held by superior numbers of the best Bulgarian Divisions, and, after suffering very severe casualties, took up the pursuit with much vigour and dash.

The Bulgar Army was ripe for defeat. It was decidedly war-weary and had suffered very heavy casualties since its entry into the war in 1915. Over 100,000 killed, died of wounds

or sickness (sickness accounted for 24,000), or missing, 150,000 wounded. These figures do not include prisoners of war or the casualties suffered during the Balkan wars of 1912 and 1913, which amounted to 50,000 killed, died of wounds, and missing, and about 120,000 wounded. It will be seen what a very heavy drain of the man-power of a population of little over four million, Bulgaria had suffered.

Disappointment with the Treaty of Bucharest, bad economic conditions due to the Blockade, and the consistent requisitioning of foodstuffs by the Germans had caused great discontent throughout the country. This had begun to spread to the army and, together with general distrust of the Germans and Turks, had gradually lowered Bulgarian *moral*. The Bulgars, however, were anxious to maintain their hold on the occupied territories and nothing short of a crushing military defeat would have made them give up their conquests. Ludendorff in his *War Memories*[1] has suggested that the Bulgarian Army did not fight, but simply went home. This suggestion is without foundation and does not bear examination. It appears to cast an undeserved slur upon the Bulgarian soldier's fighting qualities with which all who have fought against him are well acquainted, and at the same time to belittle the victory of the Allied troops in Macedonia. It is hardly supported by the casualty list on either side.

Although lack of *moral*, undoubtedly due to some extent to political propaganda, had helped to make the Bulgarians incapable of undertaking offensive operations, this lack of *moral* seems to have had but little effect when they themselves were attacked. The fighting at Sokol and Doiran was as hard as any that has taken place in the Balkans and the casualties on both sides were correspondingly high. After the 'break-through' and capture of the fortified system the Bulgarians felt themselves out-manœuvred, and instances then occurred in which their troops made little or no resistance.

22. *Weakness of the Bulgarian dispositions.* The great weakness of the Bulgarian Army's dispositions lay in that it held a very extensive and mountainous front with the majority of its forces in its front system. Owing to the mountainous nature of the country behind this system and the poorness of the communications, it was unable to form a general reserve

[1] Vol. ii, p. 716.

which would have been available for a counter-stroke. The only reserves that were maintained were formed into two groups, one in the Cerna loop, the other in the Vardar Valley, where they formed army reserves for the Eleventh and First Armies and whence they could only be transported to assist each other in case of danger after a considerable lapse of time. The reserves of the Eleventh Army were so distant from the sector on which the 'break-through' occurred that they could not be brought into action till the third day. By then the Serbian advance had gained such impetus that these reserves were simply swept away. The reserves of the First Army were all used up in desperate counter-attacks on the Doiran Front in order to maintain that front. The result was that by the 22nd the road to Sofia was open and with no undefeated bodies of Bulgar troops between the Bulgarian capital and the victorious Allies.

The Bulgar Government was desperately anxious to avoid invasion of its national territory by Serbs and Greeks, and, realizing that everything was all but lost, decided to ask for an armistice, hoping that by doing this promptly it might secure better terms from the Allies and save something from the wreck. The true causes therefore of Bulgaria's collapse were her complete military defeat and her desire, in spite of everything that had happened, still to achieve some of the aims for which she had entered the war upon the side of the Central Powers.

C. The Consequences

23. *The situation in the Balkans after the Armistice.* The consequences of Bulgaria's collapse were both far-reaching and decisive. In the Balkans, the field being clear of the Bulgarian Army, the Allied Armies were now set free to carry out the new tasks demanded by the new situation. In Bulgaria men were streaming back to their homes, bands of deserters became bands of brigands, whilst political agitation culminated in a revolutionary movement led by Stambuliisky. This, though proclaimed by the Government as an outbreak of Bolshevism, was in fact a movement against Ferdinand and Radoslavoff. It was put down by German troops and machine guns in the suburbs of Sofia and Stambuliisky was thrown into prison, but not before succeeding in causing the flight of Radoslavoff in

disguise and the abdication of Ferdinand in favour of his son Boris, followed by his hasty retirement to his estates in Austria-Hungary. The case of Stambuliisky is a typical illustration of the waywardness of Balkan politics: the leader of the Revolution of 1918 a year later was Prime Minister and signed the Peace Treaty as Bulgaria's sole representative.

There were still considerable Austro-Hungarian forces in Albania, Mackensen's army of occupation in Rumania was still in being, whilst German and Austro-Hungarian Divisions, some from the Italian Front, the majority from South Russia, had begun to arrive in northern Serbia but too late to prevent the Bulgarian *débâcle*. Turkey now found the source of her supplies and her communications with Germany almost entirely cut off and was reeling under the blows which General Allenby was dealing it in Syria. Rumania was expectantly watching for an opportunity to recover her lost provinces and to turn the tables upon her enemies.

24. *Re-grouping of the Allied Armies.* The Allied Armies were re-grouped for the purpose of dealing with the various fronts as follows:

(*a*) *Turkish Front.* General Milne with an army consisting of 3 British, 1 French, 3 Greek Divisions, and Italian and Serbian contingents advanced on Turkey with the object firstly of securing the Dedeagach–Adrianople Railway, secondly of finally putting Turkey out of action by operating on Constantinople, and thirdly of opening up a new base at Constantinople and the sea route through the Dardanelles and the Bosphorus to Rumania, thus enabling the Allies to develop their full force against the Central Powers in the south and south-east.

(*b*) *Rumanian Front.* A force of 2 French Divisions and 1 British advanced under General Berthelot to the Danube through Bulgaria to ensure protection along that river and to facilitate and to support the re-entry of Rumania into the war.

(*c*) *Serbian Front.* For this front the Serbian Army of 1 Cavalry and 6 Infantry Divisions under Marshal Mishitch, supported by General Henrys' army of 9 Divisions, were detailed to reconquer Serbia and to form a front on the rivers Save and Danube from which a general advance northwards was to take place simultaneously with the re-entry of Rumania into the war, which occurred on the 11th November.

(*d*) *Albanian Front.* On this front the defeat of the Eleventh German Army had exposed the flank of the Austro-Hungarian forces in Albania, who began to withdraw northwards towards Montenegro followed by the Italian forces in Albania and some mixed detachments of General Henrys' army. Speed was one of the main factors in the carrying out of this plan. There were still at that time a certain number of German and Austro-Hungarian Divisions in South Russia which were available to reinforce either the very weak Turkish forces in Thrace or Mackensen's army in Rumania and North Serbia.

25. *The Turkish Operations and Armistice* (*30th October*). General Milne's army in its advance to the Maritza used the Bulgarian railways from Radomir to Mustapha Pasha close to Adrianople for the transport of 1 British Division, from Seres to Dedeagach for that of 1 French Division; another British Division was sent by sea to Dedeagach, whilst the British Cavalry Brigade and the Greek Corps were marching through Eastern Macedonia and Western Thrace. By the end of October the railway line from Dedeagatch to Adrianople had been secured. Three Divisions were on the line of the Maritza river, the river crossings at Ipsala had been secured and bridge-heads established, when the Turkish armistice stopped further operations (30th October).

The Turk had only weak detachments in Thrace with which to protect his capital. Of his two main armies the one in Syria had been completely destroyed by General Allenby, the other in the Caucasus could not be transferred to Thrace in sufficient time owing to lack of shipping. With his direct communications with Germany severed by the fall of Bulgaria he could hope for no help from that direction and he therefore asked for an armistice.

26. *Reconquest of Serbia.* Whilst these operations had been going on, the Serbian and French Armies had been working their way northwards very rapidly. In their victorious advance to the Danube they successively defeated such German and Austro-Hungarian troops as tried to bar their way. First, south of Vranye an Austro-Hungarian Division endeavoured to delay their advance and cover the concentration of other German and Austro-Hungarian Divisions north of Nish. It was brushed aside with the loss of 1,500 prisoners and Nish was entered on the 12th October. Then German and Austro-

Hungarian Divisions which had been hastily collected together took up a position on the heights south of Parachin across the Morava Valley, and north of the western Morava. After a resistance of four days they were outflanked and driven back across the Danube, whilst French troops moving through Bulgaria had also reached the Danube on the 17th October at Lom Palanka.

Belgrade, the capital, was delivered on the 1st November, the reconquest of Serbia being thus achieved by the glorious Serbian Army after six weeks' continuous fighting and marching in which it had swept the country clear of its enemies from end to end.

27. *The Austro-Hungarian Armistice (3rd November) and Hungarian Convention (13th November); effect on Rumania and Germany.* At the beginning of November the Serbs and French crossed the Danube and the Save, invading Southern Hungary in the north and Bosnia in the west. Everywhere the Yugo-slavs rose against the Austro-Hungarian authorities, whilst the Italian offensive had at last been launched on the Piave Front. The Rumanian Army also was beginning its advance. Austria-Hungary, attacked on all sides whilst her final disintegration was setting in, concluded an armistice with General Diaz as representative of the Allies, on the 3rd November.

This armistice, however, dealt almost solely with the Austro-Italian Front and omitted to legislate for the Serbian and Rumanian Fronts. Furthermore, the Hungarian Government refused to recognize the armistice of the 3rd November. The Allies therefore continued their advance into Hungary until the 13th November when a separate military convention, asked for by Count Karolyi, was signed at Belgrade by his representative, Béla Linder, and Marshal Mishitch and General Henrys representing the Commander-in-Chief of the Allied Armies in the East.

By these armistices, conditions were imposed similar to those obtained from Bulgaria as to the occupation of strategic points and freedom of movement through Austria-Hungary. Plans had already been devised for the attack of Germany herself from the south and south-east when the Armistice of the 11th November brought the final operations of the Great War to a close.

Nowhere was the effect of Bulgaria's collapse felt more keenly than in Germany. No more eloquent testimony could be found of its effect on the master-mind which was directing the Central Powers' war machine than that contained in Ludendorff's *Memories*:[1]

> August 8th was the black day of the German army in the history of this war. This was the worst experience that I had to go through, except for the events that, from September 15th onwards, took place on the Bulgarian front and sealed the fate of the Quadruple Alliance.

It was vital for Germany to do everything in her power to secure her position in the Balkan Peninsula in order to prevent the Allies moving into Hungary and making a flank attack on Germany and Austria-Hungary. The defeat of the Bulgarian Army compelled the despatch of substantial forces to the Balkans in order to attempt to establish a new front in Serbia and Rumania and to retain the Rumanian oil-fields (the loss of which alone would have brought Germany to the end of her resources in six weeks).

One German and one Austro-Hungarian Division were sent from the Ukraine to Serbia; 3 German Divisions from the East, which had been intended to reinforce the Western Front; 2 Austrian Divisions from the Italian Front were also sent.

'Finally even from the hard-pressed Western Front G.H.Q. sent the Alpine Corps to Serbia. . . . The West thus lost 6 or 7 Divisions,'[2] and yet these reinforcements, attacked and defeated before they were all concentrated, were of no avail and failed to establish a Southern Front. To quote Ludendorff again:

> It made no difference whether our defeat came in Macedonia or the West. We were not strong enough to hold our line in the West and at the same time to establish in the Balkans a German front to replace the Bulgarian.[3]

The seriousness of the situation created by the defeat of the Bulgarian Army was fully realized by Ludendorff and, added to the heavy pressure exerted on the Western Front, convinced him of the necessity of hastening the end of the

[1] Vol. ii, p. 679.
[2] Ludendorff, vol. ii, p. 716. The despatch of these divisions shows that this opinion is not an afterthought invented to relieve the German Army of blame.
[3] Ibid., vol. ii, p. 714-15.

war and of approaching the German Government with a view to decisive action. On the 28th September he informed Field-Marshal von Hindenburg that in his opinion Germany's 'position could only grow worse on account of the Balkan situation, even if we held our ground in the West'.[1] Their one task now was to act definitely and firmly with a view to a request for an armistice and a peace offer. On the 29th Hindenburg and Ludendorff held a discussion with the Secretary of State for Foreign Affairs in which they submitted their views. These views were again submitted to the new German Government on the 3rd October in a statement signed by von Hindenburg in which it is stated that 'as a result of the collapse of the Macedonian front, and of the weakening of our reserves in the West, which this has necessitated, and in view of the impossibility of making good the very heavy losses of the last few days, there appears to be now no possibility, to the best of human judgment, of winning peace from our enemies by force of arms . . . in these circumstances the only right course is to bring the war to a close, in order to spare the German people and their allies useless sacrifices. Every day wasted costs the lives of thousands of brave German soldiers. Signed, von Hindenburg.'[2]

The collapse of Bulgaria not only meant the end of Germany's hold on the Balkans and set a definite barrier to her Eastern ambitions, but it meant also an end to all hope of winning the war or of achieving her ambitions in other theatres. With the knocking out of the Bulgarian prop the whole structure collapsed.

[1] Ludendorff, vol. ii, p. 721.

[2] Ibid., vol. ii, p. 729.

CHAPTER I

THE COLLAPSE OF THE CENTRAL POWERS

PART II

THE MILITARY DISINTEGRATION OF THE AUSTRO-HUNGARIAN MONARCHY

1. *Introductory.* The war in Central Europe was ended by the successive defeats of Bulgaria, Turkey and Austria-Hungary. But while the first was almost wholly, and the second mainly, a purely military defeat, the third was due to causes more subtle and complex. Austria-Hungary possessed a great military machine, second only to that of Germany in vigorous discipline and careful organization. Much of the Austro-Hungarian policy had been dominated by purely military considerations to an extent which is not usually realized. Thus the excellent roads of Bosnia and Dalmatia, the railway of Bosnia, the important Tauernbahn route through the Tyrol, were just as directly produced by military necessity as were the hostile attitudes of the Monarchy towards Italy or Serbia. But this vast military machine had one defect; its technical perfection was great, but the sources of its power were precarious. In the last resort it was from the majority of the citizens that the army derived its support, and the majority of the citizens of Austria-Hungary were hostile, or at any rate indifferent, to the objects pursued by General Staff and Emperor. The military collapse of Austria-Hungary was therefore not entirely or even primarily due to military defeat but to the indifference and, finally, to the open disaffection of the majority of its soldiers. The problem, therefore, to be studied is the military side of that political disintegration which was taking place in the Austro-Hungarian Monarchy. The military leaders were loyal to the dynasty, the troops were under discipline and were remote from home and often illiterate; hence the revolution in the army worked more slowly and by methods different from those which finally broke up the Monarchy.

But the tendency to disruption was no less evident, and it is therefore on the wastage of man-power and on the decline of *moral* in the army as a whole, rather than on actual military questions in the field, that the attention must be concentrated. Thus it will be seen that, while there was room for the master-hand of a strategist at Salonica and in Palestine, on the Austrian front the defeat of the army depended as much on political as on military causes.

2. *The Problem of Man-power in Austria-Hungary.* In any review of the military strength of a country, the first item to be considered must necessarily be that of man-power.

The more prosaic side of this question, in the shape of the actual figures of mobilizable males, wastage, etc., is dealt with at a later stage of the present chapter. Apart, however, from the purely mathematical aspect of the problem, its consideration must also necessarily involve an analysis of the population from which this man-power will be drawn.

The population of Austria-Hungary was assessed in 1910 at a little over 51,000,000,[1] and may be divided into six main racial groups as follows: Eastern, Western, and Southern (or Yugo-) Slavs; Latins, Teutons, and Magyars. Taking the Slav group first, the Eastern Slavs were represented by the Ruthenes or Little Russians, Greek-Catholic or Uniate in religion, totalling about 3,500,000, and inhabiting the easternmost portion of Galicia and about half the Bukovina. The Western Slavs, who by religion were mainly Roman Catholics, included the Poles and the Czecho-Slovaks. The former numbered nearly 5,000,000, and were to be found chiefly in the westernmost portions of Galicia and in the easternmost half of Silesia, while a few were scattered in Moravia and the Bukovina. The Czecho-Slovaks, to the number of about 8,250,000, occupied central and eastern Bohemia, the greater part of Moravia, the non-Polish or western districts of Silesia, and the northern confines of Hungary. The Southern (or Yugo-) Slavs formed a solid block on the southern confines of both Austria and Hungary, and comprised about 1,250,000 Slovenes, 2,000,000 Serbs and 3,000,000 Croats. This sturdy race inhabited Carinthia, most of Carniola, all except the western strip of Istria and the coast, South Styria, Dalmatia, the bulk of Croatia-

[1] The figures quoted throughout are all approximate and estimated from the 1910 Census, the accuracy of which has often, and with reason, been impugned.

Slavonia, Bosnia and Herzegovina, and in Hungary were scattered along the northern banks of the Danube from the Banat westwards. As far as religion was concerned, the Slovenes and the greater portion of the Croats professed the Roman Catholic faith, and most of the Serbs the Greek Orthodox faith, though in Bosnia and Herzegovina some 600,000 Serbs and Croats still adhered to the Islamic faith which had survived since the days of the Turkish domination.[1] Of the Latins, two main branches were represented in the Empire, the Rumanians and the Italians. The Rumanians, to the number of nearly 3,000,000, were to be found in Transylvania and the southern half of the Bukovina. The west of Istria and the southern portion of the Tyrol and Vorarlberg were Italian. Lastly came the two ruling races, the Germans in Austria and the Magyars in Hungary, totalling respectively about 12,000,000 and 10,000,000. Such, in brief outline, were the main ethnographic divisions of the Empire; but it would give a most erroneous impression, if the conclusion were to be drawn from the above that each ethnic entity inhabited a water-tight compartment of its own. So far was this from being the case, that nearly every distinct ethnic block contained islands of another nationality. There were the Magyar Szeklers in Rumanian Transylvania, the German, Yugo-slav and Rumanian islands in Magyar Hungary, German islands in Yugo-slav Croatia and in Czecho-Slovak Bohemia, Italian islands in Yugo-slav Dalmatia and in Istria, Polish islands in the Ruthene portion of Galicia, and so on.

3. *Character of the Population; the Nationalities.* The task of the Higher Command was indeed no easy one. Apart from this babel of languages and diversity of religions, there were all the mutually inconsistent political tendencies to be considered which such an ethnographic kaleidoscope entailed. A uniform language of command had to be imposed, to the lasting resentment of those whose mother tongue it did not happen to be, and the language chosen was almost invariably that of the ruling minority. The proportion of the above nationalities in the Austro-Hungarian Army was as follows:

Slav group	44 per cent.	Teuton	28 per cent.
Latin	10 „ „	Magyar	18 „ „

These 600,000 are not included in the 2,000,000 Serbs above mentioned.

The ruling elements were naturally the Teutonic and the Magyar, but they themselves were animated by clashing motives and interests, not only in local and domestic affairs, but in their general outlook on the conduct and aims of the War. Next came that group to whom certain privileges had already been granted, such as the Croats in Hungary and the Poles in Austria, but who were divided among themselves as to the best means of attaining the goal of their political ambitions, some basing their hopes on a victory of the Entente, others seeking salvation on the side of the Central Powers. Finally came that complex of oppressed nationalities in which it was the Habsburg policy to stamp out every trace of self-expression until they could be cowed and dragooned into subservience to the ruling Teuton and Magyar will. In this category can be placed the Ruthenes, Czecho-Slovaks, Yugoslavs, Italians, and Rumanians.

But this by no means exhausts the anomalies surrounding the man-power of Austria-Hungary. In addition to the difficulties involved in raising and maintaining armies in which the combatants spoke as many different languages as they professed different religions and pursued different political ideals, there was the difficulty arising from the extraordinarily divergent standards of intelligence and education presented by this heterogeneous population. In Austria, for example, while 97 per cent. of the Germans, 97 per cent. of the Czechs, 88 per cent. of the Italians, 84 per cent. of the Slovenes, and 60 per cent. of the Poles could both read and write, only 50 per cent. of the Croats, 35 per cent. of the Serbs, and 28 per cent. of the Ruthenes could lay claim to a similar accomplishment. In Hungary the situation was analogous: 78 per cent. of the Magyars, 75 per cent. of the Germans, and 75 per cent. of the Slovaks were literates, while 50 per cent. of the Croats, 55 per cent. of the Serbs, 55 per cent. of the Rumanians, and 75 per cent. of the Ruthenes were illiterate. In Bosnia and Herzegovina the figures disclose a far more lamentable state of affairs: only 25 per cent. of the Croats and 18 per cent. of the Serbs could both read and write. It is unnecessary to elaborate what difficulties this state of affairs presented to the raising of officers, training of troops in general, and recruiting of such services as the artillery, engineers, and other specialized branches. The result was obvious. The officer class, and such arms as the cavalry, artillery, engineers,

etc., were recruited largely from Germans and Magyars, while the infantry was composed in the main of Slavs. These latter, though forming but 44 per cent. of the total forces of the Empire, represented 67 per cent. of the infantry.

Thus, instead of a population animated by a single purpose and speaking a single language, there was a series of small populations animated by different political ideals and speaking different tongues. The Austrian-German was tainted with Pan-German theories regarding *Deutschtum* and *Weltpolitik*. The Magyar, proud of the traditions of his race, resented his dependence on the German and the political fetters which linked him to Vienna. There was indeed the person of the aged Emperor, which united both in their respect for the dynasty. Beyond that, the Magyar had nothing in common with the Austrian-German, except his assumption of superiority over the Slav and Latin within his borders and his consciousness of the need to suppress those races at every opportunity. The Pole, with his memories of the historic past, hated the restrictions imposed by his Austrian-German masters, politically and constitutionally, upon his development; while he chafed under a régime which prevented his incorporation with his brothers over the Russian border in a great Polish State, similar to that which had existed before the successive partitions at the end of the eighteenth and beginning of the nineteenth centuries. The Czecho-Slovak had long years of resentment against the Habsburg intolerance and oppression to avenge. The Rumanian looked back to the time when, under Michael 'The Brave', Transylvania formed part of the great Wallachian principality, and looked forward to the day when, having cast off the Magyar yoke, he could once more be linked up in a single State with his brothers of Rumania proper. The Italians of Istria and Zara sighed for the glories of the Venetian Republic, when the Adriatic was an Italian sea; while those of the Tyrol had, ever since 1848, been engaged in an irredentist movement aiming at incorporation in the Italian kingdom. The Yugo-slav also had his account to settle with Vienna and Budapest. There was 1848 to be wiped out, the Zagreb and Friedjung trials and long years of social and political tyranny to avenge; there was, moreover, that growing national consciousness which for the last seventy years had so slowly but surely been welding the Serbs, Croats and

Slovenes of Austria-Hungary and the Balkans into a political entity and unity. Finally came the Jews of every nationality with their detestation of those ruling castes who had for so long exposed them to social boycott. Hated and hating alike, they were still a power in the land, and their hostility could not be ignored.[1]

4. *The Military System.* Such was the volcanic material which Austria-Hungary's war chiefs had to mould into an efficient and responsive war machine. Two links held together this welter of disruptive forces. One—a flimsy one—was the Habsburg idea; loyalty to the Emperor's person undoubtedly counted for something amid all these mutual hatreds, jealousies and antagonisms. The other was that mixture of force employed and fear inspired, which characterized the official attitude towards the subject races. Instead of winning their loyalty by adopting a liberal policy of concession to the legitimate aspirations of these recalcitrant elements, Germans and Magyars alike thought only to control them by a policy of oppression and suppression. All were united in their hatred and fear of the German and the Magyar, but, owing to the ever-vigilant eye of Habsburg officialdom, this unity of sentiment was never allowed to develop into unity of action.

The military system of the so-called Dual Monarchy reflected the complex nature of its political characteristics. Just as its foreign and financial affairs were conducted in the joint interests both of the Austrian *Reich* and the Hungarian Kingdom by Common (*kaiserliche und königliche*, or *k.u.k.*) Ministries of Foreign Affairs and Finance, so its naval and military policy was directed by a Common Ministry of War (*k.u.k. Kriegsministerium*), the financial requirements of this Ministry being debated and voted by the so-called 'Delegations'. To this Ministry fell the administration and equipment of the Common (*k.u.k.*) Army, which was recruited from a fixed proportion of the yearly levies throughout both Austria and Hungary. Similarly, just as both Austria and Hungary possessed each their separate and individual Ministries of Education, Justice, Public Works, etc., so in one country there was an Austrian (*kaiserlich-königliches*, or *k.k.*), in the other a Hungarian (*königlich-ungarisches*, or *k.u.*) Ministry

[1] Of course, large numbers of Jews had adopted Magyar or Austrian-German nationality and been assimilated.

of National Defence, each administering an army of so-called Landwehr and Landsturm troops recruited from the remainder of the yearly levies, the one solely from Austrian, the other solely from Hungarian territory.

5. *Organization and Higher Command; Military Relations of Austria and Hungary.* There were thus at the disposal of the Austro-Hungarian Empire at the outbreak of War three separate armies under three separate administrations: the Common Army, recruited from all over the Empire; the Austrian Landwehr and Landsturm, recruited only from the Austrian portion of it; and the Hungarian Landwehr (or *Honvéd*) and Landsturm, recruited solely from its Hungarian parts. The term 'Landwehr'[1] did not signify, as it did in the German Army, second-line troops, but the two Landwehrs and the Common Army together constituted first-line troops, and all three were under the supreme command of the Emperor. Directly under the Emperor, apart from various Inspectors-General, came the Military Chancellory and the Chief of the General Staff. The Military Chancellory acted as the channel of communication between the Emperor and the three war ministries, while the Chief of Staff, who was always attached to the Emperor's personal staff and reported direct to him, had under his jurisdiction the General Staff, the War Archives Department, and the Military Geographical Institute. The Chief of the General Staff, far more than any of the three war ministers, had, next to the supreme commander-in-chief (*Ober-Befehlhaber*), the greatest influence on the conduct of war. This became all the more evident when, at the outbreak of the war in 1914, the aged Emperor Francis Joseph handed the supreme command of the Armies in the Field to the Archduke Frederick, a genial but undistinguished prince, who was guided entirely by the then Chief of Staff, Freiherr Conrad von Hoetzendorff. The latter was a typical product of the General Staff, a brilliant strategist on paper, but wanting perhaps in that adaptability to new conditions which proved so necessary during the recent war. Moreover, he lacked that element of human intuition and sympathy which is so essential an attribute of the would-be leader of men, especially when the men in question hail, as they

[1] In April 1917 the Emperor, considering the term 'Landwehr' Regiment inappropriate to units composed of first-line troops, altered the title of Landwehr-infanterie-regiment to that of Schützen-regiment.

did in the Austro-Hungarian forces, from so many different nationalities, with correspondingly different languages, religions, ideals, and traditions. The General Staff itself was naturally composed for the most part of Germans and Magyars, by reason of their higher standard of education and their political predominance in their respective halves of the Monarchy. The exact degree of friction which existed between these two elements in the direction of the War is difficult to define with any precision at the moment, owing to the lack of contemporary records. But that friction must have existed cannot be doubted. In the first place, Hungary was always an unwilling party to the Dualism which governed her relations with Austria. There was always the lurking consciousness that she might not be an equal partner in the Empire. It was true that she had her own army of Honvéd troops, recruited from within her own borders and officered by her own countrymen, and in which the language of command was, in most instances, Magyar. But then she contributed a large contingent to that Common Army over which she had only a half control. Though the Honvéd divisions each possessed their quota of divisional artillery, the Common Army controlled the heavy artillery, most of the cavalry, the aviation troops—in fact, all the technical troops of a non-divisional character. There was thus, even before the War, a party in Hungary predisposed to agitate for the divorce of the Magyar elements from the Common Army and their incorporation in a purely Hungarian Army, provided for and supplied entirely by the Hungarian exchequer. For this reason the Hungarian Delegation were more often than not inclined to vote for a reduction of any supplies asked for by the Common Ministry of War—a show of jealousy for which, as it happened, they themselves were eventually to suffer.[1] During the later stages of the War in 1918, the political parties who advocated a Hungary unfettered and mistress of her own Foreign Affairs, Army and Finance, gained an increasing ascendancy in the country. Moreover, Hungary was a fertile country and Austria was not. She therefore resented the compulsion which her political ties with the latter

[1] The Austrian General of Infantry, Alfred Krausz, complains in his *Die Ursachen unserer Niederlage* that, owing to the opposition of the Hungarian Delegation, the divisions went into the field with only 36 field-guns instead of the German divisional allowance of 72.

imposed on her, for she was forced to supply her produce to armies over which she exercised so hampered and partial a control. Still greater grew her resentment when her products were requisitioned, not for the Austro-Hungarian Common Army, part of which certainly was recruited from Magyar soil, but for the German Army and population. These factors cannot but have been reflected in wrangling and friction between the German and Magyar elements of the General Staff and in awkward complications between the Austro-Hungarian and German Higher Commands.

6. *Changes necessitated by the War and by Nationalistic Tendencies.* Before the War, little attention had been paid to grouping the units of the Austro-Hungarian forces in such a fashion that the elements, whose national susceptibilities might lead to disaffection, should always be stiffened by trustworthy Germans or Magyars, whose loyalty to the House of Habsburg did not lay them open to such tendencies. The composition of units was, in the main, organized on a purely territorial basis,[1] but now circumstances arose in which Italians might be called upon to fight against Italians, Rumanians against Rumanians, Serbs against Serbs, Poles against Poles, and Ruthenes against Ruthenes—to say nothing of the chances of disaffection among such elements of the army as the Czecho-Slovaks, who had no interests at stake beyond the opportunities the eventual peace settlement might afford them of freeing themselves from the Austrian yoke. Such a situation opened the eyes of the General Staff to the dangers of this system. There were mutinies among the Polish and Czech elements which formed part of the Przemysl garrison. The 28th and 36th Common Army Infantry Regiments and the 36th Schützen (formerly Landwehr) Regiment, which were Czecho-Slovak by nationality, deserted wholesale. Throughout the War indeed the Slav and Latin units tended to offer a conspicuously weaker resistance in battle than the German and Magyar. The Higher Command were thus driven to work out a policy of readjustment in the distribution of nationalities among the various units. The general principle was adopted of reinforcing the Slav and Latin units with trustworthy Magyar or German elements. This was effected in a variety of ways, by changing the dépôts of regiments, by readjusting the balance of nationalities

[1] Except in Bosnia-Herzegovina.

within higher units such as corps and divisions, by replacing wastage in Slav and Latin units by Magyar or German drafts, and by regulating the disposition of troops on the different fronts in such a way that units liable to disaffection might not find themselves faced by co-nationals among the troops of the Entente. Many examples could be quoted of these different readjustments. The 41st Honvéd Division was entirely Magyar, while the 20th Honvéd Division contained a preponderance of Rumanians and Ruthenes; in order to strengthen the Magyar element in the latter, an exchange of brigades between the two divisions was effected, thus creating a Magyar majority in both divisions. A similar exchange was made between units of the 9th and 30th Common Army Infantry Divisions. The dépôts of the 35th and 11th Common Army Infantry Regiments, which were Czech by nationality, were transferred from Bohemia to Hungary. Again, when the 82nd Common Army Infantry Regiment was despatched to the Rumanian Front, the Rumanian elements had first to be withdrawn from it.

7. *Causes of Early Defeats.* However, despite all these efforts on the part of the Higher Command to minimize the chances of disaffection, the Austro-Hungarian forces met with a conspicuous lack of success during the earlier stages of the War. It was only the help of German reinforcements in the winter of 1914–15 which stemmed the tide of their defeats on the Russian Front and prevented the Russian Armies from crossing the Carpathians into Hungary. On the Balkan Front during the same campaign, three successive attempts to invade Serbia were repulsed, each time with increasingly heavy losses. The causes of these failures are to be sought partly in the fact that the Austro-Hungarian Higher Command could not rely with any certainty upon the *moral* and loyalty of the man-power at its disposal, and partly in its own mistaken tactics. Major-General von Cramon, the German liaison officer with the Austro-Hungarian Supreme Command, laments these faulty tactics in his book, *Unser Oesterreichisch-Ungarischer Bundesgenosse im Weltkriege*, and states that the Austro-Hungarian General Staff expected the line to advance or retreat together. If, for instance, any unit were forced back, its neighbours would fall back in sympathy. The possibility of utilizing such a situation to squeeze out the enemy by flank pressure was overlooked,

with the result that excellent positions were repeatedly lost. Again, the methods of reinforcement proved most unsatisfactory. Instead of distributing troops from the dépôts among their respective regiments at the front as casualties occurred, the drafts to replace wastage were all organized into battalions (known as *Marschbataillone*) and frequently thrown into engagements in that form as fighting units, instead of being drawn upon little by little to fill up the necessary gaps. Regiments and even brigades composed solely of these draft battalions were used in this manner, and naturally lacked the nerve and staying power which they would have acquired from gradual assimilation to more seasoned troops. By March 1915 the plight of the Austro-Hungarian forces was serious. The Bukovina and most of Galicia was lost, the much-vaunted 'punitive expedition' against Serbia perforce abandoned, heavy losses sustained both in men and material, and a general feeling of distrust of the *Generalität* of the Army engendered. The Hungarians were exceptionally bitter in their complaints of the incompetence of the Austrian leaders, for the Russians were on their Carpathian frontiers. A despairing cry was raised for help from the German Army. Austria-Hungary, it was argued, had saved Prussian Silesia; it was now for Germany to save Hungary. The road between Pless, the German Great General Headquarters, and Teschen, the seat of the Austro-Hungarian Supreme Command, and only an hour's motor drive away, became the scene of feverish activity. Conrad visited Falkenhayn and Falkenhayn visited Conrad. Eventually a plan of campaign to pierce the Russian lines on the Tarnow–Gorlice Front was drawn up conjointly, and the great summer offensive under Mackensen was launched. The consequent collapse of the Russian left caused their whole line to retreat, and by the end of August the Russians had lost Poland and were behind the Styr and the Sereth.

8. *Austro-Hungarian Relations with Germany.* Flushed with the success gained by the help of the Germans, the Austro-Hungarians endeavoured to develop it further by an attack at Rovno. This attack, which was carried out by the Fourth Austro-Hungarian Army under Archduke Joseph Ferdinand, failed, and again the German Army had to come to the rescue, although too late to avoid the retirement from the Sereth to the Strypa. After this failure, the Germans insisted on the

Fourth Army's incorporation in a German Group of Armies commanded by the German von Linsingen, who was in turn responsible to the Austro-Hungarian Supreme Command.

From this time onwards the Austro-Hungarian share in the War became characterized by constant friction with German Headquarters. Austria-Hungary was the weak party in the alliance, but her leaders were proud and very susceptible where the honour of her arms was concerned. Her only hope for success lay in her acquiescence in a unified command controlled by the German General Staff, but her stubborn pride held out against the indignity which she conceived such a course to involve.

Great events had in the meantime occurred on the Serbian Front. The necessity for supplying Turkey with munitions and getting into direct touch with Bulgaria, had led the Germans to take an active interest in the Serbian campaign. Falkenhayn was not blind to the repeated failures of the Austro-Hungarian leadership, and he demanded that the control of a new Balkan campaign should be in the hands of a German general acting under German orders. He was supported by the Bulgarians, on whose assistance he could count only on these conditions. Conrad, ever jealous for prestige, eventually agreed to the appointment of von Mackensen, but made efforts to secure the despatch of the preliminary orders for the campaign from Teschen. Falkenhayn, however, would not agree, and Conrad, forced to yield on this point, suggested that Mackensen's reports should be sent simultaneously to both G.H.Q.'s. Falkenhayn remained obdurate here also, pointing out that both Austro-Hungarian and Bulgarian liaison officers existed for the transmission of reports to Teschen and Sofia; Bulgaria, he said, was a new ally, unused to team work, and must be carefully handled. Conrad, though deeply wounded, gave way. Such incidents only tended to embitter relations between the two General Staffs, and to imperil the future prospects of a really unified command.

On the 6th October 1915, Mackensen's Army, comprising twelve Austro-Hungarian and German divisions, crossed the Danube, and within a fortnight the Bulgarians had invaded Serbia in the south. By the end of November, Serbia and Macedonia had been overrun, and the way to Turkey was opened. In the meanwhile Entente troops had landed at

Salonica, and Falkenhayn and Conrad had agreed that Mackensen's campaign must be carried to the Aegean Sea. Apparently, however, Falkenhayn was not thoroughly convinced of the necessity of attacking Salonica, for Mackensen had already withdrawn some of his corps to rest in Hungary. Conrad rushed to Pless for explanations.[1] There Falkenhayn still professed his adherence to pushing on the Serbian campaign, although he drew attention to the difficulties of supply in the mountains of Macedonia, the possibility of typhus epidemic, and the approach of mid-winter. Conrad was only partially satisfied with this profession of good faith, and afterwards wrote to Falkenhayn that he considered himself absolved from the agreement to support Mackensen with Austro-Hungarian troops, for whose use he claimed full and free decision. The Mackensen campaign was given up.

9. *Conrad's Attack on Italy, May 1916.* Conrad had spent much of his time before the War in perfecting plans for the undoing of the *Erbfeind*—Italy. Although Italy had been at war with Austria-Hungary since May 1915, no great battles had been fought. The Italians had advanced to the Isonzo and stood a few miles over the Austrian frontier in parts of the Trentino. The heaviest fighting had occurred round Gorizia, the Austro-Hungarians on the whole front remaining for the most part on the defensive. Conrad now contemplated a great offensive in the Trentino, and asked Falkenhayn for the assistance of German infantry and heavy artillery. The attack on Verdun was, however, in preparation, and Germany was not yet willing to declare war on Italy; Falkenhayn therefore refused to enter into the Austro-Hungarian plans. The German General had by now a poor opinion of the offensive value of the Dual Monarchy's troops. Some units were admittedly of high standard, but their average worth was much below that of the Germans, and Falkenhayn would have preferred to place the troops of his Ally everywhere on the defensive. The German requirements for Verdun necessitated some reinforcements of the Russian front, and Falkenhayn asked for Kövess' (3rd) Army from the Serbian-Montenegrin Front to replace the German troops withdrawn from Russia to France. Conrad, however, refused, and launched the successful

[1] There was probably a difficulty caused by the conflicting Austro-Hungarian and Bulgarian claims on Salonica.

Montenegrin-Albanian offensive without the German General's knowledge. An open breach between the two generals occurred, and although Conrad finally apologized, it cannot be supposed that their subsequent outward show of friendship concealed anything but feelings of cordial dislike. In February 1916 the German G.H.Q. were moved to Mézières, and such unity between the Austro-Hungarian and German General Staffs as the contiguity of Pless and Teschen had facilitated, suffered a yet wider breach. The relations, too, between Austria-Hungary and Bulgaria were not of the best. In Serbia, the Bulgars had occupied Prizrend, Prishtina and Elbassan, and thus encroached on what Austria-Hungary considered her sphere of interest. Open hostility occurred between the troops of both nations. On the Bulgarian admission that their occupation of the debatable territory was only temporary, the matter ended.

During the early spring of 1916, Conrad perfected his plans for an offensive in the Trentino. He observed the strictest secrecy towards Falkenhayn, and although he must have known that German liaison officers had seen and reported the large concentrations of troops behind the Italian Front, it was not until April that he made known his intentions to Falkenhayn, who evinced only a lukewarm interest, and even suggested that, as the winter was so prolonged, the offensive should be called off and several of the released divisions sent to support the Western Front.

Two Austro-Hungarian Armies—the 11th (Dankl) and the 3rd (Kövess)—had been concentrated between Bozen and the Trentino Front, and on the 15th May 1916 the attack was launched. Here, at last, the hereditary enemy of the Monarchy was to be laid low, and his armies cut off and surrounded. Whereas on other fronts the nation's forces might be divided in their opinions, against Italy the German, Serb, Croat, Slovene and Magyar were bound by a common hate. In view of the possibilities of a great victory, the heir to the throne, Archduke Charles Francis Joseph, guided by an efficient staff, had been placed in command of the leading Army Corps (XX). The attack was immediately successful, and within a week Asiago was taken. The news was joyfully received in the Empire, complimentary telegrams passed between Emperor and Emperor. At last the military prestige of Austria-Hungary

appeared—superficially, no doubt—to be vindicated. The Trentino offensive, however, in spite of this jubilation, had failed. Difficulties in the transport of heavy artillery and the impossibility therefore of maintaining sufficient pace in the attack, gave the Italians the time they needed to rearrange and reinforce their over-taxed troops.

10. *Brussiloff's Offensive and German Supreme Control in the East.* A great disaster now loomed up on the Eastern Front. On the 4th June the Russians began their great offensive under Brussiloff from the Pripet to the Rumanian frontier. The Austro-Hungarian Fourth Army under Archduke Joseph Ferdinand broke completely, Lutsk fell, and Lemberg was threatened. Farther south, too, the Austro-Hungarian Front collapsed. In twelve days the Fourth Army lost 54 per cent. and the Seventh Army 57 per cent. of their effectives. Both these armies were under Austro-Hungarian control. The Germans took prompt measures to limit, as much as possible, the results of these disasters. The Archduke was dismissed from his command and his army placed directly under German control, while German troops were drafted in to stiffen the wavering forces and initiate some sort of resistance. But although the centre was saved, the Russians continued to advance in the Bukovina and Eastern Galicia. By August the Bukovina was once again lost, and the Russians were over the Zlota Lipa and had taken Brody. The failure of the Trentino offensive and the Russian successes made Conrad's position insecure, and only the lack of a substitute sufficiently agreeable to the Emperor, the Army, and the politicians, saved him. The question of establishing a unified command on the Eastern Front under German auspices became acute. A compromise, however, was arrived at. Hindenburg took over the command north of the Pripet under German G.H.Q., while the forces south of the Pripet to Bukovina came under both German G.H.Q. and Austro-Hungarian G.H.Q., working in conjunction. A system of exchange of officers and intermixture of German and Austro-Hungarian smaller units was instituted. The insertion of these German units, known as *Korsettenstangen*, tended to strain the relationship existing between the two Armies, rather than to improve it. The Germans frankly despised their brethren in arms, and there is reason to believe that the Austro-Hungarians found the manners and behaviour

of their allies often lacking in cordiality, if not occasionally in courtesy. The feelings of both are well illustrated by the Austrian General Krausz, who relates in his book the story of an Austro-Hungarian divisional commander, who once complained to him of the 'inconsiderate, surly (*schroffe*), selfish, arrogant, and offensive attitude' of the German troops with whom he was then in contact. Krausz repeated this complaint to a German general, who replied with a frank admission of these qualities on the part of his troops. 'These complaints', he added, 'are very unpleasant and painful to me; but we have brought our men to such a pitch of energy, and we are so concerned to keep driving them on to maintain it, that there is little wonder if it sometimes takes a wrong direction.'

Two events finally obtained a unified control of the whole Eastern Front—Rumania's entry into the War on the 27th August 1916, and the replacement of Falkenhayn by Hindenburg. As soon as Hungary was again threatened with invasion, the feeling against the Austro-Hungarian command grew, and Conrad was forced to swallow his pride and submit to German control. The rapid invasion of Transylvania was soon followed by the heavy defeat of the Rumanians, who by the 19th January 1917 were out of Hungary and back in Moldavia. German troops had again saved the Dual Monarchy.

11. *The New Emperor; Fall of Conrad.* The Emperor Francis Joseph died on the 21st November 1916, and the thirty-year-old Archduke Charles succeeded him. From this moment the Habsburg tradition and blind loyalty to the Germans began to lose ground. The whole policy of the Empire was suddenly changed. War *à outrance* was to be abandoned. Peace was to be made. The mystical veneration surrounding the throne was to be replaced by frequent intercourse between Emperor and people. The severe repression of Court influence by the Army and the isolation of Teschen were to be abolished, and a new era established. There is no doubt that at this period the growing shortage of food, the rising prices and the heavy losses suffered in the field, had induced an intense feeling of war-weariness. There arose a sigh of relief among the greater part of the people when the old Emperor died and a new one, who openly desired peace, began to reign. Emperor Charles soon dismissed the Archduke Frederick, and much against Conrad's will and that of the Germans, moved the *Armee-ober-*

kommando to Baden near Vienna, where he took over in person the command of the Austro-Hungarian forces. This move was much appreciated both by the Army and the Court. But the position of Conrad became impossible, and his dismissal soon followed, together with that of nearly all his staff, who were replaced by younger and more accommodating men under General Arz von Straussenberg, a jovial person, of no great ability and not of a nature to contradict his new Emperor. General Cramon's comment on this is that General Krausz was passed over in spite of his well-known military gifts and his ability to work well in unison with the Germans. His independence and sharp manner, however, were not suited to Charles, who is said to have cared more for pleasant, easy-going men.

Conrad von Hoetzendorff was essentially a 'staff' soldier. He was stronger in the conception of plans than in their execution. He had remained wedded to certain preconceived ideas, which he was unable to adapt to new conditions. His General Staff he educated to a high level of theoretical knowledge and learning. On paper they inevitably beat the enemy; in war, their lack of actual experience led them to suffer defeat after defeat. He seldom visited the front, or interviewed his generals at their headquarters. He was no courtier, and was disliked as much at Schönbrunn as in the Ballplatz. Nor was he *persona grata* in Church circles; his marriage with a *divorcée* and his disregard of church ceremony having earned for him their intense dislike. The Archdukes suffered severely at his hands, but he was nevertheless not strong enough to rid himself of certain incompetent Army commanders whose attachment to his 'school' was known. The Court and most of the Army were glad of his dismissal, and several of the acknowledged failures found their way back to high places. General Martiny, whose Xth Corps had failed miserably at Lutsk, obtained the IIIrd Corps on the Italian Front. To Archduke Peter Ferdinand, who had mismanaged his division early in the War on the Russian Front, was conceded a corps command in the Tyrol, while Archduke Joseph Ferdinand, to whose slackness the disaster at Lutsk may be chiefly attributed, was made inspector of the Empire's Air Forces.

The economic difficulties of the Empire immediately engaged the attention of Charles. The position was peculiar. Hungary

was plentifully supplied with food-stuffs, while in Austria prices were high and food scarce. The jealousy of Hungary was shown in this matter, for whenever prices were fixed for Austria, Hungary fixed higher prices still, and so secured much that Austria required. For example, at this time the fixed price for a load of wood in Austria was 58–60 *kronen*—in Hungary, 120 *kronen*. Styrian wood, therefore, instead of being used in Austria, was exported to Hungary! Profiteering was rife and was to all intents and purposes encouraged by the Army, which preferred to deal with contractors rather than with producers. The comparatively fair and very strict rationing in force in Germany was not reflected in the neighbouring Monarchy.

Though assiduous in securing reports and becoming himself convinced of the necessity of some method by which the resources of the Empire might be made more productive, the Emperor was unable to initiate any scheme to better the situation. Charles entered upon his duties with enthusiasm. He visited all fronts, war and home, and evinced a feverish anxiety to be known and liked by his people. He tried to placate the oppressed nations by a political amnesty, he summoned the Austrian Parliament (closed since early in 1914), he abolished the harsher forms of field punishment. His generosity of purpose cannot be doubted, and it might seem an ill reward that the very peoples whose lot he tried to improve, began from that moment to voice even more openly than before their demand for entire independence from Habsburg rule.

12. *The Dwindling of Austro-Hungarian Man-power.* The enormous losses sustained by the Army were beginning to render acute the problem of Austria-Hungary's dwindling man-power. The number of mobilizable men between the ages of 17 and 50 was estimated in the middle of 1917 at just over 11,500,000. The permanent wastage had been calculated at over 4,000,000, of which 1,800,000 were accounted for as prisoners of war in the hands of the Allies, while a constant figure of 400,000 might be assumed for temporary wastage, viz. those in hospitals liable to return to the front. The forces in the field were estimated at a little under 2,000,000, while those employed on lines of communication and in training amounted to upwards of 1,000,000, the Navy and naval reserves accounting for another 50,000. A balance-sheet might thus

have been drawn up in very rough figures in June 1917 somewhat on the following lines:

Total mobilizable men		11,500,000
Permanent wastage . .	4,000,000	
Temporary wastage . .	400,000	
Forces in the field . . .	2,000,000	
L. of C., and in training . .	1,000,000	
Navy and naval reserves .	50,000	
		7,450,000
		4,050,000

Of this total, nearly 3,500,000 must have been employed in industry, government services and starred professions, thus leaving only a residue of 550,000 for the further prosecution of the War. Moreover, the economic distress which reigned in the Dual Monarchy during the latter phases of the War was so crippling to its manhood, that the physical fitness of this residue must have been very seriously impaired, and the proportion of it really fit for general service a very low one. This is borne out by a study of the recruiting situation at this stage of the War. On the 1st May 1915 the age limit for liability to military service was extended to include men between the ages of 18 and 50, while on the 16th December of the same year it received a yet further extension from 50 to 55. Men who attained the age of 50 during the course of the War were not automatically released from further service, but had to await a special Imperial decree. Men previously rejected as unfit were liable to constant re-examinations. As the need for men grew, the standard of physical fitness declined. Early in 1917 grave discontent manifested itself throughout the civil population, and to a certain extent in the Army also, at the prolongation of service with the colours and at the demands of the military authorities upon the youth and middle age of the Empire. Accordingly, in the spring of 1917, von Hazai was made Director-General of Recruiting and Supplies (*Leiter des gesammten Ersatzwesens*), in order to co-ordinate the development of the resources in men and material at the disposal of the Dual Monarchy. Partly owing to the increase in reserves available, following on the subsidence of hostilities in the Eastern theatre, and partly in order to appease the public agitation just referred to, Hazai was able to evolve a policy of releasing

the older classes from service at the front, if not from service altogether. By the middle of 1917, the 1899 class (or youths attaining the age of 18 in 1917) had been called up; the 1898 class had been called up and subjected already to one revision; the 1897 class had been twice revised; the 1896–4 classes three times; and the 1893–73 classes four times revised; while the 1872–67 classes of men, between the ages of 45 and 50, had been twice revised. For the following year there remained only the 1900 class, or boys attaining the age of 18 in 1918, the first, second, and third revisions of the 1899 class, second and third revisions of the 1898 class, third revision of the 1897 class, a possible fourth revision of the 1896–4 classes, and a third revision of the 1872–67 classes. The above revisions, together with the calling to the colours of the 1900 class, could not yield more than a maximum of 500,000 men all told. The outlook was indeed a gloomy one.

13. *Caporetto and its Effects.* In the summer of 1917 the Austro-Hungarians had been forced to the defensive on both the Russian and Italian Fronts. In Russia, Kerensky had let loose the last great Russian effort to push back the Central Powers, while Italian troops had taken the offensive on the Isonzo front. The Russians again moved south-west of the Dniester, but the triumph of Bolshevism and the arrival of German reinforcements almost entirely freed Galicia and Bukovina, and peace with Russia became a distinct possibility. During Korniloff's offensive the Czechs of the 19th Division went over to the Russians. On the 9th August 1916 the Italians had taken Gorizia, they mounted astride the Bainsizza Plateau (May–August 1917); Austro-Hungarian resistance had been overcome, and had the Italians been able to push forward, the military power of the Monarchy might perhaps have been crushed there and then. Germany was not slow to realize the danger to herself of the immediate situation on this front and hastened to lend her aid for an offensive which might shake off the Italians for good. The tactics so successfully carried out by the Central Powers at Gorlice were again adopted, and led to the disastrous defeat of the Italians at Caporetto in October 1917. But an overwhelming success by the Central Powers was prevented by the failure of Conrad to develop a push in the Trentino and their own inability to round up the Duke of Aosta's Army. The arrival of British and French

reinforcements steadied the Italians, and the German troops were by degrees withdrawn from the front.

Possibilities of peace were now bright in the East. Armistice negotiations were entered into with the Russians at Brest-Litovsk, and an armistice was signed on the 15th December 1917.

The first discussions between the German and Austro-Hungarian G.H.Q.s regarding a combined offensive on the Western Front took place shortly after the Caporetto victory. In return for German help then given, Austria-Hungary had promised to place all her available troops at Germany's disposal for the Western Front. No great offensive operations were called for on other fronts, and Germany now demanded the completion of the bargain. There were several reasons why Austria-Hungary refused to supply the troops required. The Empress Zita, whose sympathies were, for family reasons, inclined towards the Entente, wished to avoid the contact of Austrian and French troops on French soil, while the non-German elements and Social Democrats were becoming increasingly averse to any sort of help being given to Germany. The attitude of the troops themselves had also to be taken into consideration. On the Western Front the good behaviour of Slav troops could not be assumed, while Germans and Hungarians were required on the Italian and Home Fronts. Further, the necessary equipment for the highly-developed system of fighting in France was not available. In spite of these shortcomings, it is certain that a really willing Austria-Hungary could have spared at least half a dozen divisions. The dispute was eventually settled by the despatch of a number of heavy field artillery batteries, for which ammunition was to be supplied by Germany; owing to strikes and shortage of raw material, the output of munitions in Austria-Hungary had fallen far short of the demand.

14. *Signs of Army Demoralization.* In the meantime the food situation in Austrian towns—particularly Vienna—was rapidly becoming desperate. The reduction by one-half of the bread ration in January 1918 was followed by a general strike of workmen, and the danger of revolution among the civil population became imminent. The Emperor Charles left his luxurious castle at Laxenburg and withdrew with his family to the more unpretentious Imperial dwelling at Baden. The

3rd *Edelweiss* Division and certain trustworthy Hungarian units were brought from the front to the environs of Vienna. Prince Schönburg-Hartenstein, one of the most energetic of the Austrian generals, was even designated as a sort of military dictator, should the occasion for such a post arise. The strike was only settled by the promise of an early peace with Russia and the supply of grain from the Ukraine, while a portion of the Army food reserve was commandeered for the civilian population. A reduction of the Army bread ration in January 1918 was necessitated by this apportioning of part of the Army food reserve to the civil population, whom it became imperative to satisfy. This led to renewed desertions, which, in spite of all counter-measures, continued steadily on the increase. The trench rations were temporarily augmented and field punishments reintroduced, but without avail, for the Army's *moral* was now on the decline—a descent gathering momentum as the War continued. In February 1918 on the Piave a Hungarian unit whose *moral* was usually good, suddenly refused to fight, owing to hunger, and retired towards the Livenza, where they were met and overpowered by German troops, but not before casualties had been suffered on both sides. Mutiny and desertion were not confined to the Army or to the battle front. Towards the end of February a mutiny broke out in a division of the fleet at Cattaro, whence only a few months earlier a torpedo boat with its Slav crew had taken their ship into Brindisi. The Admiral (von Hansa) was made prisoner, and a sailors' revolutionary committee presented him with an ultimatum demanding (*a*) an immediate general peace; (*b*) arrangements whereby the principles of nationality might be respected; (*c*) the better treatment of men by their officers. Strong forces, however, arrived from Pola, and the mutiny was suppressed. A revolt of the 22nd Infantry Regiment (Serbo-Croat) occurred at Mostar, near Temesvár 8,000 Poles endeavoured to reach Rumania, and were only prevented by a Croatian regiment, which forced them to surrender after a pitched battle, in which both machine guns and artillery were used. The mutiny of Poles, due probably to their dissatisfaction at the cession of Kholm to the Ukraine, was a fatal sign for the Monarchy. For years the support of Catholic Galicia had enabled the Austrian Government not only to control its Slav irreconcilables, but also to placate its German friends.

The position of the Poles in the Army perhaps needs a word of explanation. After the collapse of the Russian revolution in 1906, the Polish revolutionary leaders and many of their followers passed over into Galicia. Here Joseph Pilsudski, at the outbreak of war, formed the Polish Legions, at the head of which he crossed the Russian frontier and occupied Kielce by a *coup de main*. This initial success secured for them their incorporation in the Austro-Hungarian Army. They were allowed to wear a special uniform and use Polish as the language of command. Pilsudski, for political reasons, was subsequently relegated to a minor command in the Legions, whose numbers grew as Poland became occupied by the Central Powers. By 1916 the Legions consisted of three infantry brigades, two cavalry and two artillery regiments, and were renamed the Polish *Hilfskorps*. With the Austro-German declaration of the independence of the Kingdom of Poland, 5th November 1916, the corps was retained in the interior to provide the nucleus of a Polish Army, the formation of which was then contemplated. But owing to their failure to obtain recruits, the corps was handed over to the German Governor-General of the German occupied territory in Russian Poland, to be used by him as the permanent cadre of the Polish Army. When, however, at the beginning of July 1917 the greater part of the Legionaries refused to take the oath of 'brotherhood in arms with Austria-Hungary and Germany', many of them, including Pilsudski, were interned, the remainder being sent to Galicia. After another ineffectual attempt at reorganization, nearly all the troops were sent to the dépôts of various Austrian infantry regiments, excepting one brigade, which, employed on the Galician Front, later fought its way over to the Bolsheviks, during the summer of 1918.

Another sign of the approaching demoralization was to be found in the desertion of men from regimental dépôts and from drafts bound for the front. During three days in March a police raid discovered 600 deserters in Budapest, and during fifteen days in April 1,000 more were arrested. The deserters were not punished, but were sent back to their regimental dépôts. Desertions frequently occurred *en masse*, and the defaulters, forming themselves into large armed bands, took to the wilder parts of the country. Though at first they inspired and spread terror, they were subsequently to a certain extent

protected by the natives. These bands scattered through Dalmatia, Croatia and the Banat, and the efforts of the authorities to round them up were not attended with much success. Instances of desertion from draft units became more and more frequent. In February 1918, when a march battalion of the 14th Infantry Regiment (German) left their dépôt at Linz for the front, more than 200 men deserted and hid themselves in the neighbourhood. A 'march' company of the 34th Infantry Regiment (Magyar-Slovak), hearing that they were destined for Palestine, mutinied on leaving their dépôt, and returned to their homes. The economic conditions were having a disastrous effect on the *moral* of the Army, and even the hopes of increased food supplies from the Ukraine could not allay the growing discontent.

Apart from internal conditions, political events were likewise beginning to cast the shadow of eventual doom upon Austria-Hungary. In April 1918, M. Clemenceau disclosed the peace overtures made by the Emperor through his brother-in-law, Prince Sixte of Bourbon. It was only with difficulty, and possibly by some perversion of the truth, that Germany was reassured of the Emperor's good faith with his ally. Shortly after this another incident occurred to widen the breach between the Central Powers. Early in May the food position in Vienna was serious. Bread for only a few days was available. The chief of the Common Food Ministry, General Landwehr, felt that measures must be taken quickly to avoid starvation and revolution. He therefore intercepted a large quantity of cereals and 2,000 wagons of grain—German property—on its way up the Danube to Germany from Rumania and the Ukraine. This food he commandeered for Vienna without asking permission from Germany.

15. *The Failure of the Offensive against Italy, June 1918.* On the 13th May, at Spa, the Emperor Charles obtained in a manner absolution for these unfortunate incidents by signing a convention purporting to strengthen and deepen the alliance between Germany and the Monarchy. At this meeting an offensive on the Piave was agreed to. Conrad, however, was subsequently able to convince the Emperor that a simultaneous push in the Trentino was a necessity, and finally the offensive became a series of separate operations between Pasubio and the sea. A preliminary demonstration in the Tonale Pass was

without effect, and on the 15th June the offensive was launched on the plateau of Sette Communi, east of the Brenta and on the Piave opposite Treviso. Only where least expected was success obtained. Three divisions, after a bloody fight, crossed the Piave and established themselves astride the Montello, while towards the mouth of the river further divisions obtained a footing on the right bank. Any exploitation of this gain was prevented by heavy rains which, swelling the river to a rushing torrent, swept away the bridges and severed the communications of the advancing force. Only at the cost of heavy losses was a retreat effected, and by the 24th June—the anniversary of the Battle of Custozza—the Austro-Hungarians were again behind the Piave. During this fighting the Monarchy's Air Force was almost placed *hors de combat*, losing 107 aeroplanes. In view of the mutinies and desertions already referred to, it is surprising to find that the troops fought with comparative bravery and devotion. It was only when actually defeated that disillusionment set in amongst them. This may be accounted for perhaps by the fact that the proportion of men who could read and write in the Austro-Hungarian Army was comparatively low; the offensive spirit was thus more easily heightened by increased rations (always granted before large operations) and by the personal example of a superior officer. The defeat, with its 150,000 casualties, caused an outcry in Austria-Hungary. In the Hungarian Parliament, the Austrian generals were accused of incompetence, and a national Army again called for. In the Austrian Reichsrat during a three days' secret debate, both Charles and his Empress were openly accused by the German members of an understanding with the enemy. The downfall of Conrad was finally consummated. After forty-seven years' service, he became Colonel-in-Chief of the Guards—a position equivalent to the command of the Yeomen of the Guard in this country.

16. *Results of the Failure of the Offensive, increased Demoralization.* On the suspension of the offensive, the Germans demanded six Austro-Hungarian divisions for the Western Front, but in view of the great opposition of the politicians, only two—the 1st (German) and 35th (Magyar-Slovak-Rumanian) Divisions—were sent in the early days of July. Two further divisions—the 37th Honvéd (Magyar-Slovak) and 10th (mostly Polish-Ruthene)—followed at the end of August. On the 17th August

the last birthday dinner of a reigning Habsburg monarch took place, and the Emperor was presented with a Field-Marshal's baton by his Generals. The baton had already travelled to the Italian Front, where it was to have been presented on the morrow of a great victory. In spite of the disastrous Piave battle, the lack of food and the growth of nationalist feeling among the soldiers, discipline and counter measures were still able to prevent mutiny and desertion at the front from paralysing further operations. Nevertheless, several mutinies did occur—mostly among Czech regiments, e. g. the 3rd, 21st, 98th Infantry, and the 8th and 28th Schützen (formerly Landwehr) Regiments. The greatest chaos, however, reigned in the interior of the Monarchy. At the dépôt at Rumburg, for instance, men of the 18th (Czech), 92nd and 94th (German) Infantry Regiments broke out of barracks, and after killing their commanding officer and robbing the population, proceeded to march on Theresienstadt. The loyal garrisons of two neighbouring towns were, however, warned by telephone of their advance, and in the fight which ensued, some 300 deserters were captured. Fully 600 succeeded in effecting their escape, and although the greater number were subsequently caught, some of them crossed the German border into Saxony. Again, a draft battalion of the 81st Regiment was paraded at Lienz in the Pusterthal, bound for Trent, on the way to the front; but when the order to advance was given, not a man in the battalion moved. The officers drew their revolvers, but the men, mainly Croats and Dalmatians, attacked them. A major of German nationality was killed by blows with the butt of a rifle, many other officers were wounded, and the battalion was only subdued by the machine-guns of another unit. Some 200 men, however, succeeded in escaping; they took with them a quantity of rifles, ammunition and machine-guns, and made off into the mountains, where they were joined by other deserters. A fugitive Rumanian officer appeared and played the part of brigand chief; and the efforts of the gendarmerie, a strong detachment of which was sent from Franzensfeste, assisted by several machine-gun units, resulted merely in the capture of a few of the deserters, who were promptly shot. Examples of the revolutionary spirit introduced by prisoners of war returned from Russia were numerous. Great care was taken to segregate them, in order to prevent the spread of

subversive ideas, but without any conspicuous success. The number of deserters at large in the interior of the country assumed enormous dimensions in May and June. In Slavonia and Bosnia-Herzegovina it was estimated that over 17,000 of these deserters were roving about the country in armed bands. They were to be found in Hungary (especially between the Danube and Theiss), Bohemia, Moravia, Carniola, Carinthia and the Banat. The total number of deserters in the interior at this time cannot have been far short of 100,000.

17. *The Last Stages.* On the 15th September, Charles's Peace Note was sent out to neutrals and the Entente Powers, in spite of great opposition from the German Great G.H.Q. On the same day the Entente offensive began on the Balkan Front, and by the 29th September the Bulgarian Armistice was in force. As the Entente troops advanced into Serbia a frantic attempt was made by the Central Powers to form a new Southern Front. Under the Austrian Field-Marshal Kövess, Austro-Hungarian troops were rushed from Italy and the Ukraine; but little offensive spirit was shown, and one division left its fighting position at Vranje without firing a shot. On the 1st October, Hussarek, the Austrian Prime Minister, hinted in the Reichsrat at federating the 'nations' (*v.* pp. 90–1). In view of the political and economic conditions prevailing in Austria-Hungary at this moment, it seems curious that an immediate revolution did not occur at the front. It can only be attributed to the strictness of discipline, to the jealousies of the different nationalities, and to the fact that all Austro-Hungarian high commanders—whatever their nationality—remained loyal to the old order. On the 20th October, however, following several mutinies among the Magyars in the Val Sugana and on the Piave, the Hungarian Parliament demanded the return of the Hungarian Army, and the Archduke Joseph, then in command of the Trentino Front, was nominated Field-Marshal and Commander of the National Hungarian Army. On the 24th October the Entente began their last attack on the Italian Front. The Austro-Hungarians made stubborn resistance at several points, notably in the Asolone-Grappa area. On the 27th October, British troops crossed the Piave and broke through the enemy front. Retreat now became general. On the 3rd November the Armistice was signed, just in time to anticipate the disruption of the two halves of the

Monarchy. A wild rush to return set in on the part of all those who could avoid being taken prisoner. Several thousands 'looted' their way homewards. Staffs broke up, and the G.H.Q. at Baden became the scene of the greatest disorder, the troops and guards attached disappearing in haste. The military power of Austria-Hungary was finally broken, and the Dual Monarchy ceased to exist.

18. *General Considerations.* Brief and general though the above summary is, it suffices perhaps to indicate how ripe for disintegration were the various elements of the Austro-Hungarian population, even before the War, and how the long tale of military failures from 1914 onwards culminated in the only possible result, namely, the defeat of the Habsburg arms and the overthrow of the Habsburg Empire. It would be difficult to point to any one factor which, more than another, contributed to this outcome. All the elements of eventual disaster were present. The pre-existing discontent of the various nationalities and their hatred of the German and Magyar could but increase in intensity, as the War, with all its concomitant horrors of death, disease, famine and want, proceeded—a War, too, in which they were engaged, many of them, against their will, and were called upon, more often than not, to fight against their brothers in race and religion. Add to this bad leadership, faulty tactics and dwindling reserves in men and material; lack of unity of purpose, and want of collaboration, with their German allies; the conflict of pride with the growing consciousness of inherent inadequacy and inefficiency; perpetual friction not only between the dominant and subordinate nationalities, but between the two ruling ones themselves; constant political crises and changes of Ministry, with the resulting instability of policy in general; the growth of revolutionary ideas synchronizing with the peace with Russia and the return of prisoners of war infected with the germs of Bolshevism; the successfully subversive propaganda of the Entente; above all, a war-weariness produced by such economic distress as can hardly be paralleled in the history of mankind —these are but a few of the contributory factors. History alone and the gradual emergence of contemporary records can fill in the details in all their lurid colours. The wonder is, perhaps, that the final *dénouement* did not come sooner. If the decline and fall of the Holy Roman Empire's successor

prove melancholy reading to the future student of European history, the story of the rise from its débris of a number of national entities, strong and vigorous in the consciousness of their newly and, be it added, hardly won freedom, should afford him some compensating consolation. It remained for the Peace Conference to build out of the ruins the foundations of new, free, self-contained and self-supporting states upon a firm and equitable basis.

CHAPTER I

THE COLLAPSE OF THE CENTRAL POWERS

PART III

THE DOWNFALL OF THE HABSBURG MONARCHY

A. THE POLITICAL STRUCTURE OF AUSTRIA-HUNGARY BEFORE THE WAR

1. *The Austrian 'Staatsidee'.* 'The idea of the Austrian State' (*die österreichische Staatsidee*) was in recent years habitually in the mouth of those who defended Austria-Hungary's existence. The concrete meaning of the term was never explained; in fact, it had none which its votaries would have cared to explain, and the Austrian State, to which it primarily referred as being conterminous with the Habsburg dominions, did not exist except in reminiscences of the past and pious wishes for the future. The Habsburg Monarchy consisted of two separate, sovereign States, Austria and Hungary, with Bosnia-Herzegovina held by them in common. Since 1867, Austria was that which remained of the amorphous mass of the Habsburg possessions, the 'home-farm' of the dynasty, after national States had arisen in Germany, Italy and, in certain aspects, also in Hungary; for nearly fifty years (until 1916) this residuum, which in proportion to its size displayed more frontier and less coherence than any other State in Europe, went officially by the colourless designation of 'the Kingdoms and Provinces represented in the Reichsrat'. The name of Austria, currently given to them, was kept in reserve in the hope that some day it might once more cover all the dominions of the Habsburgs, *des Hauses Oesterreich.*[1] The Austria of 1867 was regarded by the Habsburgs as but a phase in the history of their dynastic power, their *Hausmacht*; for them there was nothing final about it, indeed they shunned finality—principles

[1] For a discussion of the legal and constitutional relations of Austria and Hungary to one another and to the Common Monarchy see Chap. VII, p. 395, n. 2.

when arranged suggest or imply limitation. Every piece of driftwood carried to their shore was to them a promising sprig which might yet grow into a crown. Their outlying western possessions were gone, their age-long dreams of dominion over Germany and Italy were dead; their face was now to the east. Through Galicia and Dalmatia, Austria's fantastically shaped body, enveloping the massive block of Hungary, stretched out its arms towards Poland, the Ukraine, Rumania, and Serbia, which all found their place in the war-dreams and schemings of the Habsburg dynasty. The Habsburgs were the one dynasty which had never linked up its fate with that of any single nation; they had a capital and a territorial base, but no nationality; they developed schemes territorially coherent, though devoid of all national idea. Their instincts were purely proprietary, the one meaning of an Austrian State to them was that they possessed it; to the outside world, that it existed. For the few, and mostly interested, exponents of an Austrian State, its existence was an aim in itself; and this was the pivot of all that there was in the alleged Austrian *Staatsidee*. But it was by no means this exceedingly frail basis which sustained Austria-Hungary's continued existence.

2. *The Partnership of Magyars on one side and Germans and Poles on the other.* There was more shape and sense in the remaining Habsburg dominions than appeared on the surface and more than the Habsburg Idea recognized or admitted; there was less justice to nationalities than the dynasty could theoretically have put up with. Although inhabited by eight, and, counting sub-divisions, even by eleven peoples, the territory of the Habsburg Monarchy was completely covered by the historic, 'imperialist' claims of three nationalities—the claim of the Magyars to the lands of the Crown of St. Stephen, of the Germans to 'Western' Austria,[1] and of the Poles to Galicia; each claim was tenaciously asserted, though, unless statistical forgeries were committed and unless the Jews were excluded,

[1] 'Western Austria' is here meant to denote the western hereditary provinces which had been under the Habsburgs since 1526, had been included in the Holy Roman Empire and then in the Germanic Confederation of 1815, and lay within the orbit of German settlement, influence, and ambitions. It excludes the outlying provinces in the east and south-east Galicia, the Bukovina and Dalmatia, acquisitions of the late eighteenth century, unconnected with the original block of the Habsburg possessions in geography and history, in nationality (except for the newly-planted German settlers in the Bukovina) and also in their economic structure.

none of the three nationalities formed a majority in the territory it claimed. If conceded dominion, the master-nations were ready to defend every inch of the Monarchy against the national claims of its neighbours, the co-racials of the subject nationalities—the Southern Tyrol and Trieste against Italy, the Illyrian provinces against Serbia, East Galicia against Russia, Transylvania against Rumania; whereas the subject nationalities, if conceded national self-government, would naturally have bethought themselves next of national reunion. The Germans and Poles in Austria, and the Magyars in Hungary, in their own interest, not from any attachment to the dynasty, had to become the 'State-preserving elements' (*die staatserhaltenden Elemente*).

In turn the Habsburgs, for reasons of internal as well as of international policy, had no choice but to base their rule on the supremacy of the Magyars in Hungary, and of the Germans and Poles in Austria. It had its roots in history and was opposed to the national principle, like the Habsburg Monarchy. It rested on past empire and on consequent social superiority, and was therefore conservative, a feature essential to a Monarchy which lived by survival alone. The upper classes were Magyar throughout Hungary, Polish throughout Galicia; in 'Western' Austria even in 1914 they still remained predominantly German. The choice between nationalities implied therefore a choice between classes—a mediaeval, clerical dynasty does not lead social revolutions, nor impose the rule of peasants on their landlords. Lastly, the German-Magyar combination alone could supply the Habsburgs with a suitable foreign alliance to safeguard their possessions against a coalition of the neighbouring States, each of which saw national territory of its own included in their Monarchy. The Germans within Austria were sufficiently strong to permeate the State and thus to accept dominion in lieu of complete national reunion; Germany alone seemed sufficiently powerful to preserve Austria-Hungary's existence and sufficiently concerned in it to attempt doing so; and moreover Germany had no interests conflicting with those of Austria-Hungary in the Adriatic and the Balkans, which now became the main sphere of Habsburg ambitions. Hence the German alliance. The logical result of that alliance upon the internal affairs of the Habsburg Monarchy was once more

the predominance of the Magyars in Hungary and of the Germans (with their indispensable associates, the Poles) in Austria. No one had chosen his partners, no special sympathy bound either the Poles or the Magyars to the Germans—in fact, when necessary, they could show strong dislike of one another—and few statesmen except Bismarck, Julius Andrássy the elder, and, more recently, Stephen Tisza, seem to have understood and accepted all the implications of the system. It had been imposed on the contracting parties by the inherent necessities of their political situation and by the logic of events. Its intricacies were such that no human mind could have thought out, nor any human skill readjusted them. Its inherent force was so great that it survived to the very end, till October 1918.

In 1848, when the national and constitutional movement among the gentry and bourgeoisie found expression in revolt against the non-national, proprietary character of the Monarchy, the dynasty appealed to the subject peasant-races, the Czecho-Slovaks, the Yugo-slavs, Ruthenes,[1] and Rumans, for help against their masters, the Germans, Magyars, and Poles. In 1867 the Habsburgs surrendered their late supporters to their late opponents. Reconciled to the most powerful and most articulate of their subjects, they proposed to resume the struggle against their hereditary enemy, Prussia. A German-Magyar veto prevented them from doing so in 1870. In 1879 the alliance with Prussia-Germany was concluded. The ideas of separation from Germany and of reform within the Habsburg Monarchy, which arose once more in the course of the War and in the hour of defeat, were froth and bubble, and the last desperate attempts of October 1918 bore no more resemblance to action based on a political system than the mad antics of a drowning man do to the movement of swimming. The political developments of Austria-Hungary obeyed the necessities of its internal structure; illusions there were of dynastic power to shape—in reality these developments were pre-determined as the movements of the stars, and subject to iron laws.

[1] The Little Russians in the late Austro-Hungarian territories are usually known by the name of 'Ruthenes', although in language and race they are absolutely identical with the Little Russians of Southern Russia. A group of Little Russians, which claimed to form a nation distinct from that of the Great Russians and not merely a branch of the Russian nation, to avoid all resemblance, adopted the fanciful name of 'Ukrainians'. Thus they have come to be known by three interchangeable names.

It had not been within the power of the Habsburgs and their centralist followers to refuse the claims of the Germans, Magyars, and Poles; as far as Austria was concerned, it had been within their power, and to their interest, to prevent the complete establishment of the system. Its full logical development would have left the Habsburgs stripped of all authority, without a 'home-farm', with an exceedingly limited base for dynastic schemings, with very little scope for an independent foreign policy, bound hand and foot to the three dominant nationalities. They would have changed into shadowy suzerains of excessively powerful subjects, the real masters of their possessions; in short, the Habsburgs would have been reduced to the position of constitutional monarchs in three 'imperialist' States, each based on the artificially secured rule of a dominant minority. It was in opposition to the complete establishment of a system, of which the principle had to be admitted if the Habsburg Monarchy was to be held together, that the interest of the dynasty coincided with that of the submerged nationalities. Cautiously, and as far as Hungary was concerned, in a purely Platonic fashion, the Habsburgs sympathized with the outraged national rights of races whom they themselves, in their own dynastic interest, had surrendered to the master-nations. This was the outstanding peculiarity of the Habsburg system, the only concrete meaning of the so-called Austrian *Staatsidee*.

3. *The Magyar System.* In 1867 Hungary had crystallized once more into the 'imperialist' domain of the Magyars and was, in its constitution, completely separated from the remaining Habsburg heritage, the Austrian Hereditary Provinces. The frontier drawn between Austria and Hungary cut across the lands *minorum gentium*, of 'the minor nations', the Czecho-Slovaks, the Yugo-slavs, the Ruthenes, and the Rumans, whose national territories were thus partitioned even within the borders of the Habsburg possessions, an obvious fact which, during the War, was only too often overlooked or deliberately left out of count when internal reform and national autonomy within the Habsburg Monarchy were discussed. By forming Croatia into a separate, though absolutely dependent, State, the Magyars had secured for themselves a majority in Hungary proper, and by means of a narrow class franchise in a country where the upper classes were Magyar or Magyarized, they had

given an almost exclusively Magyar character to their Parliament. This was an artificially constructed and delicately balanced system which did not admit of any radical changes within Hungary nor of a material extension of its borders; strongly conscious of this fact, Stephen Tisza was a bitter opponent of democratic reform at home and of any considerable increase of territory at the expense of Serbia or Rumania. Hungary was not to be used or manipulated in the Habsburg interest; it was neither to be enlarged nor reduced. There were no Magyars outside Hungary's frontiers, and within they were to be dominant. They held the most convenient strategic frontiers, the Carpathian arc and the Transylvanian mountain-bastion, and had access to the sea. Hungary was complete.

The Magyars would have gladly seen the Germans and Poles attain the same position in 'Western' Austria and in Galicia, respectively, which they themselves held in Hungary. It was not to their interest that in Austria the subject races should remain in immediate touch with the dynasty, and enjoy more favourable treatment than in Hungary, nor that the dynastic power of the Habsburgs should survive anywhere, and threaten with the help of the subject races once more to include or engulf the Magyar domain in the amorphous mass of the Habsburg possessions. In September 1866 Count Julius Andrássy the elder emphatically declared to the Austrian Minister Hübner that the Magyars 'could not suffer a federalist system to be established in Austria, a probable centre for future attacks against Hungary'. Had full self-government been conceded within Austria such a system would have affected the nationalities oppressed in Hungary; the Magyars would have had to break off all connexion with Austria and the Habsburgs—every extant link and all reminiscences of a common past would then have kept suggesting to the subject races of Hungary that through a reunion in a dynastic Habsburg State lay the road to national self-government. But as changes in the Austrian constitution required a two-thirds majority, and such a majority could not have been obtained in the Reichsrat against the German vote, federalist devolution could have been introduced by means of a dynastic *coup d'état* alone. In the Agreement of 1867 the Magyars therefore explicitly stipulated that the connexion between the two States was to continue only so long as both were governed in a constitutional manner. They thus reserved for themselves

the power of vetoing any unconstitutional act even with regard to exclusively Austrian affairs—but they naturally never protested when the Austrian constitution was infringed to the disadvantage of the Slavs.

The Magyars desired Austria to be centralized, and its centralism to bear a distinct German character. But with Galicia as an integral part of Austria, the Austrian State was ill poised. It would therefore have been to the interest of the Austrian Germans, as well as of the Polish and the Magyar oligarchs, had a separate constitutional status been conceded to Galicia. The exclusion of the Galician members from the Austrian Reichsrat would have given a decisive majority to the Germans over the Czechs, Yugo-slavs, and Italians, whilst the Poles would have been left to deal with the Ruthenes in the Galician Diet, where, by means of electoral devices, they had secured for themselves a majority almost as good as that of the Magyars in the Hungarian Parliament. As long as within Austria no single nationality had a decisive, permanent superiority over its opponents, the Habsburgs were able to preserve their dynastic power, without reproducing the strictly 'constitutional' Magyar system of government. Although they never seriously questioned the predominance of the Germans and Poles over the subject races, they used the contending nationalities as checks on each other. They could do so the more easily as they invariably had the support of the German clericals and of the Poles. Nationality was not the dominant, or at least not the exclusive, political instinct and interest of the German clericals, whilst the Poles had to think of the wider, international aspects of the Polish question and could not consider a settlement within the narrow frontiers of Galicia, which formed one province only of Poland, as anything but temporary. Neither for the German clericals nor for the Poles was there finality in the frontiers of Austria, as there was for the Magyars in those of Hungary, and neither therefore felt the same overwhelming interest in the complete and definite establishment of the triple Magyar-German-Polish scheme.

4. *Austrian Centralism and German Nationalism.* In the central, purely German districts of Austria national feeling had never completely divested itself of an Austrian imprint; it oscillated between the German national idea on the one hand

and a peculiar Austrian sentiment on the other. In the Czech provinces of Bohemia, Moravia, and Silesia, bordering on Saxony and Prussia, the German minority developed an uncompromising nationalism, neither softened nor clouded by religious sentiment; so also, to some extent, in the southern Slovene borderlands. But in the centre, especially in Vienna, the population felt too closely associated with the Habsburgs in their power, and its profits and glory, to adopt the purely German point of view. The phantoms of the mediaeval Roman Empire, of the non-national world-idea centring in Imperial Vienna, surrounded the throne of the Habsburgs—*ils vivaient de l'ombre d'une ombre* . . . For the devout peasantry of the Alpine provinces and for the Vienna petty middle classes, Roman Catholicism was a further link with the dynasty, and even with the clericals of other nations, Czech, Slovene, or Italian. The *intransigeant* German nationalists turned their backs upon Hungary and Galicia in order to concentrate on the Czech and Slovene provinces, in which they were directly concerned through their German minorities. The 'Austrians' could not become indifferent to any part of the Habsburg dominions, their old inheritance, and upheld the conception of the *Gesammtmonarchie* (a State embracing them all) with even more fervour than the dynasty itself. But whilst German nationalism and Austrian 'imperialism' were clearly distinct in theory and in the minds of their most extreme exponents, they blended in the middle ranges, and most Austrian Germans were something of the one and something of the other. Austrian imperialism with Vienna for centre was German in its essence, and the Germans were in Austria the most important centripetal force.[1]

The idea of the *Gesammtmonarchie* was a direct negation of the Magyar scheme. 'As long as a Magyar is left alive he will not allow his nation to be forced under such a superior State organization,' declared Count Tisza on the 1st January 1916. The centralist Austrian 'patriotism' was by all means agreeable to the Magyars, but only if enclosed within the frontiers of the western half of the Monarchy, i. e. whilst directed against Czech and Yugo-slav national ambitions. 'I consider this feeling equally sacred as our own patriotism,' Count Tisza went on to say in his exposition of the Magyar

[1] On this subject cf. L. B. Namier in the *Nineteenth Century and After* of July 1916, 'The Old House and the German Future.'

creed. 'I sympathize with it and value it, provided it does not turn against the independence of the Hungarian nation.... It is in our own interest to strengthen over there the centripetal as against the centrifugal forces.... Before now the Magyar nation tried to fulfil its mission, to promote and strengthen the centripetal forces in Austria.... And if in the past it has not achieved full success, this was because Austrian patriotism has not been able to divest itself of the old tendencies in favour of a Monarchy including all the Habsburg dominions....' Tisza spoke of an 'Austrian patriotism'; he meant it. The Magyars wanted Austria, but not too much of it. They wanted it to be German, but not too German. It was to be sufficiently German to prevent the nationalities which were subdued in Hungary from forming national States across Hungary's border, but not so German as to lead to a fusion of Austria with Germany. The weaker Austrian partner would then have been replaced by an overwhelmingly, indeed dangerously superior German neighbour, and the Magyar system in international politics, a marvellous machine which through a multitude of wheels and levers made one of the smallest nations in Europe into a Great Power, would have broken down. 'A proper centralization of Austria will secure the State against excessive Germanism (*Deutschtümelei*) on the part of the Germans by their being mixed up with the Slavs, whilst the Slavs will be prevented by the Germans from following out a centrifugal policy,' explained the elder Andrássy to the Emperor Francis Joseph I in July 1866. The aim of German nationalism was Great-Germany—comprising all territories of the former Germanic Confederation—even *Mittel-Europa*; the logical expression of 'Austrian' patriotism was Great-Austria—*die Gesammtmonarchie*. The Magyars wanted neither. For them, and them alone, the Dual Monarchy, as they had reconstructed it in 1867, was final.

The Austrian federalist schemes of 1860–73 were based on the historic provinces into which Austria was divided. There were seventeen of these, differing widely in size and population—e. g. Galicia had 22,000 square miles and, in 1910, 8,000,000 inhabitants, Salzburg 2,000 square miles and 200,000 inhabitants. Only some of the small German mountain provinces were nationally homogeneous. All the rest had their national minorities and their national problems. Whereas in

the Austrian Reichsrat and government the Germans were practically dominant, there were Slav majorities and German minorities in Bohemia, Moravia, and Carniola; on the Adriatic coast there were practically no Germans. Complete centralization in the Austrian Reichsrat alone could save the Germans in the Slav provinces from becoming minorities subject to non-German rule, and to achieve this was for the German Nationalists the purpose of Austria's existence. But again the particular interests of the German clericals produced divergences within the German camp. To the clericals, who were strongly entrenched in several of the Alpine Diets, provincial autonomy safeguarded certain interests against a possible or actual anti-clerical majority in the Vienna Parliament. This was a further obstacle to German centralism in Austria.

5. *The Poles and the Habsburgs.* The Austrian Poles were neither federalists nor centralists, merely Habsburgites. They had been federalists at times, but half-heartedly; they did not really wish for an increase in the power and independence of the pro-Russian Czechs and Yugo-slavs. They could not be centralists as long as Galicia remained an Austrian province. For themselves they demanded from Austria national liberty and dominion over the Ruthenes of East Galicia; on every other point they were prepared for compromise. They were willing to co-operate with the dynasty because they counted on Habsburg support in the reconstruction of Poland. Whilst Russia in partitioning Poland had aimed at re-establishing her own national unity (White Russia and the Western Ukraine) and Prussia at consolidating her eastern frontier (West Prussia and Posnania), Austria had merely demanded her pound of flesh as counterpoise to the acquisitions of her neighbours. The same reasons which had moved the other two Powers to partition Poland maintained their opposition to its reconstruction; the Habsburgs were prepared to give up their pound of flesh provided they could get the entire man. Hostility to Prussia and Russia, and the common Roman Catholic religion were bonds between the Poles and the Habsburgs, even before the agreement on the basis of Galician autonomy was reached; that agreement was the logical outcome of a community of interests. The idea of an 'Austro-Polish solution' can be traced as early as 1794, 1809, and 1830; after 1848, and still more after 1867, the belief in 'Austria's

historic mission' with regard to Poland became a fundamental article of the Polish creed in Galicia. Reluctantly the Poles accepted even the German Alliance as necessary for safeguarding Austria and of course also their dominion over the Little Russian territory of East Galicia against Russia. The anti-Russian and generally anti-Slav policy continued to bind them to the Habsburgs and Magyars. It was not an accident that M. de Bilinski, one of the chief leaders of the Galician Poles and Minister for Bosnia-Herzegovina in 1914, was one of the main authors of the Ultimatum to Serbia—which fact did not prevent him in 1919 from attaining Cabinet rank in the reconstituted Poland.

6. *The Yugo-slav Problem.*[1] One stone in the structure of the Habsburg Monarchy was very loose—Bosnia-Herzegovina, acquired in 1878 for dynastic reasons, not coveted then either by the Austrian Germans or the Magyars. Yugo-slav throughout in nationality, though partly Mussulman in religion, and surrounded by Yugo-slav territory—by Croatia, a nominally self-governing kingdom under the Hungarian Crown, by Dalmatia, an Austrian province nowhere bordering on Austria, and by the independent Yugo-slav kingdoms of Serbia and Montenegro—Bosnia-Herzegovina had no political connexion with any of them but remained under the joint Austro-Hungarian government, which itself was not a government but a contractual formation based on the Agreement of 1867. The Austrian Prime Minister, Baron Hussarek, in his speech of the 1st October 1918, described Bosnia-Herzegovina as *ein staatsrechtlich undefinierbares Neutrum.*[2] The dynasty would have willingly accepted a union of all Yugo-slav territory provided it was effected under their sceptre. The Austrian Germans would not allow the Slovene territories, their sea-coast, to be detached from 'Western' Austria, but would probably have agreed to a Serbo-Croat State or at least to a Great Croatia—consisting of Croatia, Dalmatia, and Bosnia-Herzegovina.[2] But as such a union of Yugo-slav territories would have changed the balance within Hungary and the Habsburg Monarchy to the disadvantage of the Magyars, these naturally objected, and there was no way of fitting the Yugo-slav stones into

[1] *v.* further discussion, Chap. IV, part I, *passim.*

[2] 'A nondescript creation, which cannot be defined in terms of political science.'

the structure of the Habsburg Monarchy. For different reasons the other national problems of the Habsburg Monarchy were internationally more or less dormant during the year preceding the outbreak of the War. The unsolved Yugo-slav question opened up the problem of Austria-Hungary's existence and brought about the War.

The War, in which Russia and Germany opposed each other, unrolled the Polish Question which could not have been re-opened in any other way, and the Polish Question raised all the other problems of Austria-Hungary's inner structure. Austria-Hungary, as it existed from 1867 till 1914, the creation of Magyar statesmanship, fully and finally satisfied none but the Magyars; on everybody else, not excluding even the dynasty, the Austrian centralists and the German Nationalists, it imposed sacrifices and renunciations, offering them merely half-solutions and a *modus vivendi*. The War and the possibility, nay the certainty, of change unhinged at one blow the delicate system of compromise and balances, and liberated wildly divergent desires and forces. 'Great' Austria, 'Great' Germany, a reunited Poland threatened to destroy the balance and nature of the Dual System, the national ambitions of the subject races threatened to destroy the very existence of the Habsburg Monarchy and the 'integrity of Hungary'. Whichever side was to prove victorious, the Austria-Hungary of pre-War days was dead, and everything was once more unsettled. Long-forgotten visions stirred up somnolent forces, leading them towards an unknown future.

B. AUSTRIA-HUNGARY IN THE WAR

7. *The Austrian Solution of the Polish Question.* On the outbreak of war the Galician Poles declared for a union of Galicia and Russian Poland under the Habsburgs as a third component part of the Monarchy; this, the so-called 'Austrian Solution of the Polish Question', was the first suggestion for a recasting of the Habsburg Monarchy. The Habsburgs would have welcomed it as implying new acquisitions, the German Nationalists as crystallizing their domain in 'Western' Austria, most of the Magyars as a consummation of the triple German-Magyar-Polish scheme. Tisza resisted. Alone in his generation he had a perfect understanding of Austria-Hungary's

political mechanism. Under the Dual System the virile Magyar oligarchs had realized independence, i.e. predominance over their internally distracted Austrian partner (dominion being the only form of independence in marriage). Could they be certain of maintaining it in a 'triangle'? A political structure of the Monarchy which would make it possible for Hungary to be out-voted on essential problems of State, and therefore subject to an alien will, would nullify our achievements,' wrote Count Tisza to Count Czernin on the 22nd February 1917. Similarly, Germany was loath to accept a union of Austrian and Russian Poland, which, leaving Prussian Poland the only unredeemed Polish territory, would have given an exclusively anti-German front to the Polish State, the new partner in the Habsburg Monarchy. Tisza's scheme was to join Russian Poland to Austria externally as a self-governing kingdom, whilst Galicia remained an integral part of the Austrian Empire; the German scheme was to form it into a nominally independent kingdom under Germany. Both were clearly unacceptable to Austria; among the Austrian Poles either solution would have produced a desire for union with the new Poland, which, if unsatisfied, would have made them join forces with the Slav opposition in the Reichsrat, creating there a permanent majority in opposition to the Austrian State. A complete deadlock was thus reached in the Polish Question.

8. *The Habsburg Monarchy and Mittel-Europa.* This deadlock delayed Austria's internal reconstruction; building operations could not begin on undefined ground, although the plans were complete. A political consolidation had been effected among the Austrian Germans between those who were primarily Austrians and those who were primarily Germans. Axiomatic truths about Austria-Hungary, hitherto obscured by surface contradictions, were revealed in practice. Germany in her own interest safeguarded the existence of the Habsburg Monarchy, the fight for it was a German national war. But the races opposed to German-Magyar rule became the enemies of the Habsburg Monarchy. Experience had taught them that cultural liberties without national independence meant the right to develop nationality coupled with the duty to ignore it in wars brought about by the dominant races. The logic of events forced a programme of complete independence, tanta-

mount to the break-up of the Habsburg Monarchy, on the subject races. The Austrian 'imperialists' who, non-national as they were in their ideas, would have preferred to build on a wider rather than an exclusively German basis, were in their turn forced into an attitude and policy towards the subject races hardly differing from that of the German Nationalists.

On the other hand, the War proved Austria-Hungary's value to Germany. The Habsburg Monarchy, which to short-sighted Pan-Germans (not to Bismarck) had seemed a cumbersome survival impeding the road to a reunion of the entire German nation, proved the most valuable asset for *Mittel-Europa*, the German World-Empire. Even the extremest Pan-Germans in Austria became converted to the Habsburg Monarchy. There was now a platform common to all the Austrian Germans—Austria was to be maintained, reconstructed on a German basis, and firmly fitted into the Germanic system; her policy was to be subordinated to that of Central Europe, and the entire Habsburg inheritance was to be taken over and secured by the joint strength of the German nation. Through *Mittel-Europa* the Austrian Germans returned both to the Pan-German and to the Great-Austrian idea, now reconciled with each other. They beheld themselves once more an integral part of the German nation, and as part of it resumed an 'imperialism' too wide for them in their previous isolation.

The Polish programme of a union of Austrian and Russian Poland threatened to change the balance within the Habsburg Monarchy; the German programme of Central European Union—to destroy its independence. Either would have marked the end of Austria-Hungary, the Dual Monarchy within the frontiers of 1867. The structural conception of Austria-Hungary was broken down by the races dominant in Austria three years before defeat, and the action of the subject races razed the building and obliterated its foundations.

Naturally the Habsburgs did not relish the idea of being permanently reduced to a dependent position within the Central European Union. Nor was Tisza prepared to admit a union infringing Hungary's sovereignty and independence. The domain of the Magyars in Hungary was to remain intact, Austria was to remain common yet neutral ground between Germany and the Magyars. If a Central European *bloc* was to be formed this too was to rest on a dual basis. The European

and trans-European West might pass under German leadership, but the 'Turanian' East—Bulgaria, Turkey, etc.—was to pass under that of the Magyars. *Mittel-Europa*, like Austria, was to stop at the western frontier of Hungary; this was the Magyar conception of it. The 9,000,000 Magyars were to stand back to back with the 80,000,000 Germans, not to obey them. Tisza was a bold, silent man. He worked for aims which possibly a sense of humour and proportion did not allow him to avow.

9. *Schemes for Reconstruction in 1915.* In the summer of 1915 the armies of the Central Powers had occupied Russian Poland. A declaration of policy seemed urgently needed. Count Julius Andrássy, a bitter personal and political enemy of Tisza, opened a campaign in favour of the 'Austrian solution'. Towards the end of the year, when the tide of *Mittel-Europa* propaganda rose rapidly, Andrássy linked up the two ideas in one scheme of compromise all round. The Habsburgs were to waive their dynastic pride by accepting a subordinate place in *Mittel-Europa*, and in exchange receive the Polish Crown. The Poles were to be conceded this, the widest measure of national reunion compatible with the German Alliance. The Austrian Germans were to attain dominion in Austria and German reunion in *Mittel-Europa*. In the complete discomfiture of the subject races of 'Western' Austria and Galicia and in the establishment of the Central European *bloc* as the dominant Power in Europe, the Magyars were to find full safeguards for the integrity of Hungary and against any effective revival of Slav schemes from within or without the Monarchy. Tisza maintained a cold refusal. When on Easter Sunday, the 23rd April 1916, Andrássy once more developed his pet scheme simultaneously in the Vienna *Neue Freie Presse* and in the *Frankfurter Zeitung*, Tisza's organ, the *Budapesti Hirlap*, published two articles, one declaring Magyar *désintéressement* in the Polish Question ('If we started discussing the Polish Question we should only be talking about other people's possessions and interfering with other people's business'), the other bitterly protesting against German economic activities in Hungary, though the closest economic union was to have been the essence of the Central European scheme.

10. *Rifts in the Monarchy.* Serbia was not to be annexed, because the Magyars did not want any more Yugo-slav terri-

tory;[1] Rumania could not be placated, because the Magyars would not cede an inch of Transylvanian territory; the Austrian-Polish scheme was to be dropped, because the Magyars —through Tisza—insisted on preserving the Dual System; Central European Union in the integral sense was not to be, because the Magyars refused to submit to any superior political organization. The Habsburg Monarchy was not to be remodelled, enlarged or even saved if a sacrifice were required of Hungary's integrity or sovereignty. And this list of prohibitions was enforced by a Premier who had neither his country's foreign policy nor its army under his direct control,[2] as the Ministers for Foreign Affairs and War and the Supreme Army Command were common to both States of the Monarchy and had their offices and headquarters in Austria, not in Hungary. The Austrian patriots at the Vienna Court and in the army bitterly resented the 'Magyar egoism' and fretted at its dictation. The Magyars, on the other hand, now fully realized the dangers which, in case of victory, would arise from their troops being mixed up with those of Austria under a command constitutionally hostile to the separatist Magyar doctrines about Hungary's sovereignty and independence. But if, owing to the wretched ineptitude of her rulers, Austria were to break up or be permanently subordinated to Germany, the Magyars did not want Hungary to be involved in her fate. Lifelong champions of the Agreement of 1867, such as Tisza and Wekerle, became converted to the demand for a separate Hungarian army. 'The great task of completing the structure of the Hungarian National State' mentioned in the Royal Rescript of the 6th May 1918, covered among others a promise of a Hungarian national army to be established after the War.[3] Even on the Magyar side rifts appeared in the structure of 1867.

The Polish understanding with Austria was with the dynasty and the German Nationalists rather than with the 'Austrian' centralists, the high Vienna bureaucracy, and Supreme Army Command. The *ex-officio* partners of the Habsburgs were

[1] *v.* further discussion Chap. IV, part I, pp. 176–80.

[2] During the war, however, Tisza established a certain control over Austria-Hungary's foreign policy; all wires and despatches received had to be communicated to him immediately, and he demanded that no important notes should be despatched until he had had time to give his opinion on them (cf. Czernin's *In the World War*, pp. 128–9 and 134). For arrangements *re* Austro-Hungarian Army and Honvéd Army, *v. supra*, Chap. II, part II. *passim*.

[3] *v.* Chap. I, part I, pp. 36–7, *supra*.

jealous of any Habsburg territories not subject also to their authority. When in the War the Supreme Army Command obtained exceptionally wide powers the Austrian Poles suddenly beheld the face of the centralists which they had not seen since 1867. The dynasty solicited Polish support for the Austrian Solution, but Polish volunteers from Russia, invalided whilst fighting in the Austrian Polish Legions, were interned as alien enemies by the Austro-Hungarian Higher Command. Austrian-German governors were appointed to Galicia, the Galician railways were militarized and Germanized, and, to the joy of the subject Ruthenes, who are nearly as numerous in Galicia as the Poles, the established Polish character of the Galician administration was ignored. Everything was done to teach the Poles that Austrian generals and bureaucrats had no use for unwritten conventions. Sometimes it almost looked as if they took their revenge for having been so long excluded from Galicia. On the high level of international politics the Austro-Polish leaders continued to spin their intrigues with the Vienna Court, but the feeling which all the Polish parties of Galicia had evinced for the Austrian cause at their meeting at Cracow of the 16th August 1914 was vanishing fast. This was true even of the unpolitical popular masses. In 1914 a stream of refugees poured into Vienna from the Galician theatre of war; they were treated like burdensome, undesirable aliens. In 1915 most of Galicia was recovered by Austria-Hungary, but the Vienna Government refused to spend money on its reconstruction. There naturally was none of the warm sentiment which the Germans displayed towards the war-stricken districts of East Prussia. Austria and Galicia were strangers to each other, and this was brought home to every one by the War. Yet another rift was opening in the structure of Austria-Hungary.

Before the War a very large part of Austria's food supply was derived from Hungary; for years the industrial population of 'Western' Austria had paid exaggerated prices because of the high protective duties on food established in favour of the Magyar landowners. When the food shortage arose during the War, Hungary closed the frontier against Austria, supplying but ridiculously small quantities of food to her starving population. 'We can forgive the hunger blockade instituted by our enemies, never that by the Magyars,' declared a leader of the Austrian-German Socialists at the conclusion of the War.

It taught the German-Austrian enthusiasts of the Habsburg Monarchy to appreciate its profits and glory, and made them ponder over the hyphen in Austria-Hungary. 'Economic partnership proved in practice to mean the starvation of Austria,' wrote the Vienna *Arbeiter-Zeitung* on the 17th October 1918, the day after the Magyars had declared Hungary's separation from Austria. '. . . We part from them with a light heart.'

The three dominant races of the Habsburg Monarchy, the Magyars in Hungary, the Germans and Poles in Austria, whilst unable to develop a common programme for the future, were losing the instincts of a common political existence within the Habsburg Monarchy. Even in their unpolitical masses everyday experience sapped the sense of community in the Monarchy, whilst whatever had remained of a feeling of citizenship in the subject races, the Czecho-Slovaks, Yugo-slavs, Ruthenes, Italians, and Rumans, was completely eradicated by mass executions, imprisonments, internments, petty persecutions, constant chicanery—in short, by a régime which made them look upon the Habsburg rule as a hostile military occupation.[1]

11. *1916.* A year of political exuberance had followed in Austria on the collapse of Russia and Serbia in 1915. It closed in the Lutsk disaster, a repetition of the initial Galician and Serbian defeats which Austria-Hungary's rulers had too easily forgotten in the noise of victories gained for them by the Germans. No positive results had been reached in the discussions concerning Poland, Austria's internal reconstruction, and Central European Union when they were cut short by General Brussiloff's offensive. Merely the difficulties of remodelling the Habsburg Monarchy in case of victory had been revealed. The Russian successes in 1916 having once more rendered Austria-Hungary absolutely dependent on Germany, the German scheme with regard to Poland was enacted on the 5th November 1916 in the declaration of the two Emperors, setting up Russian Poland as a State separate from Germany and Austria alike. Austria-Hungary's rulers, humiliated in the field, war-weary to the last degree, with their ambitions disappointed even in the days of victory, with the economic resources of their countries exhausted, their military reserves utterly depleted, would have gladly

[1] For details in Czecho-Slovakia *v.* Chap. IV, part III, pp. 248–52, and in Yugo-slavia Chap. IV, part I, pp. 180–2.

accepted the *status quo ante bellum.* The Magyars had always deprecated any change in Austria-Hungary's frontiers, the Habsburgs and their followers wished for it no longer. Their Monarchy, saved by German arms, was to be preserved by disarmament and a new Holy Alliance. Once more they were converts to pacifism.

Still, a complete return to pre-War conditions was impossible, and at least a partial realization of the ideas of 1915 seemed necessary. Simultaneously with the proclamation of a Polish State in Russian Poland (5th November 1916), very wide autonomy was promised to the Galician Poles, although it was obvious that an autonomous Galicia could not have existed alongside of the Polish kingdom, and that sooner or later the two would have been united either within or without the framework of the Habsburg Monarchy. But unless Galicia was excluded, Austria could not be effectively Germanized. As, however, in the Austrian Reichsrat the Germans and Poles united had not the necessary two-thirds majority over the subject races, it was proposed to carry out the changes by means of unconstitutional Imperial edicts (*Oktroi*)—the Magyars would not have vetoed changes completing the triple German-Magyar-Polish scheme. But once more the discussions were cut short before any results had been attained. The Russian Revolution supervened in March 1917, with hopes for peace and fear of social upheaval. The Austrian Reichsrat, which had not been summoned since the outbreak of the War, had to be convened, the appearance at least of constitutional government had to be restored. The dominant races were promised that their wishes should be realized at some more convenient time, in some more convenient form.

12. *The Russian Revolution.* The Russian Revolution came like a current of fresh air through a stifling heavy atmosphere. It came like the promise of a new, better world. Europe was turning in a vicious circle, and a struggle was dragging on which by then every one wished had never broken out. But peace without victory could not be concluded by those who thought in categories of nationality; genuine controversies are settled, not solved in their own terms. Decisions are imposed, but the real solution comes with change in modes of thinking and indifference to previous issues. The non-national Habsburgs became pacifists in a war of nationality,

which they themselves had provoked in order to defeat nationality. The popular revolt against war assumed the form of social upheaval, cutting across the lines of purely nationalist ideology. Social revolution, as a distant background to the European situation, and a Peace Conference dominated by the fear of it, might have saved the Habsburg Monarchy by diverting attention to new lines of cleavage. But further war under revolutionary conditions was bound to destroy it. 'The responsibility for continuing the War is much greater for a sovereign whose country is united by the ties of dynasty alone, than for the ruler of a country where the people itself fights for a national cause,' wrote Count Czernin in his memorandum of the 12th April 1917. With the dynasty its inheritance was bound to disappear. *Ils vivaient de l'ombre d'une ombre, de quoi vivrait-on après eux?*

The fear of social revolution in Europe in 1917 sprang from an intellectual illusion. The book-reading world knew the Socialist doctrine to be non-national, and forgot that this was not true of those who professed it, least of all of the Socialist *intelligentsia*. Whatever divergences there were in social interests, all alike had been educated in the nationalist ideologies of their bourgeoisies. Therefore the danger or chance of proletarian revolution stood, *ceteris paribus*, in an inverted ratio to the diffusion of education. Revolutions after defeats were proletarian despair let loose by nationalist exasperation. But whilst the War lasted nationalist zeal neutralized social antagonisms, and it is immaterial whether this was because of national sentiment even in the lower classes or because of their inability to act without a strong lead from members of the *intelligentsia*. In oppressed or endangered nations the Socialist intellectuals proved the most uncompromising of nationalists. They cultivated nationality with a radicalism peculiar to their nature and ideas. Their nationalism was based on the living popular masses, not on history; this did not render it less deadly in nationally mixed territories or where nationality hopelessly conflicted with geography. In Austria-Hungary the rise of socialism, stimulated by the Russian Revolution, produced in all races a movement which in a more than ever absolute manner insisted on complete national reunion and independence, irrespective of historic tradition, established States, existing frontiers, and

most of all, independent of inherited dynasties or dynastic inheritances.

The less a nation shared the interests of the dynasty, the stronger was the repercussion produced on it by the Russian example. 'Your Majesty is acquainted with the secret reports of the Governors,' wrote Count Czernin in his memorandum of the 12th April 1917. '. . . the Russian Revolution works more strongly on our Slavs than on the Germans in Germany. . . .' When, after more than three years, the Austrian Reichsrat reassembled on the 30th May 1917, the representatives of the subject races came forward with programmes revolutionary in substance, although in form they still acknowledged the dynasty. The Czechs greeted the Russian Revolution 'with boundless admiration and enthusiasm', declared 'solemnly before the whole world the Czech people's will to freedom and independence', demanded the reshaping of the Monarchy into 'a federal State of free national States with equal rights', and, as a logical sequence, the joining up of the Czechs and Slovaks in a single unit. The leader of the Yugo-slavs similarly demanded 'the union of all territories of the Monarchy inhabited by Slovenes, Croats, and Serbs in an independent State organism, free from the rule of any foreign nation. . . .' The Ruthenes passionately protested against East Galicia being kept in constitutional union with Polish territories or forced into it still further, demanded self-government for the Little Russian territories of the Monarchy and hinted at their fundamental unity with the Russian Ukraine. The foundations of Austria-Hungary's structure, which 'created ruling and oppressed peoples', were openly assailed.

13. *The Attitude of the Poles.* By May 1917 the attitude of the Poles towards Austria had lost its precision. Their dominant position in Galicia had suffered diminution in the war, the Habsburgs had proved unable in face of the German opposition to realize their Polish schemes, and the fear of Russia among the Poles disappeared to a very large extent when, on the 30th March 1917, revolutionary Russia acknowledged Poland's independence and renounced all claims to ethnically Polish territory. It was now from the Central Powers in occupation of Polish territory that Poland's independence and reunion had to be extracted. Still the consequent change of front among the Poles was by no means complete. The

'conciliatories', those who always favoured compromise with whatever Power was dominant in Poland, could not disregard the possibility of the Central Powers remaining supreme; the fear of revolution spreading from the east replaced with many the previous fear of Russia—against social revolution the Central Powers were the bulwark in Eastern Europe; lastly, few Poles would have been satisfied with national independence within ethnically just frontiers—they aspired to conquests in White Russian and Little Russian land, in the vast territories beyond Poland's eastern ethnic border, where the Polish land-owning nobility ruled over many millions of Russian peasants. Polish designs on such a socially reactionary basis, could best have been realized in conjunction with the Central Powers. The weakening of Russia, which had collapsed whilst fighting on the Allied side, seemed to offer an incomparable opportunity for Polish Imperialist expansion.

Under the influence of the Russian Revolution the more radical elements among the Galician Poles adopted a sharper attitude towards Austria. A resolution was voted at the Cracow conference of the representatives of Austrian Poland on the 28th May 1917, demanding a reunited and independent Poland with free access to the sea. The Polish Socialists were steering towards opposition to the Austrian Government. But in Parliament practically all the Polish members belonged to one single club organization. The cautious and conservative in it insisted on continuing to negotiate with the Austrian Government, and tried by means of compromise and agreement to regain for the Poles their previous position in the Galician administration, to secure their dominion over the Little Russians of East Galicia, to obtain concessions in late Russian Poland, and to gain an extension of frontiers at Russia's expense. It was not the fault of these Poles if the Central Powers did not respond sufficiently to their advances. The Polish Club in the Austrian Reichsrat, embarrassed by continuous rebuffs and under pressure from the Left, occasionally passed into opposition to the government, only to return to its side when able to point to any concessions, however problematical. 'If at present our representatives have passed into opposition, this is chiefly because the administration of Galicia has been entrusted to alien hands . . .' wrote the correspondent of the *Kurjer Poznanski*, the chief organ of the

National Democrats in Posnania, on the 24th July 1917. 'But it is said that a return to the previous condition is imminent. Then willy-nilly the Polish Club will have to resume its previous attitude towards the Austrian Government; for power at home it will have to pay by supplying the government with the necessary number of votes in Parliament.' 'Exactly as half a century ago', wrote the Vienna *Neue Freie Presse* on the 8th March 1918, after the most serious conflict between the Poles and the Government,[1] 'the Poles have refused to make common cause with the Czechs and to share in political wickedness.' The balance within the Polish Club itself and its leadership had lost steadiness; but every change in its attitude meant on a division a turn-over of about 150 in a House of 500 members. Neither satisfied nor irreconcilable, the Poles became the uncertain quantity in Austrian politics.

14. *Bolshevism and Austria-Hungary.* Russia under Kerensky still always moved within accepted State traditions and categories. It tried to preserve the strength of the old weapons and accepted their limitations. Bolshevism broke through the framework of the past, established the victory of a mass movement over an inherited organization, and in international relations proclaimed the unlimited right of every nation to determine its own fate. The Austro-Hungarian Government in sublime naïveté allowed, nay, encouraged, the press to describe the break-up of the Russian Empire, the dissolution of its armies, and the disappearance of authority. Finally at Brest-Litovsk it appeared wise in its own eyes, and in these alone, when it argued with the Bolsheviks on their own principle of self-determination, but forgot that force alone could not permanently exclude it from the territories of the Habsburg Monarchy. In Austria the subject races and the starving, suffering masses eagerly watched how a great and strong empire was trodden to dust by 'the feet of the poor and the steps of the needy', the picture of an army in dissolution became vivid to the rank and file of the Austrian troops, the idea that a new era had opened up irresistibly imposed itself on the minds of discerning men. 'The Peace' (of Brest-Litovsk), wrote the Vienna Socialist *Arbeiter-Zeitung* on the 2nd March 1918, 'promises independent statehood to the Finns, Esths, Letts, Lithuanians, Poles, and Ukrainians.

[1] On the subject of Kholm see *infra*, § 17, and Vol. I, pp. 227–9.

Even the German Nationalists in their mental blindness cannot seriously believe that it will be possible to refuse statehood to the Czechs, when it is conceded to nations far inferior to them in wealth, culture, and power.' Hitherto the German Socialists in Austria had stood by the programme of cultural autonomy for the different nationalities; educational matters were to have been handed over to voluntary organizations resembling churches, yet endowed with considerable governing powers. Under the influence of the Bolshevik Revolution they progressed beyond their previous programme. 'In the great world-league of free nations . . .' wrote the *Arbeiter-Zeitung* in the article quoted above, 'there is no room for the old Austria; if Austria is to exist at all, it must change into a union of free nations.' 'No fully developed, self-conscious nation can renounce its right to a State of its own.' 'To every nation its State with its own government and its own Parliament; all nations united in the Empire for the common administration of the joint economic body—on this basis alone a constitution is possible which the nations would voluntarily accept and which would put an end to conflicts of nationality.'

15. *The Impossibility of reconstructing Austria-Hungary.* Two difficulties were silently passed over in the programme. One was the problem of Dualism, the other the problem of territorial delimitation in the Czech provinces. 'All nations united in the Empire . . .'—did 'Empire' stand for Austria plus Hungary? If so, the Magyar State in Hungary had first to be destroyed, and to effect this was not within the power of Austria, but of the hostile Allied and Associated Powers alone. Meantime the Czechs and Slovenes refused to enter into any negotiations on constitutional reform if this was to be circumscribed within the Austrian half of the Monarchy. The German Socialist leader, Dr. Renner, subsequently first Chancellor of the German-Austrian Republic, preached nationalism to the Germans in the Vienna Parliament. They should not remain satisfied with the nondescript Austrian State, he declared in a speech on the 25th February 1918, but should 'as a nation demand national unity and national self-determination within the framework of a federal State based on nationality. . . .' And he added: 'It is unthinkable that the Czechs should enclose German territory or the Germans Czech territory within

their respective States.' But the German mountain fringe cannot be separated from the Czech plain. Statehood attained by such a carving-out of territory as could never form an independent State would indeed have been a Danaan gift for the Czechs. It would have been preferable for them to remain amorphous in the autonomous Austrian State than to have the German Borderlands of Eger and Reichenberg and Trautenau and of the 'Sudetenland' formed into a German State. Yet obviously, whatever the hitherto dominant Austrian Germans could do, they could not voluntarily allow three million Germans inhabiting the Czech provinces to be reduced to the position of a national minority within a Czech State. The hostile Allied and Associated Powers alone could do so. On the two rocks of the Dualist system and of German Bohemia every attempt at reforming Austria-Hungary from within was bound to founder, however sincerely undertaken.

But, in fact, no such attempt was honestly made. The constitutional reform, which the Austrian Prime Minister, Dr. von Seidler, outlined on the 7th March 1918, aimed at destroying the possible foundations of national States within Austrian territory. He professed the doctrine of cultural autonomy which the Socialists had put up in 1899 and abandoned as insufficient in 1918. 'We, in our time,' he declared, 'must see to it that the conflicts of nationality should find their solution within the framework of the State', i. e. of the one, undivided Austrian State. He acted in an understanding with the German parties and consequently in their interests. 'He wants a settlement in Bohemia and an understanding with the Yugo-slavs in the Alps, in every province apart . . .' was the comment of the *Neue Freie Presse* on the 8th March. 'That which is a policy of peace between the nationalities in Bohemia, would be a policy of war between the nationalities in Styria. . . .' Put into plainer language, this meant that the measures which suited Austria and the Germans in Bohemia, where the Germans were in a minority, did not suit them in Styria, where they were in a majority; that the separation of the German from the Czech parts of Bohemia would have destroyed the foundations of the Czech State, but the separation of the Slovene from the German districts of Styria and Carinthia would have led to the formation of a Slovene State and its ultimate inclusion in Yugo-slavia. A significant passage in the speech acknow-

ledged the existence of a Yugo-slav problem. The idea which was at the back of Seidler's mind was more clearly explained in his speech of the 3rd May 1918. Bosnia and Dalmatia were to be joined up with Croatia into a 'Great-Croatian' State. But 'the Austrian provinces which lie on the road to the Adriatic and are closely connected with the German-speaking provinces could not be included in this State'. The Austrian Government seems still always to have counted on the old Croat sentiment which they hoped to revive by creating a State in which the Roman Catholic Croats would have had a very marked preponderance over the Greek Orthodox Serbs. But even if the setting up of such a State might have scuttled the idea of a united Yugo-slavia, which by 1918 seemed more than doubtful, the Magyars naturally failed to see why they were to hand over to it provinces which lay on their road to the Adriatic, and why they were to agree to the setting-up of a State which, if it had successfully grown into a Habsburg dependency, would have changed the balance within the Monarchy to the disadvantage of the Magyars. That is why the scheme could never be realized.

On the 2nd April 1918, Count Czernin, the Austro-Hungarian Minister for Foreign Affairs, in a public speech bitterly attacked the Czechs for demanding Czecho-Slovak union and independence and for sympathizing with the Czecho-Slovak Legions which fought on the Allied side. 'The wretched and miserable Masaryk is not the only one of his kind. There are also Masaryks within the borders of the Monarchy.' Czernin's speech marked a return to the anti-Slav militancy of 1915 and 1916. In April 1917 Czernin himself had called for a suspension of anti-Slav action in view of the efforts which were then to be made to obtain peace with Russia. A year later, after Brest-Litovsk, he gave the signal for resuming the old course.

16. *The Clemenceau Disclosures and the Austrian Germans.* Czernin's speech led to unexpected results. It provoked M. Clemenceau's revelations concerning the secret peace negotiations which in 1917 the Emperor Charles had conducted behind the backs both of his own Foreign Minister and of Germany.[1] The speech produced Czernin's own resignation

[1] For Count Czernin's speech of the 2nd April 1918 *v.* G. L. Dickinson, *Peace Proposals and War Aims* (1919), pp. 174–5; and for the Emperor's letters, etc., *v.* pp. 30–41. For details of a proposed negotiation with Austria *v.*

(15th April) and the publication of the Emperor's letters exasperated the German Nationalists and turned them against the Habsburgs, a fact which was to weigh heavily in the decisive days of October 1918. They had gone far to renounce their own distinct German nationalism and had forgone German national re-union in favour of the autonomous Austrian State, trusting that in reality they remained in exclusive control of the State. Here, in the middle of a war which was to have led to a consolidation of the German *Mittel-Europa*, they found the Habsburgs, who had so often done lip-service to the German idea and the German Alliance, conducting a purely dynastic policy of their own. The attempt had been childish, it had disregarded the most elementary facts of the situation, it had consequently been utterly futile, yet it was made. It was a prelude to an equally absurd attempt to come in the last days of October 1918, and supplied the background to the latter. It was with the cold eyes of estrangement that the German Nationalists watched henceforth the fate of the Habsburg dynasty.

Meantime the incident supplied the Austrian Germans with matter for blackmail. They could force the Government to hasten the 'German course' in Austria. At this price they refrained from raising the question of the Emperor's letters in the Vienna Parliament. On the 3rd May, in a speech delivered in a conference of the Parliamentary leaders, Dr. von Seidler attacked the Czechs and Yugo-slavs, more fully developing the programme outlined on the 7th March. On the 6th May Dr. Žolger, a Slovene, who had a seat in his Cabinet, had to resign. On the 19th May an Imperial Rescript was published separating the predominantly German from the predominantly Czech districts in Bohemia. The Czechs were thus brought up against the alternative of winning independence or of seeing the natural boundaries of their State obliterated. The Austrian Government by its continuous tergiversations and its short-sighted palliatives estranged even the dominant nationalities, and utterly exasperated those which were anyhow in permanent opposition to it.

17. *Kholm and East Galicia.*[1] In the peace treaty concluded

documents in *L'Opinion*, 10th, 24th, 31st July 1920, which also published Prince Sixte's account. The accuracy of the latter was formally denied by President Poincaré, cf. *The Austrian Peace Offer*, G. Manteyer.

[1] See also Vol. I, pp. 226–30.

with the fictitious Ukrainian Government at Brest-Litovsk on the 9th February 1918, the entire district of Kholm, not merely its Little Russian eastern parts, but even the purely Polish territory in the west, was ceded to the Ukraine. Such a violation of Polish territory in the east, where the Poles counted on annexing tens of thousands of square miles of non-Polish territory, drove the Poles to sheer frenzy. The Polish outcry made the Austro-Hungarian Government re-open negotiations with the Ukrainians, who, on the 3rd March, agreed to a rectification of the frontier. In compensation, however, a secret promise seems to have been given to them that the Little Russian part of Galicia would be withdrawn from Polish dominion and, together with the Little Russian parts of the Bukovina, formed into an autonomous province. This the Poles discovered in the first days of June, and again threatened to pass into an *intransigeant* opposition. Consequently the notorious Magyar diplomat, Count Forgách, the author of the Friedjung forgeries, and one of the men who had drafted the Ultimatum to Serbia in July 1914, was sent to Kieff to explain to the Ukrainian Government that in view of their having failed to carry out the food clauses of the Treaty, the promises made to them had lapsed automatically. Nevertheless the Poles remained at heart bitter against Vienna, whilst the Ukrainians in turn got exasperated. One by one the different nationalities in Austria saw themselves menaced by the activities of the Habsburgs and their governmental clique, and saw promises given and broken with equal recklessness.

18. *Poland and Central Europe.* Peace having been concluded with Russia, the time seemed to have come to settle the future of the territories ceded by her to the Central Powers. The problem of Poland and Lithuania, and indirectly of Central European Union, came up once more. Germany, no less than the Austrian Germans, hoped to blackmail the Habsburgs over the letters of the Emperor Charles. They forgot to reckon with the Magyars, who certainly could not be moved to concessions by any embarrassments of the dynasty. On the 12th May, to expiate his indiscretions, the Emperor Charles went on a pilgrimage to German Headquarters, accepted in principle a union of his States with Germany, and received full absolution. The concrete application of the principle was to be worked out by the competent statesmen. But disagreements immediately

arose as to what had exactly been agreed upon. Count Burian, the Austro-Hungarian Minister for Foreign Affairs, maintained that the conclusion of closer union between the Central Powers was not possible whilst Austria-Hungary's future frontiers and internal structure were uncertain, i. e. as long as the Polish question remained unsettled. The Germans replied that they were uncertain what concessions to make in that matter whilst ignorant of what Austria-Hungary's future relations to Germany would be. Burian asserted the essential and close connexion between the problems of the Austro-Polish Solution and of Central European Union, Germany insisted on Central European Union being a distinct problem and the Polish Question part of the general East European settlement. A complete *impasse* was reached.

By 1918 the Magyars had acquired an interest of their own in the Polish Question. They had accepted the Andrássy plan of connecting the Austro-Polish scheme with *Mittel-Europa*, but on one condition. The new Poland was to be joined to Austria, but in turn Austria was to hand over Dalmatia and Bosnia to Hungary; not to Croatia, but unconditionally to the Magyars, who would thus acquire undivided control of the Serbo-Croat problem. The *impasse* in the Polish negotiations with Germany implied an *impasse* within Austria-Hungary.

19. *The Decay of Austria.* Meantime the Austrian State was visibly dying away. The financial position was becoming untenable. The Austrian National Debt had risen to 70 milliard crowns; Austria lived by printing money. The circulation of paper money had risen from 2 milliards before the War to 11 milliards by the end of 1916 and to 27 milliards by the 1st October 1918. The population was literally starving. All stores and resources were completely exhausted. The army was far gone in decomposition. The towns were full of deserters, in country districts they conducted systematic brigandage. If Austria still held together it was because there was no enemy near to give the shattering touch to the corpse.

20. *Last Attempts at Settlement and Reconstruction.* When on the Western Front the turn of the tide came in July 1918, and from day to day the situation was becoming more threatening to the Central Powers, another effort was made to settle the outstanding problems. Ludendorff's plan to create

a Lithuanian and a Ukrainian State under German tutelage had broken down over the conflict between the socially conservative principles of Germany and the socially revolutionary interests of the Lithuanian and Ukrainian peasantries. A Polish settlement on the socially congenial, conservative basis of Imperialism was attempted. Prince Radziwill, the Polish Minister for Foreign Affairs, was summoned to German Headquarters on the 10th August, and an extension of Polish frontiers in Lithuania and White Russia was offered in lieu of the Austrian Solution. The Polish delegates left German Headquarters on the 13th, and on the 14th the Austrian Emperor arrived, accompanied by Count Burian. The proposal of making Archduke Charles Stephen King of a Polish State built on the German plan seems to have been offered as a compensation to the Habsburgs. They refused, and it was agreed to let the Poles themselves decide between the rival schemes. 'A plan has been agreed upon', declared Burian in an interview on the 19th August, 'which will considerably expedite matters. . . . The Poles are to be invited to participate in the Austrian-German negotiations. . . . They have the right freely to choose their own King. . . .'

In September Count Tisza, apparently as *homo regius*, started out on a journey through Bosnia-Herzegovina. He was to ascertain how a settlement suiting the Magyars could be reached in the Yugo-slav provinces. The Magyars seem to have wished to bind up Bosnia and Dalmatia directly with Hungary, as Croatia was joined up with her, but not to admit any direct connexion between the two Yugo-slav units. The scheme was as absurd as it was complicated, and even humorous in the setting of September 1918. Every Yugo-slav deputation received by Count Tisza, even that of the very moderate Bosnian Mohammedans, told him that Yugo-slav unity was their aim. Tisza, to one of them, called the principle of self-determination 'an empty phrase', their memorandum 'silly nonsense', and in a fit of rage exclaimed, 'We may perish, still before we perish we shall have sufficient strength to crush all those who cherish such ambitions'. But there was no agreement, not even between Austria and Hungary, as to the settlement of the Bosnian problem. The outstanding feature of Austria-Hungary's history in the War was the inability to remodel the system of 1867. It could be destroyed, and

the Habsburg Monarchy with it, but it did not admit of development.

About the middle of August reports appeared in the clerical Austrian press alleging that a scheme of reform was prepared for constructing four national States, a German, a Czech, a Yugo-slav, and a Polish State, within Austria's framework. It was ascribed to Professor Lammasch and Dr. Redlich. On the 28th August, an ambiguous official *communiqué*, whilst denying the current reports, declared that the Government considered 'a revision of the constitution, preserving all the interests implied in the integrity of the State, one of its most important tasks'. But no one seemed worried by the rumours. The German-Austrian press was ironical, the Magyar papers plainly intimated that any such change in Austria's constitution would lead to a break with Hungary. The Czech leaders, however moderate, publicly denied having anything to do with the schemes. 'Negotiations are of no use, because our final aim cannot be reached by negotiations,' stated M. Stanek, the President of the Czech Parliamentary Union, on the 3rd September. 'The time for negotiations is long past, and the times are much too serious for any one to conduct valid negotiations with the Government . . . unless authorized by the Czech Parliamentary Union or the Czech National Committee.' 'In evil days we have not lost our heads', declared M. Klofać, another of the Czech leaders, 'and threats could not break us. Nor shall we lose our heads now, and promises will not influence us. . . . The Czech question cannot be discussed with the Vienna Government, which stands by the Dual System, whilst the Czech question cannot be solved under that system any more than that of the Yugo-slavs. The different proposals of the Vienna Government are therefore of no interest to us.' As if to prove finally the futility of such discussions, Baron von Hussarek declared on the 11th September that there were two limits to constitutional reform in Austria—'respect for the rights and constitution of Hungary, and the determination to preserve a united Austrian State'.

The old difficulties and the *impasse* reasserted themselves. True reform within Austria-Hungary was impossible.

C. THE COLLAPSE

21. *The Twilight of the Gods.* In the summer of 1918, by acknowledging Czecho-Slovakia as an independent, co-belligerent nation, the Allied and Associated Powers completed the programme of the root and branch destruction of the Habsburg Monarchy, previous treaties or engagements having assigned the Italian, Yugo-slav, and Ruman parts of Austria-Hungary to the three neighbouring States and recognized the principle of Polish reunion and independence. Peace negotiations with Austria-Hungary would have been illogical when the destruction of the Habsburg Monarchy and of its two component States was the purpose in view. Hence, in the autumn of 1918, the ardent desire of their Governments to enter into immediate negotiations, and so to obtain an implicit recognition of their right to speak for the populations of the Habsburg Monarchy and to continue a supernational existence. The growing panic in military circles supplied the background to these attempts. In a speech delivered on the 9th September, Count Burian complained of the intention of the Allies to destroy the Habsburg Monarchy; in the Note of the 15th September, which proposed informal peace conversations, he quoted from old speeches of Allied statesmen to show that it was not their intention to destroy it; he shut his eyes to a threat which he could not face any longer. President Wilson referred the Austro-Hungarian Government to the principles which he had previously laid down as basis for negotiations. Burian replied on the 20th that Austria-Hungary's offer remained open. Then followed Bulgaria's military collapse. On the 26th September she sued for an armistice, and on the 29th accepted terms practically equivalent to unconditional surrender. Every one felt that this was the beginning of a general *déroute*, and that the end was near at hand. No enemy army had as yet reached the frontiers of the Habsburg Monarchy, and extensive territories beyond its borders still remained under its military occupation. Still, within a month the Habsburg Monarchy and its political framework were to disappear, destroyed not by an extraneous force, but by the logic of hitherto repressed ideas. And the men who at the beginning of October were rulers, or were deemed rulers, of a great and ancient Empire, at its close were but a group of

individuals with no definable political standing or connexions. They left the empty stage 'escorted by the echoes of desertion'.

The October days of 1918 in Austria will for ever remain remarkable as a study in mass psychology and an example of how ideas, talked about yet unthinkable on one day, acquire life on the next, whilst other ideas, which had seemed solid fact, pass out of reality. Austria-Hungary disappeared when it vanished from the consciousness of those concerned. The War had broken the habits, the approach of defeat disembodied the ideas, which made up its political and social structure. The language of men changed; for the first time they drew conclusions from old familiar facts; the pace at which they did so, quickened daily; it became catastrophical. Diplomatic notes, speeches in the Vienna and Budapest Parliaments, declarations and manifestoes published at Prague, Zagreb, Cracow, or Lemberg, were no longer mere moves in a political game. The masses listened to the march of events, the leaders watched the movements of the inarticulate masses. Elemental forces seemed to work through men and to control them, uncontrolled by them. The solid political foundations of inherited everyday existence vanished, and in the enormous void ideas seemed to move, free from hindrance, obeying their own laws.

22. Hussarek's Speech of the 1st October 1918. The Austrian Parliament reassembled on the 1st October 1918. The Prime Minister, Baron von Hussarek, opened up with an elaborate speech, the phrasing of which would have won him a prize in a school competition—the last 'Noodle's Oration' of the Austrian bureaucracy. 'At the [Balkan] front our troops stand shoulder to shoulder with the German troops, and there, too, preserve magnificently and faithfully the firmly cemented alliance which in future also shall unshakeably resist all the tests of Fate.... The hour [for peace negotiations] must come. I look forward to it with calm and determination.'

(*a*) *Poland.* The problems discussed during July and August were dealt with as if it had been within the power of Austria's rulers to shape their development. 'Poland is to become an independent factor in the political world of Europe. ... The form of the Polish State must be freely determined by the Poles themselves. In Poland a strong current of opinion

is known to favour establishing her independence in closer union with the Habsburg Monarchy, and no one can take it amiss if we, for our part, sympathise with the movement and try to meet it halfway. . . . We absolutely respect Poland's right to self-determination, and merely demand that others should respect it, even if it works out to our advantage.' Did he hope that the Poles would enter a sinking ship, or was it a cheerful tune played to avert a panic ?

(*b*) *The Yugo-slav Problem.* With regard to Bosnia-Herzegovina Austria 'does not intend to renounce her good rights or barter them away against hopes of territorial increase elsewhere. . . . The interests of its population and of the Monarchy are to be safeguarded. And here the idea impresses itself that the historical separation of Bosnia from Croatia and Dalmatia no longer answers the just desires of their inhabitants.' The old dynastic Croat idea, with its anti-Magyar point, was brought up once more, the Habsburg and the Magyar conceptions continued to oppose each other at a moment when the material foundations of both were crumbling fast. Nor had even the Austrian-German Nationalists freed themselves altogether of inherited 'Great-Austrian' instincts. They, who implicitly acknowledged the Magyars as their closest associates and on the 30th September decided to approach the Magyar leaders with a view to discussing 'the problems which concerned both States alike', on the very same day voted a resolution against ceding Dalmatia to Hungary; it could be ceded 'to Croatia alone, under very clearly defined conditions'.

(*c*) *National Autonomy in Austria.* 'Gentlemen, the iron march of the days in which Fate has placed us', continued the imperturbable Hussarek, 'compels us not to overlook the tasks of the future for the sorrows of the present day; having gained peace abroad, we shall have to go to work and set our house in order. Its structure has permanently valuable foundations, but it imperatively demands to be completed and renovated. We can no longer shut ourselves off from considering and solving the problem of autonomy for the different nationalities. . . . The fruitful principle of national autonomy can be applied still further, and this having been done systematically, a considerable improvement—nay, a complete *dénouement*—may be expected. The difficulty lies in its application. . . . The task will arise for the Government carefully to prepare and inaugurate

this difficult but hopeful work.'[1] What a sense of time! In October 1918 the Austrian Government proposed to prepare to face the task of careful preliminary work on initiating the difficult application of a 'fruitful principle' of internal reconstruction.

23. *The Attitude of the Parties.* (*a*) *The Austrian Germans.* 'How well this speech would have sounded ten years ago, and how useful it would have been!' answered the leader of the German-Austrian Socialists. 'Perhaps even four years, perhaps even a year ago. That it no longer appears the product of insight but of fear makes it now less, or otherwise, effective than was intended.' On the day on which Parliament met, the German-Austrian Socialists put forward their own proposals. All Italian territory was to be ceded to Italy, and the Poles and Ukrainians were to be left free to determine their own fate, but 'Western' Austria, the old German domain, was to be saved and preserved on a pseudo-national and pseudo-territorial basis. The members representing the different nationalities in the Austrian Reichsrat were to form themselves into National Assemblies, draw up constitutions for their territories, and jointly consider what matters should remain common to them all; the nationalities which the German-Austrian Socialists had in mind were the German Austrians themselves, the Czechs, and the Yugo-slavs, though as yet the scheme was not explicitly limited to them. The Czechs and Austrian Yugo-slavs were thus asked to accept the frontiers of 'Western' Austria, to discuss their future apart from the Slovaks and the Yugo-slavs of Hungary, of Croatia, of Bosnia-Herzegovina, and of Serbia, whilst the deputies from the German fringes of the Czech provinces and even from their German enclaves, were to enter the German-Austrian Assembly. This was chastened German nationalism, but still naïvely egoistic nationalism. The form changed, the substance remained the same.

On the 2nd October, rumours that the Austro-Hungarian Government would in a new Peace Note accept President Wilson's 'Fourteen Points', made the Pan-German deputies propose that, in that case, the German members should immediately withdraw from the Austrian Parliament and form themselves into a German-Austrian National Assembly. The Czechs

[1] 'Der Regierung *wird* die Aufgabe *erwachsen* diese grosse aber aussichtsreiche Arbeit *sorgfältig vorzubereiten und einzuleiten.*' Italics not in original.

were to be forestalled with regard to German Bohemia; as for the Austrian State, it was no concern of the German Nationalists once it became incapable of serving their aims. On the 4th October, at a Conference of the three big German groups, the National Union, the Christian Socialists, and the Socialists, the scheme implied in the Socialist resolutions of the 1st October was fully developed, and on the 5th October the Socialist programme was accepted by the other parties as basis for negotiations. They decided to recognize the right of the Latin and Slav nations to determine their fate and to form States of their own, but these were not to include ethnically German territory. All German territories of Austria were to form a German-Austrian State which would freely settle its relations to the other nationalities and to Germany. The Austrian Germans would enter into negotiations with the Czechs and Yugo-slavs for transforming Austria into a league of free national commonwealths, but, were this refused, they would with all their strength oppose any attempt of the Austrian authorities or of foreign Powers to settle their fate, or that of any part of their territory, without their consent. Under the influence of the debate which followed on Hussarek's speech, the Austrian Germans had advanced a considerable distance in five days. The ballast of by now irrelevant inherited conceptions was thrown overboard. The Habsburg Monarchy, Austria-Hungary, the Austrian State itself, had disappeared from their consciousness, 'Western' Austria remained the only reality to their minds. They would talk to the Czechs because of the German minorities comprised in their provinces, and to the Slovenes whose territory intervened between them and the sea. They would talk to their kinsmen in Germany. They passed over the Habsburgs in silence. Bosnia-Herzegovina and, it seems, even Dalmatia were forgotten, Galicia and the Bukovina were written off, Hungary was not mentioned, the Austrian authorities were treated as something external, almost alien to the Austrian Germans. The final break had come in the consciousness of the old champions of the Habsburg Monarchy, even the Christian Socialists could hardly resist it any longer. *Sauve qui peut* became the watchword, and from that moment the Austrian Germans were just Austrian Germans, and nothing more.

(*b*) *The Czechs and Yugo-slavs.* The Austro-Hungarian

Government tried to inaugurate a Peace Conference in order to reassert the existence of the Monarchy and of the Dualist Constitution, and thereby implicitly to deny that of a Czecho-Slovak and of a Yugo-slav nation. The Czechs and Yugo-slavs in the Austrian Parliament answered Hussarek's speech of the 1st October by demanding that in the Peace negotiations they should be directly represented and heard, declared that they would not allow the Austro-Hungarian Government to speak for them, nor would they discuss their future with the Austrian Government, but would settle it in conjunction with the Allied and Associated Powers. They could not consider any programme circumscribed within the frontiers of Austria alone. 'Should the Austrian Government under duress make up its mind to form Bohemia, Moravia, and Silesia into a Czech State to the exclusion of the Hungarian Slovaks', stated the leader of the Czechs, 'they would see therein but an attempt to break up their national unity. . . .' They flaunted before the Government a defiant disloyalty. 'Not a drop of blood had been voluntarily shed by the Czechs on the side of the Central Powers.' The Czecho-Slovak Legions fighting in conjunction with the Allies had been called a rabble, but it is just with them that the Austrian Government will have to discuss the future of the Czecho-Slovak nation, 'and that is why we will not discuss it with you here.' 'The Yugo-slavs present their humble thanks for any schemes of autonomy', declared their spokesman in the Austrian Reichsrat. 'Baron von Hussarek comes too late for them. Through all Yugo-slav land the cry goes now: complete freedom or death! No artifice can any longer separate the Slovenes from the Croats and Serbs. . . .'

The Czechs and Yugo-slavs in the first days of October considered whether they should not withdraw from the Austrian Reichsrat, and thus definitely break with the Austrian State. But as yet they felt uncertain what line and what procedure the Allies would adopt with regard to Austria-Hungary, and hesitated to pronounce words *sur lesquels on ne revient pas.* They remained in the Austrian Reichsrat, which offered them the only public tribune within the Habsburg Monarchy, but at the same time went on consolidating their national organizations in their own as yet provincial centres. On the 5th and 6th October a conference was held at Agram (Zagreb) of all the Yugo-slav parties from the Austrian, Hungarian, Croatian, and

Bosnian legislatures, and a National Council was elected to conduct Yugo-slav policy.

(*c*) *The Poles.* In the debate following on Hussarek's speech, the President of the Polish Club spoke in much softer tones than other Slav leaders, partly from habit and partly with the wish to coax the Austrian Government into not spoiling the Polish game in East Galicia. He was appreciative of the way in which the Prime Minister acknowledged the right of the Poles to determine their own fate, admitted that there was a movement in favour of establishing Polish independence in conjunction with the Habsburg Monarchy, explained that it was based on the past relations of the Poles to Austria, on the part played by the Polish Club in the Austrian Reichsrat, and on the battles fought in common with Austria by the Polish Legions, but at the same time claimed for the Poles a place among the suffering nationalities of Austria. He finished by demanding the complete reunion of Poland, including Silesia, with access to the sea, and direct representation at the Peace Conference for all the Poles alike. The whole of Galicia was assumed to be Poland's due, although in the whole province the Poles are a minority, and in East Galicia form only about one-fifth of the population.

(*d*) *The Ruthenes.* The Ruthene members entered a passionate protest against being subjected to Polish rule. 'We shall rather fight and die than let ourselves be annexed to Poland.'

Little comfort could the Austrian Government derive from these debates.

24. *Austria-Hungary accepts President Wilson's Fourteen Points and awaits a Reply.* On the 4th October [1] the Austro-Hungarian Government, in conjunction with Germany and Turkey, offered to enter into peace negotiations on the basis of President Wilson's Fourteen Points of the 8th January 1918, of the four principles laid down in his speech of the 11th February, and of his speech of the 27th September.[2] Point 10 had stipulated that 'the peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development', Austria-Hungary accepted it without inquiring as to its precise

[1] The Note was actually sent by the Swedish Minister at Washington on 7th October (see Vol. I, Appendix IV).

[2] For Wilson's speeches in 1918 see Vol. I, Appendix III.

meaning. Henceforth nothing could be done in Austria until Washington had spoken. 'Austria has a Prime Minister who resides at Washington,' wrote the *Neue Freie Presse* on the 9th October. 'His name is Woodrow Wilson, and his executive officer in Vienna is Baron von Hussarek.' Changes in the Austrian Government, new declarations or offers, schemes for the future, might all prove equally futile. 'We might do too much or we might do too little. . . . The Prime Minister is Woodrow Wilson at Washington,' it repeated on the 12th. 'He knows what policy he proposes to prescribe for Austria. . . .' And day after day the Vienna press impatiently complained: 'Still no answer from America.' In the weeks of supreme crisis the Austrian Government became completely paralysed, and ceased to count. It waited for an answer, or rather for a verdict. It had to wait for a long time. In the process of waiting it ceased to be a government.

On the 8th October Baron von Hussarek read out the Peace Note of the 4th October in the Austrian Reichsrat, admitting that it marked 'a modification of the political conceptions on which Austrian official policy had hitherto been based', and that the time had come for 'full-grown nations (*mündige Völker*) to determine their own future'. Austria abandoned all pretence of dominion or claim to it, she capitulated before an unknown future. 'She is going to play "King Lear",' was the over-complimentary and much too poetical comment of one of her votaries.

On the 9th October President Wilson's answer to Germany of the 8th was received; it declared that an evacuation of Allied territory must precede the conclusion of an armistice, and asked whether the Imperial Chancellor was 'speaking merely for the constituted authorities of the Empire who have so far conducted the war'. A Reuter wire of the 8th October from Washington added: 'It is officially announced that no answer to the Austrian peace proposals is contemplated at present.' Dismay spread among the ruling circles of the Habsburg Monarchy. On the 4th October Germany and Austria-Hungary had addressed the same offer to America. Germany alone received a reply. What was the meaning of the omission? Austro-Hungarian troops not less than those of Germany were in occupation of Allied territory. Was Austria-Hungary to heed an answer which ignored its existence? But how could

she afford to ignore the Note? And what could the Austro-Hungarian Government have replied were it asked in turn whom it represented?

On the 12th October the German Government in its reply to President Wilson's Note of the 8th October specially mentioned Austria-Hungary as agreeing to the demanded evacuation of Allied territory. President Wilson, in conclusion to his Note of the 14th October, wherein he laid down that the military advisers of the Allied and Associated Powers would settle the terms of armistice, announced that a separate Note would be sent to the Austro-Hungarian Government. It had to wait.

25. *The Last Habsburg Bid.* In the meantime an attempt was to be made to form a government which could give an answer if asked whom it represented. Lammasch, the old pacifist professor who, in August 1918, in the congenial company of ossified Clericals had talked about an internal 'rejuvenation' of Austria, was to succeed Hussarek, although the Austrian Germans were averse to him because they did not trust him to stand faithfully by Germany in the decisive crisis. On the 10th October representatives of all the Austrian nationalities were summoned for audiences with the Emperor to be held on the 12th and 13th; the scheme to be discussed was approximately known. The nationalities were to be given the right to constitute States of their own within the framework of Austria. The change was to be carried out by a Cabinet representing all the nationalities. The Poles alone were to be let out of the Ark (*en route* for Warsaw) in accordance with Point 13 of President Wilson,[1] and also in the hope that the Habsburg bird, presumed to be a dove, might return with a laurel branch and 'increase of territory'. The Czechs were the first to see the Emperor and flatly refused to enter the proposed new Cabinet. They demanded that a Czech Government should immediately be set up at Prague, that it should take part in the Peace Conference, and that all Czech regiments should return to the Czech territories, with the natural corollary that the non-Czech troops should be withdrawn from them. They warned the Emperor that the Czech popular movement could

[1] *Point* 13: 'An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.'

no longer be repressed, and that, unless something decisive were done, the nationalities would act on their own. Tusar, one of the Czech delegation to the Emperor (and subsequently Prime Minister of the Czecho-Slovak Republic), published after the interview an article pointing out that the purpose of trying to form a Cabinet representing all the Austrian nationalities was to say to the world: 'In Austria everything is in perfect order. You need not trouble your heads about us!' 'We ourselves, and we alone, shall settle our future,' was Tusar's answer. 'We shall give ourselves the constitution we need. We shall determine our relations with neighbouring States, and we refuse to admit any interference from Vienna or Budapest. . . . A Czech State must arise with a Czech government at its head. Its representatives will appear at the Peace Conference. There the future organization of the world will be decided upon.' Before the Czechs negotiate with Vienna, the Austrian officials must cease to rule in Bohemia.

The refusal of the Czechs, followed by that of other nationalities, killed the idea of the Coalition Cabinet. 'No *coup d'état* from above and no revolution from below', wrote the *Arbeiter-Zeitung* on the 12th October, 'can produce a government which would be trusted by all the nationalities to negotiate peace in their name, because many nationalities do not want Austria any longer, do not feel citizens of Austria any more, and deny the right of any Austrian Government, whatever it might be, to conduct their affairs. This is the naked, brutal fact, which no clear-sighted person can deny, whether he likes or regrets it. . . . We must therefore reckon with the fact that Wilson will not invite the Austro-Hungarian Government to the peace negotiations, but only the representatives of the particular nationalities of Austria-Hungary.' 'There can be no doubt', wrote the *Arbeiter-Zeitung* again on the 15th October, 'but that the dissolution of the old State of mixed nationality into separate and independent nations is in progress; if not in law and fact, it has already occurred in idea. . . . The nations exist, have long ago constituted themselves, their will to be free and independent is unshakeable. . . .'

What, in that case, was to become of German Austria? On the 13th and 15th October, Otto Bauer, subsequently Minister for Foreign Affairs of the German-Austrian Republic, pointed out in the *Arbeiter-Zeitung* that there could not be one German

Austria, but there would have to be three geographically disconnected fragments—Inner Austria (Vienna and the Alpine Provinces), Northern Bohemia (the German fringe from Eger to Trautenau), and the Sudetenland (a few frontier districts in Eastern Bohemia, Northern Moravia, and the western part of Austrian Silesia down to Troppau), which, unless united by remaining within an Austrian super-State, could retain their connexion by union with the German Empire alone, not otherwise. An Austrian Federal State would necessarily have to retain very wide powers over economic matters, but it seemed highly doubtful whether any of the other nationalities would agree to such a surrender of governmental powers. 'Because the German Austrians as an industrial nation have a strong interest in maintaining the united economic territory, they suppose the same feelings in the others,' but in reality the non-German nationalities, being mostly agricultural, do not feel the same need. Then, even for economic reasons, German Austria would have to join Germany. The Austrian Germans were rapidly losing hope of being able to keep together 'Western' Austria.

26. *Hungary and the Sinking Ship.* The Magyars carefully watched the progressive disruption of Austria. They all felt that the moment was fast approaching when Hungary would have to break off her connexion with Austria in order to escape being pooled with her in the bankrupt mass against which the different creditor nations would enter claims. In separating, the Magyar Kingdom of Hungary was to camouflage itself into a persecuted nationality which now at last attained the freedom it had yearned for; why was it not to retain its direct hold on Slovakia, Transylvania, and the Banat just as the Poles proposed to retain their hold on East Galicia? The Magyar Socialists, in a manifesto published on the 7th October, offered a kind of cultural autonomy to the subject races in a Hungary 'which claims the right to determine her own fate!' 'Self-determination'—such as Count Czernin claimed for Austria-Hungary in the farcical argument which he addressed to the Bolsheviks in the days of Brest-Litovsk. Vienna was to be the one and only scapegoat. And Germany, whom Apponyi and Andrássy, no less than Tisza and Wekerle, had only recently described as the natural, indispensable ally of Hungary,[1] was to

[1] Cf., e.g., Andrássy's speech in the Hungarian Parliament, on 20th June

be abandoned. On the 10th October Tisza delivered a significant speech. Recent developments in Austria, he declared, had shaken the foundations of the Dual Monarchy, and should the expected changes occur, Hungary would have to reassert her complete independence. As to the German Alliance, it had been necessary only as long as Hungary was threatened by Tsarist Russia. Even more explicit was the Prime Minister, Dr. Wekerle, when on the next day, the 11th October, he addressed the Executive Committee of his party. 'A fundamental change has occurred in our relations with Austria. We are confronted by an accomplished fact. . . . It is a serious matter that Austria should have turned entirely towards federalism. Bohemia proposes to break off completely on a federalist basis and to form a separate State. . . . Austria has not got the strength to withstand such attempts. . . . We are no longer face to face with the Austria with which we concluded our agreements in the past.' She cannot fulfil her obligations with regard to common defence or to economic matters. Hungary must strike out her own line and guard her own interests. Her territorial integrity is her first concern. Little was said about the dynasty, but both speeches implied that no immediate change was contemplated. The Magyars seemed to have feared that by prematurely breaking with the dynasty they might give it a chance of securing more favourable conditions for Austria at the expense of Hungary, i. e. by an attempt at a genuine federalization of the entire Habsburg Monarchy, the Magyar domain included.

Negotiations were carried on for the formation of a new Magyar Coalition Cabinet. One after another different leaders were offered the Premiership, but declined. Count Michael Karolyi advised the Emperor to summon a Cabinet consisting of Radicals and Socialists, but refused to co-operate with the representatives of the old system. On the 14th October Wekerle formally resigned, but the next day withdrew his resignation on condition that a special clause to guarantee Hungary's territorial integrity should be inserted in the coming Imperial Proclamation federalizing Austria. In the Hungarian Delegations, Michael Karolyi demanded the immediate declaration

1918: 'The German Alliance I consider necessary, natural, and in accordance with the only sound policy. I am convinced that without it it is impossible to conduct a proper Hungarian policy, for the Germans are the only great race in whose interest it is that there should be a strong Hungary. It cannot be to the interest of Hungary to estrange this faithful ally. . . .'

of Hungary's complete independence and of the abolition of all institutions common to Hungary and Austria. On Tisza's motion, however, the Delegations adjourned until an answer was received from President Wilson. They too had to wait.

27. *The Federalizing Manifesto of the 16th October.* In spite of the refusal of the different Austrian nationalities to join the Reconstruction Cabinet, an attempt was made to do something which might look like realizing Point 10 of President Wilson, and might perhaps have preserved Austria's existence.[1] An Imperial Manifesto, dated the 16th October, proclaimed the federalization of Austria; it was countersigned by the same Hussarek who on the 11th September had declared the Government's 'determination to preserve a united Austrian State', on the 1st October had talked in very vague terms about national autonomy, and even on the 8th October had refrained from explaining the nature and extent of the autonomy to be conceded. 'Now the reconstruction of the Fatherland on its natural and therefore most reliable foundations must be undertaken without delay,' reads the Manifesto. 'The wishes of the Austrian nationalities are to be carefully harmonized and a beginning must be made to realize them. . . . Austria, in accordance with the will of her nationalities, is to become a federal State in which every nationality within its own territory forms its own commonwealth. This is not to prejudice in any way the union of the Polish territories of Austria with the independent Polish State. The town of Trieste and its territory, in accordance with the wishes of its inhabitants, receives a special position. The reconstruction, which in no way infringes the integrity of the countries belonging to the Holy Crown of Hungary, is to secure independence to every single State, but also effectively to protect the common interests. . . . I call upon the nations . . . to co-operate in the great task through National Councils consisting of the members who represent each nationality in the Reichsrat, and to secure the interests of the nations as against each other and in relation to my government. . . .' The Emperor and his Government thus acknowledged themselves something extraneous to the basic national States, but still tried to maintain themselves through the administrative machinery; not

[1] *Point* 10: 'The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.'

a word was said in the Manifesto of national governments, the indispensable, logical corollary to the new national States.

On the day before the Manifesto was published it was to have been read by the Prime Minister to the leaders of the different nationalities in Parliament. The Czechs refused to appear at the meeting, the Polish leaders were away at Warsaw, the Ukrainians, expecting a Polish attempt to declare East Galicia 'Polish territory', protested against the vagueness of the Manifesto, the Yugo-slavs, who put in an appearance, declared their solidarity with the Czechs. On the 16th October the Czechs and Yugo-slavs made a common statement in the Delegations for Foreign Affairs. They 'irrevocably insisted that the Czecho-Slovak and Yugo-slav questions as international problems could be satisfactorily solved at the general Peace Conference alone', and that 'previous to the publication of President Wilson's answer to the Austro-Hungarian peace offer all discussion of the proposals contained in the Imperial Manifesto was devoid of practical value . . .'. On the 19th October the Czech National Committee in Prague and the Yugo-slav National Council at Zagreb confirmed the declaration, once for all refusing any further discussions with Vienna or Budapest.

On the same day on which the Manifesto was signed (16th October), Dr. Wekerle declared in the Hungarian Parliament that, in view of the federalization of Austria, the connexion between the two States would in future be reduced to a personal union, and Hungary would have to settle all her political and economic problems on a completely independent basis. Within Hungary the nationalities were offered nothing beyond language rights; the unity and integrity of the Magyar State were to be preserved. Dr. A. Vaida-Voevod, subsequently Rumanian Prime Minister, replied by demanding complete and free self-determination for the Hungarian Rumans, and denied the claim of the Hungarian Parliament and Government to represent them. A similar declaration was made in the name of the Slovaks by their representative, Father Juriga.

28. *Developments in Poland.* It had been necessary to leave out the Poles from the Imperial Manifesto of the 16th October —as the thirteenth of President Wilson's Points, accepted on the 4th October both by Germany and Austria-Hungary, stipulated that 'an independent Polish state should be erected

which should include the territories inhabited by indisputably Polish populations. . . .'

On the 7th October the Polish Regency Council at Warsaw, formed in the autumn of 1917 from among the most 'conciliatory' elements, drew the obvious conclusions from the Note of the Central Powers (and also from the speech of the new German Chancellor Prince Max of Baden, who on the 5th October had declared in favour of freely elected Diets in the occupied territories in the East), and published a Manifesto to the Polish nation foreshadowing the formation of a representative National Government and the summoning of a Polish Diet. The Manifesto finished with the watchword of 'a free and re-united Poland'. On the 15th October the Polish representatives in the Austrian Delegations declared in the name of all the Polish members of the Austrian Reichsrat that they henceforth considered themselves 'subjects and citizens of a free and re-united Polish State'. They called on the Austro-Hungarian Government to undertake the necessary steps for realizing the principles of President Wilson and for clearly defining the right of the Polish nation to participate in the general Peace Conference. On the same day the leaders of the Galician Poles were summoned by the Regency Council to Warsaw to take part in forming the new Polish Government.

Its formation met with peculiar difficulties. The National Democrats, who had the full support of the French Government, tried to proscribe their political opponents among the Conservatives and moderates, and to reduce the radical Left to a decorative place in a predominantly National Democrat Government. After long-drawn negotiations the Regency Council surrendered to the National Democrats, and on the 19th October one of their leaders was entrusted with the formation of a new Cabinet, of which the list was accepted by the Regency Council on the 23rd October. The Left refused any share in that Government, which thus came to consist exclusively of members and friends of the National Democrat party. M. Stanislas Glombinski, their leader in Galicia, became Minister for Foreign Affairs, and on the 24th October despatched the following wire to the German Secretary of State, Dr. Solf, and the Austro-Hungarian Minister for Foreign Affairs, Count Burian: 'Assuming the office of Minister for Foreign Affairs, I desire to assure Your Excellency of my best intentions to maintain friendly

relations between our neighbouring States'—a peculiar performance on the part of a man and group which at that time claimed a monopoly in relations with the Entente. Many an ostracized adherent of the Regency Council, which had tried to work with the Central Powers, might have repeated the words of the feeble-minded ex-Emperor Ferdinand of Austria, who, seeing his nephew and successor, the Emperor Francis Joseph I, lose one province after another, remarked in 1866 that indeed there had been no need for him to resign, for so much he could have achieved himself.

29. *East Galicia.* On the 28th October a conference of the Austrian-Polish representatives met at Cracow and elected a commission to wind up relations with Austria—for Western Galicia in accordance with President Wilson's Thirteenth Point that all 'territories inhabited by indisputably Polish populations' should be included in Poland, for East Galicia in disregard of it. The representatives of the 3,200,000 Ruthenes do not seem to have been invited at all, nor were the National Jews who represented the overwhelming majority of the 900,000 Galician Jews. Nevertheless the Polish Liquidation Committee set out to act for the entire country and, under the leadership of the National Democrats, resolved within five days to transfer its seat from Cracow to Lemberg—a gratuitous provocation to the Ruthenes.

The Ruthene members of the Austrian Reichsrat, at a meeting held in Vienna on the 10th October, had decided to summon a conference of representatives from all Ruthene territories of Austria-Hungary to Lemberg for the 18th October. Meantime the Imperial Manifesto was published on the 16th. Having met, the conference elected a Ukrainian National Council, to act as 'the Constituent Assembly of the part of the Ukrainian nation inhabiting territories of the Austro-Hungarian Monarchy. . . .' The Ukrainian Socialists pressed for immediate reunion with the Russian Ukraine and, when out-voted, left the Assembly; the moderate parties, obviously afraid of plunging into the chaos of the Russian Ukraine, preferred first to organize the government and administration of their own territories. 'The Ukrainian National Council has the right and duty at the time which it will consider proper, to exercise the right of self-determination for the Ukrainian people and to decide with which State to unite the territories inhabited by the Ukrainians.' Next day the National Council decided

to form the Ukrainian territories of Austria-Hungary into a separate State, to invite the Polish and Jewish national minorities inhabiting these territories to send representatives to the Council, to prepare for summoning a Diet elected by universal suffrage on the proportional system and to grant cultural autonomy and a share in the government to national minorities; lastly, to demand direct representation at the Peace Conference, denying to Count Burian the right to represent them.

By the 2nd November the Polish Liquidation Commission was to have met at Lemberg, the capital of East Galicia. The Ukrainian National Council forestalled them. In the early morning of the 1st November Ukrainian troops, acting under orders from the Council, occupied the government buildings at Lemberg, and the Council assumed the government of East Galicia. The Polish minority refused to accept the conciliatory offers of the Ukrainians, and on the same day fighting commenced between them.

30. *President Wilson's Reply to Austria-Hungary.* President Wilson's answer to the Austro-Hungarian Note of the 7th October was published on the 21st.[1] The Note, dated the 18th October, explained that the President could not entertain the suggestion of the Austro-Hungarian government 'because of certain events of the utmost importance which, occurring since the delivery of his Address of January 8th last, have necessarily altered the attitude and responsibility of the Government of the United States. . . .' Having recognized the Czecho-Slovaks as a belligerent nation and their National Council as 'a *de facto* belligerent government', and having 'also recognized in the fullest manner the justice of the nationalistic aspirations of the Jugo-Slavs for freedom', the President is 'no longer at liberty to accept a mere "autonomy" of these peoples as a basis of peace, but is obliged to insist that they, and not he, shall be the judges of what action on the part of the Austro-Hungarian Government will satisfy their aspirations and their conception of their rights and destiny as members of the family of nations.'

The verdict broke the last links in Austria-Hungary's logical structure. The Czecho-Slovaks and Yugo-slavs were acknowledged as independent nations, the frontier between Austria and Hungary was obliterated, the two States on which

[1] *v.* Text in Vol. I, pp. 452–3.

the Austro-Hungarian government based its existence were no more. Austria was reduced to its German, Hungary to its Magyar, territory. The complex structure raised on the historic 'imperialisms' of the dominant races and on the Imperial traditions of the Habsburgs was shattered. The Austro-Hungarian Common Ministries, the nondescript, nationally autonomous Austrian Government, nay, even the national Magyar government of Hungary, were of a world which had vanished overnight.

On the 21st October, in a Manifesto dated the 18th, and signed by Professor Masaryk, Dr. Stefanik and Dr. Beneš, the Czecho-Slovak National Council in Paris published a Declaration of Independence and constituted itself the Czecho-Slovak Provisional Government. It declared that any 'federalization, and still more "autonomy" would mean nothing under a Habsburg', that the Czecho-Slovak nation refuses 'any longer to remain a part of Austria-Hungary in any form', and denied all Habsburg claims 'to rule in Czecho-Slovak land, which we here and now declare shall henceforth be a free and independent people and nation'.

The Czecho-Slovak and Yugo-slav Councils in Prague and Zagreb, which had already refused to negotiate with Vienna and Budapest previous to the general Peace Conference, could now gain nothing by discussing either the constitution or the exact frontiers of their States with the enemy Powers in the absence of the Allies. They now merely demanded once more that the alien troops should be withdrawn from their provinces, their own regiments allowed to return to their homelands, and the administration of Czecho-Slovak and Yugo-slav territories handed over to their National Councils. In fact, the Czechs did not wait for permission. Many civil servants henceforth looked to the National Council as their government; e.g. most of the railway employees in the Czech districts were Czechs, and these, ordered by their leaders, began to control food transports to Vienna. They instituted what the Germans described as a Czech blockade, a formidable weapon against a half-starved city. The central authorities were daily losing power over the non-German provinces.

31. *German Austria.* On the 21st October, the day on which President Wilson's Note was published, the German members of the Austrian Reichsrat, following up the Imperial Manifesto

of the 16th October, met in the building of the Lower Austrian Diet. Now they could no longer shirk the question, what their own relations should be to the old, non-national Austrian authorities, the legacy of a vanishing Empire. The resolutions as passed, and still more some of the speeches delivered in the German National Assembly, clearly went beyond the terms of reference drawn by the Manifesto. 'The German people in Austria', began the unanimously adopted resolutions, 'will itself determine its future State organization, form an independent German-Austrian State, and by free agreement, settle its relations to the other nationalities.' The Imperial Austrian Government, which had offered its guidance to the nationalities, was passed over in silence. Then the claim to all territory inhabited by Germans was reasserted, the German districts in the Czech provinces being specially mentioned. The summoning of a German-Austrian Constituent Assembly was foreshadowed, but not a word was said safeguarding the monarchical principle; in fact the Habsburgs were not once mentioned—more serious preoccupations filled the minds of the Austrian Germans. 'Until a National Constituent Assembly meets, the Provisional National Assembly claims the right to represent the German people of Austria at the peace negotiations, to carry on negotiations with the other nationalities for the transfer of the administration to the new national States and concerning the mutual relations to be established between them . . .' Again the Austro-Hungarian and the Austrian Governments were passed over in silence. They appeared at last in the resolution setting up an Executive Committee which, 'until the German-Austrian Government is formed, is to represent the Austrian Germans in relations with the Austro-Hungarian and the Austrian Governments, and with the other nationalities. . . .' All alike were treated as extraneous.

The Socialists, although they held only about one-fifth of the seats in the National Assembly, were clearly the driving force. They represented the organized labour masses outside, and had a moral ascendancy over the German Nationalists and the Habsburgite Clericals whose past policy had resulted in national collapse and humiliation. Victor Adler, the Socialist leader, in a speech delivered at the first meeting of the National Assembly, voiced the new spirit rising among the Austrian Germans. 'The German people in Austria will form its own

democratic State . . . which is freely to decide how to settle its relations with the neighbouring nationalities and with the German Empire. It will form a free confederation with the neighbouring nationalities, if they wish it. Should they refuse or make conditions incompatible with the economic and national interests of the German people, the German-Austrian State, which by itself is an economically impossible formation, will be compelled as a separate State to enter the German Empire. We demand for the German-Austrian State full freedom to choose between these two possible connexions.' He went on to state that the Socialists in the Constituent Assembly would declare for a republic. Meantime the Assembly, disregarding the bankrupt Habsburg institutions, should form a German-Austrian Government. 'The other nationalities will be represented at the Peace Conference; nor can the German people leave its interests in the hands of a diplomacy alien to the people. The German-Austrian Government is immediately to get into touch with the Slav nations of Austria and into direct negotiations with President Wilson for an armistice and peace. Lastly, it is to take over the administration of German Austria.'

Adler's speech declared for German-Austrian independence and renounced the Habsburg connexion. The Christian Socialists and most of the German Nationalists did not as yet go the whole way, still it was half-heartedly that they demurred. The idea was thrown out, and in these days of quick maturing was to be realized sooner than the Socialists themselves expected.

32. The Austrian Reichsrat. Quaint interludes were supplied in the second half of October by occasional sittings of the Austrian Reichsrat, where men seemed to meet to register the degree reached in the decline of the State. The meetings were badly attended and the discussions were invariably perfunctory and futile. The great process of Austria's recasting was carried on in the provincial national capitals, the centre was dead. On the 22nd October the Reichsrat was asked by Count Burian to appoint a Committee for Foreign Affairs which would assist the Austro-Hungarian representatives at the Peace Conference. The request was refused by all nationalities alike. Oppositions in parliaments are used to moving obviously futile resolutions without hoping to see them accepted

or realized—*c'est leur métier*. In October 1918 the governing circles in Vienna found themselves in opposition to reality.

33. The Crisis in Hungary. It was in a very different spirit that the Hungarian Parliament, the representative assembly of Magyar nationalists, watched the growing danger to their 'imperialist' domain. It was sitting when on the 23rd October the news arrived of the 79th Croat Regiment having mutinied at Fiume. This followed on serious Yugo-slav national demonstrations at Zagreb. A storm broke out in the House; the sitting was suspended; a Cabinet Council was called; meantime the opposition members met in the reception hall of Parliament. It was generally felt that a new line had to be struck both in foreign and internal policy and this could not possibly be done by the exponents of the old, now discredited, system. Wekerle himself felt it, and although sure of a majority in the House—only the day before Tisza's party had fused with his followers—he did not feel equal to shouldering the responsibility any longer. When the House reassembled in the evening, he announced the resignation of his Cabinet. 'I shall submit to His Majesty a proposal for summoning a new government which would include representatives of all the parties in this House and possibly of national forces outside it' (under the narrow Hungarian class franchise the Socialists had obtained no seats in the Parliament). The Cabinet crisis which followed had necessarily a revolutionary tendency. Out of the class Parliament there could come no government very different from the one which had just resigned, no government answering the supposed need of the moment and the popular demands of the capital (as a rule a disproportionately prominent element in revolutions) could have maintained itself in Parliament. The parties of the Left, under the leadership of Count Michael Karolyi, decided to form a National Council, a 'popular' quasi-Parliament as a base for a Revolutionary Government, should the oligarchs refuse to surrender. In international affairs the Left demanded that the complete independence of Hungary should be immediately proclaimed, a Hungarian Minister for Foreign Affairs appointed, the alliance with Germany denounced, and a separate peace concluded.

Immediately on the fall of Wekerle, Count Burian, another nominee of the Magyar oligarchy, resigned office. Count Julius Andrássy, who, though himself in every way one of the

oligarchical group, had for personal reasons always been opposed to Tisza, was appointed Burian's successor. All his life he had dreamt of filling the place which his father had held (1871–9), and he had striven for it by hard work and intrigue. He got hold of the wheel when there was nothing to steer any longer. 'From many quarters I am asked', he said in an interview to the *Neue Freie Presse* on the 25th October, 'how it can be that a Common Minister for Foreign Affairs is appointed though work on the separation of Austria and Hungary has begun. There is no contradiction in that. Until the Act of 1867 is changed, nothing but a Common Minister for Foreign Affairs is conceivable or possible.'

34. '*Das Liquidierungskabinett.*' On the 23rd October the Emperor had gone to Budapest. The 25th was spent in negotiations with Counts Andrássy and Michael Karolyi. On the same day it was given out that Professor Lammasch was at last to become Austrian Prime Minister. The pacifists were to be given office in both States in the faint hope that they might succeed in administering artificial respiration to the corpse. During the Lisbon earthquake of 1755 a man was hawking anti-earthquake pills in the streets, in October 1918 the Emperor Charles changed ministers. On the 26th the Emperor returned to Vienna and with him Karolyi, and negotiations were continued with Count Andrássy and Professor Lammasch. On the 27th October Baron von Hussarek's resignation was officially accepted and Professor Lammasch took over most of the Cabinet of his predecessor; the only new man of mark was the Minister of Finance, Dr. J. Redlich—another old, deserving ambition realized in a Cabinet posthumous to the State. From the outset the new government was described as *ein Liquidierungskabinett*, the liquidators of a bankrupt concern. They were to assist in the transfer of the administration to the national governments and try to save somewhere a place for the Habsburgs and a central government. But even for liquidation they were not wanted any more. The State was breaking up without guidance.

On the 24th October the Executive Committee of the German-Austrian National Assembly had notified the central authorities that they considered themselves the provisional government of the German-Austrian State, they had proposed that a joint Committee be formed by the different National Councils to

carry on common affairs, and that the armistice should be concluded by the different nationalities in common, but the peace negotiations conducted by each nationality separately. The Austrian Government was no longer considered competent to deal with the problems which from their nature were common to its successors. It had no mandate from any one of them and was to them but the remnant of a power which they no longer recognized.

The expected appointment of Michael Karolyi to the Hungarian Premiership did not materialize because of disagreements between him and Andrássy. Archduke Joseph was appointed *homo regius* to conduct at Budapest further negotiations for the appointment of a new Premier and Cabinet.

35. *The Military Collapse.* New frontiers were arising between the successor States of Austria-Hungary and every frontier threatened to become a battle-front. In each State the nation demanded a concentration of its troops to enforce its will and claims, and no thought was given to the military fronts of the late Habsburg Monarchy. The war-weary troops listened to the news from home, and felt that this something (force or idea), which had sent them to the fronts, was irrevocably gone.

When during the night of the 23rd–24th October operations were started by the Tenth British-Italian Army under Lord Cavan, a number of Austro-Hungarian regiments refused to fight. On the 27th the Allies crossed the Piave. The Austro-Hungarian Army in full dissolution was leaving the front, there was nothing for them to defend, no purpose which would have made their officers keep them together; a general stampede began. The front broke because the utter hopelessness and absurdity of Austria-Hungary's existence had become patent at last even to those who hitherto had acted as the cement in the Monarchy and its army.

36. *Andrássy's Peace Offer.* On the 27th October Count Andrássy despatched via Stockholm his answer to President Wilson's Note of the 18th October. The Austro-Hungarian Government declared that 'as in the case of the preceding statements of the President it also adheres to his point of view, as laid down in his last note, regarding the rights of the peoples of Austria-Hungary, particularly those of the Czecho-Slovaks and the Yugo-slavs'. It further declared its readiness 'without

awaiting the result of other negotiations, to enter into pourparlers in regard to peace between Austria-Hungary and the States of the opposing party . . . .' Thus she acknowledged the independence of the Czecho-Slovaks and Yugo-slavs and offered to enter into negotiations independently of Germany, which had been given about twenty-four hours' notice of the impending *démarche.*

On the 28th October, the day after the Note had been sent to Washington by the usual intermediary of a neutral State, but also the day after the Allies had crossed the Piave, Count Andrássy despatched a wire direct to Mr. Lansing endorsing all the points of President Wilson, declaring that preparations had already been made to give the fullest scope to the self-determination of the peoples of Austria and of Hungary, and asking the American Government to bring about 'an immediate armistice on all the Austro-Hungarian fronts and to initiate peace negotiations'. The same Note was sent to the British, French, Italian, and Japanese Governments.

However tenaciously the Notes in their form tried to assert the continued existence of the Habsburg Monarchy, by their contents they admitted the end of Austria-Hungary to have come. To agree with President Wilson's description of the Czecho-Slovaks, as an independent nation at war with the German and Austro-Hungarian Empires, was not devoid of involuntary humour. To offer negotiations apart from Germany was as undignified as it was futile. It was believed at the time, perhaps with reason, that this was done under pressure from Count Michael Karolyi, who had always been an opponent of the alliance with Germany; but Count Julius Andrássy signed the Note, he who throughout the War had been one of the strongest advocates of *Mittel-Europa*—the son of the man who in 1879, with Bismarck, had concluded the alliance between Austria-Hungary and Germany.

37. *Czecho-Slovak and Yugo-slav Independence* (28th–29th October 1918). In Czecho-Slovakia and Yugo-slavia the reply of the Austro-Hungarian Government to President Wilson's Note of the 18th October gave the sign for the final break with the Habsburg Monarchy. Not even German or Magyar troops, or whoever else might have previously been inclined to defend its existence, could any longer oppose themselves to the revolutionary action of the Czecho-Slovaks and Yugo-

slavs after the Emperor and his Government had officially and before the entire world acknowledged the existence and independence of these States. In Prague the Executive Committee of the National Council met on the 28th October and after a short sitting went to the Governor's office to declare that they took over the administration of the country. The officials promised to obey their orders and put themselves completely at the service of the National Council. The same was done by the police, and at 8.30 p.m. the General commanding the troops surrendered the military command to the National Council. At 9.30 p.m. the town was entered by the Prague Regiment No. 28, which in 1915 had been dissolved because some of its companies voluntarily and by previous arrangement had crossed over to the Russians. Everywhere the crowds which gathered in the streets removed the Imperial Eagles and other emblems of the Habsburg Monarchy and of the Austrian State, and replaced them by national colours and signs. Similar scenes simultaneously occurred throughout all the Czech and Yugo-slav provinces. The movement was in no way concerted, it was entirely spontaneous; none the less it was general. The meaning of the Austro-Hungarian answer to President Wilson's Note of the 18th October was obvious, and so were the conclusions to be drawn from it. Men need not necessarily have thought out all the logical absurdities of the Austro-Hungarian Government acknowledging Czecho-Slovak and Yugo-slav independence and yet they instinctively felt them. On the 28th October the psychological break became complete. The day had all the characteristics of the consummating moments in great revolutions. Henceforth no one thought of himself as an 'Austrian' any longer.

On the 29th October the Croat Diet met and a resolution was moved and carried that 'Dalmatia, Croatia and Slavonia with Fiume are . . . a State completely independent of Hungary and Austria and . . . join the common national and sovereign State of the Slovenes, Croats and Serbs . . .' The Generals commanding the military forces in Croatia accepted the change, the Serb prisoners of war were released and enrolled in the National Guards, and the same day a new government for Croatia, Slavonia and Dalmatia was formed. In the course of the 30th October the arrangements for the taking over of all the civil and military power in the Czecho-Slovak and Yugo-

slav territories by their national governments were completed, and the Czecho-Slovak Government notified the Austrian Prime Minister of Dr. Tusar having been appointed Czecho-Slovak diplomatic representative in Vienna. Czecho-Slovakia and Yugo-slavia, in name as in fact, became independent States. The word of the Czech leaders that the popular movement could not be repressed and that the nationalities would act on their own, came true. Everywhere the National Committees and leaders had to restrain rather than encourage the masses. These were revolutions in the truest sense, generally bloodless as no resistance was offered.

38. *Revolution in Budapest* (28th–31st October 1918.) On the 28th October a National Council was formed in Budapest by the parties of the Left, and the idea was canvassed of this Council proclaiming Count Michael Karolyi Prime Minister of Hungary. Fighting occurred in the streets. The excitement of the masses was growing daily. Many soldiers and officers joined the mob. The police declared that they would no longer do political service. On the 29th October Count Hadik, a mild oligarch of the Andrássy type, was appointed Premier and assumed office on the 30th October. In answer to his invitation to the Socialist Executive to negotiate with him he was told that he should apply to the National Council because they would not act independently. Soldiers' Councils were meantime formed at Budapest. In the night of the 30th October the rumour spread from barrack to barrack that the General commanding Budapest had ordered the dissolution of the Councils and the arrest of their members. The troops decided to offer resistance. A crowd of officers and soldiers put itself under the command of the National Council and occupied a number of important government buildings. On the 31st October at 8 a.m. Archduke Joseph, the *homo regius*, received Count Michael Karolyi. The Archduke claimed to have asked a few hours earlier that Karolyi should be made Premier. In the course of the next hour Karolyi received by telephone his appointment from the Emperor. Once more an attempt was made by the vanishing Empire to reassert its existence if merely by formally acknowledging accomplished facts. Still Count Karolyi's Government, arising from the self-appointed National Council of the Left and composed of none but its members, was clearly revolutionary in

character and the fact that Karolyi had taken the oath to the King (Charles was King in Hungary) roused dissatisfaction among the republicans, who were gaining in strength. On the 2nd November Karolyi announced in the National Council that, seeing the people's wish freely to settle the future constitution of Hungary, the Government had addressed a request to the King to absolve them from their oath of loyalty. 'We received the answer that the King absolved the Government of their oath.' Karolyi was a Magyar aristocrat, punctilious in matters of constitutional law even whilst leading a revolution, like the Whig lords of 1688. Archduke Joseph, on the other hand, preferred the part of Philippe-Égalité. 'Absolved from his oath' to his Monarch and cousin, he enthusiastically swore in his own name (from now onward plain Joseph Habsburg) and in that of his son a new oath to the Hungarian nation. Anything to keep afloat.

Count Stephen Tisza, the grim Calvinist who had ruled Hungary in the days of her strength and greatness—an iron ruler and devoted servant, a Fallen Angel in the absurd realms of Hungary's impossible politics, the statesman who alone in the decisive Councils of July 1914 had opposed the War but then had fought it as no other man in the Habsburg Monarchy—lived long enough to see the coming end, but was spared the pain of watching at their ill-fated work the small, weak, muddle-headed men, whom he had despised, insulted, and bullied all his life. On the 31st October, at 6 p.m., a few soldiers forced their way into Count Tisza's house and entered the drawing-room where he was with his wife and his sister-in-law Countess Almassy. Tisza stepped forward to meet them, unflinching to the last. After a few words had been exchanged he was shot dead by the soldiers. His last words were: 'I die. It had to be.'

39. *The End of the Austrian Reichsrat* (30th October 1918). The Lammasch Cabinet was to have met the Austrian Reichsrat on the 30th October. The conference of party leaders which assembled previously to the sitting did not press for a regular meeting of the House. Austria was dead, but the time had not yet come for the formal and circumstantial registration of the fact. The House met formally at 11 a.m. and, 'because of the existing conditions,' adjourned at 11.10 a.m., the date for its re-assembly being fixed for the 12th November. When its German

members and some ten members of other nationality, mostly stray black sheep, met on that day, in view of 'the fact that Austria had ceased to exist' and 'the House had no further functions to perform', it adjourned 'without fixing a day for its next sitting'.

40. *Revolution in Vienna* (30th–31st October). When the German-Austrian National Assembly met again on the 30th October the German-Austrian State had been practically formed by the action of its neighbours. Czecho-Slovakia, Yugo-slavia, and Hungary were independent. But there remained an Austro-Hungarian Foreign Minister in Vienna who offered, in whose name no one knew, to negotiate peace with the Allies apart from Germany. Even the Christian Socialists, previously ardent Habsburgites, had not the courage to defend the Note of the 27th October. 'The nation to which the Minister for Foreign Affairs belongs', declared one of their leaders, 'has refused all further connexion with Austria, and it is therefore extraordinarily difficult for the Germans to accept any one of that nation for a representative of German interests.' The spokesman of the Socialists openly attacked 'the dynasty and the Hungarian feudal magnates' who 'choose the present moment for deserting Germany and stabbing German democracy in the back'. 'These gentlemen come too late to acquire merit in bringing about peace. All they achieve is cold, shameful betrayal, the proverbial gratitude of the House of Austria. The Magyar feudal lords pose as lovers of freedom and decide in favour of personal union. No one sheds a tear for the Dualist system which long ago has outlived itself. But as to personal union we do not care either for the union or for the personnel. . . . The dynasty plans to gain the Czechs and Yugo-slavs at the expense of the Germans. We shall never admit that even a shadow of a German national interest should be sacrificed to the interest of the dynasty. . . . The German Socialists consider that the nation cannot be safeguarded against such dynastic schemings except by German Austria constituting itself a republic. From this point of view we ask once more: in whose name has Count Andrássy sent his Note? He has nothing to declare or offer in the name of the German people.'

A provisional constitution was voted for German Austria, and the German-Austrian National Assembly declared that it

alone and its organs were authorized to speak for the German-Austrian people in matters of foreign policy and to represent them at the peace negotiations. A proclamation was issued to the German people of Austria. 'The German-Austrian National Assembly has voted to-day the fundamental law of the new German-Austrian State. A Council of State was chosen to take over the administration and executive power in German Austria. The Council of State will immediately appoint the first German-Austrian Government, which is to conduct peace negotiations and assume the administration of the German districts of Austria and the command of the German troops. . . .'

On the same day enormous crowds marched through the streets of Vienna raising cries for a German-Austrian Republic and singing socialist revolutionary songs and, here and there, also the *Wacht am Rhein.* The revolutionary excitement was growing throughout the country. The Socialist party was leading the way, the other parties, especially the German Nationalists, in view of the Emperor's offer to abandon Germany, had no longer heart to resist.

The first Government of German Austria was appointed by the Council of State on the 31st October, without any reference to the Emperor.

41. *The Austrian 'Staatsidee' once more.* On the 1st November the Hungarian Government ordered the Hungarian troops at all the fronts to lay down arms, on the 3rd the Austro-Hungarian Military Command signed an armistice which practically amounted to absolute and unconditional surrender. The Austro-Hungarian Army, the oldest and last bulwark of the Habsburg Monarchy, ceased to exist. 'The End of the Military Monarchy' was the heading of a remarkable leading article in the *Arbeiter-Zeitung* of the 3rd November.

The armies melt away, all territory is given over to the enemy, they need not conquer any more, for there is no one for them to fight. The Hungarian Minister for War has ordered all Hungarian troops to lay down arms. The most important harbours have called in the enemy fleets. . . . The Italians will not conclude an armistice except on terms such as have seldom marked the end of a war. This is the end of the war which Austria-Hungary has arrogantly provoked, and this is the end of the military Monarchy. A shameful end, this War and its conclusion, but truly worthy of her existence, the end she deserved. For all the wars which Austria-Hungary has conducted—

and an infinite amount of blood has been shed by her rulers—were made only to maintain the dynastic power, to preserve its glory, to assert its importance. What business had Austria in Germany, or, still more, in Italy? . . . How did we get to Bosnia-Herzegovina? German Austria protested against its occupation, the Magyars did not want it, but it answered the needs of the dynastic power. . . . The dynasty needed compensation, a substitute, for the 'subjects' whom it had lost in Germany and Italy. . . . For centuries it had impeded German unity; it had been an obstacle to the union of Italy; it had to obstruct the Serb national cause, for such was its vocation. . . . The end of the military Monarchy, be it shameful beyond expression, does not move our hearts. . . . An edifice of lies collapses, a system of dynastic power, which has been a plague to the world ever since it started on its infamous course, has reached its term in the world's history. All wrappings fall from the State Idea and here it stands in its nakedness. See how it looks. With what insolence has the legend about the loyalty of all the nationalities been drummed into the world, throughout history, and especially during the War, and with what insolence was the world told that the nationalities were glad to belong to the Habsburgs. And now that the force is broken which had bound them all—and it was nothing but force which bound them together—now that they can speak and act just as they think and feel, their true feelings for Austria break forth like a flood: hatred against that Austria, joy to be rid of her. In the Czechs, Poles, Slovenes, Croats, Italians, not a shadow of grief can be found, not a trace of the feeling that a bond has broken which had existed for centuries, no emotion, no sadness, no woe, none of the sentiments which even prisoners feel on leaving gaol. And this state of things, which cannot be the growth of a day, but in its origins must reach back for years and tens of years, had been painted to the world as the happy and united Austria, where all the nations prayed to God to bless whatever Emperor there was, finding their ecstatic happiness in all having him for ruler. And for this lie of a State Idea, for a Monarchy which the nations fly like an evil, we have made the War, millions and millions have shed their blood, our present and our future have been sacrificed.

42. *The End of the Monarchy* (9th–16th November). On the 9th November the German Emperor and the Crown Prince resigned the Thrones of Germany and Prussia. On the 11th November the Emperor Charles renounced all share in the government of German-Austria without, however, explicitly renouncing the Crown; he merely promised to submit to the verdict of the people whatever it might be. '. . . I do not want to be an obstacle to the free development of my peoples. I recognize beforehand the decision which German Austria makes as regards her future constitution. . . . I renounce all share in the business of the State. Simultaneously I relieve my Austrian Government of office.' So too, on the 13th November, he

renounced all share in the government of Hungary, recognizing beforehand any decision she might take as regards her constitution, though declining to abdicate.

On the 12th November the Council of State decreed German Austria 'a democratic Republic' and 'a component part of the German Republic'. On the 16th November a Republic was proclaimed in Hungary. The last successor-States of the Habsburg Monarchy renounced their Habsburg allegiance.

CHAPTER II

THE ARMISTICES AND THE PROBLEMS OF THE PEACE

PART I

THE ARMISTICES AND THEIR MEANING[1]

1. *Introductory.* The Armistices with Bulgaria, Turkey, and with Austria-Hungary, and the military convention with Hungary were concluded on a basis quite different from that of the Armistice with Germany. All these Armistices were primarily military in character, in each case, by contrast with the German Army, the defeated party definitely agreed to demobilize its forces without any reciprocal engagement on the part of the Allies. They bear then a general resemblance in that they all embodied conditions practically equivalent to unconditional surrender. There were, however, some necessary differences in detail.

2. *The Armistice with Bulgaria, 29th September, and with Turkey, 30th October 1918.* Bulgaria had simply applied for a suspension of hostilities because of her defeat in the field, and no political negotiations had preceded her military collapse. It has been suggested that political considerations entered into the drawing up of this Armistice; it must be remembered, however, that this was the first Armistice of the war imposed by the victorious Allies on one of the enemy countries, and that none of the complications, which later entered into the Armistice with Germany and its revisions, was even thought of at that time.

It is quite evident from its terms that military considerations only were entertained, their whole aim and object being: firstly, to secure the freedom of the Allied territories and subjects still in the hands of the Bulgars; secondly, to eliminate the Bulgarian Army as a source of danger, but at the same time

[1] See Texts of Armistices with Bulgaria, Austria-Hungary, and Turkey and military convention with Hungary, this volume, App. I.

to retain sufficient numbers under arms to guard the eastern and northern frontiers of Bulgaria and her railways, and to keep the country quiet, whilst all available means of communications, both eastwards and northwards, were used by the Allies for further operations.

Articles 2 and 3 laid down that those portions of the Bulgarian Army, which remained in being, should, with the exception of three divisions, be demobilized (i. e. reduced to peace strength) forthwith, after handing in at dépôts, designated by the Allies and under their control, all mobilization equipment, thus only retaining their peace equipment. The deduction is evident. This was not an Armistice at all in the sense that it was a suspension of hostilities which might subsequently be resumed. Bulgaria signed what was, in effect, a non-reciprocal agreement to demobilize her forces. The Armistice with Turkey was similar, an acknowledgement of inability to fight any longer. It would have been well if both had been in name, what they were really in fact, an unconditional surrender.

3. *The Armistice with Austria-Hungary, 3rd November 1918.* The case of Austria-Hungary was on a different basis, because her Government had negotiated with President Wilson in the middle of September and again in October. But no governing document, agreed upon by the Principal Allied and Associated Powers, such as the President's 5th November Memorandum to Germany, had passed between the two negotiating parties. Austria-Hungary had indeed first asked the United States on the 15th September to discuss the basis of peace; and finally, on the 7th October for negotiations 'for which the Fourteen Points . . . (8th January 1918) and the Four Points . . . (11th February 1918) should serve as a foundation, and in which the view-points declared by President Wilson in his address of the 27th September 1918, will also be taken into account'. Wilson had replied, on the 18th October, mentioning a reservation as to the autonomy of the peoples of Austria-Hungary. The peoples of Austria-Hungary, and specifically the Czecho-Slovaks and Yugo-slavs, were not merely to have an 'opportunity of autonomous development', but themselves to decide their own fate on the principle of self-determination.[1] All this is related elsewhere, but there seems to have been agreement on the 'Fourteen Points' (except Point Ten), on the Four

[1] See Vol. I, pp. 370–3, 417–20.

Principles of the 11th February 1918, as being the foundation of peace, and that 'the view-points' of the 'Five Particulars', 27th September 1918, would be taken into account. It might be held that the reply of the President did not necessarily bind the other Powers, but this argument is weakened by the importance which they subsequently attached to those speeches as the basis of the negotiations with Germany. There is, at any rate, no doubt about the attitude of the President himself. In his memorandum to Italy of the 14th April 1919 he wrote that he did not consider himself 'free to suggest one basis for peace with Germany and another basis for peace with Austria'.[1]

Wilson's reply of the 18th October dissolved the Austro-Hungarian Monarchy and brought the Habsburg dynasty to the ground. Both Austria and Hungary separately tossed the Common Monarchy on to the rubbish-heap, and declared themselves Republics. Czecho-Slovaks, Italians, Yugo-slavs and Rumanians rapidly occupied the lands inhabited by their compatriots. The great Austro-Hungarian Army melted helplessly away, and the hapless young Emperor sought refuge in Switzerland, after consenting to an Armistice on the 3rd November.

The Armistice with Austria-Hungary was not only a purely military document, it was really a document drawn with almost exclusive reference to the needs, demands, and claims of Italy. The points to be occupied went beyond even the line of the Treaty of London, and enabled Italy to occupy, though not legally to claim, points beyond this line: e.g. the Sexten Valley, the town of Tarvis, Mount Blegos, and the whole of Schneeberg (Monte Nevoso); the Armistice line hitting the sea at a point just west of Fiume. Fiume was not included in the Armistice, but was occupied on the 19th November by a small Serb force under Colonel Maximović. As a result of somewhat dubious negotiations by an Italian Admiral, the Serbs were induced to evacuate the town and retire to Bakar (Buccari). The Italians under General Grazioli occupied the town, but the arrival of two French, one American, and one British battalion gave an international character to the occupation. The Armistice had provided that part of Northern Dalmatia from Zara to Sebenico, together with a number of islands, which the Treaty of London

[1] *v.* Memo., 14th April 1919. Vol. V, App. III. Above-quoted sentence is translated from the French.

recognized as Italian in the future, were to be surrendered to, and occupied by, Inter-Allied troops. Of course, these occupied territories should theoretically have been in the hands of the Allies as a whole; but in practice the troops were necessarily Italian except those at Fiume. This fact tended to obscure the difference between the line of the Treaty of London which bound England, Italy, and France, and the Armistice line, which had no value except for military purposes. The action of Admiral Millo, the Italian administrator of North Dalmatia, who described himself in his public proclamations as 'Governor of Dalmatia', did something to maintain this illusion. The Naval clauses of the Armistice were of considerable importance, as they divided the Adriatic Coast into three spheres, respectively Italian, American, and French, and thereby prevented a complete Italian control of the coast. Under this agreement, the Italians controlled the Austro-Hungarian coast from east of Fiume to Cape Planka, the Americans from Cape Planka to east of Slano, and the remainder, including the all-important harbour of Cattaro, was and remained under French control until October 1920. The Armistice did not recognize the arrangement by which the Austro-Hungarian Fleet had, on the 31st October, surrendered to a representative of the then unrecognized Yugo-slav Government.[1] This Armistice handed over the fleet to the Allied and Associated Powers, as a whole, to await their decision.

4. *Military Defects of the Armistice.* (*a*) *The Military Convention with Hungary, 13th November 1918.* Even regarded as an instrument for enforcing the disarmament of Austria-Hungary, the Armistice had grave defects. The first of them was that there was no demarcation line of any sort in Hungary, and that Hungary was now practically a separate State and became a Republic (16th November). Rumania had renewed the war (8th November) and invaded Transylvania, while the Serbs and French were pressing on up the Danube. To establish a stabilized line the French and Serb military commanders signed a Military Convention with Hungarian representatives on the 13th November. This regulated the situation in Hungary for the time being, but the line had to be advanced more than once later on the Rumanian side, and in each case of alteration, the question arose as to whether the alteration was intended to

[1] See also account in the *New Europe*, 19th December 1918.

be of the nature of a permanent occupation. Even thus, however, the demarcation lines were not properly established between belligerent forces in Austria-Hungary. It was indeed definite that Hungary was delimited, but disputes at once arose between the Allied troops and the Magyars.[1] Article 3 provided for further extension of the zone of occupation if necessary, and this occupation did, in fact, prove necessary. The line of demarcation was first advanced from the Maros Valley to a line running north and south from Szatmar to Arad, and thence advanced again to a line just outside Debreczen and Szegedin. In each case this advance provoked the assertion that it was an establishment of a permanent frontier. There was a partial basis for this view, and, as is shown elsewhere,[2] it certainly had an important influence in producing Béla Kun's revolution. It would certainly have been better if the demarcation lines had nowhere coincided with possibly permanent frontiers.

(*b*) *The Yugo-slavs in Carinthia and Styria.* While difficulties followed in Hungary because a line had been defined and was then continually altered, difficulties followed in one part of Austria because a line was not defined and yet was continually altered. The line of occupation defined in the Armistice which Inter-Allied troops were to occupy, applied only to Italian troops and to Inter-Allied troops acting with them. There was no such line defined which Serb or Yugo-slav troops were to occupy. Serb regulars and Slovene irregulars advanced and occupied such places as Laibach (Ljubljana) and Marburg. The Yugo-slavs thus held one part and the Austrians another part of Styria and Carinthia. How much further were the Yugo-slavs to go or were they right in holding the places they occupied? It would seem that the point was never settled. In Styria, after some sporadic fighting, the French military command succeeded in imposing a line on both belligerents, which corresponded roughly to the ultimate frontier. But in Carinthia, several attempts made by Allied officers to draw such a line failed, owing to faults both on the Yugo-slav and Austrian sides, and also to interference from Paris. The result was

[1] *Documents concernant l'exécution de l'armistice en Hongrie* (November 1918–March 1919). Published officially Budapest, 1919. See also Chap. III, and map on p. 122, this volume, App. I, for text of armistices, etc.

[2] Vol. I, pp. 352–3.

unfortunate, for hostilities continued. They began in December with a defeat of the Yugo-slavs and their retirement to the line of the Karavanken. At the end of April hostilities were resumed, the Austrians fell back, and in the middle of May the Yugo-slavs entered Klagenfurt and captured much war material. This action at length compelled the Supreme Council to interfere and establish a demarcation line, dividing the Klagenfurt basin between the two belligerents. The history of these transactions is related elsewhere,[1] but they are of considerable interest as showing the difficulties that inevitably arise when an armistice line is framed upon the wrong lines, and does not provide for all contingencies. If the Armistice had been properly framed in November 1918, Yugo-slavs and Austrians would not have been openly fighting one another in May 1919, and the Supreme Council would not have been called from more important business to restore peace to the valleys of Carinthia.

(*c*) *Albania.* No provisions were made in any armistice for occupation of any front here by Inter-Allied forces. The Austro-Hungarian troops rapidly melted away. Albania was ultimately partially occupied by Serb troops in the north and by Italians in the south and centre. Scutari was taken, but ultimately evacuated by the Serbs, and placed under an Inter-Allied military régime under control of a French general.[2]

The foregoing summary has shown not only the actual defects in the Armistices, but also that their interpretation proceeded on purely military lines, and that disputes only arose when it was thought that military pretexts were being used to subserve political ends. Their aim was to disable Austria and Hungary militarily, and to place parts of their territory in Allied hands, and the rest under strategic control by the Allies, if necessary. But the non-military clauses had no special political or legal importance. There was nothing corresponding to the famous reservation of Article 19 in the German Armistice, which had so profound an effect on the Peace Treaty,[3] and, in some sense at any rate, affected the meaning of the pre-Armistice agreement as regards 'damage to civilians'. Speaking generally, the terms were those of unconditional surrender, because neither President Wilson nor the Allies made any offer similar to that made in the

[1] *v.* Chap. VI, Part 2.
[2] *v.* also Chap. V, Part 2.
[3] See on this point Vol. I, pp. 424–6, and Vol. V, App. II.

negotiations previous to the German Armistice. Nor did they ever admit, as they explicitly admitted in the German case, that any such pre-Armistice agreement was binding upon them.

But, if from the legal point of view the Allied and Associated Powers were not bound when they began negotiating peace with Austria and with Hungary, their moral obligations were compelling. Many of the 'Fourteen Points' and the other addresses of the President, which formed the legal basis of the German Peace, had specific reference to Austria and to Hungary. A guaranteed peace in the Balkans, Serbian access to the sea, Polish, Czecho-Slovak and Yugo-slav independence, the redemption of Rumanians and Italians by their brethren, the restoration of Serbia, Rumania, and Montenegro, these were specific demands, and could hardly be repudiated as the basis of Treaties affecting the Austro-Hungarian Monarchy. Other points, though of a more general character, were not confined to Germany alone, such as the reduction of arbitrary power to virtual impotency, the prohibition of barter of peoples like chattels from sovereignty to sovereignty, and the destruction of militarism. Wider propositions still, e.g. such as the price of peace being impartial justice to every nation, the settlement being a 'final one', self-determination being 'an imperative principle of action', that 'It (the world) wishes the final triumph of justice and fair dealing', had no meaning whatever unless they applied to the other defeated Powers as well as to Germany.

5. *Evidence that the Powers accepted the morally binding character of the Wilsonian Principles as a basis for Austrian and Hungarian Treaties.* From the moral, as distinct from the strictly legal, point of view, it would seem therefore that the Wilsonian principles were the basis of negotiations between the Allies and Austria, Hungary, and Bulgaria. The fact seems to have been recognized by both parties to the negotiation in each case. There was no discussion as to whether pre-armistice agreements or contractual undertakings were being carried out. The defeated Powers made continual appeals to the 'Fourteen Points' and other addresses of President Wilson as being the *basis* of settlement. The Allied replies do not appear to have explicitly affirmed this proposition, but their references to 'justice' and their insistence on the final and irrevocable nature of the principles of settlement would seem to show that they

were not prepared to deny it. Moreover, there is one case in which it would seem that the Allied and Associated Powers were agreed with Austria, at any rate, as early as June 1919, and subsequently with Hungary. That was that the Austro-Hungarian Monarchy had ceased to exist. This conclusion cannot be questioned after a study of the documents connected with these Treaties and particularly of their preambles. This obviously makes it more difficult to hold that the obligations of the Armistice, which was signed with the Dual Monarchy, continued to have legal validity when applied to the two constituent elements, into which it dissolved, viz. the independent States of Austria and Hungary. But, as has already been pointed out elsewhere,[1] moral obligations at least resulted from this agreement, and subsequent events could not have made these less binding. One document exists which would seem to prove that the Allies in substance admit that the Wilsonian principles are binding. In her Reply of the 12th February 1920, Hungary protested that the inclusion of pensions and separation allowances, etc., as part of reparation in the Hungarian Treaty was 'contrary to the fundamental principles proclaimed by President Wilson'. The Allied and Associated Powers replied that the 'terms of Annex 1 are identical with those which have been inserted in the Treaties of Versailles, of St. Germain, of Neuilly', and could not, therefore, be altered. Now the Powers had previously declared in their Reply to Germany that they had drawn up 'the Reparation clauses . . . with scrupulous regard for the correspondence leading up to the Armistice of November 11th, 1918'.[2] They also definitively accepted the Wilsonian principles as the agreed basis of that peace.[3] It would seem, therefore, to follow that, on so crucial a point as this, the Powers claimed to have followed the practice of the German Treaty which they themselves declared to be based on the Wilsonian principles.[3] It is not easy to escape from the logic of this position. The Allies seem to have been under the strongest moral obligations to apply the principles of President Wilson, and especially the specific points dealing with

[1] Vol. I, p. 373.

[2] *v.* Vol. II, pp. 311, 402.

[3] e.g. Reply to German Observations by Allied and Associated Powers, 16th June 1919, Vol. II, p. 311; in another passage the Allies refer to the President's speech of 8th January 1918 and 'the principles of settlement enunciated in his subsequent addresses' as 'the agreed basis of the peace'. See Vol. I, p. 204, Vol. II, p. 7, etc.

Austria-Hungary and the Balkans, to the States and Treaties with which they were concerned. Bulgaria appears to be included under the settlement of the Balkans, so that the Allies were morally bound in dealing with Bulgaria as well as with Austria and Hungary. The Allied and Associated Powers seem to have taken up the position of neither denying nor affirming anything in the way of legal obligation as regards these Treaties. President Wilson explicitly affirmed that he was bound by his own principles in negotiating the Austrian Treaty, though he did not state whether this obligation was legal or moral. While, however, the other Great Powers did not explicitly affirm it, they seem in practice to have accepted the moral obligations implied in the Wilsonian principles. For, in the last resort, peace was universal and intended to be final and based upon 'broad-visioned justice and mercy'. It is obvious that the vision of justice could not be more limited in Sofia, Budapest, or in Vienna than in Berlin.

CHAPTER II

THE ARMISTICES AND THE PROBLEMS OF THE PEACE

PART II

BRIEF SKETCH OF THE PROBLEMS CONNECTED WITH THE AUSTRIAN AND HUNGARIAN TREATIES

1. *The four main Problems; Organization.* A full account of the actual negotiations and principles connected with the Austrian, Bulgarian, and Hungarian Treaties is given elsewhere.[1] But a brief sketch must here be attempted of the problems raised by the Austrian Treaty, as distinct from the German, to which it was only secondary in importance. The actual difficulties of the Conference in producing the Austrian Treaty must be indicated here, for they are connected, not only with Disarmament[2] and with the attitude of Enemy States, but also with that of Allied ones. Opposition came from the most unexpected quarters and the complexity of the issues even increased as time went on. The problems with regard to the questions of territorial and food distribution, and of reconciliation between wrangling nationalities, were all different from those in the German Treaty. The main problems were:

(*a*) to provide for the recognition and status of the new 'successor-states' of Austria-Hungary (§§ 2–4);

(*b*) to provide for the transition between a temporary military occupation, set up under the Armistices, and permanent territorial arrangements under the Treaties (§§ 5–6);

(*c*) to regulate and protect racial minorities under alien domination (§ 7);

(*d*) to feed the starving populations of Central Europe and to repel Bolshevism (§ 8).

The organization of the Conference was, of course, that for

[1] *v.* Chap. VII. [2] *v.* Chap. III.

the German Treaty. But it is important to note that the Council of Four did not disperse until it had exercised influence on the Austrian Treaty. On the 25th March the 'Four' formally superseded the 'Ten' as the supreme organ of the Conference. By the middle of April they had decided most of the problems of the German Treaty from the point of view of principle and consequently had a certain amount of time to devote to Austrian problems. The Austrian Draft Treaty was not ready until the 29th May, or handed to the Austrians till the 2nd June. Some of its more important problems had therefore been discussed and pronounced upon by the 'Four', or rather, between the 24th April and the 9th May, by the 'Three'. After the departure of President Wilson and Mr. Lloyd George on the 28th June, the Council of Five[1] were entrusted with revising the as yet imperfect draft of the Austrian Treaty. A revised draft was presented on the 20th July and the final Treaty signed on the 10th September. The Bulgarian Treaty was signed on the 27th November 1919. Owing to local disturbances the Hungarian Treaty was not presented till the 15th January 1920 or signed till the 4th June 1920. But the Hungarian frontiers were in fact settled by the 'Four' on the 13th June 1919, and the rest of the Hungarian Treaty was mostly a replica of the Austrian Treaty. Both it and the Bulgarian Treaty were in the main the work of the 'Five'. It is of importance to realize this because the Small Powers were never allowed to take part in the decisions either of the 'Five' or the 'Four'. The organization of the Conference has been described at length elsewhere.[2] The Reparations Commission was by no means so important for Austria, Hungary, and Bulgaria, but, in some ways, the Commissions dealing with the Economic Clauses, Commercial Policy, and International Communications were even more important for these three related Treaties than they were for Germany. One conclusion, however, can be suggested without hazard. The Territorial Commissions of the Austrian and related Treaties are of transcendent importance, for they had to deal with questions, not

[1] Mr. Lansing (afterwards Mr. F. L. Polk) (U.S.A.); Mr. Balfour (September Sir Eyre Crowe) (Great Britain); M. Pichon (France); M. Tittoni (November M. Scialoja) (Italy); with M. Clemenceau (France) as President. *v.* Vol. I, p. 499. The Conference of Ambassadors at Paris ultimately became responsible for the execution not only of the German, but of all other Treaties.

[2] *v.* Vol. I, Chap. VII, *passim*.

of paring off provinces, but of creating and constructing new states. They decided on the amount of air, space, and freedom necessary to the life of the new peoples.

2. *Recognition of certain New States; Position of the Small Powers generally.* On the 18th January the representatives of Poland and Czecho-Slovakia were admitted to the first Plenary Session of the Conference. The formal recognition of their existence by this solemn act was of great importance, but Italian opposition prevented recognition from being extended to the Serb-Croat-Slovene State, whose representatives took their seats simply as Serb delegates,[1] and were not recognized until the 1st May. Even so recognition was not everything. Direct participation in decisions was obviously of supreme importance to the four small states who were directly concerned in the break-up of Austria-Hungary, while Greece was vitally interested in the fate of Bulgaria. It cannot be thought surprising, therefore, that, when they realized that they were being excluded from the real decisions, they all made vigorous protests at the second Plenary Session of the 25th January. That these five small states of East Europe would make protests might be assumed as a matter of course, but it is of considerable interest that they were supported by M. Hymans on behalf of Belgium and by Sir Robert Borden on behalf of Canada. Clemenceau handled their claims with some brusqueness and intimated that the Great Powers controlled twelve million soldiers and had won the War. On the 27th January, when the League of Nations Commission was formed, at first Serbia, alone of the five Small Powers, was represented on it but subsequently, after a protest, the other four were admitted to participation on the 5th February, and also to some other important Commissions.[2] They were also all allowed to state their cases before the Territorial Commissions, though they never took part in their decisions. Though not satisfied they accepted their defeat until, at a later stage, the Minorities Treaties and a scheme for limitation of their armaments drove them into almost open mutiny against the decisions of the Great Powers.

[1] Serbia and Belgium were allowed three representatives, Poland, Czecho-Slovakia, Rumania, and Greece two each (*v.* Vol. I, p. 498).

[2] Cf. Vol. I, pp. 257–8, 269; Vol. III, pp. 54–5; C. T. Thompson, *The Peace Conference Day by Day*, p. 179.

3. *The Settlement of the Territorial Questions.* These were obviously of pressing urgency, for parts of the old Austro-Hungarian Empire were occupied by Italian, Yugo-slav, Czecho-Slovak, and Polish troops, sometimes with the consent, and sometimes against the wishes, of the Great Powers. It was dangerous to allow such occupations to continue in areas in which it was not desired. One of the first actions of the Supreme Council of the Great Powers on the 24th January was therefore the issuing of a 'solemn warning to the world'. They were 'deeply disturbed by the news which comes to them of the many instances in which armed force is being made use of, in many parts of Europe and the East, to gain possession of territory, the rightful claim to which the Peace Conference is to be asked to determine'.

'They deem it their duty to utter a solemn warning that possession gained by force will seriously prejudice the claims of those who use such means . . . If they (the occupying Powers) expect justice, they must refrain from force and place their claims in unclouded good faith in the hands of the Conference of Peace.' [1]

This warning meant two things: first, that Powers, like Poland, Czecho-Slovakia, Rumania, or Yugo-slavia, were not justified in indiscriminate occupation of territory; second, that the Great Powers would determine their claims as speedily as possible. The first problem dealt with was that of Teschen, an Austrian area now occupied partly by Czech and partly by Polish troops, who threatened to come to blows. An Inter-Allied Mission was at once authorized for Teschen (31 Jan. 1919), which finally concluded an agreement with the Czecho-Slovak and Polish Governments to decide the fate of Teschen by plebiscite.[2] Another Mission was despatched to Poland on the 29th January and a permanent Inter-Allied Polish Committee sat in Paris from the 1st February onwards; but these were chiefly concerned with negotiating between Germans and Poles or between Poles and Ruthenes, and had only an indirect effect on Austria or Hungary.

Territorial Commissions were speedily appointed for Czecho-Slovak (5th February), for Rumanian and Yugo-slav (1st and

[1] C. T. Thompson, *The Peace Conference Day by Day*, pp. 138–9. He ascribes the warning to the initiative of President Wilson.

[2] *v. infra*, Chap. VI, Part I.

18th February), and for Greek and Albanian affairs (5th and 24th February). A Central Co-ordinating Territorial Commission was appointed on the 27th March. All these worked with great energy, but certain important territorial decisions involving the disposal of Austro-Hungarian territory did not come within their competence. The western limit of territorial frontier on which the Rumanian and Yugo-slav Commission was commissioned to report was Point 1370 (some 17 kilometres south of Klagenfurt). The question of the frontier in the Tyrol and Trentino, where the Treaty of London had ceded the Brenner frontier to Italy, did not come within the competence of any Commission but was settled by the 'Four', who eventually decided on the Brenner line and prolonged it to connect up with Point 1370. On the 29th May and the 2nd June the frontiers of the New Austria were announced. Austria was reduced to a small and almost wholly German state, leaving three and a half million Germans to Czecho-Slovakia and to Italy. Two additions were ultimately made to these boundaries. On the 23rd June it was announced that the Klagenfurt Basin would be submitted to a plebiscite between Austria and Yugo-slavia, and on the 20th July it was announced that that part of Hungary, known as German West Hungary,[1] would be ceded to Austria without a plebiscite.

4. *Settlement of the Frontiers of Hungary.* Béla Kun's revolution produced one good effect, for, while it adjourned the Hungarian Treaty *sine die*, it compelled the 'Four' to announce their intentions as to the new frontiers and order Béla Kun to retire behind them. On the 13th June the new permanent frontiers of Hungary were made public, in so far as they bordered upon the territories of Czecho-Slovakia and Rumania. The Hungarian frontier with Yugo-slavia was not published at this time though already fixed, but the fact made little difference except in one area. In the Bačka and Baranya the Yugo-slav troops were already occupying a line beyond their permanent frontier. On the other hand, the district of the Prekomurye was to go to them but was not in their occupation. On the 1st August it was announced, therefore, that the Yugo-slavs had received permission to occupy this area, which they promptly did. The policy had thus been now announced

[1] Klagenfurt, *v.* Chap. VI, Part II; German West Hungary, *v.* Chap. VI, Part III.

of making the permanent frontiers of the new Austria and the new Hungary to correspond with the occupation lines actually sanctioned. By the end of August this policy had been applied all round except in a few instances.[1] It had been definitely settled by August 1919, then, in what manner the new frontiers of Austria and Hungary were to be drawn. But it had not been settled how a good deal of old Austro-Hungarian territory lying outside the New Austria and the New Hungary was to be disposed of.

5. *Assignment to different Allies of Territory ceded by Austria and Hungary, but not expressly mentioned in those Treaties.* Certain parts of Austrian and Hungarian territory were definitely ceded to a particular State, as, e. g. the territories of the historic Kingdom of Bohemia and Moravia to Czecho-Slovakia (Austria 53). The cessions to Italy (Art. 36) are less definite because the 'eastern frontier' of Italy is mentioned there as not yet defined. So also with the Serb-Croat-Slovene State to whom much territory was also ceded, though her western boundary with Italy remained uncertain. The net result is given in Austria 91:

'Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy and which, being situated outside the new frontiers of Austria as described in Article 27, Part II (Frontiers of Austria), have not at present been assigned to any State.

'Austria undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.'

This article makes it quite clear that the Principal Allied and Associated Powers as a whole had full legal control over all former Austro-Hungarian territory not expressly ceded to an Allied Power or remaining to Austria or to Hungary. But

[1] The Yugo-slavs returned Radkersburg to Austria (17th July 1920). The Pécs–Baja area is still (January 1921) occupied by Yugo-slavs, but should be returned to Hungary on the coming into force of the Hungarian Treaty. The Hungarians still occupy German West Hungary, awarded to Austria on the coming into force of the Hungarian Treaty (*v.* p. 388 *n.*). The Poles still hold East Galicia (January 1921) in military occupation. The Yugo-slavs occupied the Bulgarian areas awarded to them under the Treaty as follows: Strumica (17th November 1919) and Tsaribrod (6th November 1920), in the latter case without consent of the Supreme Council. The Béla Kun régime caused the Rumanians to occupy Budapest and other parts of New Hungary (August 1919). But they evacuated Budapest by the 13th November 1919 and all other Hungarian territory by March 1920.

in practice Inter-Allied forces could not occupy or administer territories thus ceded to them. At Teschen there was one danger, a quarrel between Czechs and Poles, only bridged over with difficulty by the tact of Inter-Allied representatives. In Galicia a great problem arose between Ruthenes and Poles, and the latter showed no disposition to submit to the Supreme Council. On the 25th June 1919 the Supreme Council decided to give to East Galicia (the ethnically Ruthene part of Galicia) the right of self-determination, but permitted the Poles to occupy it in the military sense.[1] On the 8th May 1919 the Council assigned the western, or more ethnically Polish part of Galicia, to the Polish Republic. But East Galicia, with its 3,200,000 Ruthenes, still (January 1921) remains unassigned, though the Polish military occupation continues.[1] In the eastern corner of Czecho-Slovakia similar conditions occurred, for in this area were some quarter of a million Ruthenes. Ultimately this Ruthene area became an autonomous province of Czecho-Slovakia, but no elections have been held there and military rule continues.

A really serious crisis arose between Rumania and Yugoslavia over the frontier in the Banat. That frontier was fixed at the same time as the Austrian Treaty, i. e. on the 2nd June. But it was a very difficult task to persuade the Serbs to retire from Temesvár, which they occupied, and to induce each nation to deliver up some of its co-nationals to another Power and to surrender districts endeared by historic memories. Fortunately General Delobit and some French troops with their Headquarters at Velika(Nagy)-Kikinda, who had been keeping watch on Béla Kun, were able to arrange the matter. The Serbs delivered up Temesvár to the French, who handed it over to the Rumanians. By the beginning of August General Delobit could congratulate himself on having traced the frontier between Rumanians and Yugo-slavs and induced both parties to accept it peaceably. Feeling on both sides waxed strong but had gradually subsided before the end of 1919.

6. *The Treaty relative to certain frontiers, 10th August 1920.* It remained for the Principal Powers formally to give up their authority and control over areas belonging to the Old Dual Monarchy and hitherto unassigned. Nearly all such questions were finally regulated, formally and officially, by the Treaty

[1] *v.* Vol. I, pp. 335–9.

regarding certain frontiers of Poland, Rumania, the Czecho-Slovak and Serb-Croat-Slovene States, signed at Sèvres on the 10th August 1920 between those states and France, Great Britain, Italy, and Japan. Subject to certain other agreements subsequently to be made, the Principal Powers now assigned in full sovereignty certain territories of old Austria-Hungary, not otherwise mentioned, to Poland, to Czecho-Slovakia, to Rumania and to Yugo-slavia respectively.[1] Poland received West Galicia with a slightly readjusted southern boundary. Rumania received the Bukovina, and defined her frontiers with Czecho-Slovakia and Yugo-slavia. The eastern frontier of Rumania was not included, and that was settled later by another decision and Treaty (*v.* § 8). The whole northern and eastern frontiers of Yugo-slavia were defined, except in the Klagenfurt area, which awaited the result of a plebiscite. The Yugo-slav frontiers with Italy and Albania remained undefined. Czecho-Slovakia received territory on the basis of the award of the 28th July 1920 with reference to Teschen, Orava, and Zips, together with the autonomous province of Ruthenia. Beneš hailed this Treaty as the 'Magna Carta' of his State, and it was ratified with enthusiasm by the Czecho-Slovak Chamber on the 28th January 1921.[2] The Treaty will become effective at the same time as the Austrian and Hungarian Treaties come into force.

But the gravest difficulty—one of the most serious of the whole Conference—was that of establishing the frontier between Yugo-slavs and Italians. This was not settled at the close of the Conference; it was not even settled until the 1st May 1919 that a Serb-Croat-Slovene State existed. Italy occupied with her military forces the whole of the Treaty of London line in Gorizia and Istria and in Dalmatia, while she had an enormously preponderant force among the Inter-Allied detachments at Fiume. This difficulty was not settled by the Conference at all. It led, as is told elsewhere, to President Wilson's famous published statement of the 23rd April 1919,

[1] The United States did not sign. Rumania acceded to it the 28th October 1920. Yugo-slavia has yet to sign it.

[2] The 'New States' treaty, similarly dealing with economic relations of territories transferred from the old Austro-Hungarian Monarchy, was presented on the 10th August 1920 to Italy, Poland, Czecho-Slovakia, Rumania, and Yugo-slavia for signature. The last has yet (January 1921) to sign it.

to the absence of the Italian Delegation from the Conference for some weeks, to the escapades of D'Annunzio, and was only finally settled by the Treaty of Rapallo as the result of direct negotiation between the Yugo-slavs and Italians on the 12th November 1920.

7. *The Minorities Treaties and the Small Powers.* The problem of protecting racial minorities under the rule of alien powers was a particularly difficult question and one specially calculated to alarm or irritate the Small Powers. Its full treatment is reserved for Volume V, but it was essential to get the New States to sign special treaties of adherence to various special conventions as, e.g. Postal Conventions or Industrial Property, general conventions concerned with International Communications, etc. The Great Powers felt it essential also to protect the rights of racial minorities by means of the League of Nations, and to get the New States, to whom they were handed, to admit this principle. The question first arose in April 1919 with Poland and in connexion with the German Treaty. A Draft Treaty was also prepared with Czecho-Slovakia, these two states being wholly new ones. In May the 'Four' decided to extend this principle to the other states of South-Eastern Europe, which were not new but which were receiving large accessions of territory, i.e. Rumania, Yugo-slavia, and Greece, and clauses were inserted to that effect in the Draft Austrian Treaty of the 29th May. The result was a passionate protest from the Small Powers in which Brătianu took the lead on behalf of Rumania, followed by Poland and Yugo-slavia. Ultimately Poland signed the German Treaty, and Czecho-Slovakia the Austrian Treaty, which embodied their respective obligations (Art. 57).[1] But Yugo-slavia put up a strong resistance and refused to sign the Austrian Treaty on that account, and Rumania's opposition was even stronger.

[1] Austria. Art. 57: 'The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provision as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

'The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.' The Serb-Croat-Slovene State is bound by a similar Article (51), and Rumania by Art. 60. The Polish Article is Art. 93 of the German Treaty, *v.* Vol. III, pp. 163–4.

Ultimately, as is related elsewhere, Yugo-slavia was persuaded to sign on the 5th December, Rumania finally giving way on the 9th December 1919. Similar obligations on the part of Greece were embodied in Art. 46 of the Bulgarian Treaty, which she signed along with the other Powers on the 27th November 1919.

The reasons of the wrath shown by the Small Powers on the 31st May are not difficult to fathom. They had not been, as they thought, sufficiently consulted in the framing of the Austrian Treaty; they certainly had not received all the territorial or other concessions they desired. They regarded the Minorities Treaties as unfair because in the case of Italy the Powers contented themselves with recording a verbal declaration by Italy that she would respect the rights of her racial minorities,[1] while they forced the Small Powers to sign Treaties to that effect. Also immediately afterwards, on the 5th June, the Poles, Rumanians, and Yugo-slavs had to protest to the 'Four' against a scheme for limiting the armaments of their respective countries, which the Great Powers were considering.[2] The Small Powers, not perhaps unnaturally, considered both these actions as an attempt to infringe their sovereignty, and the result has certainly been unfortunate in causing them to regard the League of Nations with some suspicion and distrust. In the next volume, when the story is more fully told, it will be seen that, on grounds both of necessity and of right, the Great Powers had grounds for insisting upon these Treaties. Their ultimate right to do so consisted in the fact that the territories which they were handing over to the Small Powers belonged to the Great Powers by right of conquest. In ceding them to the Small they therefore considered themselves authorized to demand safeguards for those inhabitants of a race or religion different from the predominant one.

8. *Food Policy and Bolshevism.* Bolshevism offered difficulties in connexion with the Austrian and Hungarian Treaties, for Bolshevist Russia touched Poland and Rumania, and threatened Czecho-Slovakia and Hungary, and Bolshevism had to be taken into account in actually framing these

[1] *v.* quotation, Chap. V, Part I, § 2 (*b*). There were some reasons and precedents for the exception which will be related in Vol. V, Chap. II.

[2] *v.* Chap. III, and cf. C. T. Thompson, *The Peace Conference Day by Day*, pp. 390–1.

Treaties. It is manifest that the international system laid down by the Conference for the settlement of Austria and Hungary was, in a sense, quite revolutionary, for it uprooted old-established landmarks and substituted national for prescriptive rights or dynastic principles. Bolshevism, by being still more revolutionary, threatened to disrupt the new system altogether. It hoped to substitute an international revolution for national ones, and thereby to throw all East Europe into chaos. In East Europe the Conference sought to protect the new States against these influences by moral rather than by material means. For a time, indeed, French and Greek divisions aided in protecting the Rumanian frontier. But, in general, the policy followed in these areas was that indicated by an epigram attributed to President Wilson: 'Bolshevism cannot be stopped by force but can be stopped by food.' The magnificent work of the Hoover Relief Organization [1] and of many private relief agencies in Central Europe is described elsewhere. There can be no doubt that there were strongly Bolshevik tendencies at work in certain parts of Poland and Austria and even of Rumania and Yugo-slavia, and only the prompt provision of food and clothing drove famine, cold, and Bolshevism from the door together. In Hungary alone did Bolshevism actually break out under Béla Kun (21st March), who sought connexion with Russia. The Allies dealt with him by isolating and blockading the area involved until ultimately the Rumanians crushed the movement by occupying Budapest (8th August). It was this service probably which tended to make the Supreme Council acquiesce first in the union of Bessarabia to Rumania (9th March 1920), and last formally to recognize Rumanian sovereignty over Bessarabia in a Treaty signed on the 28th October 1920. During the whole period of the permanent Session of the Conference it had been hoped that some ultimate government for Russia would be found, which would then be consulted as to the fate of Bessarabia. When this hope disappeared the Supreme Council decided to recognize the facts and, in so far as Bolshevik Russia was concerned, disputed her title to dispose of this outlying province of the

[1] *v.* Vol. I, pp. 304–8. According to a statement by Mr. Hoover, 1st August 1919, 'They had been able to feed 200 millions. . . . They had expended under the jurisdiction of the Council more than 800 millions of dollars alone.'—*The Times*, 2nd August 1919.

Russian Empire. These decisions, however, were, in both cases, taken without consent of the United States, and must be regarded, therefore, as a later decision of the Supreme Council and not as a decision of the Peace Conference as such, which terminated its permanent sessions on the 20th January 1920.

To sum up, the difficulties of negotiating the Austrian Treaty, which served as the model for the Bulgarian and Hungarian, should be regarded in the following light. The Great Powers worked, always in fear of Bolshevism, against time and against difficulties to which there was no parallel in the German Treaty. For against the Germans in the west at any rate force could always have been used. But against Austria or Hungary force could either not be used or could only be used by giving *carte blanche* to one or two Allied Powers, Great or Small, whose particular claims would necessarily have been enhanced if they were called upon to perform service for the Conference as a whole. Actual frontier disputes between the different Allies, between Poles and Czechs, Yugo-slavs and Italians, Yugo-slavs and Rumans, greatly increased the difficulties. For while enemies might be 'blockaded' into submission, and the threat proved effective in securing the German evacuation of the Baltic States, the process was only once tried against a friendly state, and then was not persisted in.[1] Such a policy could hardly have been continued towards a friendly power beyond a certain point, a fact well understood by the Small Powers. Thus the Conference encountered a more stubborn and united resistance from the Small Powers at certain critical moments in the Austrian Treaty than it had encountered from them in connexion with the German. Such resistance was more embarrassing, because more unexpected, and more difficult to overcome than the resistance of the enemy. On the whole, the signature of the Austrian and Bulgarian Treaties, and the adherence of Yugo-slavia and Rumania to them before the end of 1919, was a signal triumph for the Conference. For this success ensured the signature of the Hungarian Treaty and had been won by moral suasion.

[1] *v.* Vol. I, pp. 335–8.

CHAPTER III

DISARMAMENT

PART I

THE TREATY WITH AUSTRIA (TREATY OF ST. GERMAIN): THE MILITARY TERMS

A. General Considerations

1. *Armistice of Villa Giusti, 3rd November 1918.* After the Armistice of Villa Giusti on the 3rd November 1918, the terms of which were even more severe than those of the Armistice of the 11th November with Germany, the collapse of the Austro-Hungarian Empire was complete. It broke up into three separate States, Austria, Hungary, and Czecho-Slovakia; large portions of the former Empire were also occupied by the Italian, Franco-Serbian, Polish, and Rumanian Armies. As Czecho-Slovakia was regarded as a State friendly to the Entente, the only States with which it was necessary to conclude Peace Treaties were Austria and Hungary.

Austria was in a desperate condition. The area under Austrian administration was no greater than that of a third-rate Power; her Army, demobilized under the terms of the Armistice, had melted away, what remained of it was undisciplined and unreliable, and she was quite unable to feed her population without outside assistance. No military danger was therefore to be apprehended from Austria, and the only fear was that, her people, in their despair, might fall into a state of anarchy and Bolshevism. Although Austria's economic condition demanded an early settlement, the necessity of concluding the Treaty with Germany was much greater, and as Austria's military strength was negligible, the Council of Four were justified in concentrating on the settlement with Germany, leaving the Treaty with Austria to be drawn up immediately after presentation of the first draft of the German Treaty.

2. *The drafting of the Treaty with Austria.* Towards the end of April, the military terms of the German Treaty being

ready, drafts of the military terms to be presented to Austria and Hungary were prepared, and completed by the 5th May.

Immediately before presentation to the Germans of the German Treaty on the 10th May, the Council of Four decided to complete the Austrian Treaty next, and issued orders accordingly. Owing to differences between M. Clemenceau and Marshal Foch, which have been revealed by the latter, the question of the military terms to be imposed on Austria was referred to the Military Representatives of the Supreme War Council which sat at Versailles.[1] This involved a change of procedure, as the framing of the German Military terms had been carried out by Marshal Foch's Committee, the British share of which had been done by the Military Section at the Hotel Astoria. The new arrangement in reality absolved the British Military Section from responsibility for the military terms of the Austrian and Hungarian Treaties, but as they had already prepared drafts of these, the procedure, as far as the British were concerned, did not vary greatly. The only real difference was that Major-General Sir Charles Sackville-West, British Military Representative of the Supreme War Council at Versailles, acted as Senior British Representative in the discussions on the military terms of the Treaty; in the case of the German Treaty, Field-Marshal Sir Henry Wilson, Chief of the Imperial General Staff, had been the Chief British Military Representative, but of course General Sackville-West acted throughout under Sir Henry Wilson's instructions.

On the 8th May, orders were received from the Central Secretariat of the Council of Four to draw up the military, naval, and aeronautical terms of the Austrian Treaty. Immediately on receipt of these orders, General Sackville-West circulated to the Allied Military Representatives of the Supreme War Council the British draft of the military terms. On the 11th May the Supreme War Council met at Versailles to discuss this draft, which formed the framework of the Austrian, and later on of the Hungarian, Treaty.

The British Military Section regarded Austria in quite a different light from that in which they viewed Germany,

[1] It has been stated in the press on good authority that Marshal Foch absented himself from these discussions to mark his disapproval of the abandonment of the principle of compulsory military service in the German Treaty.

and considered it necessary to make this clear in the Austrian Peace Treaty. It was held that, although the German military terms might to some extent serve as a general guide, it was of importance to show the despairing Austrian people that they were regarded with no special disfavour, and that, although the general principles of the Austrian military terms must remain the same as those of the German Treaty, they had been framed on somewhat different lines. Such clemency was all the more necessary in view of the disordered condition of Central Europe at that time; the Soviet misrule in Bavaria had only just been brought to an end, whilst Béla Kun had seized the reins of power in Hungary.

3. *The general principles of the Military Terms.* The main principles which guided the British Military Section in their draft of the military clauses of the Austrian Treaty (which was not materially altered by the Supreme War Council at Versailles, or by the Council of Four) were the following:

(*a*) To continue the process of a general limitation of armaments, begun by the terms imposed on Germany.

(*b*) To leave Austria with a sufficient Military Force to guarantee internal order and security, at the lowest possible cost.

In general, the military clauses were bound to follow the same lines as those of the German Treaty, i.e. to enforce early demobilization and disarmament, to abolish universal compulsory military service, and to provide guarantees against future war and aggression. Whilst keeping to these general principles, the draft aimed at making the terms vary from the German ones, and at showing that Austria was being treated on different lines. With this object in view, the proposal was made to allow Austria to combine both Colour and Reserve service, as she could not be allowed to retain compulsory service. Economy was essential, and a small Army would cost much less if a large proportion of the troops were permitted to go to the Reserve. If men only served for six years with the Colours and during that time learned a trade, their subsequent employment, either in that trade or in Government service, would be comparatively easy. By this plan it was hoped to reduce both the size and the cost of standing Armies. As regards Austria, it was originally proposed that she should be

allowed an Army of 40,000 men, of which only some 20,000 should be with the Colours, the remainder being in the Reserve.

B. The Austrian Military Terms in Detail

4. *The first Meeting of the Supreme War Council, 11th May 1919.* On the 11th May the Military Representatives of the Supreme War Council met in the Council Chamber at Versailles to consider the military terms of the Treaty to be imposed on Austria. The British draft, which had for at least two days been in the hands of the Foreign Representatives, had been examined, and was now taken article by article. There were naturally a number of points on which discussion was inevitable, as the draft varied considerably from the terms of the German Treaty.[1]

5. *Chapter I. General Considerations.* The first article of the British draft (Art. 118[2] of the Austrian Treaty) was challenged by General Belin, owing to the fact that a period of three months was fixed for the demobilization of the existing Military Forces in Austria, instead of two months, as in the German Treaty. This objection was, however, withdrawn in view of the state of disorder then reigning in Austria, and the British wording was accepted in full.

It is noteworthy that, in the original British draft, as accepted by the Military Representatives at Versailles, the demobilization of Austria's Military Forces was to take place 'within 3 months of the *signature* of the Treaty'. This was subsequently altered by the Drafting Committee, to 'within 3 months from the *coming into force* of the present Treaty'. This amendment was of course necessary in the legal sense, and practically unavoidable.[3] However, it was certainly a dis-

[1] The following were the Representatives of the Allied and Associated Powers:

France.	*Great Britain.*	*Italy.*	*United States of America.*
General Belin.	Major-General Hon. Sir Charles Sackville-West.	General Cavallero.	Brigadier-General P. D. Lochridge (acting for General Tasker-Bliss).

[2] Art. 118: 'Within three months from the coming into force of the present Treaty the military forces of Austria shall be demobilized to the extent prescribed hereinafter.'

[3] It might perhaps be argued that the obligations of Austria, as regards

advantage in the military sense that much precious time elapsed between signature and final ratification.

The second Article (Art. 119[1] of the Treaty) met with strong criticism from the French and Italians, who desired the retention of universal compulsory military service in Austria. The American Representative sided with the British, and eventually parallel recommendations were made. The main arguments put forward by the French and Italians were the question of cost, and the difficulty of raising an Army by voluntary service, as well as the general principle of universal service, which all Continental nations believe to be preferable to the system of a small highly-paid standing Army.

The American and British Representatives were mainly influenced by the fact that a voluntary service Army had been imposed on Germany, and that, unless the same principle was adopted in the case of the other enemy countries, it would be difficult to insist on so severe a penalty in the case of Germany.

When the question was referred to the Council of Four, they at once rejected the French and Italian recommendation with regard to universal compulsory military service, and adopted the British text. Thus the first two Articles, i.e. Chapter I of the military terms of the Peace Treaty, were accepted practically unchanged by the Military Representatives and by the Council of Four.[2]

6. *Chapter II. Effectives and Cadres.* Chapter II of the Military terms deals with Effectives and Cadres. The first two Articles of Chapter II, as drafted by the British Military Section, corresponded with Art. 160 of the Treaty with Germany, though important changes had of course been made regarding strengths, Commands, and other details.

The British draft of the first Article of this Chapter (Art. 120 of the Treaty) was accepted without amendment by the Supreme War Council, but was subsequently altered in certain respects by the Council of Four. The most important of these changes

demobilization or selling war material (Art. 131), dated from her ratification of the Treaty, but, in that case, she was encouraged to delay it as long as possible.

[1] ART. 119: 'Universal compulsory military service shall be abolished in Austria. The Austrian Army shall in future only be constituted and recruited by means of voluntary enlistment.'

[2] The French and Italian representatives raised the question of compulsory service again in Art. 9 (Art. 126 of the Treaty), but with the same result.

was the reduction of the strength of the Austrian Army from 40,000 to 30,000; the figure of 40,000 had been fixed at a time of great unrest, when Austria was threatened by internal troubles, and by the Bolshevik régime of Béla Kun in Hungary. In considering the strength of the force to be allowed to Austria, it must be remembered that the idea was for only about half of the total to be with the Colours, the remainder being with the Reserve. At the same time there is no doubt that, in view of the size of the new Austrian State, and of its impoverished condition, an Army of 40,000 would be excessive in normal times, and there can be no quarrel with the decision of the Supreme Council to reduce Austria's military strength to 30,000 men.

Other alterations subsequently made in this Article were:

(*a*) The creation of maximum and minimum figures between which the Effectives[1] of Units were to be maintained.

(*b*) The establishment of a percentage of officers and N.C.Os. to the total number of Effectives with the Colours, as opposed to the fixing of a maximum number, as had been done in the case of the German Treaty.

(*c*) The fixing of a proportion of machine guns, guns and howitzers per 1,000 men with the Colours.

(*d*) In the original British draft the first paragraph read: 'The total number of *Effectives and Reservists* in the Army of Austria must never exceed 40,000 men, including officers and establishment of depôts.' This was subsequently altered as follows: 'The total number of *military forces* in the Austrian Army shall not exceed 30,000 men, including officers and depôt troops.'[2]

As regards (*a*), (*b*) and (*c*), these alterations were of no serious importance; in fact they introduced amendments which were quite sound, both in principle and in practice. On the other hand, these changes could have been inserted with equal ease in the Tables, and in any case, the original numbers were hardly of sufficient importance to justify the amendments. As regards (*d*), the amendment, presumably due to the Drafting Committee, resulted in subsequent objections from the Aus-

[1] i.e. establishments.

[2] Italics not in original.

trians, who argued that the wording of this Clause entitled them to keep a force of 30,000 men with the Colours, *in addition* to Reservists. Although there was in reality no justification for such a demand on the part of the Austrians, the Military Commission of Control was only able to settle this point after a good deal of trouble. This would have been avoided if the original wording had been adhered to.

The second Article (Art. 121 of the Austrian Treaty) was adopted in full by the Military Representatives, but was subsequently modified by the Drafting Commission. The original draft contemplated the establishment of an Army Corps Headquarters, as the highest formation in the Austrian Army. This has since been deleted, and under the terms of the present Treaty, no formation higher than a Division is allowed.

The third Article of the original British draft of Chapter II was approved by the Military Representatives, and was eventually accepted without alteration as Art. 122 of the Peace Treaty.[1]

The next Article, based on Article 162 of the German Treaty, was adopted with a minor alteration, and was finally incorporated as Article 123 of the Austrian Treaty.[2]

At the suggestion of General Cavallero, a Clause was inserted at the end of Chapter II, to forbid any formation of troops not included in the Tables of Establishments, annexed to this Section of the Treaty. This addition met with the approval of the British, as it rendered certain the abolition of the *Volkswehr*, which was not under proper Government control. This Article was accepted by the Council of Four and became Article 124 of the Treaty. It runs as follows: 'Every

[1] ART. 122: 'All measures of mobilization, or appertaining to mobilization, are forbidden.

'In no case must formations, administrative services or staffs include supplementary cadres.

'The carrying out of any preparatory measures with a view to requisitioning animals or other means of military transport is forbidden.'

[2] ART. 123: 'The number of gendarmes, customs officers, foresters, members of the local or municipal police or other like officials may not exceed the number of men employed in a similar capacity in 1913 within the boundaries of Austria as fixed by the present Treaty.

'The number of these officials shall not be increased in the future except as may be necessary to maintain the same proportion between the number of officials and the total population in the localities or municipalities which employ them.

'These officials, as well as officials employed in the railway service, must not be assembled for the purpose of taking part in any military exercises.'

formation of troops not included in the Tables annexed to this Section is forbidden. Such other formations as may exist in excess of the 30,000 effectives authorised shall be suppressed within the period laid down by Article 118' (i.e. three months from the coming into force of the present Treaty).

7. *Chapter III. Recruiting and Military Training.* The eighth Article (Art. 125 of the Treaty) in the original draft corresponds to Article 175 of the German Treaty. It does not differ in any important degree from the German text, except that Austrian officers must undertake the obligation to serve up to the age of 40 years only, instead of 45, as in the case of the German Treaty. This Article was adopted by the Military Representatives, with a small amendment proposed by General Lochridge. The Council of Four eventually accepted it without alteration.[1]

As has already been stated (Article 126[2]) the question of compulsory military service was once more raised on the ninth Article, but without result. The Article was of importance, as it meant the adoption of the principle of the combination of Colour service with Reserve service, a concession which had not been made to the Germans. This principle was subsequently applied to the Hungarian Treaty.

8. *Chapter IV. Schools, Educational Establishments, Military Clubs, and Societies.* The tenth Article was slightly amended by the Military Representatives, but was eventually restored by the Council of Four, the terms differing in only a small degree from the original draft, and became Article 127[3] of the Treaty.

[1] *v. supra*, § 5, pp. 144–5.

[2] ART. 126: 'The period of enlistment for non-commissioned officers and privates must be for a total period of not less than 12 consecutive years, including at least 6 years with the colours.

'The proportion of men discharged before the expiration of the period of their enlistment for reasons of health or as a result of disciplinary measures or for any other reasons must not in any year exceed one-twentieth of the total strength fixed by Article 120. If this proportion is unavoidably exceeded, the resulting shortage must not be made good by fresh enlistments.'

[3] ART. 127: 'The number of students admitted to attend the courses in military schools shall be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres shall be included in the effectives fixed by Article 120.

'Consequently all military schools not required for this purpose shall be abolished.'

ART. 128: 'Educational establishments, other than those referred to in Article 127, as well as all sporting and other clubs, must not occupy themselves with any military matters.'

The eleventh Article of the original British draft was accepted without amendment by the Military Representatives, but was eventually cut down by the Council of Four and the Drafting Committee, to the rather emasculated terms of Article 128 of the Treaty.[1]

Another Article, originally drafted by the British Military Section, and accepted by the Military Representatives of Versailles, was to the effect that the teaching of gymnastics was, in all schools and educational establishments, to be devoid of instruction or practice in the use of arms, or training for war. This Article, the introduction of which was based on experience derived from the Prussian measures between 1807 and 1813, was subsequently cut out by higher authority.

Eventually, therefore, Chapter IV was reduced to the six lines included in Articles 127 and 128 of the Treaty,[1] which correspond to Articles 176 and 177 of the Treaty of Versailles.

9. *Chapter V. Armament, Munitions and Material, Fortifications.* The thirteenth and fourteenth Articles of the original draft were adopted without amendment by the Military Representatives. Slight alterations were eventually made in these two Articles, but Articles 129 and 130 of the Treaty only differ slightly from the original draft. The fifteenth and sixteenth Articles were accepted by the Military Representatives with quite minor alterations. Subsequently the second paragraph of Article 132 of the Treaty was inserted, with the object of permitting the manufacture of sporting weapons in Austria. These two Articles, 131 and 132 of the Treaty, were eventually accepted without alteration by the Council of Four.

When Article 17 (Article 133 of the Treaty [2]) of the British draft came up for discussion, General Cavallero asked for an explanation in regard to the statement that all arms, munitions, and war material were to be handed over to the Allied and Associated Governments. He pointed out that the Italian Government was anxious for all this material to be handed over direct to the Italians, and considered it of importance to have

[1] *v.* p. 148, n. 3.

[2] ART. 133: 'Within three months from the coming into force of the present Treaty, all arms, munitions, and war material, including any kind of anti-aircraft material, of whatever origin, existing in Austria in excess of the quantity authorized shall be handed over to the Principal Allied and Associated Powers.

'Delivery shall take place at such points in Austrian territory as may be appointed by the said Powers, who shall also decide on the disposal of such material.'

this laid down in the Treaty. The other Military Representatives found themselves unable to agree with this point of view, and eventually the Article was adopted with the addition of a paragraph, to the effect that the surrender of the material was to be effected at points in Austrian territory, selected by the Allied Governments, who would decide as to the disposal of the material. General Cavallero made a reservation to the effect that, in his opinion, the war material in question should be surrendered to the Italian Government, on behalf of the Allied and Associated Governments, who would decide as to its disposal.

When this Clause was considered by the Council of Four, they decided to accept the draft as approved by the majority of the Military Representatives, and rejected the Italian reservation.

In practice this decision has led to considerable trouble and delay. Ever since the Commission of Control for Austria entered upon its functions, the Italians have been trying to separate war material, which should have been handed over under the Armistice, from other material, with the result that, five months after the coming into force of the Peace Treaty, the work of separating the Armistice material from that to be surrendered under the terms of the Austrian Treaty had still not been completed (December 1920).

The eighteenth and nineteenth Articles (Articles 134 and 135 of the Peace Treaty) were adopted by the Military Representatives without alteration, except that the word *Flammenwerfer* was added in the first line of Article 135. These Articles were subsequently accepted by the Council of Four without further amendment.

10. *Tables of authorized Establishments and Armament.* In the original British draft three Tables were inserted at the end of the Military Terms, giving the establishment and maximum strength of effectives and reservists to be allowed for staffs and various formations, with the stipulation that these tabular statements were not to constitute a fixed establishment, but that the figures therein contained represented maximum figures, which must not be exceeded. They also laid down the maximum armament and stocks of artillery, trench mortar, and small arm ammunition authorized for Austria. These Tables were drawn up on exactly the same lines as those of

the German Peace Treaty, and were passed at the meeting of the 11th May by the Military Representatives, practically without comment, the only addition of importance being to allow the Austrians to keep mountain guns in place of field guns, if desired.

These Tables were subsequently amended in certain respects.

(*a*) In Table I the establishment of an Army Corps Headquarters was cancelled, leaving the Division as the highest authorized formation in the Austrian Army.

(*b*) In Table II, giving the establishment of a Cavalry Division, a group of motor machine guns and armoured cars was added.

(*c*) The composition and maximum effectives were fixed for a Mixed Brigade, in a new Table III.

(*d*) A Table IV was added, fixing the minimum effectives of all units in the Austrian Army, whatever organization should be adopted.

These amendments were not important, but may be said to constitute an improvement on the original draft.

(*e*) Table V laid down the maximum authorized armaments and munition supplies, on a basis different from that proposed in the original British draft, and from that fixed in the German Treaty. A proportion of rifles, machine guns, trench mortars and guns or howitzers, per 1,000 men, was laid down, with a corresponding amount of munitions.

It is doubtful if the innovation introduced as the result of Table V [1] is an improvement. The whole object of the Treaty

[1] TABLE V. 'Maximum authorized Armaments and Munition Supplies.

Material.	*Quantity for 1,000 Men.*	*Amount of Munitions per Arm (rifles, guns, &c.).*
Rifles or carbines *	1,150	500 rounds
Machine guns, heavy or light	15	10,000 ,,
Trench mortars, light	2	1,000 ,,
Trench mortars, medium		500 ,,
Guns or howitzers (field or mountain)	3	1,000 ,,

* Automatic rifles or carbines are counted as light machine guns.

No heavy guns, i.e. of a calibre greater than 105 mm., is (*sic*) authorized, with the exception of the normal armament of fortified places.'

was to enable Austria to maintain a force sufficient to keep order, whilst costing as little money as possible. With the limitation imposed by Table V, the amount of war material authorized for the State of Austria, would be barely enough if the full number of 30,000 troops were maintained. If, on the other hand, for reasons of economy, the Austrian Government decided to keep a smaller Army than 30,000, whilst relying on the patriotism of the people to bring the Army up to this number in case of serious need, there would be a shortage of arms and war material in the country, which could not be supplied at short notice. The alteration would seem, therefore, to have been unnecessary and hardly fair to Austria.

11. *Amendments made by the Council of Four.* When the Council of Four met to consider the military terms of the Treaty, they at once objected to the strength of 40,000, which had been proposed for the Austrian Army. The main reason for their attitude was the fact that, whereas Germany had only been allowed to maintain an Army of 100,000 for a population of fully 60 millions, Austria would have 40,000 for a population of about 6½ millions. On this analogy, it was pointed out that Germany should have been allowed an Army of nearly 400,000 men. After some discussion, in the course of which it was pointed out that the internal state of Austria, and the existence of a large city like Vienna, demanded an armed force of a larger size in proportion than that required for Germany, it was decided to reduce the strength of the Austrian Army to 30,000 men. At the same time the question of limiting the armies of the other minor Powers, both enemy and allied, was raised;[1] although proposals were made, the difficulty of such a proceeding was realized, and it was eventually settled merely to lay down maximum strength for the armies of the enemy Powers, leaving other reductions to take place when the enemy States had complied with the conditions of peace imposed upon them.

With this exception, few alterations were required by the Council of Four, and the Supreme War Council met again on the 7th June at Versailles, to settle upon the wording of a new draft, embodying the amendments of the Council of Four. The

[1] Some details of the scheme are given in C. T. Thompson, *Peace Conference Day by Day*, New York, 1920, pp. 390–1; *v.* also this volume, p. 138.

necessary alterations were rapidly made, and the new draft was then accepted by the Council of Four. On the 16th June the military terms were finally approved, and the General Clauses in connexion with the Military, Naval, and Air Clauses of the Treaty were accepted on the same date.

12. *Presentation of the Treaty and Austrian Counter-proposals.* The Second Draft Treaty of Peace was presented to the Austrians on the 20th July, after the signature of the German Treaty. The Austrians were undoubtedly surprised at the general severity of the peace terms offered them, as they had expected more lenient treatment. Their objections to the military terms were mainly concerned with the abolition of universal compulsory military service. It was only natural that they should want to retain universal service, which is regarded by every Continental nation as essential to the welfare and efficient Government of the State. The main argument employed by the Austrians was, however, that the cost of a voluntary Army would be so great as to be practically prohibitive, and that they could not possibly afford to pay for an Army raised by methods other than those of compulsion. The Austrian counter-proposals, of which this was the only really important one, were discussed at a meeting of the Military Representatives, held in the Council Chamber at Versailles, on the morning of the 11th August 1919. At this meeting the Italian Representative again advocated the alteration of Article 119, forbidding compulsory military service in Austria, and was supported by General Belin, though the latter recognized that the question had already been settled in principle by the Supreme Council. After some discussion, it was decided to reject the Austrian counter-proposals practically *in toto*.

13. *Inter-Allied Commissions of Control.* Articles 149–55, dealing with the work of the Inter-Allied Commissions of Control, were drawn up on exactly the same lines as Articles 203–10 of the German Treaty. The only difference of importance is that it was not definitely laid down in the Austrian Treaty that Austrian guns, rifles, and war material were to be destroyed; Article 153 of the Austrian Treaty, however, mentions supervision of 'the works of destruction, and rendering things useless, . . . which are to be carried out in accordance with the present Treaty'.

14. *General Clauses.* Articles 156–9 contain the conditions to be imposed upon Austria under this heading.[1] Articles 156, 157, and 159 correspond to Articles 211, 212, and 213 of the German Treaty. Article 158 of the Austrian Treaty corresponds to Article 179 of the German Treaty. It will be seen that, in the Austrian Treaty, the accrediting to foreign countries of Military, Naval or Air Missions, etc., and the enrolment in foreign armies of Austrian nationals are included under the heading of General Clauses, whereas this question was dealt with under the Military Clauses of the German Treaty. The procedure adopted for the Austrian Treaty seems the more logical of the two, as Naval and Air questions are involved, as well as matters of purely military interest.

C. Execution of the Terms of the Austrian Treaty

15. *The Delays in Final Ratification by the Allies.* Of those who witnessed the signature of the Austrian Treaty on the 10th September 1919, few imagined that it would not come into force for upwards of ten months. To the ordinary

[1] Section V.—General Clauses.

Art. 156 (152): 'After the expiration of a period of three months from the coming into force of the present Treaty, the Austrian laws must have been modified and shall be maintained by the Austrian Government in conformity with this Part of the present Treaty.

'Within the same period all the administrative or other measures relating to the execution of this Part must have been taken by the Austrian Government.'

Art. 157 (153): 'The following portions of the Armistice of November 3, 1918: paragraphs 2 and 3 of Chapter I (Military Clauses), paragraphs 2, 3, 6 of Chapter I of the annexed Protocol (Military Clauses), remain in force so far as they are not inconsistent with the above stipulations.'

Art. 158: 'Austria undertakes, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory; Austria further agrees to take the necessary measures to prevent Austrian nationals from leaving her territory to enlist in the Army, Navy or Air service of any foreign Power, or to be attached to such Army, Navy or Air service for the purpose of assisting in the military, naval or air training thereof, or generally for the purpose of giving military, naval or air instruction in any foreign country.

'The Allied and Associated Powers undertake, so far as they are concerned, that from the coming into force of the present Treaty they will not enrol in nor attach to their armies or naval or air forces any Austrian national for the purpose of assisting in the military training of such armies or naval or air forces, or otherwise employ any such Austrian national as military, naval or aeronautic instructor.

'The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

individual, inexperienced in the devious ways of politics, it appeared essential for the Governments of the Principal Allied Powers to ratify the Treaty with the least possible delay after ratification by Austria. In fact it was not till the 16th July 1920, when nearly a year had elapsed, that the machinery required to put the Treaty into force could come into action.

The British personnel of the Inter-Allied Military Commission of Control, with Colonel F. W. Gosset as its Chief, was ready to enter upon its duties as early as October 1919. The Austrian Government had already ratified the Treaty, and there seemed to be no possible reason for further delay. In spite of this, the matter dragged on through the winter of 1919–20, and through the spring and summer of 1920, until at last the ratification of the Allied Governments enabled the Treaty to come into force, after ten valuable months had been wasted.

On the 14th February 1920, the Conference of Ambassadors in Paris decided that Advanced Echelons of the Military Commission of Control might go to Austria to begin the general supervision of the execution of the Military Clauses of the Treaty. This was done, but no real progress could be made pending final ratification of the Treaty. However, the Advanced Echelons were soon faced with a question of some importance, which arose owing to the perversity of the Austrians in attempting to give a wilful misreading to Article 120. In the *Wehrgesetz* (Army Law) of the 18th March 1920, the Austrian Government tried to legalize an 'Active' Force of 30,000 men with the Colours plus some 25,000 Reservists, i.e. counting only the Active Troops in the 30,000 allowed under Article 120. In spite of the unfortunate change of wording, by which the original British draft of the Military Clauses had been altered (vide paragraph 10 above), it was abundantly clear that all Reservists must be included in the total of 30,000 men. On this being pointed out by General Zuccari, President of the Military Commission of Control, the Allied Military Committee of Versailles,[1] under the Presidency of Marshal Foch,

[1] The Allied Military Committee of Versailles was constituted on the 10th January 1920, under the Presidency of Marshal Foch, to replace the Supreme War Council of Versailles. Its duties were to be the following:

(*a*) To act as advisory council to the Allied and Associated Governments in the military questions arising out of the execution of the Treaty of Peace with Germany.

(*b*) To execute the orders given it by the Allied and Associated Powers

on the 28th May ruled that both Active Troops and Reservists must be included in the total force of 30,000 men allowed under the terms of the Peace Treaty.

The recommendations of the Inter-Allied Military Commission of Control for Austria for the necessary amendments to be introduced into the Austrian Army Law were approved by the Conference of Ambassadors on the 20th October. The Austrian Government should therefore introduce these amendments into the Army Bill at an early date, but no legislative steps have yet been taken (December 1920).

This incident shows the difficulty of wording the Clauses of a Treaty in such a way as to exclude all possible ambiguity and misreading; in this case, the intention of those responsible for drafting the Treaty had been to enable the Austrians to effect an economy, and the latter, whilst protesting their inability to raise and maintain an Army as large as 30,000 under voluntary service, attempted to establish a right to the maintenance of an Army of nearly 60,000 men.

16. *The Work of the Inter-Allied Military Commission of Control.* On the 16th July 1920 final ratification at last took place, and the Commission of Control proceeded to Vienna and got to work. Five months have elapsed since that date, and little real progress has been made. Business is conducted and affairs are regulated by a Headquarters Committee of seven officers, including no less than four Italian Members, with one French, one British, and one Japanese; this is of course a most unfair method, giving as it does entire control to the Italians, who have four votes against a total of three of the other Great Powers. In this criticism no reflection is intended on General Zuccari, who has made no unfair use whatever of the position.

For various reasons, extremely little has been accomplished in these five months, except by the Effectives Sub-Committee. Not a single cartridge, shell, rifle (except Russian rifles), machine gun or gun has been destroyed, and not one factory has been visited.[1] In Germany, for instance, as the result of the

in matters concerning the Commissions of Control and the Allied forces of occupation in the Rhineland and plebiscite areas.

(c) Should the occasion arise, the Council to be consulted upon all military questions of common interest to the Allies which the latter might be agreed to submit to it.

The Allied Military Committee of Versailles held its first conference in Paris on the 12th January 1920.

[1] Large quantities of war material have been and are being removed to Italy, as the Italians have decided not to destroy their share.

labours of General Bingham's Sub-Committee for Armament, Munitions, and Material, in ten months, in spite of difficulties caused by the Kapp 'Putsch' and other disorders, nearly 3,000 factories have been inspected, whilst the destruction of some 30,000 guns, 20,000,000 shells, 7,000 trench mortars, 50,000 machine guns, 2,000,000 rifles, 170,000,000 rounds of small arm ammunition, has been controlled, in addition to the destruction of large quantities of other military stores of every kind (November 1920). The slowness of procedure in Austria is mainly due to the refusal of our Allies to permit the destruction of war material, as this was not laid down in the Treaty, although destruction has been consistently advocated by the British Imperial General Staff and by the Foreign Office, as the only means of ensuring the rapid execution of the Treaty. Another cause of delay, closely connected with the question of destruction, has been the anxiety of the Italians to collect the full amount of war material due under the terms of the Armistice of Villa Giusti, owing to the fact that they expect all this material to be finally allotted to them, whilst they will only receive a proportion of the remaining material.

Other reasons are the obstructive attitude of the Socialist Government, which was in power until October 1920, and of many of the subordinate officials, and lastly the indiscipline of the so-called Army, i. e. the *Wehrmacht*. This force, which is practically a Socialist bodyguard, is almost worthless as a fighting machine, owing to its low standard of discipline and the existence of Soldiers' Councils.

The result has been a practical decision to close down, as Austrian military conditions no longer cause alarm. On the 20th February 1921 the Austrian Commission of Control formally decided to finish its labours in Austria. A few officers were left for winding-up purposes, and some of its personnel will be used in conjunction with the Inter-Allied Military Mission already in Budapest to carry out the supervision of the Military Clauses of the Hungarian Peace Treaty, assuming (a somewhat bold assumption) that the ratification by the Allied Powers of this Treaty (ratified by Hungary on the 13th November 1920) is not delayed in a similar manner to that of the Treaty of St. Germain.

CHAPTER III

DISARMAMENT

PART II

THE TREATY WITH HUNGARY (TREATY OF THE TRIANON) —THE MILITARY TERMS

A. General Considerations

1. *Armistice of Villa Giusti, 3rd November, and Military Convention of Belgrade, 13th November 1918.* On the collapse of the Austro-Hungarian Army at the end of October 1918, and subsequent to the Armistice of Villa Giusti on the 3rd November, Hungary cut herself free from Austria, and proclaimed herself a separate State. The Military Convention of Belgrade, 13th November 1918, regulated the conditions under which the Armistice of Villa Giusti was to be applied to Hungary. The Armistice had decreed total demobilization of the Austro-Hungarian Army, surrender of half the Divisional, Corps, and Army artillery and equipment, together with all military and railway equipment within the territories to be occupied by the Allied troops; under the terms of the Military Convention of Belgrade, the Hungarian Army was reduced to six infantry and two cavalry divisions, required for the maintenance of internal order. In the Armistice it was prescribed that the twenty divisions, the maintenance of which in Austro-Hungarian territory was permitted, should be reduced to pre-war effectives. In the Convention of Belgrade of the 13th November this condition was not repeated, although in the Armistice and in the Convention it was stipulated that the Allies were to have the right of occupying any places or strategic points within Austro-Hungarian territory, as deemed necessary by the Higher Command of the Allied Armies. Allied troops were, moreover, allowed to pass through or remain in any part of Hungary, and the Allies were to have permanent right of use, for military purposes, of all rolling stock, shipping, and draught animals. A number of river vessels belonging to the Danube

flotilla, as well as locomotives, railway waggons, and 25,000 horses, were also to be handed over to the Allies.

These terms left Hungary completely at the mercy of her enemies, and she found her territories surrounded by Italian, French, Serbian, and Rumanian troops, and also by Yugoslav and Czecho-Slovak forces that had belonged to the former Austro-Hungarian Monarchy.

2. *The Rumanian Advance into Transylvania and Eastern Hungary.* At the time of the signature of the Armistice of Villa Giusti and of the Military Convention of Belgrade, Rumania was not a belligerent, and no line of demarcation was therefore fixed for the Rumanian Armies. In the early part of 1919 the Rumanians proceeded to occupy Transylvania, and endeavoured to force their way to the line of the Theiss (Tisza), which had been given them as their frontier by the Secret Treaty of 1916. At the same time the Czecho-Slovaks, after the proclamation of the State of Czecho-Slovakia, advanced to the Danube and occupied Bratislava (Pressburg) and the island of the Grosse Schütt, also moving forward to the southern frontier of Slovakia, to the edge of the Great Hungarian Plain.[1]

As hostilities between the Hungarians and Rumanians seemed imminent, it was proposed to fix a neutral zone between the two countries, lying as nearly as possible along the ethnological frontier. This proposal was laid before the Supreme Council on the 21st February 1919, and referred to the Supreme War Council, Versailles, for military examination and report. As a result of these deliberations a line of demarcation was fixed, and on the 21st March it was conveyed to the Hungarian Government by Colonel Vix, chief of the French Military Mission in Budapest. When the Hungarians were given this line, their despair was so great that Count Karolyi at once resigned, handing over the Government to the Extreme Left.

3. *The Establishment of a Bolshevik Government in Budapest, and their Offensive against Czecho-Slovakia.* Within the next few weeks the Bolshevik element in Budapest succeeded in gaining power, with the result that Béla Kun, a low-class Jew adventurer, became Foreign Minister and the real head of a Bolshevik Government.[2] The next three months were a time of utter misery and chaos in Hungary. At first the Bolshevik Ministers,

[1] *v.* Chap. IV, Pt. III, and map, p. 122.
[2] *v.* this volume (*supra*, p. 124; *infra*, pp. 488–90) and Vol. I, pp. 351–7.

who were practically all Jews, were supported by the Hungarian national spirit, and a large number of officers were willing to serve in the Red Army. At the beginning of April the Council of Four despatched an Inter-Allied Mission to Budapest under General Smuts, but, as related elsewhere, this failed to effect any *modus vivendi*. Early in May the Hungarian Red Army attacked the Czecho-Slovaks between the Danube and the Theiss, and drove them back with considerable ease, the Czecho-Slovak forces being at this time in an undisciplined and disordered state. Although the Council of Four actually gave instructions for a plan to be drawn up for combined action against Béla Kun (a plan which was worked out by the Military Representatives at Versailles and approved by Marshal Foch about the middle of June), no action was taken, in spite of the fact that Hungary was completely surrounded by French, Serbian, Rumanian, Czecho-Slovak, and Italian troops. Moreover, Béla Kun and Lenin were in close communication at this time, a fact which was frequently exposed and emphasized by the General Staff, as the connexion between Russian and Hungarian Bolsheviks was fraught with serious risks to the peace of Europe.

A Note was finally despatched to Béla Kun on the 8th June, requesting him to cease his offensive against the Czecho-Slovaks, and virtually inviting him to Paris. On the 13th June the new permanent boundaries of Czecho-Slovakia and Rumania were formally published. Partly as the result of this Note, and of the numerous Notes and telegrams from Paris which had already been sent, but mainly on account of bad staff work and the breakdown of the supply service, Béla Kun now arrested the Magyar advance into Czecho-Slovakia. Negotiations were then opened, and the Hungarians withdrew from the invaded portions of Czecho-Slovak territory. Soon afterwards, however, the Bolshevik Government at Budapest gave fresh evidence of their entire untrustworthiness, by taking advantage of the negotiations with Paris to organize an offensive against the Rumanians. By this time the strength of the Hungarian Army had increased, and its *moral* had improved considerably, as the result of the successes against the Czecho-Slovaks. In the absence of reliable information as to the efficiency of the Rumanian troops on this front, there was some doubt as to the degree of success which would be likely to attend a Hungarian

offensive, and the defeat of the Rumanian troops might have had serious consequences.

4. *The Hungarian Attack on the Rumanians, and Rumanian Occupation of Budapest.* When the Hungarian attack began, towards the end of July, it met with some success at first, as the Rumanians had adopted the tactics of keeping their reserves well in hand, whilst holding the front with only a light screen of advanced troops. The Rumanian counter-attacks completely restored the situation, and the ill-equipped and badly organized Hungarian Army soon melted away. The Rumanians pressed their advantage home, crossed the Theiss, and occupied Budapest early in August, without the sanction and contrarv to the wishes of the Supreme Council.

From now onwards, the Supreme Council experienced almost as much difficulty in getting the Rumanians to attend to their telegrams and Notes as they had had with Béla Kun and his colleagues. An Allied Mission of Generals was despatched to Budapest early in August, Brigadier-General R. St. G. Gorton being the British representative, and they had a difficult time attempting to persuade the Rumanians to carry out the instructions of the Supreme Council. The Rumanians fully realized that, as the Supreme Council had not had the power to suppress the Bolshevik régime in Hungary, they were not likely to be in a position to force Rumania to withdraw ; they were therefore firmly determined to remain in the country until they had amply recouped themselves for the losses and injury which they had sustained at the hands of the Austro-Hungarian, German, and Bulgarian troops during the war. In reality the Rumanian attitude was only natural, although some of their methods carried the policy of reprisals to an extreme limit. Had they been defeated by the Hungarian Red Army, it is doubtful if any assistance would have been forthcoming from the Allies, and the Supreme Council had shown themselves utterly powerless to deal with Béla Kun.

Eventually the Rumanians withdrew, and the Hungarian delegation was invited to Paris to receive the terms of the Peace Treaty (January 1920). The Military Clauses of the Treaty had been drawn up immediately after the Austrian terms, i.e. about the middle of May 1919, on the same lines as the original British draft, and were approved by the Supreme War Council of Versailles at a meeting held at Versailles on the 14th May 1920.

B. The Hungarian Military Terms in Detail

5. *Similarity of Hungarian to Austrian Military Terms.* No special description of the Hungarian Military Terms is necessary. They agree almost entirely with the Austrian Military Terms, with the following differences:

(*a*) The strength of the Hungarian Army has been fixed at 35,000 instead of the 30,000 fixed for the Austrian Army, as the new Hungarian population exceeds the new Austrian by about a million.

(*b*) Sentences of minor importance have been added to Articles 107 and 115.

(*c*) Article 131 of the Austrian Treaty, dealing with the armament of 45 places in Austria, did not apply to Hungary, in which State there were no fortifications of any kind.

(*d*) In Table 1 of the Austrian Treaty, for some reason the Signal Detachment did not include a Telegraph Detachment; this omission was rectified in the Hungarian Treaty.

It will be noted that, as in the case of the Treaty with Austria, no provision was made in the Hungarian Treaty for the destruction of war material by the Allies. This omission may certainly be regarded as a mistake, though it is unlikely to result in anything like the delay caused in Austria, as the Rumanians have stripped Hungary of by far the greater portion of her arms and ammunition, which are probably at present very little, if at all, in excess of the quantity allowed by the Peace Treaty.

C. Execution of the Terms of the Hungarian Treaty

6. *The Signature of the Hungarian Treaty,* 4th June 1920. The draft of the Peace Treaty was presented to the Hungarian Delegation on the 15th January 1920. The military terms caused no particular opposition, as it had already been realized that they could not vary on any essential points from those of the Treaty with Austria. In presenting their 'counter-proposals', however, the Hungarians made a number of demands, of which the following are worthy of mention:

(*a*) They desired to increase their military strength beyond the 35,000 effectives allowed under the terms of Article 108.

(*b*) They wished to increase the number of forest guards to double that of 1913 (the number fixed by Article 107), and the police to 2½ times the number existing in 1913.

(*c*) They also asked permission to exclude candidates for Military Academies from the total number of effectives, and to alter the proportion of officers to be discharged each year.

(*d*) Lastly, they appealed for the retention of the system of universal compulsory military service.

The inducement held out in each case was that the Hungarian Army was of great importance for the suppression of Bolshevism, and might be used to oppose the advance of the Bolshevik forces from Russia; this argument was repeated in various parts of the 'counter-proposals', and at other opportunities on subsequent dates. The Hungarian requests were rejected almost entirely, as it was clearly impossible to make any concessions to Hungary, when these had been refused both to Germany and Austria; the Commission of Control was, however, given a certain amount of discretion in matters of detail. Moreover, the warlike character of the Hungarian nation made it extremely probable that there would be no serious difficulty in raising the necessary number of men on the voluntary service system.

In their reply, the Allies pointed out the contradiction between arguments for 'raising an army to 85,000 effectives (as suggested by Hungary), and the impossibility alleged by Hungary of supporting the financial charges inherent in a voluntary army of 35,000 men'. In answer to this, however, the Hungarians could with justice point to the vast cost of a voluntary service army as compared with one raised by compulsory methods.

There was considerable delay in the signature of the Treaty, owing to the strong opposition of the Hungarians to the limitation of their frontiers. They eventually signed on the 4th June 1920, and ratified on the 13th November.

7. *The Inter-Allied Military Commission of Control.* Early in 1920, the British Government proposed that the supervision

of the execution of the Military Clauses of the Treaty should be carried out by the Inter-Allied Military Commission of Control for Austria, either concurrently with its duties in Austria, or on completion of its work in that country. In this recommendation they were solely inspired by a desire for economy, in view of the impoverished state of the Hungarian finances, and because it seemed likely that the Commission of Control for Austria would not meet with any serious difficulty in carrying out its duties. It was hoped that, both in Austria and in Hungary, it would be possible to carry out all the work required in a comparatively short time, and with a limited personnel of officers and other ranks. Chiefly as the result of the arguments put forward by the British Representatives in Paris, the Conference of Ambassadors decided that the Inter-Allied Military Commission of Control for Austria should also function for Hungary (5th June 1920).

When it became clear that General Zuccari's Commission was encountering far greater difficulties in Austria than had been anticipated, the British Government altered their point of view, and decided that a change of policy was desirable. By the middle of November, four months having elapsed since the final ratification of the Austrian Treaty, the British Government suggested that the work of the Military Commission of Control for Hungary should be entrusted to the Inter-Allied Mission of Generals, which had been in Hungary for over fifteen months. The intention was, that they should use their own staffs for the Treaty, supplemented by such officers of the Austrian Commission of Control as could be spared. Eventually, when General Zuccari's Commission had made sufficient progress in its work, it was to take over charge of the Hungarian Commission of Control from the Inter-Allied Generals in Budapest. The main object of this plan was to save time and money, and to utilize the experience and local knowledge of the Allied Generals and their staffs in Budapest.

Some difficulties arose, but eventually a compromise was adopted at the instance of Marshal Foch, laying down that the Allied Generals in Budapest should begin the work of Control under the orders of General Zuccari and the Headquarters of the Inter-Allied Military Commission of Control for Austria. Under this scheme, General Zuccari and his Headquarter staff, in consultation with the Allied Generals in

Budapest, are to fix the personnel required for the Hungarian Military Commission of Control, which is to be made up from the staff of the Allied Generals in Budapest, and from such officers of the Austrian Commission of Control as can be spared from their duties in Austria; it is hoped that no other officers will be required. These measures should ensure immediate commencement of the work on final ratification, as well as the greatest possible economy.

The strength of the Hungarian Army is at present (March 1921) believed to be slightly in excess of that allowed by the Peace Treaty (35,000), especially in officers and non-commissioned officers, but this is not in any way a contravention of the Military Clauses, as reduction to the sanctioned establishment has not to take place until three months from the coming into force of the Treaty. Fear has been expressed that, owing to the large numbers of unemployed officers now in Budapest, there will be serious resistance to the execution of the military terms of the Treaty. This seems unlikely, though there will no doubt be some obstruction, if not on the part of the Government, at all events by the subordinate officials.

CHAPTER III

DISARMAMENT

PART III

THE TREATY WITH BULGARIA (TREATY OF NEUILLY); THE MILITARY TERMS

1. *Introductory.* The Armistice, signed on the 29th September with the Bulgars, has already been described as a non-reciprocal demobilization agreement (*v.* Chap. II, Pt. I). As such it had to be carried out. Bulgaria had the great advantage of being preserved from a military occupation by the troops of Serbia, Rumania, and Greece, whose inhabitants she had treated with great brutality in the days of her military pride. Her territory was temporarily occupied by British troops, then by Italians, and finally by a mixed force of Italians and French. Her attitude and her slowness to execute the terms of the Armistice gave rise to some suspicion,[1] and it was not to be expected that any special concessions would therefore be made to her under the Peace Treaty.

2. *The Question of Compulsory Military Service.* Like every other enemy State, Bulgaria desired compulsory military service. Among the Allies the military discussions on the subject were very short, and the Italian representative alone argued for conscription. The case of Bulgaria could not, however, be separated in this respect from that of Germany, Austria, and Hungary, and the Italian objection was ultimately withdrawn. The Bulgarian 'Observations' of the 24th October dwelt much on the fact that Bulgaria was in a different position from all the other nations, in that she was an agricultural State whose peasants were attached to their farms. She had no margin of needy or unemployed in her towns, suitable for long-period

[1] This refers to the period preceding the signature of peace. An important influence in Bulgaria's admission to the League of Nations is understood to have been a favourable report by Marshal Foch on her execution of the military terms.

service in the Army. They gave evidence to show that even the long-period enlistment for non-commissioned officers had always been difficult. 'Causes relating to the morals and life of the people make all prolonged service antipathetic to the Bulgar, as they remove him from his family and his land for a considerable time.' The result would be that the recruiting would be from the lowest of the population, and the cost would be prohibitive. The Allies replied shortly: 'The institution of a military régime resting on compulsory service is absolutely contrary to the principle of reduction of armaments which the Allied and Associated Powers have sought to impose on their old adversaries, as that alone is capable of assuring in the future the security of the World Peace.' It is difficult to see how the Allies could have given any other reply or made an exception in this case, but subsequent experience has confirmed the fact that this clause bore more hardly upon Bulgaria than on any other enemy State. No offers of money, or even of land, are likely to tempt a nation of stay-at-home peasants to enlist in an army whose period of service is twelve years (Articles 71–2).

The permission to combine six years of service with the colours and six years with the reserve (i.e. twelve years in all) was granted to Austria (Article 126) and to Hungary (Article 110), but not to Bulgaria. Her soldiers have to serve twelve consecutive years with the colours (Article 72), and it might fairly be contended that her peculiar circumstances demand this change in the Treaty. It is, at any rate, one which deserves most serious consideration.

3. *The Number of Effectives and Cadres.* The total of military forces was fixed at 20,000 men, including officers and depôt troops. The proportion of officers, including personnel of staffs and special services, was not to exceed one-twentieth of the total effectives with the colours (Article 66). It had been originally intended to limit the number of gendarmes, officials, forest guards, etc., to that employed in 1913, as was provided in other cases.[1] This principle proved impracticable for two reasons. No accurate statistics existed, because the number of such persons could not be ascertained, as Bulgaria had not organized even in 1914 the number of gendarmerie required for the new populations and frontiers she had acquired in the

[1] Germany, Art. 162; Austria, Art. 123; Hungary, Art. 107.

Balkan War. Secondly, even if this had been ascertainable, the character of the population made it difficult to know how many would in future be required. The principle was therefore adopted of fixing a quota of 10,000, so that the total number of armed men allotted to Bulgaria was fixed at 30,000. The Bulgarians in their 'Observations' demanded a regular force of 25,000 men, with additions from frontier guards, gendarmes, etc., making 40,000 in all. They also asked for a more gradual demobilization of officers, and for their percentage to be fixed at one-fifteenth, not one-twentieth, of the total effectives. These two latter demands were categorically refused, but the Allies consented to the formation and maintenance of 3,000 frontier guards, thus making the total 33,000 men instead of 30,000. The British military representative introduced two important phrases in Article 69 dealing with these matters, which do not occur in other treaties. 'In no case shall the number of these officials (gendarmes, etc.) *who are armed with rifles* exceed 10,000, . . . frontier guards . . . must not exceed 3,000 men, *so that the total number of rifles in use in Bulgaria shall not exceed 33,000.*'[1] There is no other Treaty in which it is so explicitly made clear that the number of men armed with rifles is definitely limited. The ambiguity in the case of the German Treaty in this respect has already been noticed, and the wording of the Austrian and Hungarian Treaties, though less open to doubt, is not so definite as this.[2]

4. *Recruiting, Training, and Schools* (*Articles 71–5*). The Bulgarians in their 'Observations' demanded a military school for non-commissioned officers as well as for officers—that is, two in all. This demand was rejected by the Allies.[3]

5. *Armaments, Munitions, and Material, Fortifications* (*Articles 76–82*). These call for only one observation—that is, that Bulgaria had no munition factories, but is permitted under Article 79 to establish one under strict control and limitations. This is of importance, because it has sometimes been contended that the military clauses were imposed on enemies, and were intended entirely to disarm them. It will be seen that, in this case, the Allies had the power to prevent Bulgaria from estab-

[1] Italics not in original.

[2] *v.* Vol. II, pp. 181–4, and Art. 128 (Austria), and Art. 107 (Hungary).

[3] In Art. 74 'boy scouts' societies' are prohibited, among other organizations, from military training: this is the only Treaty in which they receive the honour of mention.

lishing a factory which she did not already possess. They abstained in deference to the rule that each enemy State should be allowed to establish one such factory, and the result, therefore, is to permit Bulgaria to establish a totally new factory of arms. It is, however, improbable that Bulgaria, while benefiting under this head, will regard this concession as any compensation for the prohibition of universal compulsory service. But it is important to point out that the application of universal principles without regard to particular conditions sometimes actually benefits an enemy State.

One general observation as regards the Military Clauses of the three Treaties, Austrian, Hungarian, and Bulgarian, seems necessary. In the Treaty with Germany, provisions were made that all surrendered arms, munitions, and war material must be 'destroyed or rendered useless. This will also apply to any special plant intended for the manufacture of military material, except such as may be recognized as necessary for equipping the authorized strength of the German Army' (Germany, Article 169). It is unfortunate that no similar provision for destruction exists in the other three Treaties.[1] Russian war material lying in Germany or Austria is also involved in these considerations. It has been agreed, however, that Russian war material lying either in Germany or Austria shall be destroyed or rendered useless by the Commission of Control, the sale of the scrap being undertaken by the Reparations Commission, and the proceeds allotted to the different States representing the former Russian Empire in proportions which remain to be fixed. There is no obligation, however, to destroy the excess war material of Austria, Bulgaria, or Hungary. Each of the Allied Powers apparently has full latitude to do what it likes with the war material allotted to it. It is obvious that this principle is unsatisfactory because the last scrap of war material will have to be collected before such allotment can be made. The war material is accumulated at certain points in these different countries, and may be accumulated for an almost indefinite period. Such accumulation is obviously full of dangerous possibilities, in view of the possible or actual dis-

[1] v. *supra*, Pt. I, § 13, p. 153. Incidentally, it would seem to pass the wit of man to devise a definition of what is, and is not, 'war-material'.

turbed condition of the countries in question. The Versailles Military Committee has now (8th October 1920) been instructed to draw up a scheme for the distribution of war material among the various Allied Governments as soon as it is brought in, instead of waiting until it has all been collected, and to dispose of it as quickly as possible whether by destruction, as is the British policy, or by removal to the countries to which it has been allotted. There can be no doubt that the inability to arrive at an agreement in this particular case or to lay down a clear principle such as exists in the German Treaty is a defect in the Military Clauses of the other Treaties which may still have dangerous results, and has possibly led to leakage of war material in the past. It is only now, almost a year after these Treaties have been signed, that the defects of this system have been revealed, and that a serious attempt is being made to remedy them.

TABLE OF ARMED STRENGTHS IN CENTRAL EUROPE

Peace Effectives under the Three Treaties.

Austria, 30,000; Bulgaria, 33,000; Hungary, 35,000.

Peace Effectives of Successor States, etc. (Totals under arms or paid for in last available Budget.)

Czecho-Slovakia, 147,300; Greece, 250,000; Italy, 300,000; Rumania, 160,000; Serb-Croat-Slovene State, 200,000.

(*Answer to Major M. Wood in House of Commons, 18th April* 1921.)

For Austrian, Bulgarian, and Hungarian Naval Disarmament v. Vol. V, pp. 156–7.

CHAPTER IV

THE LIBERATION OF THE NEW NATIONALITIES

PART I

THE YUGO-SLAVS

Introductory. The ideal of Yugo-slav unity was conceived by literary men and visionaries; it was realized by men of action under conditions and with a quickness which would have been thought incredible even ten years ago. Here, at least, events moved, as it were, of themselves. The problem in its complexity almost baffles description, for the three races of Serbs, Croats, and Slovenes were separated from one another by every sort of barrier. These Yugo-slavs were divided between four separate kingdoms—the Austrian Empire, the Hungarian Kingdom, the Kingdom of Serbia, and the Kingdom of Montenegro. But this did not end the matter. In Austria-Hungary itself the Yugo-slavs lived under five separate administrations,[1] and this separation was maintained and promoted by the Government. A race of some thirteen millions divided into four fragments was further subdivided into half a dozen more. Nor were political or administrative boundaries the only barriers. Hungarian railway policy severed Dalmatia from Croatia, and made it cheaper to send goods from Zagreb to Budapest than from Zagreb to Sarajevo. The Bosnian railways had no commercial possibilities, and the fine harbour of Spalato had no connexion with Croatia. Everywhere the motto of *divide et impera* had been systematically practised, and every economic or political means had been used to stimulate local or particularist prejudice. Yet in the end twelve

[1] Slovenes, Istria and Dalmatia were controlled directly by Austria; Serbs of South Hungary directly by Hungary; the Kingdom of Croatia included Serbs and Croats but was subject to Hungary, Fiume was separate under Hungary; lastly, Bosnia-Herzegovina was under joint Austro-Hungarian administration. The official term for the new kingdom is the Serb-Croat-Slovene State, though the term Yugo-slavia is popularly but less correctly used.

million Yugo-slavs found themselves under the same Crown and Government, and of the three Yugo-slav Plenipotentiaries at the Conference the Serb had been three years in exile, the Croat had been condemned to death, and the Slovene had been an Austrian Minister during the war.

A. The Yugo-slav Problem in 1914

1. *The four proposed solutions.* In the summer of 1914 the Yugo-slav lands were in a state of more than usual disturbance. The problem arose from the growing sense of national solidarity between Serbs, Croats, and Slovenes, and the political division of the race between the national Governments of Serbia and Montenegro and the alien Governments in Austria, Hungary, and the provinces of Bosnia-Herzegovina. In addition to these general causes, the immediate reasons for unrest were the sympathy aroused amongst the Yugo-slavs for Serbia as a victor in the Balkan wars and the recent arbitrary character of the Magyar domination in Croatia.

The proposed solutions of the problem were as various as the interests concerned. These solutions may be summarized under the headings: Repression, Trialism, Greater Serbia, Yugo-slavia.

(*a*) *Repression.* Since 1906, when Count v. Aehrenthal became Austro-Hungarian Foreign Minister, the Habsburg Monarchy had followed a policy of adventure in the Balkans. Bosnia-Herzegovina was annexed in 1908, and the ultimate objective of this policy was asserted to be Salonica. The main obstacles to this ambition were first Serbia, where opinion was inflamed against the Monarchy, owing to the latter's opposition to the Serbian acquisition of a sea-port in 1912, and next the unrest in the Monarchy's own Yugo-slav provinces. It was generally believed in Austria-Hungary that this unrest was merely the artificial product of an agitation engineered and financed by Belgrade. To meet this situation the policy of repression had the merit of apparent simplicity. Its method was to treat all manifestations of Yugo-slav nationalism in the Monarchy as High Treason, and to apply the argument of the sword to Serbia. During a victorious war against Serbia the other Yugo-slavs might be so dragooned as to abandon their nationalist agitation.

Two objections to this policy are clear:

First: It was improbable that Russia would allow the extinction of Serbia or even its reduction to virtual dependence on Austria-Hungary, without recourse to arms. And Russia was by 1914 prepared to fight, if necessary.

Secondly: Repression would be no answer to those Yugo-slavs who were loyal to the Monarchy but bitterly opposed to its existing form, while the conquest of Serbia would add to the Yugo-slav opposition within the Monarchy an element more *intransigeant* than all the rest.

(*b*) *Trialism.* A number of plans for the solution of the Southern Slav question may be grouped together under the common name of Trialism. They differed considerably in detail, but the main principle in each case was that instead of Austria-Hungary being based on a dualistic system with two opposing powers or units, the Germans and the Magyars, there should be three, German, Magyar and Slav.[1] The assumption, of course, was that German and Slav would work together, and consequently that the Magyars would be placed in a position of inferiority. This scheme was very popular in some circles, even in high diplomatic ones.

Franz Ferdinand was commonly, but inaccurately, supposed to be a supporter of Trialism.[2] His scheme, so far as imperfect evidence goes, was not of this type. He proposed, indeed, to upset the dualistic system, and thereby to overthrow the undue influence exercised by the Magyars in the Austro-Hungarian Monarchy, but his actual proposal appears to have been to substitute a centralized control. He would have had a central executive for the whole Monarchy, but with very large local devolutions of power. Thus his scheme was not trialistic, though it was anti-dualistic. Some people might have said that it was a reconciliation of the two. There is not enough information, however, to show what his ultimate ideas were. It seems certain only that he was anti-Magyar and anti-Serb in his ideas. He proposed to support the Catholic Croats against the Orthodox Serbs, and to prevent the Magyars from paralysing the efforts

[1] The limits of the Slav State varied considerably, but they usually included Croatia, Bosnia, the Serbs of Southern Hungary, and the Dalmatians, and sometimes excluded the Slovenes.

[2] *v.* Seton-Watson, *German, Slav and Magyar*, pp. 109–12.

of the Dynasty to rally the various subject nationalities round the throne in a common loyalty.

The general aims of Trialism were not easy to realize. Even if the proposed Yugo-slav State did not include the Slovenes (and that would rob the settlement of any final character), there remained German islands in this area which the German nationalists could not abandon. The few Italians involved would resent their inclusion in a people whom they despised. Above all, the Magyars would never relinquish their hold on Croatia and their port of Fiume. On the contrary, Magyar policy aimed rather at the acquisition of Dalmatia and Bosnia-Herzegovina and a future on the water. Lastly, the Serbs, both of Serbia and of Austria-Hungary, rejected any scheme of Trialism coming from the Habsburg dynasty itself; the Serbs of Serbia, because it would weaken the appeal of their kingdom as the destined unifier of their race; and the Serbs of the Monarchy, because it would mean their inclusion in a state founded on a Croatian and Catholic basis. The only consistent supporters of Trialism were to be found in those aristocratic and Catholic circles at Vienna who still held to the federalist ideas of 1860, and in the Croatian opposition parties (Frankists, Starčevists) at Zagreb whose political creed was the restoration of the mediaeval kingdom of Croatia to the exclusion of the Serbs. The attitude of the Slovenes during the war shows that there must before then have been considerable sympathy amongst them for the trialistic idea. But, lying as they do on the high road from Vienna to the sea, they were in 1914 so little likely to obtain inclusion in a Yugo-slav State that their aspirations were both unheeded and indeed unformed. Thus Trialism was essentially a Croatian solution based on the supposed character of the Croats as 'the truest Austrians'.

(*c*) *Greater Serbia.* This was as partial a solution, in the Serbian sense, as Trialism was in the Croatian. It aimed at gathering into Serbia all those of the Yugo-slav race who professed the Orthodox religion and used the Cyrillic alphabet. It was the undoubted aspiration of Serbian patriots that their kingdom should be the nucleus of a State at least as large as that, and consequently it is difficult to see how war between Serbia and the Habsburg Monarchy could ultimately have been avoided. The claims of the Pan-Serbs included Southern Dalmatia, most of Bosnia-Herzegovina, Eastern Slavonia

(Syrmia), and the Serbian districts of Bačka and the Banat in Southern Hungary.[1] Could she acquire these districts, Serbia would unite within herself all but a few thousands of Serbs, and she would possess an opening on the sea, indifferent for commercial purposes but secure. To the limited and unaggressive imagination of the Serbian peasant that was enough. But this solution left out of account the new solidarity of feeling, which had grown up in the decade preceding the war, between Serbs and Croats in Dalmatia and Croatia. Since 1908 the majority in the Parliament at Zagreb had continuously consisted of the Serbo-Croatian Coalition, a party whose basis was the common interests and co-operation of both branches of the race. Greater Serbia could only come into existence after successful war with Austria-Hungary; and, even in that apparently unlikely event, the enlarged State would have to consider its relation to the other Yugo-slavs, since the sentimental and cultural bonds between Belgrade, Zagreb, and Ljubljana (Laibach) were growing stronger every year. Politically, however, there had been a slight set-back, for the Serbo-Croatian Coalition in Croatia had come to terms with the Hungarian Government in 1913. The Slovenes were still standing aloof, and it was only in Dalmatia and Bosnia that political connexions with Serbia were increasing in 1914.

(*d*) *Yugo-slavia.* The remaining solution only entered the field of practical politics with the progress of the war. But even before 1914 there were in all the Yugo-slav lands, especially in Dalmatia, those who looked forward to the unification of their race in one independent State. Before the War these men could not openly declare for a Yugo-slav State wholly free from the Habsburg dynasty. As soon as hostilities began some of them fled to the Entente countries, notably Supilo, the chief creator of the Serbo-Croatian Coalition, Trumbić, afterwards the Yugo-slav delegate at the Peace Conference, Hinković, a Croatian deputy, Jedlovski, a Slovene of Trieste, and others. These men formed the Yugo-slav Committee, with its headquarters in London in 1915, and issued their programme of a united and free Yugo-slavia. Their difficulties were immense.

[1] Syrmia, the Bačka, and the Banat were organized separately from Hungary between 1848 and 1860 and known as the 'Serbian Voivodina'. The term 'Voivodina' is used to-day by the Yugo-slavs to designate the Bačka, the Banat, and that small part of the Baranja now conceded to them.

They definitely distrusted Russia, whom they suspected with reason of working for the 'Greater Serbia' idea, and elected to make their appeal to the Liberal Powers of the West. But public opinion in Great Britain and France was not inflamed against the Dual Monarchy. Yugo-slav affairs did not arouse any great interest in London or Paris. The governing classes in both countries were inclined to be favourable to Austria-Hungary, which was widely regarded as a European necessity in her character as a reconciler of many races, as conservative and normally peaceful by reason of her internal difficulties. Thus the Yugo-slav Committee had neither the support of the Entente, nor of the mass of the Yugo-slavs themselves. It is highly doubtful if they were even supported by the Serbian Government. It is true that the Crown Prince Alexander and his Ministry took an early opportunity in November 1914 of appealing to all the Yugo-slav race, proclaiming that Serbia was fighting for their freedom. But the Old Radical (ministerialist) party, which clung to the Russian connexion, did much to justify the suspicion of the Croats that in the hour of victory the Serbs might repudiate them.

Thus, when the war broke out, it witnessed the application of the 'Repression' solution by Austria-Hungary. 'Trialism' for the moment was dead, along with Franz Ferdinand and his mysterious scheme of regeneration. 'Greater Serbia' was the Russian solution, 'Yugo-slavia,' the dream of a small class of *intelligentsia* in the Yugo-slav lands, and of a few idealists in England and France. The Entente as a whole had no Yugo-slav policy.

B. The Yugo-slav Movement during the War

2. *Austro-Hungarian policy on the eve of and during the War* (1914–17). The policy of Repression already alluded to must have led ultimately to war, but it is not quite clear that the leading statesmen of the Monarchy had definitely committed themselves to this view before the murder of Franz Ferdinand. The militarist party under Conrad von Hoetzendorff had long advocated this view. Conrad has himself stated that, on his appointment as Chief of the General Staff in the winter of 1906, he had at once expressed the view that the Yugo-slav problem was decisive in importance for the Monarchy. To

settle it properly, Italy must first be defeated, and accordingly he advocated war against that power in 1907. He again advocated war, this time with Serbia, in 1908–9, and again in 1912 and 1913; and once more in a Memorandum of the 21st June 1914, one week before the death of Franz Ferdinand. 'The present position of the Monarchy has therefore become such,' he wrote, that she 'must be prepared to take weighty steps to decide about her continued existence.' There is therefore no doubt about the militarist point of view, but it does not seem absolutely fair to assume that this view was accepted by the Austro-Hungarian Foreign Office. The Memorandum of Count Berchtold, written before the murder of Franz Ferdinand and quoted by Francis Joseph in a letter to the Kaiser of the 2nd July 1914, does not seem to prove that he actually advocated war, though he certainly contemplated it as a possibility.[1]

On the 7th July 1914 the Council of Ministers for Common Concerns decided on warlike action against Serbia, with the notable and important exception of Count Tisza, the Hungarian Prime Minister. Tisza understood, as perhaps no one else, the extreme delicacy of the dualistic system and the danger of interfering with it. Consequently even then he wished to inflict merely a great diplomatic defeat on Serbia and if possible still to avoid war. He held the view that 'warlike action should only be resorted to if it was impossible to humiliate Serbia diplomatically'. Even after the war began his aims were still very moderate as compared with those of the other Austro-Hungarian statesmen. He opposed altogether Conrad's plan for wholesale annexation of Serbia and Montenegro, and the partition of Albania between Austria-Hungary, Bulgaria, and Greece. He was utterly opposed to the addition of several millions of Serbs to the Yugo-slavs already within the Monarchy. In his confidential Note to Count Burian, the Austro-Hungarian Foreign Minister, on the 20th December 1915, he wrote that

[1] It was of course possible that this Memorandum may have been tampered with, as the object of Francis Joseph would be to convince the Kaiser that war was inevitable after the murder of Franz Ferdinand, and this object might be attained if he could prove that his ideas previous to the 28th June 1914 had been pacific. Nothing in the history of this period makes such falsification impossible, but necessary confirmation is lacking. The chief authorities on these points are Austrian Red Book, Parts I—III, 28th June–27th August 1914 (esp. pp. 1 to 13, Part I), London, 1920; and articles in *The New Europe* by Professor R. J. Kerner and by Spectator, 30th September and 7th October 1920 respectively.

'such action would lay the Monarchy open to internal disruption, and would not mean an increase in strength but a diminution in our living power and would compromise the future of the Monarchy'. The Serbs in the Monarchy already gave trouble enough to both Croats and Magyars. The only safe policy, therefore, was, to quote his Memorandum again, 'to cut off from the body of the Serb State all that has been promised to Bulgaria, to give to Albania those parts of Serbia and Montenegro which naturally belong to it, cut Montenegro off from the Adriatic, and we need only to annex the north-west corner of Serbia, to separate Serbia and Montenegro from the outer world, and to make them economically wholly dependent on the Monarchy'. Count Burian appears to have had a plan more extreme than Tisza's, and more moderate than Conrad's. He wished apparently to annex the region about Belgrade, and to advance in Novi Bazar until the Monarchy touched Albania. The differences here outlined seem to show that no common policy had been agreed on even by the end of 1915, and certainly not before the 28th June 1914. Whatever was the technical situation, the practical influence of the Hungarian Prime Minister was always most important, and until he was brought into line, it seems clear that the Common Ministers could not have committed Austria-Hungary to war. Moreover, it is clear that the different Ministers were not agreed as to what were their precise aims and objects, and continued to disagree actually during the war. It would appear, therefore, to follow that though the logical result of the policy of Repression was war, it was not an object which had actually been decided on previous to the 28th June 1914. Like almost everything else in the affairs of the Dual Monarchy, hesitation, inconsistency and opposed policies prevailed until the moment when the Monarchy was put to its final test and disappeared for ever.

The ideas of Count Tisza at the end of 1915 have already been indicated, and they summed up the Hungarian attitude with sufficient accuracy until the end of the war. Some faint Austrian attempts to use milder and more conciliatory methods during 1917 were wrecked on the Hungarian rock. Consequently the above general indications seem all that is necessary to show the positive and constructive ideas of the chief servants of the Habsburg dynasty. In practice there was brutal and savage repression in all Yugo-slav areas both within and

without Austria-Hungary by Austrian and Hungarian officials and military commanders.

The last really authentic evidence of the Yugo-slav policy of the Common Monarchy is in the interview between the German Chancellor and Count Czernin in the presence of the German General Staff at Kreuznach on the 17–18 May 1917, when an agreement as to peace terms was reached upon the following lines: 'complete integrity of the (Austro-Hungarian) Monarchy with Mount Lovčen (in Montenegro) in addition, military rectifications of frontier in Serbia (particularly the Mačva), the establishment of a new small Serbia without harbours, the restoration of Montenegro and Northern Albania, all three States to be militarily, politically, and economically dependent on Austria-Hungary. The eventual establishment of a New Serbia, dependent upon Austria-Hungary, with an outlet to the Adriatic, will be regarded as a great sacrifice on the part of Austria-Hungary. Austria-Hungary will be friendly to Bulgaria's ambitions in Serbia, especially her desire for the Lower Morava.'[1] On the whole Tisza's policy would appear to have triumphed. Only a small part of Serbia was to be annexed to Austria-Hungary, while outlying parts of her territory were carved off for Bulgaria and Northern Albania. The only direction in which Tisza's policy has been departed from was that Montenegro, New Serbia, and North Albania were to be under military and political control by Austria-Hungary. This declaration of policy is the last agreed and definite scheme to which the Old Austro-Hungarian Government adhered, with the definite intention of solving the Yugo-slav difficulty, and the only one to which Germany is known to have consented. It was intended to settle once for all 'affairs in the East and the Balkans'. It was, however, only one part of a larger conception which included an Austro-Hungarian economic control of Rumania and a German one of Bulgaria. This again appears to have been only the prelude to the establishment of 'a common Germano-Austro-Hungarian economic state'. As such it went too far, and was probably quite impracticable, for the economic serfdom

[1] Ludendorff, *General Staff and its Problems* (1920), vol. ii, pp. 437–8. Germany differed only in details. She wished Montenegro to be a part of 'a new large Serbia' and Prishtina to be ceded to Bulgaria. She wished there to be no doubt as to the military, economic, and political control by Austria-Hungary of Northern Albania and New Serbia, but considered the details not to be her concern.

of the Balkans meant the destruction of their national aspirations, and incidentally also of those of Hungary, to which Tisza would never have consented. Hence, even in this case, when the Central Powers had for once reached a measure of agreement, the essentially temporary character of their military and economic solutions of national problems revealed itself.

The later schemes of conciliation, inaugurated by the Emperor Charles, were either not persisted in long enough or were so badly received by the various parties concerned, that we need not discuss them. They had no practical importance except as indicating that all previous policies of repression or economic absorption or denationalization of the Yugo-slavs had completely failed.[1]

3. *The policy of repression in action.* That the Yugo-slav nationalist agitation was deep-seated in the Dual Monarchy and not a mere creation of Belgrade, was shown by the measures directed by Austria-Hungary against her own subjects. At the outbreak of war the authorities applied repressive measures particularly to the Serbs, several thousands of whom were interned in Bosnia, especially the educated supporters of the national idea. Other elements of the population were systematically encouraged by the prospect of loot to attack or inform against the Serbs. Bands of irregular troops, largely gipsies and Moslems of the lower class, were employed to exercise terror in the countryside. Dr. Frank, the ultra-Croatian leader in the Parliament of Zagreb, declared in 1917 that he was approached in July 1914 by the chief of police with proposals for the murder of several prominent Serbian politicians.

But the attentions of the Government were not confined to the Serbs. Austria-Hungary knew that the certainty of war with Serbia would cause the flight of Yugo-slavs of military age, particularly in Dalmatia. Accordingly the news of the ultimatum to Serbia was not published in that province until after it had expired, and the interval was used for a wholesale 'drive' of educated Yugo-slavs, who were either imprisoned or drafted into the army. Similar measures were carried out elsewhere. Dr. Trešić-Pavičić, a Dalmatian deputy, after three months' imprisonment was brought before a judge, who explained his ignorance of the charge against the prisoner on the ground that it was impossible to keep pace with the arrests, of which there

[1] *v.* Chap. I, Part III.

had been 5,000 in Dalmatia, Istria, and Carinthia alone. At Trieste more than a thousand were arrested. Even in the early days of the war a prominent *rôle* among the nationalists was played in some districts by the Roman Catholic clergy, of whom sixty-seven from Istria were imprisoned. Altogether, the Yugo-slav estimate of 10,000 persons incarcerated seems to be an under-statement, and cannot include a considerable number who died in various internment camps in the later stages of the war.

The early stages of the war added to the sufferings of the people in the districts near the Serbian frontier, populated chiefly by Serbs. It had been expected that the campaign against Serbia would be in the nature of a short, sharp, punitive expedition. But the Serbians ejected the invading force from their country after a fortnight's fighting and themselves crossed the Save and the Drina, occupying considerable districts of Syrmia and Bosnia. Here the population welcomed them as national deliverers, and the reports of the Austro-Hungarian Command show that the Imperial and Royal troops had to contend with great difficulties caused by local civilians who acted as spies, cut the telegraph and telephone wires, and in many ways hindered operations. The General Officer Commanding at Zagreb further complained in September that the Croatian Government was intentionally blind to the Serbophile activities in Syrmia. When, however, in the autumn the Serbian Army was forced to retire to its own side of the frontier, its late hosts had to pay for their reception of the Monarchy's enemies, unless they had taken the precaution of also crossing the river with the Serbians. All subjects of the Monarchy, who were abroad and suspected of working with the enemy, were deprived of their citizenship, their property was confiscated, and their families were liable to deportation. By March 1915 the semi-official *Bosnische Post* was able to announce the expulsion into Serbia and Montenegro of 5,260 destitute families and 5,510 cases of confiscation of property.

After the second defeat of the Austro-Hungarian Army at the hands of the Serbians in December 1914, and its expulsion from Serbia, fighting was suspended on the Balkan front for nine months. It was clear that the Serbian Army on its own ground was a very much more formidable opponent than had been anticipated. Also the ravages of typhus made Serbia an

unwholesome area for operations. The Austro-Hungarian authorities used the interval systematically to lay waste their own frontier areas, evacuating the border population and destroying houses and churches. Thus from an early stage of the war, the Southern Slav lands were peopled with wandering bands of homeless refugees, later reinforced by deserters from the army, and becoming an increasing menace to public security.

The year 1915 was also filled with High Treason trials. The number of public hangmen was increased from two to ten. These officials were kept busy, for in October 1916, the assistant hangman at Vienna, though sentenced to ten days' imprisonment for being drunk and disorderly, was discharged on the ground that his services were constantly in demand. At the close of the year the third and final invasion of Serbia, carried out by German, Austro-Hungarian, and Bulgarian forces, was successful, and the populations of Serbia and Montenegro became, like the other Yugo-slavs, helpless suspects under an alien government. One third of Serbia was assigned by the conquerors to the Dual Monarchy; the remainder, ostensibly on grounds of nationality, to Bulgaria. The Serbian Court and Ministry found a resting-place at Corfu, where the gallant remnants of the Serbian Army were reconstituted. The entire Yugo-slav territories were now in the hands of foreign Powers, and the Yugo-slav movement seemed to be destroyed. But—as it was once true of Austria that 'it lay in the camp of Radetsky'—it was true not only of Serbia but of all Yugo-slavia that its future lay in the Serbian camp at Salonica.

The year 1916 was the worst period of the Yugo-slav fortunes. Any freedom of expression was still impossible in the Dual Monarchy, although the Croatian Parliament continued its sessions, the authorities of Budapest appearing convinced that the Croats could be trusted to support the Monarchy, especially in view of the change which had taken place in the character of the Entente.

4. *The Treaty of London, 26th April 1915; its effects on the Yugo-slavs.* In May 1915 Italy entered the war. The Yugo-slav Committee, in their appeal to France and Great Britain, issued a somewhat nervous welcome to the new Ally, pointing out that they claimed for their nation the whole Adriatic coast east of Monfalcone, and adding that the prospect of annexation by Italy of any of the Yugo-slav lands would be the one force

capable of rallying the Croats and Slovenes heartily to the Habsburg cause. The Governments of the Entente maintained a careful secrecy as to the terms of the Treaty of London (26th April 1915), on the strength of which Italy had joined the Alliance. But Supilo had an interview with Sazonoff, in the course of which he claimed that his suspicions were justified, and that Yugo-slav lands had been promised to Italy. The Yugo-slav Committee evidently knew the substance of the Treaty, for their map, published early in 1916, gave the territorial provisions with but trifling errors.

The chief grounds of offence to Yugo-slav sentiment were the attribution to Italy of the Yugo-slav territories on the Austrian littoral and the northern half of Dalmatia, and the special treatment proposed for Croatia as separate from Serbia. The treaty assigned Fiume and the Croatian coast to Croatia, and the south Dalmatian coast, most of which was to be neutralized, to Serbia and Montenegro. Thus, in the event of an Allied victory, their lands were once more to be divided between two or three Yugo-slav States and a foreign Power, while it appeared that the bulk of the Slovenes were expected to remain under Austrian rule, even if Croatia were made independent.

The discussion of this treaty had two effects. It split the Yugo-slav Committee. Supilo openly denounced Russia as the betrayer of Slav interests in her anxiety to create a 'Greater Serbia' and her willingness to sacrifice the Croats and Slovenes. He left the Committee after urging upon Trumbić and the Prince Regent of Serbia that the union of Serbs and Croats, the true aim of Serbian policy, could only be secured by ceasing to take orders from Petrograd. United Yugo-slavia, he maintained, would only be possible 'if strongly supported by England'. The Serbian Government, however, were not officially informed of the contents of the Treaty of London,[1] and the Yugo-slav Committee continued to adhere to Tsarist Russia until the revolution of 1917. Ultimately Supilo became reconciled with Trumbić, and almost the last act of his life was to express approval of the 'Pact of Corfu'.

[1] The Treaty was published by the Bolsheviks in the winter of 1917. The Yugo-slavs received no official information of its existence until January 1920. President Wilson has stated that he did not know of its existence until January 1919, when he formally refused to recognize it. *V.* also *infra* Chap. V. *passim*. and Vol. I, pp. 170–1.

Secondly, the effect of the Treaty in the Dual Monarchy was disastrous. The Yugo-slavs received the impression that their interests were a matter of indifference to the Entente. Their soldiers were stimulated to fight for Austria-Hungary, who had found in Italy an enemy to whom the Yugo-slavs could be trusted not to desert in large numbers. The situation was one of tragic irony. The Habsburg Government was obliged to repress a disaffected race, and yet that race placed its superb fighting qualities at that Government's disposal. Yet even so the attempt of the Hungarian Government in 1915 to extract from the Croatian Parliament a repudiation of the Yugo-slav Committee and a declaration of loyalty to the Monarchy met with slight success. The Parliament refused to disavow the Committee's programme, and the central authorities had to be content with a protest against Italian aspirations and a vague assertion of loyalty to the Emperor-King; after which Parliament was prorogued. To the disastrous effect of the Treaty of London on the Yugo-slavs should also be added that of Rumania's entry into the war in the autumn of 1916 on the strength of another secret agreement. It is difficult to ensure secrecy for far-reaching measures in war-time, and it is highly probable that the Serbs of the Banat were quickly aware of the Allies' promise of that province to the Rumans. This would account for the unwillingness of the Yugo-slav volunteers in the Dobrudja to co-operate with the Rumanian Army.

5. *Revival of Yugo-slav Moral.* Cases of desertion to the Russian and Serbian Armies were numerous in the early stages of the war.[1] By the end of 1916 there were in Russia over 60,000 Yugo-slav troops, largely Croats and Slovenes. The Yugo-slav Committee in Odessa had taken up their enlistment into Volunteer Divisions in 1915, and eventually, despite the suspicious attitude of the Tsarist Government, succeeded in organizing the enrolment of 46,000 men, who proved their excellent fighting qualities. Officers were sent from the re-constituted Serbian Army in 1916 to take over the command. The first Yugo-slav Division, which took part in the disastrous

[1] It was, however, admitted that certain Croat regiments had participated in the terrorism of occupied Serbia. These regiments seem to have been under Frankist influences as they were largely recruited from the Zagorje the stronghold of Frank. For Dr. Frank *v.* p. 188, n. 1.

fighting in the Dobrudja at the end of 1916, was almost annihilated. This misfortune, along with friction over their maintenance and supplies, Red propaganda and their unwillingness to fight for Rumania, caused disputes in the ranks of the volunteers. A certain cleavage between the Serbs and the others became apparent. Some Croatian and Slovene officers published a protest, emphasizing the united Yugo-slav character of their ideals, which were opposed to the predominance of any part of the race over the remainder.

Towards the close of 1916 the delicate plant of Yugo-slav nationalism seemed on the point of death, although the Serbian Army gave proof of its resurrection in its successful advance on Monastir. Along with the other nationalities of the Dual Monarchy, the Yugo-slavs seemed destined to sink into the new *Mittel-Europa*, whose organization was being prepared. But the next two years witnessed the steady growth of the Yugo-slav movement and its ultimate triumph. Several events mark the early stages of this resurrection.

(*a*) *The Death of the Emperor.* On the 21st November 1916 the Emperor Francis Joseph died. His successor, the young Emperor Charles, was reported to share the views of his murdered uncle, Franz Ferdinand, in favour of something like Trialism. He issued a proclamation promising to respect the equality of all the peoples of his Monarchy. The germanizing v. Koerber and the Magyar Burian were displaced in favour of Clam-Martinić and Czernin, as Austrian Prime Minister and as Foreign Minister respectively. Clam-Martinić made a declaration of his policy, which he declared to be one of justice and conciliation to all the nationalities. Even if the Slavs by long experience had learned to suspect the promises of Vienna, it was clear that a milder régime had begun, an impression greatly strengthened by the new Emperor's act in releasing a number of prominent Slavs imprisoned for political offences.

(*b*) *The Allied War-aims.* In December 1916 the Central Empires began overtures for peace, and President Wilson requested the opposing sides to make a statement of their war-aims. Hitherto, the Entente Powers had been officially pledged to no undertaking with regard to the Yugo-slavs beyond the promise of Yugo-slav lands to Italy and Rumania. Now, however, on the 10th January 1917, they despatched to America a Note, in which they required the restoration 'with

the compensations due to them' of Serbia and Montenegro and 'the liberation of the Italians, as also of the Slavs, Rumanes, and Czecho-Slovaks from foreign domination'.[1] Since the Czecho-Slovaks here received special mention and the Polish question was treated in a separate paragraph, the word 'Slavs' could only refer to the Serbs, Croats, and Slovenes. The Allied Governments had by no means committed themselves to the dismemberment of the Habsburg Monarchy, but their words showed the direction in which their policy was naturally evolving. At last the Entente was coming forward definitely as the champion of national self-determination at the expense of such non-national States as the Austro-Hungarian and Turkish Empires. The Allied Note might be interpreted as no more than an intention to demand autonomy for the subject races. But a promising start had already been made. The Yugo-slavs of the Dual Monarchy might henceforth reasonably suppose that they had the sympathy of the Entente.

(*c*) *The Russian Revolution.* Although for eight months after the revolution of March 1917, Russia remained a member of the Entente, it very soon became clear that a wholly new situation had been created on the Eastern Front. The Russian Armies were of little further use to the Allied cause. But the Central Empires could no longer point to the menace of Tsarism to stimulate the loyalty of their subject peoples. Instead of urging the Catholic Slavs against the Russian bayonets, the Central Empires now had to preserve them from contamination by Russian revolutionary ideas. Democratic phrases began to be bandied about in Austria-Hungary. A new atmosphere was created. Above all, the sinister influence of Tsarism, which had kept Serbs and Croats apart, was removed. The Serbian Government and the representatives of the Yugo-slavs were now free to lay down the lines of a common policy.

(*d*) *The Entry of America into the War.* If the military collapse of Russia enabled the Austro-Hungarian authorities to represent the final triumph of the Entente as impossible, the balance of power was gradually restored by the appearance of America as a belligerent. Of the Western Powers America was probably the best known, at any rate to the poorer classes of the Yugo-slavs. The Yugo-slav colony in America was incomparably greater than that in any European country, and

[1] *v.* Text in Vol. I, App. I; cf. also Vol. I, pp. 172–3.

it was from North and South America that most of the funds and support of the Yugo-slav Committee were forthcoming. The Yugo-slavs saw in America a great democratic nation, evidently not moved by the desire for territorial acquisitions, naturally fitted for impartiality in European affairs. Further, America was not bound by those secret treaties which had aroused so much distrust. The United States could invoke the ideals of nationalism and self-determination unhampered by any previous territorial bargaining, and in the great Republic the Yugo-slavs could expect to find a sympathetic supporter.

(*e*) *The Restoration of Political Life in Austria.* The Emperor Charles seems to have been convinced that the Monarchy's interests would be best served by conciliation of the nationalities and freedom of political discussion. The Hungarian Government would have nothing to say to such ideas, and in any case were able to display the uninterrupted continuance of the Hungarian Parliament, in which, however, the Magyar predominance underlay and rendered nugatory the façade of constitutional forms. But in Austria preparations were made for the early re-opening of the Reichsrat. The Austrian Government found themselves in a position of great difficulty. In the Reichsrat the Slavs were in a small majority over any combination of the other races. In order to secure that first necessity of constitutional life, the passage of the Budget, the Government issued hints as to local autonomy, and kept Pan-Germanism as far as possible in the background. The Slavs, however, came to the parliamentary battle-field determined not to be bought with phrases, and saw their opportunity in the Monarchy's extreme economic necessities. Following the example of the Czechs and Poles, the Yugo-slav deputies formed themselves into one club, in which Slovene Clericals and Dalmatian Liberals united under the leadership of a young Slovene priest from Marburg, Fr. Korošec. When the Reichsrat met on the 30th May 1917 the Yugo-slav Club at once put forward a declaration demanding 'on the basis of the national principle and Croatian State Right the unification of all territories of the Monarchy inhabited by Slovenes, Croats and Serbs in one independent political body, free from all foreign domination and founded on a democratic basis, under the sceptre of the Habsburg dynasty'. This manifesto was signed by all the thirty-three Yugo-slav deputies, even including the two

(Šušteršić and Jaklić), who subsequently separated from their colleagues and supported the Government. The reference to the Habsburg dynasty appeared to be dictated only by prudential motives; and such was the interpretation put upon it by the Yugo-slav and the Viennese press. In subsequent Yugo-slav declarations the 'May manifesto' was taken as a minimum, and the reference to the house of Habsburg usually omitted. It is not surprising that the German-Austrian newspapers denounced the Yugo-slavs as traitors, and said that their leaders spoke as if they were paid agents of the Entente.

In the agitation which followed this declaration of policy the lead was taken by the Slovenes, owing to the Government's repressive measures in Istria and Dalmatia. It is interesting to note how the Catholic Slovenes, led largely by their clergy, moved steadily towards the idea of union with Orthodox Serbia. The movement was evidently widespread, for in 1917 a petition for incorporation in a state which should include all Yugo-slavs was reported to have received the signatures of 200,000 women, i. e. about one-seventh of the total Slovene population. The sufferings of the Slovenes during the war and the Government's indifference to their interests, must have been great in order to cause this rapid development of a national sentiment, which was present but not conspicuous before 1914.

The new reign had also brought a resumption of parliamentary life in Croatia.[1] Here the ministerialist Coalition party could not go so far as the Slovenes without endangering the measure of Home Rule which Croatia enjoyed. Yet they also issued a declaration of a moderate Yugo-slav kind. On the 2nd March 1917 they demanded the reunion of Dalmatia to Croatia in the framework of the Hungaro-Croatian Common State. But for the time being the Coalition leaders were more occupied with the immediate task of securing an extension of the narrow Croatian franchise and the appointment of a patriotic Croat as Ban (head of their government). These objects were furthered by the Emperor-King's dismissal of the conservative Count Tisza in May, and the nomination as

[1] The parties in Croatia were as follows: the Serbo-Croat Coalition (Svetozar Pribičević), which stood for reconciliation between Serbs and Croats; the Starčevists (Pavelić), who advocated the revival of the Croatian kingdom; the Frankists (Dr. Frank), who stood for obedience to Vienna; the Peasant Party, or followers of Radić, who advocated a wild plan of agrarian reform.

Hungarian Premier of Count Eszterházy, who was expected to launch a scheme of electoral reform in Transleithania. The new Premier had to choose with regard to Croatia between a Government based on the support of the Coalition, or a Government based on the Frankists, the only enthusiastically pro-Habsburg party at Zagreb, or a frankly unconstitutional dictatorship. The last two would have been in contradiction to the new parliamentary orientation of the Monarchy, and their mere suggestion aroused the protests of the more liberal press in both halves of the Monarchy. Also the Frankists were known to be anti-Magyar and to look to Vienna for deliverance from Budapest. Eventually, a landlord of Slavonia, Mihalović, was appointed Ban. On the 12th July the new Ban presented to the Parliament of Zagreb his cabinet and his programme, which was to be one of nationalism and electoral reform. The only sign of Yugo-slav aspirations was an allusion to our people 'without distinction of name, religion or class'. But, if the Coalition were opportunist, and continued to pay lip-service to the union with Hungary, the opposition parties at Zagreb developed a fierce attack on that union. The Starčevists came forward as the champions of Yugo-slav nationalism. From having been stiff supporters of the exclusively Croatian state-idea, they now accepted the ideal of the 'May manifesto', thereby drawing to themselves those Serbs who were discontented with the Coalition's moderation. In August, Radić, the leader of the small Peasants' Party, made a considerable sensation by declaring that the will of the people could not be fulfilled without complete independence and the union of all the Yugo-slavs in one State. On the 1st July the Frankist organ, *Hrvatska*, lamented that 'to-day 90 per cent. of the Croatian intellectuals are enthusiastic for the chimerical Yugo-slavia'.

It was at this moment, when the national idea was rapidly capturing all localities and the most varied interests amongst the Yugo-slavs, that a definite programme was announced to the world by their exiled fellow-countrymen outside the Monarchy.

(*f*) *The Manifesto (Pact) of Corfu, 20th July 1917.*[1] After the fall of the Russian autocracy there was no reason why the

[1] *v.* Text in Vol. V, App. III. No Montenegrin representative was present.

Serbian Government should not openly adhere to the programme of United Yugo-slavia. The Serbian Prime Minister, M. Pašić, and the President of the Yugo-slav Committee, Dr. Trumbić, entered into negotiation, and on the 20th July 1917 issued the Manifesto of Corfu, which laid down the bases of the future 'Kingdom of the Serbs, Croats and Slovenes'. This future State was to be a 'democratic and parliamentary monarchy under the Karageorgević Dynasty', in which the maintenance of both the Latin and the Cyrillic alphabets and the equality of the three religions, Orthodox, Catholic and Mohammedan, were guaranteed. The signatories claimed all the lands inhabited in territorial continuity by their nation, including Montenegro, and repudiated any partial attempt at the national unification. The details of the future Constitution were to be elaborated by a Constituent Assembly, elected by universal suffrage; but it was provided that local autonomies should be established in accordance with natural, social and economic conditions. This State, it was asserted, would contain twelve million inhabitants, would be a strong bulwark against the Germanic thrust southwards, and a worthy member of the new Community of Nations, based on the rule of international law and justice.

The publication of this Manifesto marks a decisive point in the Yugo-slav movement. At last all nationalist sections of the people had a definite war-aim before them, even if within the Dual Monarchy some were doubtful about certain points and nobody could in so many words declare his adhesion to the document. Although none of the Entente Powers officially expressed approval of the Manifesto, yet the favourable reception accorded to it in the Entente countries acted as a great encouragement to Yugo-slavs both within and without the Dual Monarchy. A steady stream of Yugo-slav volunteers from America began to flow into the Serbian Army. The Croatian and Slovene newspapers published the text of the Manifesto without any comment, thus infuriating the official press of Vienna and especially Budapest, where a revival of Trialism was feared and threats of separation were levelled at Austria for her inability to keep her Slavs in order.

Proposals of Trialism were indeed now put forward as attempts to conciliate the Yugo-slavs. Dr. Pilar, in August 1917, proposed a scheme by which Croatia, Slavonia, Dalmatia

and Bosnia-Herzegovina should be united in an autonomous and constitutional state, under a Habsburg duke of Croatia, and joining in the common affairs of the Monarchy through the medium of a third delegation equal in number to the Austrian or the Hungarian. In November, Mgr Stadler, the Catholic Archbishop of Sarajevo, issued a declaration in favour of the revival of an autonomous Croatian kingdom, containing all the territories mentioned by Dr. Pilar, as well as Eastern Istria, and even, it was hoped, at some future date the Slovene lands. These plans were denounced by the Magyars, who saw in the growing movement a danger to their possession of a littoral and their exploitation of the nationalities.

It is remarkable that the clergy, even some noted for devotion to the Habsburg dynasty, were conspicuous in their support of the Yugo-slav Club's May declaration. Mgr Stadler's organ, *Hrvatski Dnevnik*, and some of the higher Croatian clergy adopted it; the Slovene clergy preached it; and in September the very influential Prince-Bishop of Ljubljana (Laibach), Mgr Jeglić, expressed his approval of the nationalist demand. The now famous Fr. Korošec visited Bosnia and Croatia to organize the national movement, to the indignation of the Magyar press, which declared that it was the Government's duty to hang on the nearest tree persons who thus came from Austria on to Hungarian soil in order to stir up treason against the Hungarian State. Growing bolder, Fr. Korošec in October 1917 denounced the Austrian Government's indifference to Yugo-slav claims, and declared that the matter would be settled 'in the forum outside the Monarchy, which would be to the interest neither of the Monarchy nor of the dynasty'.

In October 1917 the Dual Monarchy, rapidly sinking into economic and social chaos, seemed galvanized once more into life by the victory of Caporetto, and the support accorded to the Austrian Ministry by the Poles, in return for the promise of the inclusion of Galicia in the Polish kingdom. This impression was strengthened when in November the Bolshevik Government of Russia opened negotiations for peace. The apparent deadlock on the Western Front, and the disappearance of Russia as a belligerent caused the Entente statesmen to put forward more guarded and moderate declarations with regard to the Dual Monarchy. In his speech of the 5th January 1918

Mr. Lloyd George said that 'the break-up of Austria-Hungary is no part of our war-aims', and that, if genuine self-government on democratic principles were given to the nationalities, 'Austria-Hungary would become a Power whose strength would conduce to the permanent peace and freedom of Europe'. Although President Wilson spoke clearly on the 8th January in favour of self-determination, he said also that he did not wish to break up Austria-Hungary, and the Entente seemed for the moment to despair of complete victory and to be making attempts at the detachment of Austria-Hungary from Germany.[1] This policy was probably quite impracticable, owing to Germany's hold on her ally, and, had it been successful, would only have meant the continuance of national struggles in the Dual Monarchy, where the Slavs were now determined not to compromise.

Despite the moderation of the Entente's pronouncements, manifestations of Yugo-slav nationalism increased in 1918. On the 31st January the Yugo-slav Club sent out a Memorandum to the Peace Conference at Brest-Litovsk, denouncing the Dual Monarchy for not permitting its nationalities to be represented at the Conference, and demanding that free self-determination which the Bolsheviks had proposed as a condition of peace and without which peace was impossible.

The publication of this document was forbidden by the Austrian censor, but it appeared in the *Obzor* of Zagreb on the 3rd February. The Croatian censor had before shown his Yugo-slav sympathies by permitting the publication of Trešić-Pavičić's famous speech in the Reichsrat on the 19th October 1917, with its revelations of appalling atrocities in Dalmatia and Bosnia.[2] The press of Vienna in March 1918 complained that in Croatia the police declined to interfere with demonstrations, and that public officials collaborated in disorder. On the 31st January the *Novine*, the organ of Archbishop Bauer of Zagreb, stated that the Gordian knot of Yugo-slav difficulties

[1] Cf. Vol. I, pp. 189–95, 371. Text of Wilson's speech is in Vol. I, pp. 481–5.

[2] The speech was delivered in the Reichsrat on the 19th October, and a censored edition appeared in *Novosti* (the Croat journal) on 25th–26th October; the full text was long in being disclosed. The censored text is in *Les Souffrances d'un peuple*, Mémoire du parti socialiste serbe, Préface de Camille Huysman, Geneva, 1918. On the 20th February 1918, Trešić-Pavičić referred to this previous speech and said that what he had then said was only the 'pale reflection' of what had actually occurred and was still occurring in various districts.

'must be cut by the sword of Alexander', a thinly-veiled reference to the Prince-Regent of Serbia. The sixtieth birthday of Count Lujo Vojnović, the Dalmatian poet, lately released from prison, was made the occasion of Yugo-slav *fêtes*, at which complete independence from Habsburg rule was demanded. The list of demonstrations in 1918 could be indefinitely prolonged. Mention should, however, be made of the feeling shown by the Yugo-slav troops. One Bosnian regiment (the 22nd) mutinied in February. Many deserters took to the hills and forests of Bosnia and Croatia, where they formed irregular 'Green Bands', causing a state of siege to be proclaimed in Croatia. Most striking of all was the mutiny in the fleet at Cattaro in February. The Yugo-slav sailors, who formed a large proportion of the personnel, secured possession of a number of vessels, and, when threatened by loyalist ships, sent an aviator to Italy to ask for assistance, but without success.[1]

The Yugo-slav leaders were now convinced that the Dual Monarchy could not emancipate itself from Pan-German control. The transference of the Yugo-slav volunteers from Archangel to the Serbian Front in Macedonia, and the development of Yugo-slav propaganda across the lines in Italy, had great moral effect and the increasing numbers of the Entente's forces compelled belief in their power, as soon as the German thrust of March was brought to a standstill. But the Yugo-slavs could not commit themselves to the Entente, as long as they suspected Italy of designs on their lands. It was, therefore, of great importance that early in 1918 Signor Orlando countenanced discussions with Dr. Trumbić which resulted in the Pact of Rome, signed in March by Dr. Trumbić and by Signor Torre, representing a strong committee of the Italian Parliament.[2] This agreement received wide support among instructed Italian circles which had become convinced of the anti-Habsburg nature of the Yugo-slav movement, and of the necessity for Italo–Yugo-slav friendship and co-operation. By this convention it was agreed that each of the two nations was vitally interested in the completion of the unity and independence of the other; that to both nations the liberation of the Adriatic was of equal importance; that both bound themselves to solve

[1] Cp. pp. 50, 123, 205–6.
[2] *v.* also Chap. V, pp. 293–5.

their territorial controversies on the basis of national self-determination, though with respect for the vital interests of each; and that any groups of one nation, which should be included within the frontiers of the other, should receive guarantees for their cultural and economic welfare. This agreement, though not supported by the Italian Minister for Foreign Affairs, had far-reaching effects in persuading the Yugo-slavs that in Italy they had a friend and not an enemy.

Their confidence in the Entente was increased by the American declaration of the 28th June, that 'all branches of the Slav race should be completely freed from German and Austrian rule'.[1] The revolutionary movement now spread rapidly in the Austro-Hungarian Army and Navy, and prepared the way for the collapse of the Dual Monarchy's forces in October.

C. The Yugo-slav Revolution

6. *The Serbian offensive of September 1918.* The Gordian knot of Yugo-slav politics was 'cut by the sword of Alexander'. The advance of the Serbian Army from the Salonica Front profoundly affected the Southern Slav lands and brought on their complete break with the Dual Monarchy. In August the situation in Macedonia decided the Allied Command in favour of an offensive. Most of the German troops had been withdrawn. The Allies were reinforced by nine Greek divisions. The position of the Western Front was hopeful, and the *moral* of the Bulgars was known to be considerably lowered. The plan adopted was to pierce the Bulgarian line in the centre on a front of thirty kilometres, to press on across very difficult mountainous country, to reach and bestride the middle Vardar, and so to cut off the Bulgarian forces in western Macedonia from the remainder and from their own country, while at the same time turning the flank of the Bulgarian fortified line north of Doiran. On the whole line the Bulgarians had a slight numerical superiority in rifle strength, but on the portion of the front selected for the break-through the six Serbian and two French divisions were concentrated, so that there they outnumbered the enemy by more than three to one, with a corresponding superiority in artillery and machine guns. Despite the advantage of numbers, however, it might well have been

[1] Cf. Vol. I, pp. 198–200.

doubted if the attack could prove successful, so strong was the enemy position on the precipitous Moglenitza mountains. On the 15th September the attack opened all along the line. In the centre the French and Serbians effected the proposed breach, and then, while the British and Greeks slowly pressed forward in the face of strenuous resistance, the Serbians poured through the gap and hurried northwards. The country was too difficult to permit of any kind of wheeled transport. But the Serbs are masters of mountain warfare. They left their transport behind, and within a week two of their divisions were on the Middle Vardar in the neighbourhood of Krivolak. The Bulgars began to retreat at every point. While the British crossed the Bulgarian frontier and entered the Strumica valley. The Serbians continued their pursuit through Štip and up the Bregalnica. After eleven days from the opening of the offensive the Bulgars asked for terms, and on the 29th September an armistice was signed at Salonica.

Although chagrined at being prevented by the armistice from entering Bulgaria, the Serbians without delay proceeded to the task of clearing their own country of Austrian troops and the German divisions which had been brought up to save the situation. The peasantry everywhere joined their efforts to those of the victorious army, which continued to advance rapidly, despite the ravages of influenza and the methodical destruction of roads and railways by the enemy.

On the 1st November the Serbian cavalry rode into Belgrade. Immediately deputations began to arrive from the Banat, from Syrmia, and finally, on the 5th November, from the National Council at Zagreb, asking for Serbian troops in view of the anarchy prevailing in those territories. Accordingly the Serbian Army passed on out of its country to the occupation of the Yugo-slav lands. In the south some of the Yugo-slav division were already in Montenegro. By the 17th November the Serbs occupied a line Temesvár–Subotica–Baja–Pécs.[1] The headquarters of the second army was established at Sarajevo. Serbian troops were already at Zagreb, whence one battalion had gone on to Fiume on the 15th. Small detachments were at Spalato and Ragusa. At the end of the two months' offensive the Serbians, who had started with a rifle-strength of less than 40,000, had taken 26,000 prisoners, and found them-

[1] *v.* Map of ultimate armistice line, opp. p. 122.

selves in occupation of territory six times the size of their own kingdom. Meanwhile events had occurred elsewhere which caused the Yugo-slavs as a whole to look upon the Serbians not only as conquering brothers of their race and language, but also as their only defence against invasion from another quarter.

7. *The Revolutionary Movement within Austria-Hungary, October–November 1918.* By August the authority of the Central Government was coming to an end in the Slovene lands. On the 16th–19th a congress was held at Ljubljana (Laibach), at which a Slovene National Council was formed under the presidency of Fr. Korošec, who declared that it was merely preparatory to a united Yugo-slav Council soon to be established at Zagreb. The council at once began to assume the character of an unofficial executive. In October the Yugo-slav Club issued a declaration insisting that

(*a*) The Yugo-slavs were a single, indivisible people;
(*b*) They demanded national self-determination;
(*c*) They would grant cultural privileges to any racial minorities in their midst, and would open the Adriatic ports to free commerce;
(*d*) They demanded representation at the Peace Conference.

Members of all political parties signed this statement, except the official Coalition and the Frankists. Coming shortly after the Bulgarian collapse it was taken to indicate that the end of the Habsburg Monarchy was considered to be imminent, and that the wrath of Vienna need no longer be considered.

The Governments of Vienna and Budapest were meanwhile carrying on somewhat academic discussions on the solution of the Yugo-slav problem. It was clear that large concessions to Yugo-slav nationalism could no longer be avoided. Indeed they were necessary for the Monarchy's attempt to secure terms of peace through President Wilson.

But to the last all such plans were wrecked on the mutual opposition of Austria and Hungary. The Austrian Premier alluded to forthcoming measures which should provide for the unity and autonomy of the Yugo-slavs. This was met by the Hungarian demand that any such unity must be effected within the Hungarian State-system and under the crown of St. Stephen. Count Tisza toured through Bosnia to secure

support for a Hungarian solution of the problem, but found no adherents worth consideration. Finally, on the 16th October, the Emperor Charles issued a manifesto converting Austria into a federation of self-governing national States, but expressly providing that no alteration should be made with regard to Hungary. This was no solution of Yugo-slav difficulties, since it could apply only to Dalmatia, Istria and the Slovene lands, and even if it had dealt with the whole question, it was too late. None of the nationalities of Austria accepted the Imperial offer. Instead they took it as the signal for the break-up of the Habsburg Monarchy. The day after the promulgation of the manifesto, Fr. Korošec in the War Committee of the Austrian Delegation, repudiated the Imperial solution. The political representatives of the Yugo-slavs had no further dealings with the Central Government, and now transferred their activities to Zagreb.

On the 11th October there had been a meeting between the Yugo-slav parties pledged to the formation of a National Council and the Serbo-Croatian Coalition. Two days later the *Jug* was able to report that 'a perfect accord was reached as to the Coalition's adhesion to the great National Council'. The National Council was finally composed of eighty-five members representing the various Yugo-slav provinces, on the rough basis of one to every 100,000 inhabitants, with five members from each of the Parliament of Zagreb, the Yugo-slav Club and the Bosnian Diet. Fiume and Trieste each had its representative. The President was Fr. Korošec, and the Vice-Presidents Dr. A. Pavelić (Starčevist) and Svetozar Pribičević (Serb of the Serbo-Croatian Coalition). These three, with three other politicians of Zagreb, formed the executive committee in whose hands lay the direction of policy. On the 19th October, as an answer to the Imperial Manifesto, the now constituted National Council issued a declaration in favour of self-determination similar to that of the Yugo-slav Club. But for the final step of a break with Austria-Hungary the Parliament of Zagreb waited for the issue of Count Andrássy's overtures to President Wilson. The Italian Government on the 25th September had announced that it considered 'the movement of the Yugo-slav peoples for the acquisition of their independence and for their constitution in a free State as being in harmony with the principles for which the Allies are fighting, as well as with the

aims of a just and durable peace'. But this statement, admirable in itself, did not bind the Allies, and the Yugo-slavs were not certain whether the Entente might not even yet come to terms with the Habsburg Monarchy. Count Andrássy had asked the American President what form of autonomy for the nationalities would meet with his approval. The President replied that this was a question for the Czechs and Yugo-slavs to decide, and at this word the Habsburg Monarchy finally dissolved.[1] Everywhere National Councils took over the government of their various peoples. The President's reply was published in Zagreb on the 21st October, and became known elsewhere in the course of the next few days. Everywhere Croatian and Yugo-slav tricolors were hoisted and adhesion to the National Council declared. There followed indescribable confusion. The German and Magyar troops of occupation were disarmed, and began to move off towards their homes. All the Adriatic ports and the railways were choked with hundreds of thousands of men who crossed each other's routes on their disorganized journey to their own portions of the Monarchy.

But the creation of the new political order was begun at once. On the 29th October the Parliament of Zagreb unanimously denounced all connexion with the Habsburg Monarchy, proclaimed the national union of Croatia with all the Croatian, Serbian and Slovene lands, and despatched a telegram recalling the Yugo-slav troops from the Italian front. The presence of General Sunarić and other military chiefs indicated that the Croatian forces adhered to the national revolution. The Ban Mihalović then rose, and speaking in the name of the Government, surrendered the executive power to the National Council, which thus became the recognized Government of the nation. Local National Councils were quickly organized in the various provinces to take over the direction of affairs from the Imperial and Royal authorities, and to preserve order. Thus the Yugo-slav revolution was carried out peacefully; and its rapid execution justified the attitude of the various parties during the war. Fr. Korošec and the Slovenes, who had had nothing to lose but their personal freedom, had led the way and pro-

[1] Cp. Chap. I, Part III, §§ 30, 37. *v.* 'How Austria-Hungary collapsed', by J. S. Lupis-Vukić, *New Europe*, 25 December 1919, pp. 334–8; *v.* also *supra* Chap. II, Part II.

gressively increased the Yugo-slav demands, supported by the opposition at Zagreb. The Coalition had made no open move until the Government of Budapest was helpless to resist. When the moment came, all the Yugo-slav parties of the Monarchy united, and the government passed automatically into their hands. The officers and functionaries of Croatia merely had to change the badges on their caps for the national tricolor stamped with the letters S.H.S. (Srbi, Hrvati i Slovenaci).[1]

The new State which had thus come into existence was only a temporary expedient. It was recognized by no authority beyond its frontiers, except the Austrian Emperor, who on the 31st October accepted the inevitable and sanctioned the transference to it of the Austro-Hungarian fleet on the Adriatic. The National Council had internal problems to face. Besides the prevailing anarchy, there were those who wished to see an S.C.S. Republic; also certain elements who could scarcely endure the thought of merging their national life in that of 'barbarous' Serbia; also the Italian part of the population in Istria, Fiume, and Zara, who might be expected not to share in the general Yugo-slav enthusiasm. But the two pressing problems, on which all else depended, were those of the new State's relation to Serbia and its relation to the Entente. These two issues were closely interrelated, but it may be convenient for clarity to consider them separately.

8. *The Union with Serbia, 4th December 1918.* All Austrian or Hungarian solutions of the Yugo-slav problem being now out of the question, it remained to be seen whether the mutual jealousies of Serbs and Croats were still strong enough to create a Greater Serbia and a separate Croatia, or if the unity of the race would at last produce united Yugo-slavia. The union of all the Yugo-slav provinces with Serbia on the basis of the Manifesto of Corfu was the aim of the National Council from its first assumption of authority. Already by the 28th October Fr. Korošec with other delegates had arrived at Geneva to get into touch with the Yugo-slav Committee and the Serbian Government, and to inform the Entente Powers of the desires of the Serbs, Croats, and Slovenes. The delegation at once conferred upon Dr. Trumbić, president of the Yugo-slav Committee, the task of representing the National Council with the Allies until a common Serbo–Yugo-slav organ of diplomatic

[1] Usually written in English S.C.S. (Serb-Croat-Slovene).

action should be formed. Fr. Korošec then approached the Allied Powers, requesting recognition of the National Council as a belligerent government. By the 6th November, M. Pašić, Dr. Trumbić, and representatives of the various parties in the Serbian Parliament had reached Geneva and met the Yugo-slav delegation in a four days' conference. Recognition of the National Council was immediately accorded by the Serbian Prime Minister, who also instructed the Serbian Ministers at London, Paris, Rome and Washington to approach the Governments to which they were accredited with a view to obtaining similar recognition for the S.C.S. State and for its volunteer troops as an Allied army. Secondly, the Conference proceeded to the formation of a joint Ministry, which should not supersede the Serbian Royal Government or the National Council, but should act as a Serbo–Yugo-slav Federal Cabinet dealing with war, joint finance, communications, reconstruction, prisoners of war and the preparations for the united Constituent Assembly announced by the Manifesto of Corfu. This ministry was to be formed of three Serbians and three Yugo-slavs. At the same time it was announced that all economic and political frontiers were abolished within the united territories of Serbia and the Yugo-slav lands, though the existing *de facto* organs of government were called upon to continue their functions for the time being. Thirdly, the conference discussed the question of Montenegro, where public opinion was believed to be strongly in favour of union with the new State, and invited the Montenegrins to declare themselves in that sense. The Conference then left for Paris to constitute the joint ministry and to press their demand for the Entente's recognition. The difficulties put in the way of the former object (owing, it was believed, to 'Great Serbian' intrigues on the part of some members of the Conference) cast discredit on the new-born union of the whole Yugo-slav people. Recognition was not accorded by the Entente Powers.

The National Council were distressed to find that the Entente did not at once accept them as friends and allies. They were still further distressed and alarmed at the Italian occupation of those Yugo-slav lands which the Treaty of London had attributed to Italy. In particular, the Dalmatian and Slovene delegates, who were among the most eager for the union of the whole nation, saw their own provinces occupied

by foreign troops, and urged the immediate necessity of adherence to Serbia as providing the only chance of recognition by the Entente. Thus Italian pressure acted as a political solidifier, and hastened the last steps towards Yugo-slav unity. On the 24th November the S.C.S. military forces were merged in the Serbian Army, and the National Council decided to appeal from the politicians in Paris direct to the Prince Regent Alexander, to whom they proposed to offer the Regency over all Yugo-slavs. The resolution which contained this offer called upon the Prince to appoint a joint Ministry of Serbians and Yugo-slavs, and to summon a 'State Council' consisting of the National Council, fifty representatives of the Kingdom of Serbia, and five each from Montenegro and the Voivodina[1] (Banat and Bačka). This State Council, to which the joint Ministry was to be responsible, was to draw up the election procedure for the Constituent Assembly which was to be convened as soon as peace and order were restored. Meanwhile the administration of the various provinces was to proceed under the direction of provincial governors appointed by the Prince Regent. The reluctance of Zagreb to submit the control of the nation to Belgrade is noticeable in the provision that the State Council and the Constituent Assembly were both to sit in Sarajevo, evidently considered a suitable capital for the new kingdom as a compromise and as lying nearer to the centre of the kingdom's territories.

On the 1st December a deputation from the National Council conveyed this offer to Prince Alexander at Belgrade and received his acceptance. No territorial name could be found to describe the new kingdom, and the nomenclature used in the Manifesto of Corfu was adopted. On the 4th December the National Council proclaimed the 'Kingdom of the Serbs, Croats and Slovenes', and this action was regularized in an Act passed by the National Council and Skupshtina sitting together as an Assembly on the 16th December.

9. *Union with Montenegro.* In the closing stages of the war two elements claimed to speak for the Montenegrins: King Nicholas and the Montenegrin Committee. The King professed enthusiasm for united Yugo-slavia, but insisted that it should take the form of a confederation, in which his own

[1] The Assembly at Podgorica sent a special resolution to Belgrade (26th November), as did the Voivodina (25th November).

kingdom should retain its separate identity under his own dynasty, and he consistently demanded separate representation for his Government at the Inter-Allied preliminary Conference and at the Peace Conference. The Montenegrin Committee, which was organized by M. Andrija Radović, ex-Premier of Montenegro, claimed that Montenegro's historic *rôle* as the refuge of those Serbs who would not submit to foreign government, was now wholly unnecessary, and that Montenegrin feeling was already swallowed in a wider Serbian patriotism. They stood for the Manifesto of Corfu, with its absorption of Montenegro in the new kingdom. They also represented King Nicholas as having played a double game, himself apparently adhering to the Entente, while his son, Prince Mirko, lived at Vienna with a view to preserving the dynasty if the Central Empires proved victorious.

When the Montenegrins rose against the Austrian occupation in September and October 1918, a temporary national Government, hostile to King Nicholas, was set up. The arrival of small detachments of the Serbian Army (chiefly Yugo-slavs and Montenegrins) strengthened the authority of this Government. Two members of the Montenegrin Committee, MM. Radović and Spassojević, arrived in November and proceeded at once to organize a response to the Geneva Conference's invitation for an expression of opinion from Montenegro. On the 26th November a 'National Assembly' met at Podgorica and voted the union of the country with Serbia and the deposition of King Nicholas and the Petrović dynasty. A deputation then left for Belgrade to lay this resolution before the Prince Regent, who received it on the 16th December, and signified his acceptance, which was embodied by the Assembly in an Act passed on that day.

The unionist Montenegrins claim that this closed the question of Montenegro, which was henceforth regarded by the Yugo-slavs as an integral part of Serbia. Inter-Allied forces were in the neighbourhood at Cattaro. An American major stopped an Italian force proceeding to Cettinje in November, and mediated between the new Government and insurgents in January 1919. But in fact the country has since been the scene of frequent disturbance. The facts are exceedingly obscure, and it is doubtful if they are known to any living persons. It is probable that the Assembly at

Podgorica was most irregularly elected, and contained only partisans of union. On the other hand, if any considerable particularist opposition had existed in Montenegro, the fact that only unionist opinion was articulate cannot be explained by the pressure of the very small Serbian military forces. There seems to be no doubt that the Montenegrins, as a whole, desire to form part of united Yugo-slavia, but that they cannot in a moment forget their particularist tradition and resent being administered in a draconian fashion by men who have spent their lives in Serbia. A new *régime* under such circumstances cannot be popular, but it is remarkable that the growth of a feeling for autonomy under some form or other of union with Yugo-slavia seems to have continued, while the followers of King Nicholas have greatly declined in numbers.

King Nicholas refused to accept his deposition at the hands of the Podgorica Assembly and published a proclamation to that effect.[1] His position at the Conference was never defined; he addressed a letter to President Wilson which remained unanswered; his representatives were never summoned to the Conference[2]; and his Prime Minister has subsequently demanded the admission of Montenegro into the League of Nations without success. Theoretically the Allied and Associated Powers had not recognized the deposition of King Nicholas. France and Great Britain both stopped paying their subsidies to him in November 1920, the latter's diplomatic representation ceasing at his court after the 24th August. He remained a King *in partibus* of an independent State with a dwindling revenue and entourage. The legal position was that Serbian troops were keeping order in Montenegro on behalf of the Allies, until the Supreme Council should decide on her destiny. In Great Britain a number of parliamentary representatives took up the case of Montenegro, and the British policy, as

[1] His proclamation announced that he was not against union in a Yugo-slav state but that there must be two separate dynasties. King Nicholas was residing in France at this time.

[2] It is stated that the Supreme Council decided on the 12th January 1919 that Montenegro should be represented by a delegate, but that his appointment should be left open. Subsequently the S.C.S. Government appointed M. Radović as one of their plenipotentiaries, who might conceivably be held to be a delegate of Montenegro, though not of King Nicholas. The revised proposals of Clemenceau and Lloyd George (14th January 1920, *v.* p. 317) contemplated a Serb-Croat-Slovene State in contact with North Albania (i. e. Montenegro would be included in the former), but this arrangement did not materialize. *v.* A. Devine, *Mystery of Montenegro*, 1920, and Letter in *Truth*, 9th March 1921.

eventually announced, was as follows. Lord Crawford on the 29th November 1920 stated that independent reports had already been presented on the condition of Montenegro since the Armistice by two British officials who had visited the country. 'His Majesty's Government were reluctant to accept the decision of the Podgorica Assembly as definite and decided to await the result of the elections to the Constituent Assembly.' A third official,[1] the Assistant Commissioner at the Klagenfurt plebiscite, was then despatched 'to visit Montenegro in order that he might be present while the people are actually voting', and 'judge properly as to the correctness of the official returns'.

The result was that out of ten deputies in Old Montenegro [2] 4 voted Communist and 1 Republican, the other 5 were Democrat or Radical, but all favoured some form of union in the Yugo-slav state. King Nicholas's partisans could not agree on a candidate. Over 67 per cent. of the electors voted. This election was considered decisive, and on the 30th December 1920 France withdrew her diplomatic representative from King Nicholas (who died 1st March 1921); Great Britain cancelled the exequaturs of Montenegrin consuls (17th March). The future of Montenegro, therefore, was to lie in Yugo-slavia.

10. *Relations with the Allies after the Armistice.* The fall of the Dual Monarchy occurred before the Allies had made any decision on the Yugo-slav question. The question of the Habsburg Empire was decided by its own disruption. That of the Czecho-Slovaks and of the Poles was comparatively easy. Both were recognized allies, and their claims did not collide with those of the Entente. But the Yugo-slavs had at the moment no recognized organ of representation, and their claims were in most serious conflict with those of Italy, not to mention the Rumanian claim to the whole of the Banat. Allied opinion was divided on the Treaty of London. The Governments of Great Britain and France stood committed to it.

[1] These three officials were Count de Salis, Major H. W. V. Temperley and Mr. Roland Bryce, who were accompanied by Major L. E. Ottley.

[2] *v.* Parl. Paper. Misc. nos. 1–2 (1921), Cmd. 1123–4. The charge of intimidation would appear to be groundless as the Government was at least as much opposed to Communists as to partisans of King Nicholas. 'Old Montenegro' as an electoral area means pre-1913 Montenegro, which contained about 300,000 persons. New or North-East Montenegro voted separatel in the electoral area of Serbia. It contains about 135,000 persons, mostly Albanians, who were not likely to favour King Nicholas.

The United States was not informed of the existence or contents of the treaty, nor was Serbia, the country most nearly concerned. But during 1918 the Italian Government had shown increasing sympathy with the Yugo-slav national idea. At the end of October there occurred the complete collapse of the Austro-Hungarian Army in Venetia, and Italy found herself suddenly triumphant, with no enemy before her. Instead, barring her onward progress with words and appeals to nationalistic principles, appeared the nation which until a few days before had given devoted military service to the Habsburg crown. In a moment of such exaltation the Italian authorities could hardly be expected to pause and do homage to the national principle, as represented by their late opponents. Thus a collision of interests between Italy and Serbia was imminent, and the situation one of the greatest delicacy.

The Armistice[1] (3rd Nov.), handed to the Austro-Hungarian command by General Diaz, provided for the inter-Allied occupation of certain territories lying along the Adriatic, which the Yugo-slavs were alarmed to find corresponded with the districts assigned to Italy by the Treaty of London. The Italians claimed to occupy these areas without inter-Allied co-operation, and some facts suggested that they regarded them as annexed to the kingdom of Italy. The Yugo-slavs demanded either no occupation, since they were the allies of the Entente, or else occupation by Powers not themselves directly concerned in the local national dispute.

A difficulty at once arose over the Austro-Hungarian fleet. On the 30th October, at Pola, the Yugo-slav sailors, who formed a large proportion of the naval personnel, with the help of Czech and Polish supporters, mutinied, and it was decided that the Yugo-slav National Committee at Pola should take over the vessels in the port. The next day the Emperor Charles formally made over the whole fleet on the Adriatic to the National Council. The Croatian flag was hoisted, and a message was despatched to the Entente Powers explaining the situation. As by an unfortunate accident the Dreadnought *Viribus Unitis* was next day sunk by the Italians, the Yugo-slav Naval Command addressed a message to the American commander at Corfu, declaring its readiness to surrender the fleet to the

[1] *v.* for fuller discussion of all these problems, Chap. II, Part I, and Chap. V, Part I.

United States or to the Allied Navies. An Italian naval force entered Pola on the 5th November, and the Inter-Allied naval officers jointly arranged for the surrender of the whole fleet to the Allies, not recognizing it as made to the Yugo-slavs.

The Italian Army then proceeded to the sole occupation of the areas within the line drawn by the Armistice. They also occupied other points, Cattaro, Antivari, the neighbourhood of Laibach, and eventually Fiume, which, though assigned to Croatia by the Treaty of London, was declared to have expressed a desire for annexation to Italy. Here they came into competition with their French and Serbian Allies. They therefore abandoned South Dalmatia and Scutari to mixed Allied occupation and Carniola to the Serbians. They associated small British, French and American forces with themselves at Fiume, inducing the Serbians, who had been the first Allied troops to arrive in that town, to evacuate it on conditions to which Italy did not subsequently adhere.

11. *The Question of Recognition.* As regards the raising of the blockade and commercial intercourse, Yugo-slavia fared very badly at the hands of the Allies. On the 8th February free commercial intercourse was permitted with Czecho-Slovakia, and on the 28th February with Bulgaria (as from the 21st). No such permission was given to Yugo-slavia till the end of March. This bore hardly on Serbia, which was then approachable by rail only across Bosnia or Croatia. Thus the Serbians, to say nothing of the Croats and Slovenes, were worse treated than late technical enemies like the Czecho-Slovaks or real enemies like the Bulgarians.

Meanwhile the members of the Geneva Conference were at Paris pressing for Entente recognition of the National Council. The Entente Governments refused recognition of the Yugo-slavs as Allies until two conditions were fulfilled. The conditions of the Armistice must first be carried out and a common Serbian–Yugo-slav Government formed. The surrender of the fleet and the successful insistence of the Allies that the Yugo-slav military forces must be disbanded (though they were free to volunteer for the Serbian Army) fulfilled the former condition. The announcement in *The Times* on the 3rd January 1919 of the first united Yugo-slav Ministry under the presidency of M. Protić, with Fr. Korošec as vice-president, fulfilled the second. Recognition of the Serb-Croat-Slovene State was

accorded by President Wilson on the 5th February, but not by the other Great Powers; and the three delegates sent by this joint Government to the Peace Conference, although they were M. Pašić of Serbia, Dr. Trumbić, a Dalmatian Croat, and Dr. Zolger, a Slovene, came officially to Paris as the representatives of Serbia.[1]

D. The Yugo-slavs at the Peace Conference

12. *The Yugo-slav Memorandum of Claims.* The memorandum of the claims of the Serb-Croat-Slovene State, as presented to the Conference, was, like all such statements, of considerable length. It was also, like all the rest, based upon considerations partly ethnic, partly historic, and partly strategic and economic. But it differed from almost all the others, as, for example, the Italian, the Greek and the Rumanian, in that the ethnic argument was the strongest and most permanent element on which the Yugo-slavs could rely.[2]

The Memorandum which they presented bore obvious traces of the hand of M. Cvijić, the most learned and enlightened not only of Serbian, but of all Balkan geographic experts. It began by a demonstration of the unique character of Serbia as a 'guardian of the gate' between the East and West, as the chief upholder of the doctrine of right against might and liberty against force, in the recent (and indeed in the age-long) history of her resistance to the aggression of the Germans and Austrians towards the East (*Drang nach Osten*). It went on to say that the war had enabled the three sections of the Yugo-slav race—the Serbs, Croats, and Slovenes—to demonstrate their solidarity and conjunction with Montenegro, as shown by the vote of its Assembly at Podgorica in November 1918 (which deposed King Nicholas), and to show to the world

[1] In the rules of the Preliminary Peace Conference (18th January 1919), printed in April 1919 (*v.* Supplement to the *American Journal of International Law*), 'Serbia' alone is mentioned. Recognition was in fact accorded by the Allied and Associated Powers on the 1st May 1919, when credentials were exchanged with the German Delegation in the name of the Serb-Croat-Slovene State. Great Britain and France made the fact that they had recognized the new State public on the 2nd and 6th June respectively. Italy withheld her recognition in name but not in fact. On the 28th June the Treaty of Versailles, signed by Italy as well as by the other Powers, contained a full acknowledgement, which soon became public, of the Serb-Croat-Slovene State. *v.* also Chap. VII and Vol. V, Table III, note on Recognition.

[2] For statistical examination, *v.* Vol. V, Table I.

that the long-sundered fragments of the Yugo-slav race were at last reunited as one nation and people with an undivided purpose and aim. As such they appealed to the doctrine of self-determination as accepted by the Powers, and claimed that the principle of nationalities and the right of the nations to dispose themselves of their destinies constituted the basis of their claims.

In regard to Bulgaria the Memorandum claimed rectifications on grounds that were partly ethnic and partly strategic. It claimed the Strumica salient, an extension of the frontier into Bulgarian territory some 20 kilometres east of the 1913 boundary near Vranje, the Dragoman Pass, and possession of territory sufficient to protect the railway from Zajecar to Negotin and to include the great fortress of Vidin.[1] It was claimed, with some truth, that some of the inhabitants in the areas thus affected were actually Serb, and that, in any case, strategic necessities required that a protective belt should be given to Serbia on this frontier to prevent Bulgarian raids or attacks in the future, as Bulgaria had proved herself untrustworthy in the past.

In regard to Rumania, a strong claim in favour of the Western Banat was put up on grounds of historic or ethnic justification. The boundary actually claimed here extended to a point just south of Arad, and thence descended due south, in an irregular line, to the Danube. The very important railway centre of Temesvár and the riverine port of Băziăs were included in this claim. In fact neither town was predominantly Yugo-slav, and such claims as existed would have rested on economic, historic or strategic grounds.

In regard to Hungary the Yugo-slavs made the following claim. From a point just south of Arad, they argued, the frontier should run westwards to the Danube, just falling south of Szegedin, placing Szabadka (Subotica or Maria Theresiopol) in Yugo-slav hands, but assigning Baja to the new Hungary. In the Baranja the suggested line ran south of Pécs, and included a long strip of territory north of the Drave. The Medjumurye, which had been severed from Croatia by Hungary, and the Prekomurye were both claimed on the ground of their Slav origin and sympathies.

[1] Neither Vidin nor Tsaribrod, the two chief towns affected, had any considerable number of Serb inhabitants. *v.* Map opp. p. 452.

It is with the Slovene territory that the question of the relation of towns to their surrounding districts arose in an acute form. The line as drawn west of the Prekomurye to the Italian frontier at Pontafel included four very important and predominantly German towns—Radkersburg, Marburg, Klagenfurt, Villach—the latter an extremely important strategic point, forming the centre of the railway connexion between the Tyrol, Italy, and Vienna. In this area then the Yugo-slavs were conflicting partly with the ethnic principle, partly with the principle of freedom of communication.

From Pontafel southwards a more purely ethnographic frontier was claimed following a course about 15 kilometres west of the right bank of the Isonzo, and reaching the sea at Monfalcone—which it left to Italy. The whole of the Istrian peninsula (which contains 223,318 Yugo-slavs to 147,417 Italians), including the predominantly Italian towns of Trieste and Pola, was claimed for Yugo-slavia. The Memorandum spoke even of the 'absurdity' of Italian claims on Trieste, and this in a town which in 1910 numbered 57 per cent. of Italians against 43 per cent. of Yugo-slavs.[1] Effective use was made of a sentence of Baron Sonnino: 'The vindication of Trieste as a right would be an exaggeration of the principle of nationalities without presenting any real interest for our defence' (*La Rassegna Settimanale*, No. 29, 1881, p. 338). A phrase, which described the Italian towns on the west side of the Istrian peninsula as 'buttons on the Slav mantle', was quoted with approval. The important city of Fiume, which, with its suburb Šušak, has a Slav majority against Italians, was claimed *in toto* for Yugo-slavia. It was also pointed out, with a considerable amount of emphasis, that President Wilson, in speaking of 'self-determination', took care to add 'of the nations', 'and his thoughts never went so far as the small communities'. Fiume commanded 'the accesses to Northern Bosnia, Croatia, Hungary, Northern Serbia, . . . in one word to Slav and certain adjacent countries'. It was claimed, however, that Fiume should be Yugo-slav and not international. For 'if it is equit-

[1] There was more logic in the argument that the retention of Trieste by Italy would force the Italians to claim the 220,000 Slavs of Istria, the 155,000 Slavs of Gorizia and 100,000 Slavs from Carniola. It was contended that this would separate 884,000 Slavs in all 'from the living organism of their nation'. (This is not very clear; about 700,000 Slavs would have passed to Italy under the Treaty of London.)

able and right to procure, by artificial means, such issues to nations which do not possess them, the more it is right to leave the natural issues to nations which possess them'.

As regards Dalmatia, it was pointed out that the census of 1910 gave 610,660 Serbo-Croats against 18,028 Italians, or 96·19 per cent. to 2·84 per cent., and that Dalmatia was 'the purest of all Slav countries'. It was not stated that Zara possessed a majority of Italians, and that two Istrian islands (Lussin and Veglia) had strong minorities of Italians. The whole Dalmatian coast, plus the islands, was claimed unreservedly for Yugo-slavia on the grounds of the ethnic predominance of the Yugo-slav.

In respect to Albania the Memorandum was vague in its language, though it recognized the possible independence of Albania. But, with obvious reference to Italy, it claimed that if the Conference 'were disposed to recognize to a foreign State a right of occupation or protectorate over the totality or a part of the said territory, we must declare that we mean to keep the right of guaranteeing our vital interests in these regions—claiming the same rights for our states'. What this meant is shown by one of the maps attached to the Memorandum. It includes the towns of Alessio and Scutari in Yugo-slav territory, as well as the line of the Drin to a point near Dibra; in addition the whole of the shores of Lake Ochrida with the town of Pogradetz would pass into Yugo-slav hands. Scutari, Alessio and Pogradetz are all almost purely Albanian towns, and the rest of the territory included is Albanian in race, if not always in sentiment. Thus, whatever claims the Yugo-slavs might advance to Albania were based on the principle of balance, of compensation or of strategy, and not upon that of ethnic justice.

13. *The General Principles underlying the Settlement of the Yugo-slav Boundaries at the Conference.* (*a*) *The Northern Frontier to Beremend.* The western boundary of Yugo-slavia was subsequently settled at Rapallo by direct negotiation between Yugo-slavia and Italy.[1] As such it is described elsewhere. The northern boundary starts at Pec, the place where Italy, Austria and Yugo-slavia meet. The result of the Klagenfurt plebiscite has handed over more than 80,000 Slovenes to Austria, and the boundary here follows the Karavanken.[2] The Prekomurye is a pronounced projection to the north. The frontier eastwards follows the line of the Mur and the Drave

[1] *v.* Chap. V, Part I.

[2] *v.* Chap. VI, Part II.

until it reaches Beremend. This frontier is obviously an almost purely ethnic line. The only two departures from this rule are the inclusion in Yugo-slavia of the German districts of Gottschee and the German town of Marburg (Maribor). These do not really raise much question of principle. Gottschee is an island in a Slav sea, and Marburg is surrounded by Slovene villages, and is important to Yugo-slavia from a communication point of view.

(*b*) *The Baranja.* From Beremend the frontier proceeds eastward through the Baranja, to hit the Danube below Mohacs. This frontier is not purely ethnic, but the continual shifting of the bed of both Drave and Danube rendered the river lines here unsuitable as frontiers. The present frontier gives the Yugo-slavs an extension to the north, and includes a ridge of hills of importance for defence. Hungary retains the valuable coal-mines of Pécs, and holds another mountain-line which strengthens her defensive position. Neither side is in a position to assume the offensive.

(*c*) *The Bačka and Banat.* The Yugo-slav frontier in the Bačka includes the important town of Szabadka (Subotica), and stops just south of Szegedin. It then turns in a general south-easterly direction towards the Danube, including Nagy Kikinda and Versecz (Všrac) in Yugo-slavia. The ethnic character of these areas is exceedingly mixed in both cases, and the main objects of the boundary are two: first, to give Belgrade a substantial bridgehead on the north side of the Danube; second, to draw lines suited to the ethnic features. Most people will admit that the Bačka frontier—between Yugo-slav and Magyar—is not drawn to the advantage of the latter, but that the Banat frontier is a fair compromise between the conflicting Rumanian and Yugo-slav claims. On the whole, then, the northern boundary of the Yugo-slavs (and the eastern to the Danube) is one that satisfies their claims equitably, and in the Bačka even exceeds their expectations. The Yugo-Slavs claimed Temesvár [1] in virtue of historic rights, but the ethnic case against them was overwhelming. Much irritation, which has now finally died down, was caused in the summer of 1919 when the frontiers were made definite.

(*d*) *The Frontier with Bulgaria.* This is described in detail elsewhere.[2] The main points illustrate, however, a valuable

[1] The environs are German or Rumanian and less than 5 per cent. of the town population are Serb. For further treatment *v.* Part II, § 18 (*c*), pp. 229–30.

[2] Chap. VIII, § 7, C, and map opp. p. 453.

principle. The strategic character of the frontier is admitted, but care has been taken to draw a line, which puts both sides in a good defensive position, without giving either the capacity for an offensive. Had the Serbs secured Vidin and the Dragomanci Pass, the Bulgars would have been helpless, and Sofia would have been threatened at the outbreak of war. This was not permitted, and Bulgaria still has a good defensive position, while she is unable to threaten the vital railway line from Nish to Salonica. She has lost some population of Bulgarian race, but once granted the necessity of strategic rectifications, this was inevitable, and the numbers involved are small. It is instructive to compare the Yugo-slav frontier with Bulgaria, and in the Baranja, with the Italian in the Brenner. In the latter case Italy obtains a capacity for the offensive against Austria, while the Yugo-slavs only possess sound defensive positions against Hungary and Bulgaria.

(*e*) *The Albanian Frontier* (*v.* Chap. V, Part II, *passim*).

(*f*) *Fiume and Dalmatia* (*v.* Chap. V, Part I, *passim*).

(*g*) *General Conclusions.* The Yugo-slavs have obtained an excellent frontier to the north, exceeding in some respects that advocated by fervent champions of their cause in 1915. The striking feature is that, though they have lost the Slovenes of the Klagenfurt basin by plebiscite, they have been enabled to obtain the control of large numbers of Magyars, Germans and Rumans in the Bačka and Banat with a frontier highly favourable to Yugo-slavia and without the agency of a plebiscite.[1] The principles on which the Powers acted in this decision have not been revealed to the world. It is, however, obvious that plebiscites would have been very difficult in a area which is a parti-coloured mosaic of nationalities. As the boundaries in Hungary are not distinguished by any natural features, they will form a study of peculiar interest in the future. As regards the two boundaries (Baranja and Bulgaria), these are a model of how to draw a just and moderate strategic frontier. On the whole, Yugo-slavia has gained greatly, having acquired areas of vast agricultural wealth, to which at least two other nationalities laid claim. Provided free communication through Fiume is assured, the economic possibilities of Yugo-slavia are great.

[1] In the case of nearly half a million Slavs assigned to Italy without plebiscite, the 'sanctity of treaties' was asserted by the three Powers as a principle. *v.* Chap. VII, pp. 405–6.

CHAPTER IV

THE LIBERATION OF THE NEW NATIONALITIES

PART II

RUMANIA AND THE REDEMPTION OF THE RUMANIANS

1. *Parallel between Rumania and Italy; relations to Central Powers.* A close parallel has rightly been drawn between the situation of Rumania and that of Italy at the outbreak of the European War—a situation which in both countries developed, further, on somewhat similar lines through the opening stages of the Peace Conference. Like her western 'Latin sister', Rumania, at the outbreak of war, found herself the associate of the Central Powers, with whose policy of aggression every consideration alike of sentiment and of interest induced her strongly to disagree. Italy had entered into the Austro-German alliance in the 'eighties partly as a mistaken reply to the supposed aggressions of France in Africa, but chiefly because only some such move could assuage or defer the burning controversy of *Italia irredenta.* Rumania, on her part, had similarly attached herself in 1883 to the same group of Powers, moved alike by resentment against and fear of Russian policy and also by the desire to improve by this peaceful means the lot of the 3½ million Rumans of Austria-Hungary whom she was too weak to liberate by force. The difference between the position of Italy and of Rumania lay in the fact that the former was an open, the latter an undeclared, ally of the Central Powers. The agreement of the 30th October 1883, arrived at between Andrássy and the elder Brătianu, under Bismarck's auspices (to which Germany and Italy became partners, and which was constantly renewed [1]), had never been submitted to the Rumanian Parliament. Its endorsement might have been hard to procure, for it was not generally accepted in Rumania, where Gallophilism was a cherished tradition, as anything more than a supposed diplomatic manœuvre. Nevertheless, the

[1] In 1888, 1892, 1896, 1902, and 1913.

practical results of the Entente of 1883 were of vital importance. They meant that for thirty years Rumania became a client of Austro-German commercial enterprise, and that through commerce and finance Germanic policy was able to control, even against its will, the Rumanian Government.

2. *Rumania refuses to enter the War, 1914.* The outbreak of war brought matters to a head. The tradition of attachment to the Hohenzollern-Habsburg cause weighed strongly with King Charles, himself a Hohenzollern. It was not only the natural ties of descent and friendship with the German rulers, but a rooted and sincere belief that only by the closest collaboration with Germany could Rumania now reap the fruits of the work which for forty-eight years he had painstakingly fostered, that of imitation of German methods alike military, scientific, and commercial. Convinced that the Austro-German *bloc* would be victorious, and that its victory would be a victory for efficiency and civilization over the Slav masses that surrounded Rumania on every side, King Charles could not hesitate as to his decision. The day after the outbreak of the general war he summoned to Sinaia a Crown Council, at which alike the Government and opposition leaders were fully represented, and proposed that Rumania should enter the war as the logical fulfilment of the policy of 1883.

It is no purpose of this record to recount the subsequent course of events: it is generally known how the Rumanian Government under M. Ion Brătianu cautiously refused to commit themselves to the King's proposals. The only opposition leader who favoured King Charles's plan was M. Petru Carp, a sincere enemy of Russia, who saw in Germany the natural friend and patron of Rumania's future development, alike political and economic. M. Carp was alone in advocating active intervention. Of his former colleagues in the Conservative party, M. Marghiloman, representative of the landed proprietors, a boyar of considerable intelligence for all his pro-German views, was against active intervention and counselled a resolute policy of neutrality. His former associates, led by Nicolae Filipescu, strongly pro-Entente in sympathy, were urgent for intervention against the Germanic Powers to achieve the liberation of Transylvania. Their divergence of view led shortly after to a disruption in the Conservative party and to an alliance between Filipescu and the leader of the Conservative

Democratic party, Take Ionescu, a statesman whose knowledge of European and British politics, unrivalled in Rumania, led him to foresee, as few others in South-East Europe did, the certainty of the eventual victory of the side on which were cast the full strength of the British Empire and the sympathies, and eventually the resources, of the United States.

3. *Neutral and Waiting Policy of Brătianu, 1914–16.* Three months later King Charles died, but the accession of his nephew, King Ferdinand, made momentarily no difference to the policy of watchful neutrality on which the Rumanian Government had decided. It was easily within M. Brătianu's power at any moment to bring his country into the war, for not only had the elections of December 1913 given the Liberal party the crushing majority in Parliament to which Governments in Rumania consider themselves entitled, but, further, such action would have been heartily endorsed, indeed it was clamoured for, by the greater bulk of the opposition now acting as a united group under the joint leadership of Filipescu and Take Ionescu. But Brătianu had much to make him hesitate. To break Rumania's ties with Germany might appear to him a serious step which only the certain defeat and collapse of the Central Powers could justify. Rumanian commerce and industry were closely bound up with those of Germany and Austria-Hungary, and to sever this profitable connexion of forty years was a serious step to take. M. Brătianu's own party, the 'National Liberals', were themselves greatly interested in banking and financial enterprises based fundamentally on the credit and support of the great German banks. Such considerations could not be ignored. And again, M. Brătianu could plead with reason—and events indeed more than justified such a plea—that Rumania was unprepared for war, that her supplies of guns, of munitions, of aircraft, of the requisite rolling-stock were inadequate to the task proposed, and that, unless the Dardanelles were forced or a means of contact with the West secured through Bulgaria, Rumania would have to depend for her equipment and reinforcement on the tedious and insecure route through Russia.

All this must M. Brătianu have considered, and no doubt urged to his King and colleagues. Yet he was not unmoved by the glittering prospect of using this unique opportunity for doubling the size and importance of his country by the acquisition of the neighbouring lands of Austria-Hungary, in which

the Rumanians are the predominating and perhaps the most ancient element of the population. Brătianu did not fall a victim to the Giolitti-like doctrine, preached by Marghiloman's supporters, that much could be gained without the ordeal of war, that the Central Powers could find a *parecchio* to reward Rumania's good behaviour, and that war on Russia for the recovery of Bessarabia (annexed by Tsar Alexander I in 1812) was a more urgent duty than war on Austria-Hungary for the liberation of the three and a half million Rumanians of the Dual Monarchy. M. Brătianu did not fall a victim to this theory. Like Baron Sonnino, he was filled with a patriotic—even chauvinistic—desire to use to the full this chance of founding the greater Rumania which the war had brought. But he lacked trust in his fellow men, and brought into international politics the methods of the bazaar. It is perhaps unfair to criticize the Prime Minister of a small State, a neighbour too of a great Empire ruled by an autocratic Government whose aims were intensely suspect to Rumania, for desiring a written bond before undertaking to plunge his country into the horrors of the world war. That M. Brătianu asked for a written alliance, while M. Venizelos did not, gives perhaps the measure of the two men. But M. Brătianu was at least as justified by circumstances as was Baron Sonnino.

4. *The Secret Treaty with the Entente, 17th August 1916.* The long story of the negotiations between M. Brătianu and the Entente Governments can find no place here. They were spread over nearly two years—from the autumn of 1914 until the 17th August 1916, when the fateful treaty was signed. Brătianu's enthusiasm for intervention waxed and waned with the periodical successes and reverses of the Entente Powers. At the same time, he found the Russian Government less inclined in the hour of success to accord him favourable territorial terms. Consequently there were many delays. Many in Rumania had expected and desired intervention in April 1915, simultaneously with Italy, and bitterly criticized the Italian Government for having failed to seek or secure Rumanian co-operation. The interventionist cry was still louder when the Central Powers began their final invasion of Serbia, and even M. Brătianu, while sticking resolutely to his neutrality—political and commercial—pushed on with his diplomatic negotiations. The Brussiloff offensive in June 1916 quickened his zeal, and its

waning vigour made the Tsarist Government more amenable to Rumanian demands. Already the Russian Government had accepted the idea of large Rumanian acquisitions in Transylvania and beyond. They now agreed (in their haste abandoning the Serbs of Torontál, as in April 1915 they had abandoned the Croats) to the annexation of the whole of the Banat to Rumania, a claim partly justified indeed on geographical and strategic grounds, but clashing seriously with Serbian racial and historic aspirations. The British and French Governments, heartily anxious to obtain Rumanian co-operation, raised no further objections to the territorial demands put forward by the Rumanian Government, and agreed to a frontier running up the Theiss to Szegedin, thence north-east diagonally (passing west of Békés-Csaba) to Vásáros-namény, and comprising, in conclusion, all Bukovina south of the Dniester.[1]

With most of the clauses of the Pact concluded on the 17th August we are not here concerned, for most of them dealt with military obligations. Two points, however, merit special attention. By Article 6 of the treaty, Rumania was promised 'the same rights as her Allies' in regard to negotiation and discussion at the future congress of peace. To M. Brătianu this concession seemed of vital importance; he seems somewhat naïvely to have imagined that this clause was a sort of diplomatic charter raising Rumania to the rank of a great Power. Once again his sense of reality was at fault, justified though his aspirations to equality of treatment might be. On the other hand, article 5 pledged both the contracting parties to conclude 'no separate or general peace except jointly and simultaneously'—a fateful undertaking on the execution of which the validity of the whole treaty was to depend.

5. *Rumania's entry into the War and her Defeat, 1916.* Faithful to her engagements, Rumania entered the war ten days later. Her proclamations showed that she intended to claim the Banat. The heated controversies that have raged over Rumanian and Allied strategy during the three months following her entry into the war cannot be reopened here. The accusations against the Rumanian Government of blindly misdirecting their energies to the Transylvanian instead of the Bulgarian front would appear strangely unjust, for not only must this plan long have been known to the Allied Governments, but further,

[1] *v.* map opp. pp. 122, 210.

the latter must have been aware that to the Rumanian people as a whole, whose cherished and direct aim was the liberation of Transylvania, a diversion of hostilities to Bulgaria would have been impossibly unpopular. Moreover, Rumanians can reply with some force, that the Allied Governments on their part did little to enhance the importance of the Balkan campaign; small indeed and ill-sustained were the efforts to develop a great offensive from Salonica on which Rumania claims to have relied and Rumanian popular songs bitterly attacked the delays of General Sarrail. Right or wrong, a Transylvanian offensive was the course adopted. A month of easy successes was followed by swift retaliation on the enemy's part. As to whether Russian dilatoriness or the inexperience of the Rumanian command was to blame, various opinions have been held. Desperate attempts to turn the tide of invasion were made but without success. On the 6th December 1916 the German armies entered Bucharest, and the Rumanian Court, Government and military forces evacuated Wallachia and transferred themselves to the sister country of Moldavia.

For nearly two years Wallachia had to endure enemy rule. Actual atrocities were few in number as compared with what went on in Serbia and elsewhere, but hardships there were. Cattle, horses, foodstuffs, metals, rolling-stock were seized and carried off to the enemy countries. Conditions of life were hard; and harder still for the many thousands of refugees who fled to Moldavia. The outbreak of typhus here added to the distress, and the loss of life was heavy. Yet amidst these disasters the country awakened to a new and sterner sense of life. With the help of General Berthelot and his French Mission, the Rumanian Army, under General Averescu's command, was reorganized and regained, or rather increased, its efficiency. The inadequacy of political conditions in the time of crisis was apparent. M. Brătianu, who had hitherto denied to the opposition any participation in affairs, now invited (December 1916) M. Take Ionescu and other Conservative leaders[1] into the Cabinet, and the new Coalition Government proclaimed a policy of universal suffrage and division of the big estates, to which six months later, quickened by the influence of the Russian revolution, Parliament gave legislative form.

6. *The Armistice, December 1917; the Peace of Bucharest,*

[1] Nicolae Filipescu had died some months before.

7th May 1918. The reorganization of the Rumanian Army proved itself in the fighting of July and August 1917, when at the battles of Mărăsti and Mărășești severe defeats were inflicted on the German invader. But the Russian Front was already broken or sapped, and with the advent of the Bolsheviks to power on the 6th November, Rumania's position became exceedingly grave. Following on the conclusion of an armistice on the 15th December, the notorious negotiations of Brest-Litovsk were opened on the 22nd December, and as it became clear that the Bolshevik Government had no scruples about signing peace treaties or any other 'scraps of paper' that the Germans might tender them, the imminent danger of Rumania being isolated from all Allied support had to be considered alike by her and the Western Powers. M. Brătianu could not be insensible to the fact that by making peace with the enemy he would violate the treaty of alliance of 1916 and run the risk of forfeiting all the advantages Rumania drew therefrom. He was therefore reluctant to engage himself and his party in peace negotiations, for he found it impossible to obtain from the British and French Governments authorization to conclude peace with the enemy so long as Rumania had an army in the field. On the 9th December, however, he concluded an armistice at Focșani with a view to peace pourparlers.[1] The Western Powers were not insensible to the difficulties of Rumania's position: on her southern and western flanks the enemy armies were threatening to renew what might prove a decisive invasion of Moldavia; to the north and east was Russia, whose Bolshevik Government openly menaced Rumania with war, and was in fact engaged in practical hostilities against her. But it was felt in Paris and London that any course was preferable to surrender, and that there might be some hope that the large and remodelled Rumanian Army, if the worst came to the worst, might evacuate Moldavia altogether and retire towards the Caucasus, where contact with the Allied Powers could be re-established. Whether or not this course were feasible, it found adherents even in Rumania: M. Take Ionescu and others of his way of thinking strongly urged that preparations should be made to continue resistance to the last, and to evacuate the country rather than submit. On the other hand, both King Ferdinand and the Rumanian Higher Command

[1] *v.* Vol. I, p. 221.

considered this a fatal course. They hoped by negotiations at least to save the army from destruction, and the King had been led to believe from the first tentative pourparlers with the Austro-Germans that an immediate readiness to treat would be rewarded by the enemy with lenient terms of peace. Unwilling to compromise himself, M. Brătianu resigned on the 8th February, and the King called on General Averescu, as an act of military duty, to form a Cabinet for the unpalatable task of concluding peace. Averescu felt he had no course but to obey. Negotiations were opened and on the 5th March—two days after the signature of the Treaty of Brest-Litovsk—Rumania signed at Buftea the preliminaries of peace with the enemy powers. The terms were crushingly severe: Rumania ceded practically the whole of the Dobrudja, agreed to the reduction of her military forces to the minimum required to maintain order, and practically submitted to complete economic subjugation to the Central Powers, who were assured far-reaching control over all the productive industries and commerce of the country. Two months later (on the 7th May) the full treaty was signed at Bucharest, but before this—on the 18th March—General Averescu had given place to M. Marghiloman, an elderly Conservative statesman who had all along preached the advantages of neutrality and the *tertius gaudens*.[1]

7. *Rumania re-enters the War (9th November 1918).* The six ensuing months of Rumania's enforced neutrality do not here closely concern us. Elections were held and a Parliament, consisting mainly of the Government's nominees, preserved the simulacrum of independence. The declaration of the reunion of Bessarabia with the mother-country, which the 'Council of the Land' adopted at Chișinău (Kishineff) in April, slightly consoled public opinion, and was advertised by M. Marghiloman as a personal triumph for himself. But even his Parliament of nominees were careful not to ratify the Treaty of Bucharest, hoping thereby to save themselves from the charge that the 1916 alliance had been violated. The tide of German success was already on the ebb. On the 26th September came the surrender of Bulgaria, followed by the armistice of the 29th September; on the 3rd November the armistice with Austria-Hungary. On the 9th November, just two days before the final act, King Ferdinand felt it was safe

[1] *v.* summary of text in Vol. III, pp. 49–50.

to return to the charge. M. Marghiloman was replaced by General Coandă. War was re-declared on Germany on the ground that the latter had violated the Treaty of Bucharest by increasing her troops in Wallachia beyond the agreed strength—an unfortunate contention, for it supported the view that the Treaty of Bucharest was a valid act, and that consequently the 1916 alliance had been destroyed. But in the excitement of the moment legal considerations were forgotten. The Rumanian troops had time to cross the frontiers into Bukovina and Transylvania before the Armistice of Spa.

8. *Relations with Serbia.* In the west during the previous weeks the imminence of the German catastrophe had been at least clearer than in Rumania, clearer not only to Frenchmen and Englishmen but to Rumanians abroad. Chief among them was M. Take Ionescu, whom, after long delays, the German authorities had permitted to pass through to Paris and London in the month of July. Take Ionescu saw clearly that peace was near and that Rumania was not prepared for it: he appreciated in full that such unreadiness would involve a danger of isolation and disregard. Rumania must come to the Peace Conference not only with the goodwill of France and Britain —which was not lacking—but with some understanding with those who would be her associates or rivals, the States of South-East Europe. With the new Czecho-Slovak State there could be no real ground of serious difference, and with Greece friendly relations (thanks largely to M. Venizelos's own desire for co-operation) were assured. Only with Serbia—or the Serb-Croat-Slovene Kingdom which was now to take Serbia's place—were relations strained. Serbia had naturally and strongly resented her complete exclusion from the negotiations which preceded Rumania's intervention in the war. The terms of the Alliance of August 1916 had not been published,[1] but it soon transpired that the entire Banat had been attributed to Rumania, and to this Serbian public opinion and policy alike, both for ethnic and strategic reasons, were unshakeably opposed. No impartial person could doubt that friendship between the two countries was definitely excluded, if Rumania were to acquire the whole of the western (predominantly Serbian) part of the Banat up

[1] Its substance was, however, published by the Bolsheviks (*v.* App. II, p. 515). The text has since appeared in the *Temps* and is given in App. II, pp. 516–17. Cp. also Vol. I, 171 n.

to the gates of Belgrade. Even were the Treaty of 1916 still a valid document, it was clear that Rumania would have to modify its terms in Yugo-slavia's favour, if only for the reason that the United States, whose consent appeared essential, had not been a party to the act any more than to the Treaty of London. Neither of these arrangements was entirely consistent with President Wilson's Fourteen Points. To so keen-sighted a statesman as M. Take Ionescu all this was clear. But his visits to Paris and London clearly showed him, further, that the French and British Governments, though they had no wish to embarrass Rumania by public declarations on the subject, did not regard the 1916 Treaty as any longer valid since Rumania had technically violated it by the conclusion of a separate peace. It was therefore essential that a Serbo-Rumanian understanding should be reached at once, not only to prevent the Banat becoming a source of serious friction between the two neighbours, but in order that a foundation might be laid for the formation of a Czecho-Slovak–Yugo-slav–Greek–Rumanian *bloc* which, speaking with one voice, might hope to count as an important factor at the forthcoming Peace Conference.

9. *Negotiations of Take Ionescu, Venizelos, and Pašić, October 1918.* Early in October, therefore, Take Ionescu took advantage of the simultaneous presence of MM. Venizelos, Pašić, and Trumbić in London to broach his idea of Balkan co-operation. In regard to the Banat question he found the Serbian Prime Minister willing to be satisfied with quite modest concessions to Yugo-slav racial feeling and the requirements of the defence of Belgrade. An understanding was reached which, while securing to Yugo-slavia the south-west portion of the Banat, left to Rumania not only the whole of the important Arad–Báziás railway, but the course of the Maros up to Szegedin. Nor, in view of the fact that the treaty had not yet publicly been declared a dead letter, need M. Pašić have considered that he had made a bad bargain. This promising beginning was followed by unfortunate delays. M. Pašić was ill. Grave internal difficulties, arising out of jealousy of the ruling party in Serbia of the claims of the Croat and Slovene representatives to a full share of power, held up the formation of a united national Yugo-slav Government and the formulation of a clear foreign policy. Further, M. Take Ionescu's successful diplomacy was obstructed by jealousy at home.

Behind the new Coandă Government which took office on the 9th November 1918, loomed M. Brătianu and the Liberals, who obstinately (though perhaps wrongly) considered their reputation bound up with the recognition of the validity of the 1916 Treaty, for which they were personally responsible. As the news leaked out, M. Take Ionescu's opponents at home did not scruple to pillory him as the traitor who sold the Banat: public resentment was worked up to fever-point, and a question which, with goodwill on both sides, could easily have been disposed of at once, remained to embitter Serbo-Rumanian relations and to demand the attention of the Peace Conference. Take Ionescu had no official position. When Brătianu replaced General Coandă in power in December he did indeed telegraph to Paris an offer that Take Ionescu and some of his followers should enter his Cabinet, and that in such a case M. Ionescu might expect a place in the Rumanian peace delegation, but the latter could have had no choice but to refuse a post in which he would have been a mere subordinate attached to a policy of which he strongly disapproved. Consequently, M. Brătianu formed a Government solely of his own partisans, and looked merely among his own supporters and a few persons not deeply committed to fixed views for the formation of the Rumanian delegation to the Peace Conference.

Thus ended the one far-sighted attempt to weld the small States of South-East Europe into a united harmonious *bloc*. Whether by its formation it could have altered the course of the Peace Conference is doubtful but possible: it showed at least a keen sense of statesmanship on M. Take Ionescu's part that he was prepared to risk much in the attempt. He calculated that the four small Powers—even without Poland, which might, if possible, be added—could point to a united population of 50,000,000—greater than France or Italy. If all their differences were composed between themselves and a common programme agreed upon, it would have been hard indeed to have refused them a share in some, if not in all, of the deliberations of the Supreme Council. The attempt was shattered by events beyond Ionescu's power. M. Brătianu, rightly or wrongly, preferred another method which he believed was more suited to the dignity of his position, but the effect of which was that, disunited, the South-East European Powers appeared before the Conference rather in the light of quarrelsome and

helpless children. It was symbolical of the change that their first appearance was in fact when the Rumanians on the one hand, the Yugo-slavs on the other, were summoned before the Council of Ten to dispute before their judges the question of the Banat which they had themselves been within an ace of settling. It was only two years later, in August 1920, that the alliance of the succession States for which M. Take Ionescu had worked, could again be negotiated on the basis of the so-called 'Little Entente'.

10. *M. Brătianu at the Conference.* The centre of the Rumanian peace delegation in every sense was M. Ion Brătianu. It is only just to one whose policy and personality have been overwhelmed with hostile criticism to endeavour to set them forth in an impartial light. Brătianu was in many ways a victim of circumstance. Son of the man who had during the 'seventies and 'eighties dominated Rumanian politics and for twelve years unbrokenly held the office of Prime Minister, the younger Brătianu had from his entry into public life the hope, and ultimately the satisfaction, of continuing the programme of the National Liberal party his father had built up. That programme was an intensely nationalist one. Under the battle-cry of 'Rumania for the Rumanians', it campaigned against the supposed designs of its 'Conservative' opponents to shackle the country to the control of foreign capitalists. To some extent its intentions were sincere and justified by national sentiment, if not by economic requirements. But in practice the triumph of this policy meant the control of the country's resources not by the State as a whole, but by one party, one business association, in the State. Nor could even that party by its own independent attitude maintain that national independence for which it campaigned. The Liberals for all their xenophobia had to look abroad for foreign financial assistance, and force of circumstances directed them to German capital for support. This strange anomaly accounts for much in M. Brătianu's policy. Himself an enthusiastic, perhaps exaggerated Nationalist in sentiment, he feared for economic reasons too sudden and complete a rupture with the Central Powers. He honestly wished for the aggrandizement of his own country and the union of the whole Rumanian race in one State. But he dreaded the inevitable result of the assertion of this claim—a complete breach with Germany and all

that Germany stood for politically and economically. He would willingly, if he could, have localized Rumania's war to a quarrel with Austria-Hungary alone. Events, however, threw his country and himself into the greater struggle.

From his political upbringing M. Brătianu had had little chance of learning to view the Western Powers sympathetically. Isolated in Rumania, he had won by a certain force of character and political capacity a reputation in the eyes of his own countrymen which, he might hope, would be reflected and enhanced at Paris. But he had failed to study or to divine beforehand the atmosphere of the Peace Conference or the character of those who would judge his claims. France he knew more from books and newspapers than from close practical contact with French statesmen, and the honest impatience of M. Clemenceau he could neither deal with nor forgive. Italian policy he admired and clung to, but drew no profit from. The Anglo-Saxons he neither understood nor liked. Himself without appreciation of vague moral aspirations, he considered British and American statesmen complete hypocrites, and the whole structure of the League of Nations as an artifice of the strong to ensnare and enslave the weak. Lastly, he had a profound contempt for all his 'Balkan' neighbours, and a rooted conviction that Rumania was threatened by the Slavs. To his mind the one way of escape was to secure by French and Italian help the recognition of Rumania as a Great Power, a bulwark of Latin civilization in the East.

11. *Brătianu and the Secret Treaty, 17th August 1916.* It was this recognition which Brătianu believed he had secured by the Treaty of August 1916. He therefore pleaded his case to full membership of the Supreme Council on the basis of the validity of this treaty. But to the French and British Governments, as we have seen, the treaty was no longer a binding engagement, for Rumania, by signing a separate peace with Germany, had violated its provisions. Of this M. Brătianu had been previously informed and warned that he ought to find other grounds than those of the articles of the treaty on which to base his territorial demands. Of this he was partly sensible, and, while refusing to recognize the release of his European Allies from their engagements to him, he was willing to find other pleas in defence of his claims which might meet with acceptance on the part of America and Japan.

M. Brătianu's first appearance before the Council of Ten was on the 8th February,[1] when, accompanied by M. Mișu, Rumanian Minister in London, and Dr. Vaida-Voevod, one of the Transylvanian leaders who had distinguished himself in the political struggle against the Magyars, he argued in favour of Rumania's claim to the Banat in its entirety, and while adducing various cogent geographical and economic reasons in support of this demand, above all laid stress on his favourite theme that between Rumania and her Slav neighbours only wide river frontiers—Danube, Theiss, Dniester—could keep the peace. In reply the Yugo-slav leaders stated their case based on ethnic grounds and national sentiment. The conflict of views was sharp, and the hope of reconciling them remote. The expedient of a plebiscite was accepted by the Yugo-slavs under certain reservations of area. Brătianu was prudent enough neither to accept nor to refuse but asked for further consideration. A commission of impartial inquiry was clearly necessary, and on the following day its formation—with two American, two British, two French, and two Italian members—was announced, and thus came into being the first of the five territorial commissions at which all the preliminary work of drawing the new frontiers was transacted.

On the following day M. Brătianu resumed his argument before the Ten, and endeavoured to justify on racial, geographic, economic, and strategical grounds his claim to the frontiers of the 1916 Treaty, together with the addition of the north-east corner of Hungarian Ruthenia and the north of Bukovina (excluded from the 1916 Treaty at Russia's insistence), and the whole of Bessarabia. His case was stated with skill, but it is alleged that there was a certain languor of manner which appears to have convinced the Ten that in fact it was not the arguments he used, but the Treaty of 1916 on which he considered his case really rested. Further examination of the question was referred at once to the new Commission on Rumanian territorial claims.

12. *The Commission on Rumanian Territorial Claims.* The judgment of the detailed work of this commission on the new frontiers is a subject rather too detailed for complete examination here.[2] About the character of this work,

[1] *v.* Vol. I, pp. 249–50, and also 257–8.
[2] *v.* also this chapter, Part I, p. 211, and Chap. II, Part II, pp. 133–5.

however, one or two misapprehensions should be removed. To begin with, the commission had no competence to pronounce judgment on the validity or non-validity of the 1916 Treaty. It was true that the French and British Governments were agreed in considering that, through Rumania's own action, it was no longer in force. The United States Government had, moreover, never been a party to it, and for them it was not binding. The Italian Government, on the other hand, fearful lest by the disownment of the 1916 Treaty the 1915 Treaty of London might suffer, anxious, too, to win Brătianu as a useful ally against the Slavs whom they both opposed, were inclined discreetly to uphold the validity of the treaty. But with all this the commission were not concerned. Their mandate was not to decide what the frontiers of Rumania were to be, but to report to the Council of Ten what in their opinion, on ethnic, geographic, and necessary economic grounds those frontiers ought to be. Strategic reasons, arising from temporary political exigencies, were not permitted to influence their decision.

The commission were at first only given a month in which to present their report, a period afterwards extended to two months. The greater part of their labours was therefore completed by the beginning of April, though during the following months additional questions that arose called more than once for reconsideration, and in a few cases for modification. Within two months there was much work to be done. The Rumanian and Yugo-slav delegates had to be heard in person and their voluminous cases examined in detail. The figures and arguments they submitted had to be compared with and checked by the masses of statistics available from Hungarian official sources and the impartial testimony of outsiders. Failing recourse to plebiscites on a large scale, for which the necessary machinery of control, in the shape of occupation of territory by Allied troops was lacking, it was clearly necessary for the commission to assume as a general principle that a community of race implied a common racial consciousness. Ethnic considerations took the first place in determining the commission's decisions. But it could not be exclusively ethnic considerations, for there were certain broad principles of geography and economics, certain imperative considerations of transport and communications, which had to be allowed to play their part.

13. *The Ethnic Frontiers*[1]: (*a*) *Transylvania.* Broadly speaking, the ethnic frontier between Hungarians and Rumanians was clear enough. It ran from north-east to south-west, passing just east of the three towns of Szatmár Nemeti, Nagy Várad, and Arad. Yet to draw the frontier so would have been a crime as well as a blunder, for, though the towns were predominantly Magyar in population—a predominance which the Rumanians, however, insisted had been artificially created and would in natural circumstances disappear—they were the three essential points on the big railway line joining north-east to south-west. This line the Rumanians could hardly replace, for the tangled cross-hills of Transylvania would hardly admit the construction of such a north-south railway.[2] Consequently, unless the three towns were united to Rumania, there could be no certain connexion between the north and south of Transylvania. Even people trained exclusively in the 'Fourteen Points' could not fail to see the force of this argument. It was unanimously accepted by the commission, with the exception that at one point—Nagyszalonta to Kisjenö—where it seemed possible for Rumania to build a substitute line, Hungarian claims were upheld.

(*b*) *Bukovina and Bessarabia.* Bukovina offered less difficulty. An attempt indeed was made to draw a frontier slightly east of the old provincial boundary so as to exclude 85,000 Ruthenes (and only some 300 Rumanians), but it was finally abandoned on the ground that since an independent Eastern Galicia seemed a remote improbability it was useless either to attach this further Ruthene element to Poland or to leave it 'in the air'. Nor was there any difference of opinion on the merits of the Bessarabian case. Geographically, and historically a Rumanian province with a predominantly Rumanian population, Bessarabia was clearly marked out for reunion with Rumania. It was considered that any discontent that might have arisen during the past year of Rumanian occupation was due to personal mistakes or the general hard times rather than to any deep distaste for union with Rumania, in which, it was felt, lay Bessarabia's (and Rumania's) best hope of progress and peace. Diplomatically, however, there was the

[1] For statistical information *v.* Vol. V, Table I.

[2] An indented railway line could indeed have been constructed, but only with difficulty and expense and after long delay.

difficulty of Russian susceptibilities, and it was attempted to salve these by phrasing the decision in the most tactful words. In fact, however, more than a year elapsed before the European Powers could be brought to definite signature of a treaty recognizing Rumanian sovereignty over Bessarabia, and even then the United States refused concurrence.[1] The Bolsheviks, though for quite different reasons, also declined to recognize the arrangement.

(*c*) *The Banat.* The thorniest question of all was the Banat. The Rumanians, as we have seen, claimed the whole; the Serbs the western and central parts. On ethnic grounds neither claim can have seemed to the commission justified, for, while in Torontál, the westernmost county, there were (according to the Hungarian statistics of 1910) only 86,937 Rumanians as against 199,750 Serbs out of a total of 615,151, there were in Temes out of a total population of 500,835 only 96,905 Serbs as against 169,030 Rumanians. In both counties the Magyar element was comparatively small. There was indeed a large 'Swabian' population, but since these Germans could scarcely have claimed union with Germany or Austria, a formal expression of their wishes would hardly have helped the commission in their task. There was indeed something to be said, on geographical grounds, for the assignment of the undivided Banat to Rumania. But the strength of numbers and national sentiment among the Serbs of Torontál made that an impossible solution. No clear ethnic frontier could be drawn, and the only two principles that were adopted were (1) the assignment to each party of its chief town centres with the necessary environs; (2) the endeavour to balance, as far as possible, the numbers of Serbs under Rumanian and of Rumanians under Yugo-slav rule. It was unfortunate that in the final decision perhaps over-importance was attached to the Serb claim to the town of Versecz, for the attribution of this to Serbia meant the cutting of the main line from Arad to Báziás, to which Rumania looked for transport, and the drawing of a somewhat curiously rambling frontier.[2]

[1] The Peace Conference had never sanctioned anything but the military occupation of Bessarabia. It was announced on the 9th March 1920 that the Supreme Council (i. e. British Empire, France, and Italy) had recognized the reunion of Bessarabia with Rumania. It remained to regularize this procedure by a treaty protecting the rights and property of various nations. The Bessarabian Treaty was signed on the 28th October 1920. *v.* Chap. II, Part II, p. 139.

[2] *v.* Map opp. p. 282 and Vol. V, Text Hungarian Treaty. *v.* also *supra*, p. 211.

14. *Brătianu refuses to accept Proposed Frontiers, 2nd June 1919.* The commission's proposals have been recapitulated here because they were adopted unaltered by the Supreme Council. Some months later they were communicated to the parties concerned, according as the presentation of the various draft treaties to the enemy Powers demanded it. The first public expression of opposition was made on the 31st May. At the Plenary Session of the Peace Conference to approve the text to be presented to the Austrian delegation on the 2nd June, M. Brătianu made a vigorous protest against the way in which Rumania's wishes had been ignored in the drafting of the treaty. On general grounds his point of view was shared by all the smaller States, who considered that their interests had been neglected or overridden by the selfish ambitions of the Great Powers. What touched Brătianu particularly was, however, to find that not only had a small part of the Bukovina, which under the 1916 Treaty Rumania would have received, been excluded —though, as we have seen, this ruling was afterwards modified in Rumania's favour—but that here was the first formal proof that the 1916 Treaty was not considered to be in force. Also an Article (No. 60) had been introduced in the Austrian Treaty which bound Rumania to sign a treaty granting to the alien minorities in her territories such security as the Principal Allied and Associated Powers should judge necessary. This provision Brătianu refused absolutely to accept, and in consequence did not take part in the presentation of the first draft of the treaty to the Austrian delegation on the 2nd June.[1] The frontiers were published, however, on the 13th June.

Shortly after, Brătianu left Paris to return to Rumania. He had become an embittered opponent of the Peace Conference and of its chief plenipotentiaries, and for the next six months relations between Rumania and Paris became strained almost to breaking point, more particularly over the question of Rumanian policy in Hungary.

15. *Rumanian Policy in Hungary; Occupation of Budapest, 8th August 1919.* In an earlier part of this History [2] an account has been given of the difficulties which had arisen in regard to

[1] This whole controversy is dealt with more fully in Vol. V, Chap. II.

[2] Chap. II, Part I, Vol. I, pp. 352–7, and this volume, Chap. III, pp. 159–61, and map, p. 122.

the occupation of what was still legally Hungarian territory under the terms of the Military Convention of Belgrade of the 13th November 1918. The resentment at the slights which it was felt had been inflicted upon Rumania at the Conference was intensified by the inadequate demarcation line she was allowed to hold. An attempt to rectify this in February led to the artificially-engineered Communist revolution in Budapest. The Rumanian forces took advantage of the general turmoil to advance to the line of the Theiss. This act of independence was severely judged by the Great Powers. Hopes were entertained in Paris that a peaceful arrangement could be come to with Béla Kun, and the solution, favoured not only by Rumanians but by many other observers, of an immediate Inter-Allied occupation of Budapest was refused. Categorical injunctions were sent to the Rumanian Government to halt their armies at the Theiss. This for the moment they did, and for two months or more no further advance was made, Béla Kun's attention being turned rather towards Slovakia, through which he hoped to establish territorial contact with Moscow. Kun's final failure in this enterprise maddened him, and as a last desperate throw he began on the 20th July an offensive against the Rumanians. It was not unforeseen, and after five days' stiff fighting, completely failed. The Rumanians in turn felt that the matter must be settled for good and all. Whatever the orders or lack of orders from the Supreme Council, they had to finish with the danger threatening from Hungary. Their counter-offensive was completely successful, and by the 4th August they had entered Budapest, from which they advanced their line a considerable distance both to the north and west.

16. *Brătianu defies the Supreme Council.* So far, it may be claimed that the Rumanians had been justified, if not in theory, at least by hard facts. In the hour of success, unfortunately, they did not show any proper restraint. Though they had entered Budapest with the tacit goodwill of a large part of the Magyar nation, who cared not what help they could utilize to rid them of the communist tyranny, the Rumanians neglected totally to conciliate the population of the country. Requisitioning went on on an almost unprecedented scale—rolling-stock, agricultural machinery, manufactured goods, whatever attracted the fancy of the invaders, was carried off, and the railways were

choked with trucks filled with materials. It is idle to blame the Rumanian soldier. Himself a peasant, he had his secular grievances against the Magyar, and during the war had seen his cattle and corn carried off by the armies of the Central Powers for their own use.[1] He was but 'getting his own back', and naturally had but little understanding of the principles of common reparation to which his Government, like all the other Powers, had pledged themselves in Paris. It is the Rumanian Government and the military authorities who must fairly bear the blame. M. Brătianu did nothing effectual to stop what was going on. His legitimate pride in the courageous step Rumania had taken in settling the communist danger alone was swollen by the feeling that at last he had shown his defiance of Paris, and that in future he could conduct his policy without the slightest regard for their wishes. He felt that the time had come for Rumania to stand alone or to pick and choose such allies as suited her best, and that all the hypocrisy of the League of Nations had been at last shown up. Somewhat inconsistently, at a moment when the Rumanian Armies of occupation by their arbitrary methods of requisitioning were increasing the deep resentment of the Magyar people, Brătianu toyed with schemes for a Hungarian-Rumanian alliance, perhaps to be cemented by a union of the two crowns. To this alliance Poland and the future Ukrainian State could adhere, and a *bloc* powerful enough to confront the Slav world and to defy the Western Powers would be created, geographically and economically self-contained.

To the urgent and peremptory demands of the Conference for an explanation of his acts and intentions no reply was vouchsafed. To repeated telegrams from Paris M. Brătianu returned no answer. Both sides perhaps were to blame for the estrangement, for if M. Brătianu, as we have seen, was in practice violating all the principles to which he had pledged his country in Paris, the Conference on their part seemed unable to see or to acknowledge what all South-East Europe felt, namely, that Rumania, by her resolute action, had saved all that part of the world from communism or anarchy. But, whatever the rights or wrongs of the situation, it could not be allowed to continue. Since it was impossible to obtain any answer from M. Brătianu to telegraphic demands, it was

[1] *v.* also Chap. VII, Part II, § 10, p. 426; also pp. 490–1, 517–19.

decided to send an envoy direct from the Conference to Bucharest to require a clear explanation of the Rumanian Government's intention. Sir George Clerk, the new British Minister designate to Prague, was chosen by the Supreme Council for this mission, the object of which was to demand a definite statement from M. Brătianu as to his intentions, and an undertaking to abide by the principles he had accepted for the settlement of the reparation question in the peace treaty. On the 7th September Sir George Clerk left Paris and arrived in Bucharest on the 11th.

17. *Sir George Clerk's Arrival in Rumania, 11th September 1919; Resignation of Brătianu.* On the day of Sir George Clerk's arrival M. Brătianu resigned, hoping thereby to rally round him every chauvinist current in the country against the insolent interference of foreign Powers. The King was thereby placed in an awkward situation, for the Parliament, elected in 1914 and restored after the Armistice (when the Parliament elected during the German occupation was declared null and void), possessed a large Brătianist majority, and till such time as an appeal could be made to the country there was little hope of one of the Opposition leaders being able to establish himself in power. An attempt was indeed made to form a ministry under M. Manolescu-Rîmniceanu, one of the judges of the Supreme Court, whom Brătianu hoped to mould to his wishes, but without success, and finally King Ferdinand fell back on the expedient of a 'non-party' Government under General Văitoianu, who formed a Cabinet composed mainly of generals, but with M. Mișu, the Minister to the Court of St. James's, at the Foreign Office. It was under the auspices of this Cabinet, which was popularly supposed to be a mere tool of Brătianu's, that the elections were eventually held at the beginning of November.

In the meantime, however, M. Brătianu carried on the administration, and it was with him as its *de facto* head that Sir George Clerk negotiated. The negotiations were throughout of the most amiable character. M. Brătianu professed himself in complete sympathy with the ideals of the alliance, complained that it was Paris, not he, that was responsible for any friction that might have occurred, and while denying or palliating any abuses that might have been committed by the Rumanian troops in Hungary, promised that a searching inquiry should be made into these, that not only should all further requisitioning

at once stop, but that any goods beyond Rumania's proper share that had been carried off should be, after inquiry, promptly returned. On this question everything seemed capable of arrangement, but behind it lay the burning resentment of Brătianu at his treatment by the Conference, which for him was symbolized in two acts—the partition of the Banat and the Minorities Treaty. These subjects could not be kept out of the discussion; though they lay outside the objects of Sir George Clerk's mission, he was bound to report to Paris on them, and indeed it was clear to all that they were the crux of the Rumanian question of the moment.

18. *Brătianu's Opposition to Minorities Treaty.* It was clear that M. Brătianu had no intention of signing the Minorities Treaty, the clause of which handing over to the League of Nations the safeguard of minorities' rights he regarded as mere cover for the designs of the Great Powers on Rumania's natural wealth.[1] It was on this that he preferred to rest his case against the Conference and to rouse his fellow-countrymen to a policy of 'national resistance'. By skilful manipulation of the press quite a wave of popular feeling was aroused, and for the moment M. Brătianu, in spite of his personal unpopularity, might count on the success of his policy in the country and the complete ascendancy of his influence on the makeshift Government that succeeded him.

In regard to the actual questions on which Sir George Clerk had been instructed to ask for explanations, M. Brătianu was, however, most conciliatory. While objecting—and with some dignity—to the remonstrances of the Conference on the Rumanian occupation of Budapest, he professed himself perfectly willing to withdraw his troops immediately, which was more, in fact, than the Supreme Council had demanded, from fear lest an abrupt withdrawal might be followed by chaos. Further, M. Brătianu, while denying that there had been any undue requisitioning, agreed that a commission, provided there was a Rumanian representative on it, should be empowered to make an examination of the question on the spot, while all requisitioning, apart from materials necessary for the maintenance of the army of occupation, should at once cease. M. Brătianu's answers were, on the whole, quite satisfactory, but unfortunately no practical steps were taken to

[1] See further, in Vol. V, Chap. II, *passim*.

discontinue the requisitioning, which had gone on, and consequently there was no cessation of tension between Rumania and the Conference.

Sir George Clerk returned to Paris in the first days of October, and presented his report. On the basis of it the Supreme Council continued during the whole month to negotiate with the Rumanian Government for the evacuation of Budapest, the examination of the requisitioning abuses, and finally, the signature of the Minorities Treaty. The Văitoianu Government, however, which had come into office on the 28th September, in view of the approaching elections, had no idea but procrastination. The Supreme Council were unable to obtain the satisfaction they desired, and were forced to threaten extreme measures to bring the Rumanian Government to reason.

19. *The Elections; Ultimatum from Supreme Council, November 1919.* In the meantime the elections were held in Rumania—with surprising results. The majority on which Brătianu had hitherto relied, and which he hoped to maintain, disappeared completely. In spite of the fact that M. Take Ionescu's 'Democratic' Party and General Averescu's 'People's League' ostentatiously refrained from all participation, the Liberal party suffered a severe defeat even in Old Rumania, where only 93 Liberal members were returned out of the total number of 244. The successful Opposition consisted mainly of peasant deputies and other 'independent' groups. In Transylvania, there was an even greater catastrophe for the Government party, the greater number of deputies returned belonging to the newly-formed Transylvanian *bloc* under the leadership of M. Maniu, President of the 'Directing Council', which had governed Transylvania since the Armistice, and Dr. Vaida-Voevod. The obvious consequence should have been the immediate resignation of the Văitoianu Cabinet, but King Ferdinand may well have hesitated in view of the difficulty of finding a successor to it. The Transylvanian party hesitated to take on themselves the odium of responsibility for acceptance of the Allies' demands and signature of the Minorities Treaty, for M. Brătianu had roused public feeling in Old Rumania to a fever over this question. On the other hand, General Averescu and M. Take Ionescu, who would have undertaken this responsibility, were quite unrepresented in Parliament. Consequently, King Ferdinand clung to the Văitoianu

administration, and maintained them in office to cope with the controversy with Paris. To the Supreme Council's demands the Văitoianu Government returned the most satisfactory reply. It was clear that they were merely playing for time, and before long the patience of the Conference was at an end, and in the last days of November a firm Note, demanding, though in friendly fashion, immediate satisfaction, on pain of the rupture of diplomatic relations, confronted the Rumanian Government, with the choice of compliance, resistance, or resignation.

20. *The Rumanians yield and sign the Minorities Treaty, 9th December 1919.* In these circumstances General Văitoianu had no course open to him but to bow before the storm. In spite of M. Brătianu's ardour, resistance was fantastic. It would have definitely meant the exclusion of Rumania from the circle of the Allied and Associated Powers, and her relegation to a position of isolation which neither the King nor the country was prepared to face. King Ferdinand wisely listened to the advice that was tendered him, and a new effort was made to persuade the Transylvanian leaders to take office, as their numerical superiority in Parliament now gave them the right to. After much persuasion, their natural shyness at intervening so directly in Old Rumanian politics was overcome, and while M. Maniu preferred himself to refrain from taking office, he made no difficulties about his colleague Dr. Vaida-Voevod doing so. Dr. Vaida promptly formed a Cabinet consisting of Transylvanians, Old Rumanians of the Peasant and Socialist parties (including Dr. Lupu as Minister of the Interior), and, for a very few days, General Averescu himself, who, however, almost immediately regretted his action, and on the 17th December resigned. The successful efforts of Dr. Vaida to improve Rumania's relations with the Western Powers, his visit to Paris and his abrupt dismissal by King Ferdinand in March, lie beyond the scope of this short sketch. Immediately on his accession to power, however, he instructed the Rumanian plenipotentiary in Paris, General Coandă, to sign the Minorities Treaty (slightly amended, to meet Rumania's wishes). Its signature on the 9th December 1919 brought to an end an artificial controversy which had seriously threatened Rumania's relations with her Western Allies.[1]

[1] The text of the final Despatch of the Supreme Council of the 8th December 1919 is given in App. II, pp. 517–19.

CHAPTER IV

THE LIBERATION OF THE NEW NATIONALITIES

PART III

THE FORMATION OF THE CZECHO-SLOVAK STATE

A. Bohemia and the Czechs

From the standpoint of the mapmaker, the most sensational feature of the peace settlement in Central Europe has been the revival, after complete national extinction, of the two famous mediaeval States of Poland and Bohemia. Each has assumed a new form more suited to the requirements of the twentieth century; but in each case it is history and its inspiring traditions that have imparted substance and reality to what had seemed to many a mere dream, even on the very eve of fulfilment. How far these two political reincarnations will learn from experience, and avoid the weaknesses and blunders which proved fatal to them in the past, is a riddle which only the future can reveal.

In some respects the record of Bohemia is quite unique. Here is a nation in the very centre of Europe, which after playing a memorable part in the field of political and religious progress, and becoming thoroughly imbued with western civilization, was crushed ruthlessly out of existence, lay like a corpse for two whole centuries, and then arose once more to recover, almost unaided, its lost nationhood. Poland, though at times far more brutally treated, never sank so low; and even the supreme crime of partition had at least the one advantage that it rendered a uniform system of denationalization impossible and, by imparting to Polish culture a certain quality of quicksilver, saved it from utter extinction. But Bohemia—her nobility wellnigh exterminated, her middle class driven into exile, her peasantry reduced once more to serfdom, her national faith suppressed, her hierarchy and administration alike in the hands of foreigners—seemed by the beginning of last century lost beyond all possibility of recovery. It is told

that Jungman, one of the pioneers of Czech philology, was in the habit of meeting a small group of other patriots in a Prague inn, and that on one occasion he exclaimed, 'If this roof should fall, there would be an end of the Czech national movement.' The truth of this anecdote has been seriously challenged, and even if true, it exaggerates the actual situation of that day; but none the less it may stand as symbolic of the dire straits into which the nation had fallen.

The most remarkable feature in the Czech national revival of last century is the pre-eminent part played by intellectuals. And yet it was not a mere accident that the movement should have begun with the philologist, the scholar, the historian, the professor. This was an entirely natural evolution among a people which had long since selected as its national heroes John Hus, priest, professor, reformer, and philosopher—truly the 'poor persone' of his day—and Comenius, one of the founders of modern education. Upon each successive step the savant left his indelible mark. First Dobrovsky and Jungman laid the necessary linguistic and scientific basis, then followed Šafářik with his epoch-making studies in Slavonic archaeology, and Palacky, the founder and inspirer of Czech historical research, and the leader of the nation during the revolution of 1848 and throughout the period of constitutional experiment in Austria. It was thus in one sense a perfectly natural evolution that placed the real leadership of the Czech nation during the Great War in the hands of a triumvirate of savants—the veteran philosopher and 'Realist' Masaryk, and his two untried but tireless and resourceful lieutenants Beneš and Štefanik.

Bohemian history has for many centuries been dominated by the rivalry of Czech and German. The powerful dynasty of the Přemysls steadily encouraged German settlers in the towns and mining districts of Bohemia and Moravia, while at the very same time pursuing a policy of armed aggression against the neighbouring German duchies of Austria and Styria. With the foundation of the University of Prague (1349) the rivalry of the two nations was transferred to the intellectual field, and racial cleavage played a vital part in the struggle that centred round the figure of John Hus, and after his execution round the rival interpretations placed upon his ideas. Hus, to an even greater degree than Luther a century later,

united in his person the two currents of religious enthusiasm and national sentiment; and it is to be noted that the Germans were foremost in their opposition to him, seceding from the University in protest against his championship of the Czech language and forming the spearhead of attack in all the long series of crusades directed against the later Hussites. Luther's dramatic discovery that 'we have all been Hussites without knowing it' ushered in a period when the national feud was allayed by common religious ties. It might, then, have been supposed that the uniformity of faith so drastically enforced by the Jesuit reaction of the seventeenth century would have deadened the animosities of German and Czech by reducing both to the same dead level of stagnation and decay. But the horrors of the Thirty Years' War, in which Bohemia's independence perished, could never be erased from the national consciousness; and even the more statesmanlike aggression of Maria Theresa and Joseph II only served to strengthen the conviction that Germanism was identical with absolutist rule and involved inroads alike upon faith and nationality.

It is obvious that such a view was much exaggerated, and that only too often, as under Francis and Metternich, the German suffered scarcely less than the Slav from the centralizing tendencies of a bureaucracy which was a mere slave of the throne. Notably in the forties of last century really amicable relations were growing up between the two races in Prague; and such men as Alfred Meissner, like his far greater contemporary Lenau, sang the achievements of the Hussites and welcomed the re-birth of Czech sentiment. That curious dual tendency which had made of Bohemia at one and the same time a strong independent kingdom and one of the seven electorates of the Holy Roman Empire, had survived right up to our own day, and had quite naturally created a school of thought which was ready, under certain conditions, to accept the connexion with Vienna as inevitable, or at least tolerable. It would, moreover, be absurd to deny that the Czechs owe in large measure to the admixture of German blood in their veins those qualities of organization and perseverance which differentiate them from most of their fellow-Slavs; nay more, that German culture, in the older and truer sense of the word, has left a noticeable impress upon them.

It was the refusal of the Czechs to send representatives to

the Federal Parliament of Frankfurt in 1848, and their summons of a rival Pan-Slav Congress in Prague, that once more revealed the abyss between the two nations. From 1849 to 1918 Austrian history came to centre more and more round the German-Czech quarrel. Yet its causes were far more complex than was at first apparent to foreign observers, deafened and disgusted by the stridency of linguistic brawlers. Social and economic motives forced the growing Czech middle class to accentuate still further its national pose; and the struggle against centralism and against a national bureaucracy was complicated by keen competition for posts of which the State could never create a sufficient number.

B. Czech National Claims

1. *Origin of the Czech National Movement.* Czech national claims have passed through a gradual evolution, whose successive stages can easily be traced, even though they flow into each other. The first was the period of complete independence under the Prěmysl and Luxemburg dynasties, during which Bohemia acquired more or less effective suzerainty over Silesia and actual possession of Lusatia.[1] The second followed upon the accession of the House of Habsburg, after the disastrous battle of Mohacs in 1526. From that date until the fall of Bohemian independence in 1620 Austria, Bohemia, and Hungary were connected by a loose Personal Union, and in the two latter countries the elective principle was upheld, despite the Crown's constant encroachments upon constitutional practice.

The conflict between the House of Habsburg and the Czechs assumed almost from the first the double aspect of a duel between reaction and reform in the Church, and between the absolutist and representative principles in the State. Then, as now, Bohemia stood in Europe as an outpost of progressive ideas, alike religious and political; but in the seventeenth century her geographical situation made her the

[1] The former was of course wrested by Frederic the Great from the Habsburgs, who, in point of law, held it as Kings of Bohemia; the latter was ceded by them in 1685 to the Elector of Saxony for service rendered to the Imperial cause. It should be borne in mind that Frederic, in concluding peace with Maria Theresa after the robbery, imposed the condition that the Bohemian Diet should give its formal sanction to the cession of territory.

prey of forces which modern conditions seem slowly to be rendering inoperative. Yet even after the battle of the White Mountain and the triumph of Ferdinand II, the Bohemian constitution was allowed to survive in a truncated form, under the so-called 'Renewed Ordinance' of 1627.[1] Many of its essential features had been destroyed, and the spirit of the nation for the time being killed by religious persecution and by the uprooting of its nobility and middle class. But 'Bohemia' remained, however faint the image of her former self might be. As the late Austrian Chancellor, Dr. Renner, has pointed out in those brilliant political treatises upon which his reputation rests, the two centuries following upon the Thirty Years' War were the golden age of aristocratic privilege—the Habsburg dynasty finding its chief support in the various provincial 'Estates', in which the representative principle was watered down to suit the vested interests of a narrow caste.

In Bohemia, however, a further stage was reached in 1749, when Maria Theresa commenced her long series of administrative and bureaucratic reforms. Henceforth Bohemia, Moravia, and what was left of Silesia after the onslaught of Frederic the Great were steadily absorbed in the centralist machine of the new 'Austria'. Henceforth, too, the official mind adhered stubbornly to the fiction that in the Empire of Austria—a title which strictly speaking existed only from 1804 to 1918—all save Galicia and the Italian provinces was essentially German.

As the Czech national movement gathered strength during the nineteenth century, its leaders laid increasing emphasis upon historical tradition, and claimed the restoration of the ancient Bohemian constitution, as it had existed from the Golden Bull of Charles IV down to the White Mountain. The *Böhmisches Staatsrecht* became one of the battle-cries of Austrian internal politics; and the Crown of St. Wenceslas or of 'the Bohemian lands' was pitted against the Holy Crown of St. Stephen, round which the Magyars had woven a strange halo compounded of mysticism and legalism.

2. *The Czech Movement, 1848–67.* Palacky and Rieger, the two foremost advocates of Czech constitutional claims, were decried as Pan-Slavs, and their action in convoking the

[1] Of 10th May, followed by the 'Letter of Majesty' of 27th May 1627.

Slav Congress of 1848 was undoubtedly a bid for the leadership of the Western Slavs and for the moral support of Russia. But it is to be remembered that they were also originally firm believers in a reformed Austria, and for years hoped against hope that the Habsburg absolutism would give place to a confederation of free nationalities, sharing the State between them on equal terms, and united by the common link of the dynasty. It was Palacky who coined the oft-quoted phrase which political parrots have repeated ever since: 'If there were no Austria, it would be necessary to create one.' In this spirit he worked out his famous project of federalism, to which the vast majority of his own and the succeeding generations of Czechs would undoubtedly have rallied.[1] In Havliček, the founder of Czech journalism, this attitude was already tinged with scepticism. 'Austria', he declared in 1850, 'will be what we want her to be, or she will cease to be. . . . The bayonets beyond which you hide (addressing the Central Government)—they are *we*, our people. They do not know it to-day, but to-morrow, in a year, in a few years, they will know. Our partisans were counted yesterday by hundreds, now they count by thousands, soon they will be millions.' This represents the transitional stage from conservatism to radicalism; and Palacky himself, in a later mood, as the hopelessness of his earlier policy became apparent, was driven to exclaim, 'Before Austria was, we were, and when Austria no longer is, we still shall be.' There spoke the true Czech, and it is but just to him to quote in this connexion another of his memorable phrases: 'If we once had to cease being Czechs, it would be a matter of indifference to us whether we became Germans, Italians, Magyars, or Russians.' Among his Slovak contemporaries, crushed beneath the Magyar heel, this idea took on a keener edge, and M. M. Hodža, the Lutheran pastor who led the Slovak bands in 1848, was not afraid to write: 'Rather the Russian knout than Magyar domination: for the one could only enslave our bodies, while the other threatens us with moral ruin and death.'

From the Revolution of 1848 till the close of the 'seventies (the Berlin Congress, by crystallizing the Balkan situation for another generation, had the further effect of stabilizing the internal structure of the Dual Monarchy), Czech opinion inclined to favour the view that an honourable compromise

[1] See the German edition, *Oesterreichs Staatsidee* (Prague, 1878).

could be reached between Bohemian 'state rights' and the federal principle. But such an aim evoked the strongest possible opposition from the Magyars, to whose constitutional theories federalism, based upon the equal rights of all nationalities, would have dealt a fatal blow. The era of constitutional experiment between Solferino and Königgrätz, resolved itself into a triangular contest between Germans, Magyars, and Czechs, in which the two former, with the connivance of the Poles, came to terms with the dynasty and each other at the expense of the Czechs and the so-called 'unhistoric nations'. In 1867, by the establishment of the Dual System between Austria and Hungary, Magyar constitutional law and theory triumphed over its Czech rival. This was but natural in view of three great advantages enjoyed by Hungary. Firstly, the latter had produced in Deák, Andrássy and Eötvös three statesmen of the front rank who added moderation to their other qualities. Secondly, the whole influence of the powerful Magyar aristocracy was thrown into the scales at Court and elsewhere, whereas the Czech nobility, with but rare exceptions, was lost to the nation and out of touch with its aspirations. Thirdly, the Magyars had a strong weapon in their county autonomy and the unbroken political tradition which it had nourished, whereas the Czechs had lost all control of the administrative machine and lacked the political experience and restraint which adversity was to teach them during the two coming generations.

3. *The Czechs and the 'Ausgleich'*. The Czechs did not lose heart after their failure in 1867, and Rieger, returning to Prague, declared: 'We are driven back, not conquered, and I am convinced that what the Emperor ill-informed refused, the Emperor better informed will accord.' He was wrong: Francis Joseph to the last clung to his own fatal creation, the Dual System, and Rieger's blunt cry 'We won't give in', became the watchword of his nation. In 1861 Francis Joseph had already pledged himself to a deputation of the Bohemian Diet that he would restore the constitution and be crowned in Prague. In 1871, under the influence of the Hohenwart Cabinet and its supporters among the old feudal nobility, he publicly reaffirmed these pledges by an Imperial Rescript of the 12th September, which would have involved the complete reorganization of Austria-Hungary on federal lines. The

Magyars at once strained every nerve to secure the reversal of a decision which would have killed Dualism in its infancy, and destroyed all their dreams of a 'unitary Magyar state'. Strong in the backing of Bismarck and victorious Prussia, Count Andrássy induced the Emperor to dismiss Hohenwart and rely upon the German Liberals; and the alliance with Germany, which was concluded soon after, set the seal upon Dualism.

The Czechs, who openly denounced the 'Ausgleich' of 1867 as 'an attempt to subjugate the Slav nations in both parts of the Empire' (Rieger's phrase), vented their anger in abstention from the Parliament of Vienna. But these tactics, by which in the early 'sixties the Magyars had rendered Schmerling's centralist Parliament impossible, proved futile under the much altered internal and external situation of the 'seventies. Henceforth till the outbreak of the Great War, they pursued a policy of parliamentary haggling with successive cabinets, broken by interludes of acute obstruction. But Czech opinion never forgave Francis Joseph for his double perjury, and there was a growing under-current of anti-dynastic feeling, which flared up in the Omladina trial of 1893 and in the mutinies of Czech troops during the Bosnian crisis of 1908. Indeed it was only fitting that, on the sixtieth anniversary of Francis Joseph, a state of siege should have been declared in Prague.

With all this, it would be alike uncritical and unjust to describe the Czechs as victims of Austrian *oppression*. That word must be reserved for the treatment of the Slovaks by Hungary. The Czechs for their part were increasingly conscious of their great past, of their kinship with the Slavonic world, of their right to full nationhood, of the many restrictions upon their development, and of their economic exploitation by Vienna. Compared to the Germans and Magyars they were citizens of the second rank, but they were highly organized alike in industry and in agriculture, they held the richest lands of Austria in their possession, they had as few illiterates as their German neighbours and had attained a high level in education, art, music, and science. Over foreign policy they had no control, but there were limits within which none dared touch them, and they felt themselves growing stronger year by year.

C. The Slovaks

4. *Origins of Slovak National Revival.* Meanwhile their unfortunate kinsmen, the Slovaks, were the victims of a system of political tyranny which had no parallel outside the Tsar's dominions. During the long centuries that followed the fall of the short-lived Moravian Empire of Svatopluk and Methodius, the Slovaks lived the life of an agricultural and pastoral people. Their nobles accepted Magyar feudalism, their townsmen were for the most part German colonists, protected by far-reaching charters of autonomy and a rigid guild-system. Latent national feeling undoubtedly furthered the spread of Hussitism, and even after the advent of Lutheranism from Germany, Czech permanently survived as the language of the liturgy among the Slovak Protestants.

The national revival began quite as early among the Slovaks as among the Magyars. The first Slovak newspaper appeared in Pressburg in 1783, and an Institute of Slav language and literature was founded at the Lycée of that town in 1803. Two of the founders of Slavonic study, Kollar and Šafařik, were Slovaks, and Palacky was trained under Slovak teachers. But their geographical position placed them at a growing disadvantage, as the tide of national feeling rose among the Magyars. From the 'forties onwards the dominant note in Hungarian policy was the mad resolve to Magyarize by all and every means the other races of the country. No one was more zealous in this cause than Louis Kossuth, himself of Slovak origin and the nephew of a Slovak minor poet; and among his own people the gibbets upon which Slovak patriots were hanged during his régime in 1848–9 are still known as 'Kossuth gallows'.

The Lutheran Church, whose pastors were a mainstay of Slovak culture and patriotism, was turned into a specially active instrument of Magyarization, whose triumph its Inspector-General, Count Zay, as early as 1841 declared to be 'the victory of reason, liberty, and intelligence'. In 1843, when a purely Slovak congregation protested at a pastor who spoke nothing but Magyar being forced upon it, its leaders were publicly flogged by order of the county authorities; and this procedure was justified by the long famous phrase, 'Talia requirit linguae nationalis dignitas'. A generation later (1883) another Inspector-General, Baron Prónay, addressed the Church

in words which may stand as the motto of an epoch and as a symbol of the causes that brought Hungary to ruin: 'We must favour the Magyar at all costs, and spread the Magyar spirit and love of our common country. Let us remember the Roman adage, "Where medicine does not succeed, the sword must be used, and where the sword does not suffice, the fire".'

5. *Magyar policy towards Slovaks.* This is not the place to go through the dreary catalogue of injustice and repression to which the Slovaks, like the Rumanians, Serbs, Croats, and even Germans of Hungary, were subjected. The 'Ausgleich' of 1867 was followed next year by a Law guaranteeing the Equal Rights of the Nationalities; but from the first this remained a dead letter in almost every particular, and the very idea of its being put into execution was denounced time and again by Magyar public opinion. The Magyar popular proverb, 'The Slovak is no man' (*tót nem ember*) was re-echoed by the Hungarian Premier Coloman Tisza, when he declared, amid the applause of Parliament, that 'there is no Slovak nation' (1875). The occasion which provoked this characteristic phrase was a debate on the arbitrary dissolution of the Slovak Academy, the confiscation of its museum, library, and funds, and the closing of all the Slovak middle schools.

Since then two and a half million Slovaks have been stunted in their development by the deliberate policy of successive Magyar governments. Not a single Slovak middle school has been provided for them by the State, and permission to found private schools of their own has been persistently withheld; while the number of their primary schools was reduced from 1921 in 1869 to 429 in 1909.[1] The extent to which Magyarization had been practised is revealed by a comparison of the total

[1] See *Magyar Statisztikai Évkönyv*, vol. xviii (1910), p. 314.

Hungarian schools.	*Kinder-garten.*	*Kinder-garten training schools.*	*Primary schools.*	*Industrial and commercial schools.*	*Grammar schools.*
Total .	353	16	3,777	118	95
Slovak .	—	—	429	—	—

	Middle schools.	*Girls' schools.*	*Academies of law.*	*Theological colleges.*
Total .	39	6	4	11
Slovak .	—	—	—	—

number of educational institutions in the fifteen main Slovak counties and the number of those where the Slovak language was employed.[1]

According to statistics supplied to the Peace Conference by the Czecho-Slovak Delegation there were among the 12,447 state officials of Hungary only 35 Slovaks, among the 948 county officials in Slovakia only 18 Slovaks, among the 823 municipal officials of Slovakia only 11 Slovaks, among the 464 judges and Crown law officials in Slovakia no Slovak at all, among the 1,133 public and district notaries of Slovakia only 33 Slovaks, among the 660 professors in the secondary schools of Slovakia only 10 Slovaks. The Slovak language was excluded from the administration and from every public office. In the law-courts it was not tolerated, and a Slovak priest was savagely denounced for stating the simple fact that in his native land 'the Slovak peasant was dumb as an ox before his accuser'. Even on the railways and in the post offices Slovak inscriptions were not tolerated; and it was by no means a rare occurrence for boys to be expelled from school for daring to speak their native language. The Slovak press was subjected to continual confiscation, its staff to imprisonment and fines. The crime of 'incitement of one nationality against another' was applied against the non-Magyars with a thoroughness which rendered almost any expression of national feeling a criminal offence, and which contrasted with the complete immunity of Magyar agitators. The right of association and assembly was virtually non-existent. The Sokol societies were of course not tolerated, and even singing clubs found it difficult to secure a licence. Finally, thanks to an amazing electoral system, the non-Magyar races were deprived of parliamentary representation and kept in the position of political helots. Gerrymandering, a narrow and complicated franchise, absence of the ballot, bribery and corruption on a gigantic scale, the wholesale use of troops and gendarmes to prevent opposition voters from reaching the polls, the cooking of electoral rolls, illegal disqualifications, sham counts, official terrorism, and often actual bloodshed—such are but a few of the methods by which the Magyar oligarchy preserved its political monopoly during

[1] For a detailed account of the sufferings of the Slovaks under Magyar rule, see *Racial Problems in Hungary* (1908) by R. W. Seton-Watson, and *Les Slovaques* (1917) by Ernest Denis.

the fifty years of Dualism. It is but fair to add that the position of the Magyar peasantry and working classes was hardly less deplorable, but they were at least spared encroachments on their language and national customs.

Under such cruel circumstances the young Slovak, who desired to make his way in the world, found every avenue closed, unless he was ready to renounce his nationality; and the growing class of 'Magyarones' had introduced an element of cynicism and moral obliquity into the public life of Slovakia before the War. Every possible effort was made by the Magyar authorities to prevent the Slovaks from visiting, and above all studying at Prague, and even to discourage Czech visitors to Slovakia. But the Slovaks were conscious that their sole hope of escape from eventual national extinction lay in close collaboration and union with their Czech kinsmen, and when the moment of liberation came, their leaders turned naturally and without hesitation towards Prague for help.

D. Czech Action during the War

6. *Repression of Czechs within Austria.* With the outbreak of war the position of the Czechs changed almost abruptly; and the wholesale methods of espionage and censorship, by which the authorities sought to control every action of the citizen, soon amounted to little short of a reign of terror. As the Reichsrat had been prorogued since March 1914, and was not sitting when the crisis arose, the Delegations could not be summoned; and Austria was plunged into war without her peoples or their representatives being in any way consulted.[1] Indeed there is little doubt that one motive for the suddenness of the ultimatum to Serbia and the shortness of its time limit, was the desire to take public opinion by storm, and to leave no time for the growth of a demand that the Reichsrat should be consulted. The persistent refusal of the Austrian Cabinet to convoke the Reichsrat till after the accession of the new Emperor, was the most practical of all proofs that a majority of the popular representatives was hostile to the war. It had the further advantage of suspending the immunity of the only men who could have risked organized and open criticism.

[1] The Hungarian Parliament, however, was in session during July, and enthusiastically endorsed the war policy of its Government.

The silence thus artificially imposed enabled the authorities for a time to create abroad the false impression that unanimity prevailed among the motley races of the Dual Monarchy. Very special efforts were made to obtain from the Slav party leaders declarations of loyalty to the Habsburg throne and state; but not one could be induced to come forward. Not merely did the Czechs keenly resent being dragged into war by the arbitrary decision of their rulers and in reality at the heels of Germany, but they regarded a war waged against their Slav kinsmen of Serbia and Russia as little better than a civil war. The Russophil sentiments of the Czechs need no emphasis. Dr. Kramář, the leader of the Young Czech party, was the soul of the Neo-Slav movement and of the Slav Congress which it had summoned to Prague in 1908, and even those who by no means shared his peculiar angle of vision, looked no less eagerly towards Russia—even though a different Russia. Sympathy for Serbia had already been strong during the Bosnian crisis of 1908, and Dr. Kramář's famous Delegation speech on Austria's Balkan policy had its parallel in Professor Masaryk's protests against the Zagreb Treason Trial and the Magyar régime in Croatia and his exposure of Count Aehrenthal's share in the Friedjung forgeries.

The resentment of the masses found expression in wholesale desertions on the Russian and Serbian Fronts, followed by fierce reprisals on the part of the Austrian authorities.[1] This was at first a perilous operation, for they had to run the gauntlet between German or Magyar machine-gunners in the rear and suspicious Russians in front. It has been stated that, of the 70,000 prisoners taken by Serbia in the winter of 1914, roughly half were Czechs; at least 300,000 more surrendered voluntarily to the Russians, and close upon 30,000 to the Italians.

Meanwhile it is estimated that over 20,000 Czech civilians were interned as 'political suspects', and that close on 5,000 were sentenced to death by courts martial. The mere possession of a copy of the Grand Duke Nicholas's manifesto of August 1914 was in some cases a sufficient reason for imposing the death penalty. The extent to which terrorism was practised in Austria may be gathered from the assertion of the Polish

[1] For typical instances of disaffection *v.* Nosek, *Independent Bohemia*, p. 72; cp. Chap. I, Part II, pp. 50–5.

Socialist leader, M. Daszynski, in the Reichsrat in February 1918, that there had been no less than 30,000 executions in Galicia alone.

So long as Vienna hoped to secure the declarations of loyalty already alluded to, the Czech leaders were left unmolested, though closely watched. The only one to be arrested in 1914 was M. Klofač, the National Socialist who was alleged to have received incriminating letters from Switzerland. Dr. Kramář and the other leaders, bourgeois and Socialist alike, realizing their helplessness, remained at first altogether passive and awaited the Russian advance upon Cracow. Professor Masaryk, chief of the small but influential group of 'Realist' intellectuals, attempted to establish secret relations with his friends in Entente countries, and after two initial visits of inquiry to Holland,[1] made his way to Italy in December, and there decided not to return to Bohemia but to make himself the interpreter of Czech aspirations abroad. This step, and the death of the Statthalter of Bohemia, Prince Francis Thun, a man of high character and genuine moderation, coincided with the increasing severity of the régime now imposed upon the Czechs. In May 1915 Dr. Kramář[2] and Dr. Rašin,[3] the two Young Czech leaders, and the two editors of the chief Prague daily, *Narodni Listy*, were arrested on a charge of high treason, and eventually (3rd June 1916) sentenced to death. After a severe struggle, milder counsels prevailed in Vienna, and they were reprieved, but remained in prison till after the general political amnesty proclaimed by the Emperor Charles in July 1917. M. Klofač[4] remained in prison untried from September 1914 till July 1917; and four other deputies of the National Socialist party, MM. Choc, Buřival, Vojna, and Netolicky, were imprisoned for shorter periods. In December 1916 Professor Masaryk was sentenced to death *in contumaciam*, and an attempt was made to intimidate him by imprisoning his daughter Dr. Alice Masaryk.[5] She remained untried in solitary confinement for nearly a year, until the

[1] In October 1914 he spent two days secretly in Rotterdam, with Mr. Seton-Watson, who brought back his considered views on the Austrian and international situation.

[2] First Prime Minister of the Republic.

[3] Minister of Finance under Dr. Kramář.

[4] Minister of National Defence in the Kramář and Tusar Cabinets.

[5] President of the Czecho-Slovak Red Cross, and first woman deputy.

energetic protests of American feminist societies secured her release. The wife of Dr. Edward Beneš,[1] Masaryk's most active lieutenant in exile, long shared the same fate. Other prominent Czechs who suffered imprisonment were Dr. Scheiner, president of the famous Sokol gymnastic organization, on a charge of encouraging surrender to the 'enemy'; Dr. Jaroslav Preiss, chairman of the Živostenská Banka, for his lukewarm attitude towards Austrian war-loans, and M. Soukup, the Social Democratic leader.

The Czech press was effectively muzzled, the organs of the National Socialist and Radical parties being suppressed in the autumn of 1914, Masaryk's daily the *Čas*, in the summer of 1915, and *Narodni Listy* in May 1918—not to mention many lesser journals. The Social Democrats were reduced to two journals, *Pravo Lidu* and *Rovnost*. Confiscation and suspension were almost daily occurrences, and an elaborate system was established by the Prague police, by which the press was compelled, under dire penalties, to print the articles supplied to it, without any indication of their source, and thus to propagate views which it detested and to mislead foreign opinion as to its true sentiments.[2] The Magyars were even more drastic, and by an early stage in the war the Slovak press had literally ceased to exist.

All public meetings were prohibited, and during the winter of 1915 the authorities proceeded to dissolve the Sokol Association (with its 953 branches and 110,000 members) and all the various Slav societies of Prague. Many of the classics of Czech literature were confiscated, the portraits of Hus and other national heroes were withdrawn from circulation, many favourite folk-songs were condemned as seditious, and the operas of Smetana were no longer allowed. In January 1916 German was proclaimed as the official language of political administration throughout Bohemia. The Cardinal Archbishop of Prague, Mgr. Skrbensky, was transferred to Olmütz and replaced by an ardent German prelate, Count Huyn. Until the change of régime which followed the death of Francis Joseph, the Czechs were as completely muzzled as any people in Europe.

[1] Foreign Minister since 1918.

[2] For instance, they were ordered to attack the Czech leaders abroad by publishing on 25th March and 8th April 1916, articles entitled 'In Foreign Pay' and 'The Czechs in America against Masaryk's agents'.

Detestable as were such methods of repression, the Czechs would to-day be the first to admit that the Austrian authorities were fully justified in regarding every Czech as an actual or potential enemy of the Habsburg State. The true history of the Czech 'Mafia'—a secret society in Bohemia which organized passive resistance to Austria and even economic and military sabotage, which established a rival system of secret intelligence, and which by every imaginable device maintained the necessary connexion with the leaders of the Czech movement abroad—will, when it comes to be written, provide one of the sensations of Central Europe. Its leaders were M. Šámal, now 'Chancellor' to the President of the Republic, M. Švehla, leader of the Agrarian party and first Minister of the Interior, and M. Scheiner, President of the Sokols and afterwards Inspector-General of the new army. Their most active lieutenant was M. Štěpánek, who in October 1918 crossed the Adriatic in a fishing-boat as the joint-bearer of messages from the Czech and Yugo-slav revolutionary committees, and who after the Revolution became a permanent secretary in the new Foreign Office at Prague. The success of the 'Mafia' contrasts strikingly with the failure of the Austrian police in Prague, whose elaborate dossiers, published in book-form since the revolution, show them to have been ignorant of some of the most important agents of the Czech movement.

7. *The Czech Triumvirate's political action outside Austria.* Political action being impossible inside Austria, the advocacy of Czech claims was by tacit but universal consent left to the leaders in exile, and notably to Professor Masaryk, who established the Czecho-Slovak National Committee in Paris, with its organ *La Nation Tchèque*, and made his own headquarters in London, where profound ignorance still prevailed regarding the subject races of Austria-Hungary and their claims. In October 1915 he was appointed lecturer at London University and inaugurated the School of Slavonic Studies at King's College by a remarkable address on 'The Problem of Small Nations'. On the 14th November he and the leaders of the Czech and Slovak colonies in Entente countries and in America issued a manifesto[1] denouncing the Habsburgs as 'mere valets of the Hohenzollern' and Austria for having proclaimed her own abdication, and demanding complete independence for

[1] *La Nation Tchèque*, No. 14.

Bohemia. Henceforth it was war to the knife between the rival Austrian and Czech ideals.

No account of Czecho-Slovakia's share in the war and in the peace would be complete without some brief reference to the triumvirate—Masaryk, Beneš, and Štefanik—which henceforth guided her cause, first to Allied recognition and then to complete political triumph. Those acquainted with the Slav world had long known Thomas Masaryk as one of the most profound and healthy influences upon the younger generation, alike as a philosopher and ethical teacher and as the champion of honesty and consistency as the only true basis of political 'realism'. Of simple, even Spartan tastes, opposed to convention and indifferent to popularity, he had more than once set himself against the prevailing current—notably in his exposure of the forged ballads to which Czech national sentiment had attached itself so eagerly, in his defence of the Jew Hilsner against the mythical charge of Ritual Murder, and in his championship of the Serbo-Croat Coalition against the forgery, terrorism, and espionage of Count Aehrenthal and his unscrupulous agents. To an intimate working knowledge of Austro-Hungarian, German, and Balkan problems, he added a profound acquaintance with Russia [1]; while his marriage to an American lady had brought him into close touch with the New World. Thus when the crisis of his life came, he was better prepared than perhaps any statesman of his time to grapple with the great European problems which the war had raised.

His two helpers, Edward Beneš and Milan Štefanik, were young and untried forces (respectively 31 and 34 at the outbreak of war). The former, already known as a lecturer and writer on sociology and economics at Prague University, soon developed diplomatic talents of the very first rank and a quite unusual capacity for discovering the psychological time and place for every action. The latter, the son of a Slovak Lutheran pastor, had left Hungary in his teens, no career being open to any non-Magyar who refused to be denationalized; and had won a reputation as astronomer and explorer in the French service. He distinguished himself as an airman on the Balkan and Italian Fronts and, though incapacitated by a dreadful accident, kept himself alive by sheer will-force, and devoted

[1] See *The Spirit of Russia* (2 vols.), 1919, the German edition of which had made a deep impression in Germany in 1913.

his very considerable influence in French and Italian military and political circles to furthering the cause of his oppressed nation.

8. *The Liberation of the Czecho-Slovaks included in Allied War-aims, 10th January 1917.* The first concrete result of their joint labours was the insertion in the Allied note to President Wilson (10th January 1917) of a demand for 'the liberation of the Italians, as also of the Slavs, Rumanes, and Czecho-Slovaks from foreign domination'. The phrase should of course have run, 'Italians, Yugo-slavs, Rumanes, and Czecho-Slovaks'; but Baron Sonnino, with the Secret Treaty of London in his pocket, stubbornly opposed the inclusion of the Yugo-slavs, and the vaguer drafting 'Italians, Slavs, and Rumanes' was generally accepted. At the last moment, however, the Czecho-Slovaks, who naturally laid great stress upon being specially mentioned by name, prevailed upon the French to insist upon their inclusion; and as the Italians remained obdurate, the words 'and Czecho-Slovaks' were added at the end.[1]

The Entente's endorsement of Czecho-Slovak aspirations came at a turning-point in the political history of the war, when Russia was on the very eve of Revolution, when President Wilson had already accepted intervention as inevitable, and when the Emperor Charles and his advisers were planning an elaborate peace offensive in favour of a drawn game. Not for the last time, the Czecho-Slovak triumvirate had seized the psychological moment.

In certain respects their position was easier than that of other political exiles. The Poles were gravely handicapped by their triple allegiance, by divergent party aims, by the Entente's desire not to offend Tsarist Russia, and by the fact that their own territory was one of the main battle-fields of Europe. Even the Yugo-slavs, to whom the existence of a Serbian 'Piedmont' was of inestimable value, alike in a military and in a moral sense, often suffered from divided counsels. Masaryk and his friends were untrammelled by ordinary diplomatic conventions, and enjoying the unbounded confidence of the 'Mafia' (in which every party and shade of opinion was represented), they virtually had a free hand in the great game of international politics.

[1] Cp. Vol. I, pp. 428–9 for text of Allied Reply, 10th January 1917, and for discussion Vol. I, pp. 171–3.

9. *Opening of Reichsrat; Declaration of 30th May 1917.* The next stage in the Czech drama was to be enacted in Vienna. Early in 1917 the Emperor Charles and his two chief advisers Counts Czernin and Clam-Martinić, realizing the desperate state of Austria-Hungary, had warned Berlin of their failing powers of resistance, and at the same time made secret overtures to the Entente through the medium of Prince Sixtes of Parma. Now, as a foretaste of their liberal intentions, and under pressure of the events in Russia, they decided to summon the Austrian Parliament on the 30th May 1917, after it had been kept in abeyance for over three years. But this step only served to reveal to all the world the pent-up discontent of the Austrian nationalities. On the opening day the spokesmen of the Poles, Yugo-slavs, Czechs, and Ruthenes in turn put forward resolutions embodying their national claims, and couched in terms hitherto unknown to that assembly.

The Czech attitude had already been foreshadowed in a Memorial drawn up a month previously by 150 leading Czech intellectuals, and by a manifesto issued by the Czech Parliamentary Club on the 20th May. In it they promised to urge 'our ancient programme of independence', but also to advance 'new claims such as the results of the world-war have brought into being'. Thus the resolution of the 30th May demanded the transformation of Austria-Hungary 'into a federal state of free and equal national states', and the union of all Czechs and Slovaks 'in a single democratic Bohemian state'. The international situation, and the paper ideals put forward on all sides by statesmen whose real sentiments were expressed in a series of secret diplomatic compacts, had already had a noticeable influence upon the presentment of Czech claims. These now rested upon the double and in some sense contradictory bases of 'historic rights' and 'national self-determination'. The former unquestionably supplied Bohemia with the title to her historic frontiers, but the same claim which allowed the detachment of Slovakia from Hungary would, if logically applied, have left the Germans of Bohemia free to unite with Austria, Bavaria, Saxony, and Prussia.

The resolutions of the 30th May[1] were of course unpalatable to the Austrian Government, but they were a direct declaration of war upon Hungary, and were received as such in Budapest.

[1] Consult also Chap. I, Part III, pp. 78–80.

For it was at once obvious that neither Czecho-Slovak nor Yugo-slav nor Rumanian unity could be achieved, save by the dismemberment of the traditional Kingdom of Hungary, and this quite irrespective of the larger question, whether the Habsburg Monarchy was to be dissolved or merely reconstructed on federal lines. The Dual System proved, as its founders had intended, an insurmountable obstacle to the regrouping of forces on a racial basis, since Yugo-slavs and Czecho-Slovaks in particular were kept in unnatural division by the internal frontier between Austria and Hungary.

Dr. von Seidler, who soon afterwards succeeded Count Clam-Martinić as Austrian Premier, found himself at the mercy of his Hungarian colleague, and at the dictation of the latter, and of the Pan-German element in Austria, formally denounced all idea of federalism and proposed the futile alternative of national autonomy in each of the seventeen provinces of Austria, leaving Hungary of course entirely untouched. The Czech Parliamentary Club retorted by refusing to enter the Commission for constitutional revision, and by concluding a working alliance with the Yugo-slavs, Ukrainians, and, to a lesser degree, the Poles.

The summer and autumn session was interspersed by audacious speeches from the Czech deputies, designed very largely for foreign consumption. M. Kalina [1] voiced their repudiation of all responsibility for the war, and greeted demonstratively the liberation of Russia. M. Stransky [2] declared the time to be ripe for the opening of Austria's 'Peter and Paul' fortress. The Agrarian leader M. Staněk [2] declared that real peace in Europe was impossible until 'on the ruins of the Dual Monarchy new national states shall arise'. Father Zahradník [2] not merely insisted upon 'an independent Czecho-Slovak State with all the attributes of sovereignty', but for the first time put forward the contention that the Czech problem could only be decided at the Peace Conference, not in Vienna.

When the collapse of the Russian Army and the Bolshevik Revolution were followed by pourparlers between Moscow and the Central Powers, the Czech and Yugo-slav members of the

[1] First Czecho-Slovak Minister to Yugo-slavia.

[2] Ministers of Commerce, Public Works, and Railways respectively in the Kramář Cabinet.

Austrian Delegation issued a declaration, in which they demanded full self-determination for all the nations of the Monarchy and the appointment of a committee selected from the Parliaments of Vienna and Budapest *on a strict basis of nationality*, for the purpose of conducting peace negotiations. It was obvious that such demands would not be considered for a moment, but on the 5th December the Czech Socialist leader M. Tusar[1] improved the occasion by declaring that 'Count Czernin does not represent the nations of Austria and has no right to speak in our name; he is merely the plenipotentiary of the dynasty'. If, he added, it be treason to claim liberty and independence, 'then each of us is a traitor, but such treason is an honour, not a dishonour.'

10. *The Czecho-Slovak attitude defined, January–April 1918.* Henceforth till the end of the war every fresh utterance of the rival political leaders was addressed even more to the outside world than to the home public. Meanwhile Count Czernin was engaged in an elaborate double game. On the one hand, he kept warning the Czechs that blind reliance upon the Entente would lead to their undoing, and cited the Austrophil currents in London and Paris as a proof that Prague would be wise to make its peace with Vienna.[2] At the same time he made all possible use of his subterranean channels, in the hope of deluding the Entente statesmen both as to the true sentiments of the subject races and also as to the real extent of Vienna's dependence upon Berlin. The secret meeting of General Smuts and Count Mensdorff in Switzerland in December 1917 was, so far as Austria was concerned, a last despairing effort to delude the enemy into reducing his terms. For a moment it seemed as though it might succeed. The speech of Mr. Lloyd George on the 5th January and President Wilson's message to Congress on the 8th January—in both of which the attempt was made to replace the pledge of 'liberation', contained in the Allied Note of the previous January, by a vague promise of 'autonomy', were probably influenced by Mensdorff's plausible assurances. It is but fair to add that the meaning of the word 'autonomy' differs fundamentally, according as it

[1] Czecho-Slovak Premier June 1919 to autumn 1920.

[2] It was known to the Czechs abroad that he had more than once taken this line to MM. Staněk, Tusar, and others, when they came to impress upon him the hopeless economic condition of Austria.

is used in Washington and London, in Vienna, or in Prague and Zagreb.

Even before these pronouncements had been made, Dr. Beneš had duly warned his colleagues in Prague of the need for action such as should render the nation's wishes obvious even to the most obtuse intelligence. On the 6th January 1918, therefore, there met at Prague a Convention of all the Czech deputies in the Reichsrat and the three provincial Diets, of the deprived deputies, and of the leaders of the literary and business world. They protested vigorously against Czernin's policy at Brest-Litovsk, reaffirmed the principle of self-determination, denounced Hungary's brutal exploitation of the Slovaks, and demanded a sovereign state of their own, 'within the historic boundaries of the Bohemian lands and of Slovakia, guaranteeing full and equal national rights to all minorities'. They also formulated the demand for participation at the Peace Conference. The Austrian Premier, who prohibited the publication of this manifesto in the press, rightly interpreted it as 'conceived in a sense absolutely hostile to the State', and announced that Austria would resist it 'by all the means at her disposal'. Count Czernin, shortly before his fall, vented his ill-humour in an attack upon 'the miserable Masaryk' and upon those other Masaryks within the Monarchy, who used their immunity to encourage the enemy. His allegation that the Czech nation did not stand behind its leaders, was promptly answered by the summons to Prague of some 6,000 delegates, who on the 13th April took a solemn oath to 'hold on till victory' and independence.

11. *The Congress of Oppressed Nationalities at Rome (April); its results.* Within the same week (8th–10th April 1918) a Congress of the Oppressed Nationalities of Austria-Hungary met at Rome, with the sanction and approval of the Allied Governments, who by this time had realized the hopelessness of a separate peace with Vienna and the insatiable ambition of the military leaders in Berlin. This congress marks a fresh turning point in the political history of the war, for it sealed the union of the Italians, Czecho-Slovaks (represented by MM. Beneš and Štefanik), Poles, Yugo-slavs, and Rumanians in their opposition to the Habsburg dynasty and state, and laid down the joint lines for a remarkably effective propagandist campaign for the disintegration of the Austrian Front. Signor

Orlando, the Italian Premier, in welcoming the delegates, identified the cause of Italy with the truly Mazzinian aims of Austria's Slav and Latin victims.

The Congress reverberated throughout the tottering Dual Monarchy and there was a prompt response at the Congress held in Prague on the 16th May, the jubilee of the Czech National Theatre. The celebrations were attended, not only by representatives of every Czech and Slovak party or shade of opinion, but by many prominent Polish, Italian, Yugo-slav, and Rumanian delegates—care being taken that the same nationalities which had been represented in Rome should bear witness to their solidarity on the other side of the barrier of the trenches. After a whole series of outspoken speeches, resolutions were passed on behalf of the five nations represented, demanding full independence and democratic government, a universal League of Nations, and an end to 'the predominance of one nation over another', and promising mutual help till their ideals should triumph.[1] The authorities not unnaturally took alarm, prohibiting further meetings in Prague, and the use of Slav colours. But it was no longer possible to arrest the general process of internal disintegration in Austria; the administrative machine was increasingly unreliable, and intimidation was losing its effect upon the masses.

The failure of the Austrian offensive upon the Piave in the second half of June was materially assisted by the parallel process of disintegration in the army, produced by intensive Allied propaganda. Czech, Yugo-slav, Rumanian, and Polish experts co-operated with the Italian Irredentists at the central bureau of Signor Ojetti in Padua, and found volunteers for the perilous task of maintaining contact with their comrades in the opposite trenches. Above all, regular Czecho-Slovak regiments took their place side by side with the Allied contingents on the Italian Front.

12. *The Czecho-Slovak Legions: their importance.* This was the final stage in a policy long and deliberately pursued by Masaryk and his group abroad, who realized that to the Entente leaders the most convincing of all arguments in favour of the Czecho-Slovak cause was to provide soldiers ready to shed their blood for it. Small Czecho-Slovak legions had been formed in France and Russia early in the war, and many of the

[1] Text in Vol. V, App. III, § iii; *v.* also pp. 193–4 and Chap. V, pp. 279, 298–5.

Czech colony in London enlisted in the British Army. But the Tsarist régime frowned upon the formation of regular corps from the Austrian prisoners, and it was not till after the March Revolution of 1917 that the Czecho-Slovak Army in Russia came into being. Professor Masaryk himself went to Russia in May 1917, and thanks to his intervention the Legion rapidly grew into a brigade, and then an army corps. These Czech troops formed the backbone of the last brief offensive launched by General Brussiloff in July 1917, and distinguished themselves by heavy captures of prisoners and guns. The utter collapse of the Russian Army rendered further fighting impossible, but left the Czechs free to extend their formations and to become virtually a small state within the state. Professor Masaryk scrupulously avoided taking any part in the internal party disputes of Russia, rightly holding that the sole business of his troops was to fight the Central Powers, in the cause of Czecho-Slovak independence. After the Bolsheviks came into power, all his efforts were concentrated upon securing their withdrawal from Russia and their transfer to the French Front. Several thousand men realized this ambition, having been transported from Archangel and Murmansk to England, about the same time as those Yugo-slav divisions in which so many Czech officers had first won their spurs. But the great mass, over 80,000 in number, were cut off in Central Russia, and had no alternative but to withdraw into Siberia, in the hope of extricating themselves through Vladivostok. Their retirement was actively opposed by Austrian and by Magyar ex-prisoners of war; and agents of the Central Powers prevailed upon the Bolshevik Government to attempt their disarmament as 'anti-revolutionary forces'. This is not the place to describe the amazing Odyssey of the Czecho-Slovaks in Siberia, but it is important to point out that by policing the Siberian railway and providing a stiffening for the disorganized Russian forces in the East. they not merely rendered signal service to the Allied cause, but thereby established a right to that recognition which turned the scale in favour of their national cause. The importance which the Allies attached to their presence in Siberia was shown by the dispatch of General Janin and other French officers on a special mission to their army.

Meanwhile Dr. Beneš had continued his work in Western Europe, and on the 16th December 1917 secured from the French

Government the recognition of an autonomous Czecho-Slovak army, fighting under its own flag against the Central Powers, and acknowledging the military authority of the French High Command, but the political control of the National Council in Paris.[1] The moral effect of this recognition more than outweighed the depression caused by the ambiguous speeches of Mr. Lloyd George and President Wilson a few weeks later; and the angry comments of the Austrian and Magyar press showed that the blow had struck home. One effect of the Congress of Rome was that the Italian Government, though less publicly, extended the same recognition, and arranged with Colonel Štefanik the formation of Czecho-Slovak units on the Italian Front. When the Prince of Wales visited Rome on the 23rd May, the guard of honour was formed by Czecho-Slovaks—an incident which was scarcely noticed in England, but which caused a profound sensation throughout Austria-Hungary.

13. *Qualified Recognition by the Allied Powers, May–September 1918.* In May 1918 Professor Masaryk reached the United States from Siberia and was accorded a triumphant reception by the Czecho-Slovaks of Chicago and other American cities. One early result was the official statement issued by Mr. Lansing, on the 29th May, endorsing in the name of America the proceedings of the Rome Congress, and expressing 'earnest sympathy' with 'the nationalist aspirations of the Czecho-Slovaks and Yugo-slavs'. A further declaration was issued at Versailles on the 3rd June by Britain, France, and Italy, but its vague and cautious phrases were exploited and distorted by the enemy press; but on the 28th June Mr. Lansing swept away all doubts by announcing that America desired 'that all branches of the Slav race should be completely freed from German and Austrian rule'. On the 30th June President Poincaré presented colours to the Czecho-Slovak Army, and the French Government formally recognized the National Council as 'the first step towards a future government'. On the 9th August

[1] Decree of French War Ministry as regards Czecho-Slovak Army, 16th December 1917:

ART. 2: 'Cette armée nationale est placée, au point de vue politique, sous la direction du Conseil national des pays tchèques et slovaques, dont le siège central se trouve à Paris.'

ART. 3: 'La mise sur pied de l'armée tchécoslovaque, ainsi que son fonctionnement ultérieur, sont assurées par le gouvernement français.'

(the statement being published on the 11th) Great Britain recognized the Czecho-Slovaks as an allied nation, their armies as regular belligerents, and the National Council as 'the present trustee of the future Czecho-Slovak Government'. On the 2nd September America recognized the National Council 'as a *de facto* belligerent government'. The statement was published on the 3rd.

14. *Czecho-Slovak Movement within Austria.* During the summer and autumn of 1918 the Slav deputies in the Reichsrat spoke with even greater freedom than before. On the 16th July M. Tusar declared that 'the war must end with the creation of a Czecho-Slovak state', and next day M. Stříbrny sang the praises of the Czech troops fighting for the Entente, gloried in the name of 'traitors to Austria' and renewed the claim to complete independence, while M. Stransky denounced the Austria of Seidler as 'a constitutional monarchy without crown and without constitution'. In August the Czech parliamentary leaders attended the congress organized by the Slovenes at Laibach (Ljubljana), and laid special stress upon the solidarity of bourgeoisie and proletariat, of Clerical and Socialist, in support of the national cause; and on the 3rd September the Czech clergy of Bohemia, fired by the example of Bishop Jeglić of Laibach, issued a manifesto declaring their adhesion to the 'National Oath' and describing 'the realization of an independent Czecho-Slovak state as an act of God's historic justice'.

By this time the internal political situation had reached a deadlock both in Austria and in Hungary,[1] since Vienna and Budapest were irreconcilably at variance in the matter of constitutional reform, and since the parliamentary leaders of the non-German and non-Magyar nationalities combined to reject every overture 'from above'. The collapse of the Balkan Front and Bulgaria's rapid capitulation produced a veritable panic in the official circles of the Monarchy. When on the 1st October the new Premier Baron Hussarek told the Reichsrat that the introduction of national autonomy must now be regarded as inevitable, he was openly flouted by the Slav leaders. M. Staněk, speaking for the Czech Club, declared that his nation could not be excluded from a share in the peace negotiations, and would be represented by the Czecho-Slovak Legions! He actually concluded by urging unconditional

[1] See Chap. I, Part III, pp. 90–5.

surrender to the Entente. Father Korošec, in the name of the Yugo-slavs, demanded 'full freedom or death', and the Premier was reduced to a nervous and ineffective protest against 'the glorification of felony and treason'. Austria-Hungary's formal acceptance of President Wilson's speeches as a basis of negotiation (7th October) was followed by a fresh speech of Hussarek on the 8th October, admitting that the 'Fourteen Points' were incompatible with the existing structure of the Monarchy. Magyar public opinion at once took alarm, and there was a veritable stampede towards separatism, in the vain hope of saving Hungary from the consequences of liquidation in Austria. So breakneck was the speed of events, that within less than a week such pillars of the existing order as Count Tisza and Dr. Wekerle had abandoned the basis of the Dual System, and the latter, in once more accepting office, was allowed to announce the Crown's approval of the programme of Personal Union. Driven by the necessity of outbidding the more radical leader Count Károlyi in the popular favour, Count Tisza even went on to demand separate representation for Hungary at the peace negotiations. The whole machine of State was tottering on the edge of an abyss, and all that was still needed were a few firm blows from the outside at the critical moment. These were administered by Professor Masaryk and President Wilson.

15. *The Revolution in Bohemia; President Wilson's Note, 18th October 1918.* On the 14th October Dr. Beneš notified to all the Allied Governments that a provisional Czecho-Slovak Government had been formed under the presidency of Professor Masaryk, with himself as Foreign Minister and Colonel Štefanik (with the rank of General) as Minister of War. Chargés d'Affaires were simultaneously appointed in London, Paris, Rome, Washington, and Omsk. On the 18th the Czecho-Slovak Declaration of Independence was published by the same triumvirate. But M. Pichon had already issued a *communiqué* that he 'unreservedly recognizes the existence of the new Government, and adds an expression of his profound satisfaction'[1] (15th October 1918).

[1] In view of the qualified recognition by Great Britain (9th August) and the United States (3rd September) (*v.* §§ 8, 13, pp. 254–61), this French recognition almost settled the question. Full formal recognition may be taken as dating from the admission of Czecho-Slovak plenipotentiaries at the Peace Conference (18th January 1919), *v.* Chap. II, Part II, § 2, p. 131. Cp. Vol. V, Table III.

On the 16th October the Emperor Charles issued a manifesto 'To My Peoples', announcing the federalization of Austria (not Austria-Hungary). The old Austria was to be replaced by four national States—German, Czech, Yugo-slav, and Ukrainian: Trieste was to be a free port, and the Poles of Galicia were to be free to unite with Poland. Austria had allowed herself to be forestalled by the Czech proclamation. The new project satisfied no one, and was universally accepted as a formal notification of death. Indeed the Germans were the first to set about the task of convoking a National Assembly, and within a few days special national committees sprang into existence in every part of the Habsburg Monarchy. On the 19th October the Narodni Výbor (or Czech National Committee), which had been formed as early as July 1918 from representatives of every Czech party, issued its formal reply to the Emperor and to Hussarek. It declared that the Czech people could no longer negotiate with Vienna as to its future, and that the Bohemian question, which had now become international, could only be solved on a basis of absolute state independence; and after dwelling upon the sufferings of the Slovaks under Magyar rule, it proclaimed itself to be the sole legal representative of the will of the entire Czecho-Slovak nation.

The real death-blow was dealt by President Wilson's Note of the 18th October, in answer to Count Burián's offer to negotiate. America, he pointed out, had materially modified the standpoint expressed in the 'Fourteen Points' by her recognition of a belligerent Czecho-Slovak Government and of the justice of Yugo-slav claims, and was no longer free to discuss a settlement, save on a basis satisfactory to those two nations.[1] The effect in Bohemia and Croatia in particular was electrical, and if the National Council in Prague was perhaps slower to act than that of Zagreb, this was mainly because the Czech party leaders had set out upon a hurried visit to Switzerland, in order to establish contact with Dr. Beneš and decide with him their joint line of action. Thus it was not till the very close of the month that the final stage of revolution was reached, and in the meantime Hussarek had been replaced by Professor Lammasch, and Burián as Joint Foreign Minister by Count Andrássy. Seldom has there been a more dramatic instance of historical retribu-

[1] Cp. Chap. I, Part III, pp. 111–12, and this chapter, Part I, p. 198.

tion, than when the son, in ten days of office, undid the lifework of his father, the elder Andrássy. His Peace Note of the 27th October, accepting President Wilson's standpoint in the Czecho-Slovak and Yugo-slav questions as a basis for negotiation, annihilated at one blow not merely the Dual System, but the whole structure of political, dynastic, and constitutional theory upon which 'Austria-Hungary' had rested for two generations. On the next day (28th October) the Narodni Výbor in Prague took over the civil administration of Bohemia and received the submission of the garrison and its commanders. The new Czecho-Slovak Republic entered on its existence by an entirely bloodless revolution. Thanks to the foresight of the 'Mafia' and the National Committee, an elaborate plan for taking over the government offices, railways, and strategic points, could be put into immediate operation, and the historic frontiers of Bohemia were soon secure from attack. Meanwhile the Slovak National Committee in Turčiansky Sv. Martin—in whose name Father Juriga had on the 16th October in the Hungarian Parliament asserted the right of self-determination—declared itself on the 29th October for the unity of Czechs and Slovaks in a single state, and Dr. Vavro Šrobár was admitted as its delegate to the National Council in Prague.

16. *Meeting of the Assembly of the Czecho-Slovak Republic, 14th November 1918.* On the 14th November the first National Assembly of the new Republic met in Prague. As the holding of elections would have involved a dangerous delay, and as the summons of the three provincial Diets would have been a step at once centrifugal and retrograde (in view of the narrow franchise by which they were elected), a certain amount of improvization was clearly inevitable. The National Council apportioned mandates among all the existing parties, according to the number of votes polled by each at the last election to the Reichsrat, under universal suffrage; and at first forty-one, and afterwards fourteen more, Slovak delegates were co-opted on the advice of the Slovak National Council. The Germans of Bohemia, under the influence of extremist leaders, held completely aloof, in the mistaken calculation that they would be allowed to assert their independence; and unfortunately some of the Czech leaders did nothing to encourage a more conciliatory attitude.

The Assembly was opened by the Young Czech leader, Dr. Kramář, and proceeded to elect Professor Masaryk by acclamation as President of the Republic, and to nominate the members of a cabinet of concentration, in which every party from Left to Right was represented. Dr. Šrobár, as Minister for Slovakia, was left free to form what was in effect a sub-Cabinet of thirteen prominent Slovaks, sitting at Bratislava (Pressburg) and administering Slovakia on virtually autonomous lines. Dr. Kramář, as Premier, and Dr. Beneš, as Foreign Minister, became the two Peace Delegates of the Republic.

17. *Czecho-Slovak Ideals.* This is not the place to describe the long series of legislative reforms introduced by the revolutionary Assembly, first under the Concentration Cabinet of Dr. Kramář, and since June 1919 under his successor M. Tusar and a Coalition of Socialists and Agrarians. The new municipal elections were held in June under the new franchise—universal suffrage for both sexes and proportional representation—and supplied a fair test of feeling in the country, which was turning slowly away from the old bourgeois Chauvinist channels of the Habsburg era, in favour of a programme of advanced social reform and racial conciliation and against all ideas of adventure in foreign policy. It is in this direction that President Masaryk, Dr. Beneš, and their colleagues are throwing the whole weight of constructive statesmanship.

The original Declaration of Independence, with its deliberate rejection of the divine right of kings for 'the principles of Lincoln and of the Declaration of the Rights of Man and of the Citizen'—principles which the nation of Hus and Comenius justly claimed as its own—remains a key to the mentality and aims of the new Republic. It is sufficient to compare the broad lines laid down in this document with the actual legislation of the first eighteen months of the Republic. 'The Czecho-Slovak State', it declares, 'shall be a republic in constant endeavour for progress. It will guarantee complete freedom of conscience, religion and science, literature and art, speech, the press and the right of assembly and petition. The Church shall be separated from the State. Our democracy shall rest on universal suffrage; women shall be placed on an equal footing with men politically, socially, and culturally, while the right of the minority shall be safeguarded by proportional representation. National minorities shall enjoy equal rights. The

government shall be parliamentary in form and shall recognize the principles of initiative and referendum. The standing army will be replaced by militia.[1] The Czecho-Slovak nation will carry out far-reaching social and economic reforms. The large estates will be redeemed for home colonization, and patents of nobility will be abolished. . . . On the basis of democracy mankind will be reorganized. . . . We believe in democracy. we believe in liberty and liberty for evermore.' These words are a fitting conclusion to our survey of the Czech struggle for independence.

E. The Czecho-Slovaks at the Conference.

The first and most essential part of the Czecho-Slovak programme—unity and independence—had been automatically achieved by the collapse and dissolution of the Habsburg Monarchy. The task which confronted the Czecho-Slovak delegates at the Peace Conference was thus greatly simplified, and consisted above all in guarding what had already been obtained. It will not therefore be necessary to enter into very great detail as regards the territorial provisions, but merely to indicate the points at which the settlement finally accepted by the Supreme Council differed from the claims put forward, and the reasons which prompted such differences.

The official claims of the Czecho-Slovak Delegation fall under seven heads, which it may be convenient to take in the same order.[2]

18. *The Lands of the Bohemian Crown.* The lands of the Bohemian Crown—the three Austrian provinces of Bohemia, Moravia, and Silesia—were claimed in their entirety, in virtue of historic right and juridical continuity; and rectifications of frontier in favour of the Republic were demanded: (1) at Glatz (Kladsko)—an enclave in Prussian Silesia, formerly entirely Czech and still containing 60,000 Czech inhabitants; (2) in the district of Ratibor (also in Prussian Silesia), a mixed district where the Czechs claim a slight majority over Poles and Germans; and (3) at Gmünd and Themenau (Postorná) in Lower Austria.

On the basis of 'State Rights' the claim to the ancient

[1] Here alone a modification of the programme has been found necessary
[2] For statistics *v.* Vol. V, Table I.

frontiers of Bohemia was unanswerable. On the other hand, it was argued that the German districts, which lie on the periphery, should also be allowed to exercise the right of self-determination, and to unite either with the rest of German Austria or with the German Reich. On its theoretical side, such a claim raised the whole question as to what constitutes a unit entitled to self-determination. But the real obstacles to the claim were of a strictly practical nature. German Bohemia could not under any circumstances form a single unit, distinct from the Czech districts; for it falls into four more or less isolated fragments—the north-west or Eger-Karlsbad district, the north-east or Reichenberg-Trautenau district, the Moravian-Silesian group, lying between Olmütz and Troppau, and the strip adjoining Upper Austria, to the south of Budejovice (Budweis). Of these, only the fourth could be united to the Austrian Republic; the other three, if severed from Czecho-Slovakia, would have to be assigned to Bavaria, Saxony, and Prussia respectively. Even if it were decided to ignore the Czech racial minorities in these frontier districts, it would have been well-nigh impossible to discover a tolerable line of division between Czechs and Germans; for though the centre of the country is overwhelmingly Czech, and the periphery no less overwhelmingly German, there are many intermediate districts where the two races are inextricably mingled. The abandonment of the historic frontiers—more sharply defined by Nature herself than almost any others in Europe—would have had a treble disadvantage. It would have left Czecho-Slovakia so entirely defenceless as to be really incapable of independent life; it would have deprived her of a large proportion of those mineral resources upon which Bohemia's prosperity had always rested; and it would have cut off the German districts themselves from their natural market in the agricultural centre of Bohemia, robbed their industries of the Czech workmen on whom they depend, and exposed them to most formidable competition from the great industrial rings of Germany. These appear to have been the main considerations which influenced the Supreme Council in accepting unaltered the old historic frontier between Bohemia and Germany. To this there is a single exception, in the extreme south corner of Prussian Silesia, where Germany cedes to Czecho-Slovakia portions of the Kreise of Leobschütz and Ratibor (Arts. 27 and

83)—the intention being to avoid an unnatural and dangerous salient of German territory between Czecho-Slovakia and Poland, in the event of the 'Plebiscite Area' of Upper Silesia falling to the latter (*v.* pp. 366–7). The old frontier between Bohemia and Austria (Upper and Lower) is adopted, with certain not unimportant modifications in favour of the former, near the junction of the Thaya and the Morava (March) and to the north-west of Gmünd, where the Czechs secure certain railway lines on which the traffic of southern Bohemia depends.

In one direction alone was the delineation of the frontiers held in suspense—in the Duchy of Teschen (Těszn, Cieszyn), but this is dealt with fully elsewhere.[1]

19. *The German Minorities.* Meanwhile the problem of the German minorities in Bohemia undoubtedly remains the most difficult with which the new Republic is confronted; and the Supreme Council in pursuance of its general policy included in the Treaty of Versailles a clause (Art. 86), pledging the Republic to protect the interests of all racial and religious minorities.[2] This pledge was readily accepted by the Czecho-Slovak Government in the Language Law of the 29th February 1920, of which the main provisions are indicated in the Treaty.[3]

It may be useful at this point to give the numbers of the population in that portion of the new Republic which belonged to Austria, according to the last census (1910):

	Czecho-Slovak.	*German.*	*Polish.*	*Total (including other racial fragments).*
Bohemia .	4,241,918	2,467,724	1,541	6,769,548
Moravia .	1,868,971	719,435	14,924	2,622,271
Silesia .	177,896	278,799	138,417	608,128
	6,288,785	3,465,958	154,882	9,999,947

These figures cannot be taken as an exact index of racial distribution, for the simple reason that quite apart from possible bias in their compilation, they are based not upon 'the mother-tongue', but upon 'the language habitually spoken' (*Umgangssprache*). Nor will the figures of the recent parliamentary elections (April 1920) serve altogether as a corrective, even though they were conducted on a basis of

[1] See Chap. VI, Part I, which discusses the plebiscite, as well as those at Orava and Zips.

[2] Vol. V, Chap. II, *passim.*

[3] See Vol. V, App. IV. § iv.

universal suffrage and proportional representation; for though all the leading parties secured very exact representation, the system of *scrutin de liste* produced in many cases the effect of forcing the smaller groups to follow social rather than racial lines of cleavage.

20. *Slovakia.* The claim to Slovakia was made to rest upon the right of national self-determination. References to the shadowy Moravian Empire of the ninth century and even to the temporary union under the Hussites, were obviously inadequate historical arguments to set against the patent fact of Hungary's territorial unity during ten centuries. On the other hand, no one acquainted with conditions in Slovakia before and during the war, could be in any doubt as to the alacrity with which the Slovaks would welcome the first chance of shaking off Magyar rule. As a result of the amazing system of electoral corruption and terrorism prevalent in Hungary, there were only three elected Slovak deputies; and thus the sole authority which could serve as a substitute to the Magyars when the great upheaval came, was the Slovak National Council in Turčiansky Sv. Martin. On the 6th November 1918 its delegate to Prague, Dr. Šrobár, accompanied by MM. Blaho, Derer, and Štefanik, entered Skalice and backed by only a few hundred gendarmes and legionaries, established a provisional régime in the western Slovak counties, while the northern counties fell automatically under the control of the National Council. Early in 1919 Dr. Šrobár and his thirteen 'Referents', or permanent heads of departments, took up their headquarters in Bratislava (Pressburg), and began to reorganize the whole administration from there. The number of Slovaks in any way qualified for responsible posts was utterly inadequate; and it was necessary to import officials from Bohemia, especially in the sphere of justice and education and in the railway and postal services. But the central control remained entirely Slovak.

The problem of frontier delimitation proved far more difficult for Slovakia than for Bohemia. To the north the old frontier between Hungary and Galicia is not merely a formidable geographical barrier, but also coincides with the racial cleavage between Slovaks on the one hand and Poles and Ruthenes on the other. There are, however, 38,500 Ruthenes north of Šaryš county. The only other qualifications to this

statement are in regard to certain villages in the counties of Orava and Zips. None the less, the Poles prevailed upon the Supreme Council to allow two plebiscites among a population which is essentially Slovak, despite certain Polish dialectical influences.[1]

On the south, on the other hand, there is no obvious frontier, and the line of ethnic division is very much a matter of dispute, owing to the slow process of Magyarization to which these border districts had been specially subject. Thus a whole series of doubtful points had to be decided by the experts in Paris, before the final frontier could be established.

(*a*) The town of Bratislava (Pressburg), according to the Hungarian census of 1910, contained 31,705 Magyars, 38,790 Germans, and only 11,673 Slovaks. But to the very gates of the town the population is Slovak, and it was rightly held that it could not be separated from its hinterland, and that it was destined to play an important and indeed essential part as the Danubian port of Czecho-Slovakia. A district of some 4 sq. km. in extent, lying to the south of the Danube, opposite the town, was also assigned to Czecho-Slovakia, both as a guarantee against hostile raids, and as being the property of the municipality; but no fortifications are allowed on the right bank.

(*b*) From Bratislava eastwards as far as the junction of the Ipoly (Eipel) with the Danube, the latter was decided on as the only possible frontier between Czecho-Slovakia and Hungary, although considerable Magyar minorities are to be found on the left bank, in the southern portions of the counties of Nitra and Tekov (Bars). This is the more excusable because even these minorities are undoubtedly for the most part Slovaks who have been Magyarized during the last century, and because their whole economic life is bound up with the left bank of the Danube. A much more contentious point was the fate of the 'Grosse Schütt', the large and fertile island in the Danube, stretching from a few miles east of Bratislava, to the former fortress of Komárom (Komorno). Though here the population is exclusively Magyar (over 100,000), it was decided that the southern channel was the only possible frontier, and the whole island was therefore assigned to Czecho-Slovakia. The only apparent defence for this decision is that the island's economic

[1] *v.* Chap. VI, Part I, B, pp. 364–6.

ties are undoubtedly with Bratislava and the north bank, and that without it Czech access to the Danube might have been seriously curtailed.

(*c*) From the mouth of the Ipoly to the point at which autonomous Ruthenia begins, there was a wide divergence between the extreme claim put forward by Czecho-Slovakia and that finally allowed. There can be little doubt that the latter represents a reasonable solution, and that it would have been a very real injustice to the Magyars to deprive them of the coal-mines of Salgótarján, of the vineyards of Tokaj, and of the genuinely Magyar towns of Vácz, Miskolcz, and Sárospatak. The town of Sátoralja-Ujhely was also left to Hungary, but its railway station (a mile away), the junction of Csapp and the line connecting it with Košice (Kassa) were left to Czecho-Slovakia, in order to assure the latter's communications with Rumania.

Until a new and careful census can be taken, all existing estimates of the population of Slovakia can merely be approximate. According to the 1910 census there were 2,945,846 inhabitants, comprising 1,897,552 Slovaks, 801,793 Magyars, 111,687 Ruthenes, and 198,887 Germans. It should be added that according to the Hungarian census of 1910 there are close upon 300,000 Jews in the counties now assigned to Slovakia and Ruthenia.[1]

21. *Ruthenia.* The union of the Czecho-Slovak and Rumanian races each in a single national state, left the Ruthenes—the most backward and isolated of all the non-Magyar races—virtually suspended in mid-air. According to the census of 1910 they numbered 464,259, but according to the statistics of the Uniate Church, to which they belong, the true figures were 537,962. It has been the very definite policy of the Magyars to prevent any national movement among the Ruthenes, to keep them without intellectual leaders and to promote so far as possible their complete absorption. At the outbreak of war they had not a single school, secondary or primary, in which their language was taught, no political newspaper of any kind, and practically no periodical literature.

[1] Most of the Jews thus given are really included in the figures of the Magyars and, to a less degree, of the Germans, which are quoted above. The figures (1910) for autonomous Ruthenia are 4,057 Slovaks, 62,187 Germans, 169,434 Magyars, 319,361 Ruthenes, others 171,114. Total, 572,028.

On the other hand, they had a higher percentage of illiterates than any other race in Hungary, and a very high percentage of emigrants, and among them economic exploitation by the great landed proprietors, by the Magyar officials, and by the Jewish traders and inn-keepers had reached its height. Under these circumstances it is not surprising that such leaders of opposition as the Ruthenes of Hungary possess, should look back upon Magyar rule as upon a long and evil nightmare.

During his visit to America in 1919 Professor Masaryk was approached by delegates of all the 'Carpatho-Ruthene' and 'Ugro-Russian' colonies of the United States, with a request for the union of their European homeland with Czecho-Slovakia. In December 1918 a deputation from the newly-formed Ruthene National Council at Munkačevo (Munkács) went to Prague with the same object. The Czecho-Slovak Government, in welcoming these overtures from close kinsmen and neighbours whom it was genuinely desirous of helping, was quite frankly influenced by reasons of general policy; since the union of Ruthenia with the new Republic would give the latter direct territorial access to Rumania and above all to Russia, and would at the same time avert the strategic dangers involved in its union with whatever power might become mistress of the northern Carpathian slopes.

The Peace Conference decided to assign Ruthenia to Czecho-Slovakia, but as an autonomous province, with its own Diet, governing council and language. The constitutional details have not yet been fully worked out; and many years must inevitably pass before conditions can become anything like normal.

22. '*The Corridor*.'[1] The Czecho-Slovaks advanced a claim for territorial contiguity with the Yugo-slavs, to be attained by the creation of a corridor running from the Danube to the Drave, and comprising the districts lying to the east of the old frontier between Austria and Hungary. They sought to justify this claim by the undoubted fact that nearly 25 per cent. of the population of the territory in question were Slavs, and that these were the survivors from century-long German and Magyar aggression against a Slav land. But, of course, their

[1] The chief arguments for the 'Corridor' are given in *De Prague à l'Adriatique* by Arthur Chervin (Paris, 1919), who claims to be the author of both phrase and ideal.

avowed aim was to establish a common frontier between the two most westerly Slav States, and to drive a wedge between Magyars and Germans, as a preventive measure for the future. It was, however, held at Paris that such a structure would be altogether too artificial, and might indeed provoke the very dangers which it was designed to combat; and the whole project therefore fell to the ground.

23. *Proposed internationalization of certain communications.* The Czecho-Slovaks demanded the internationalization of the Elbe, the Danube, the Vistula, and of the railways connecting Bratislava (Pressburg) with Trieste and Fiume, and Prague with Strasbourg via Fürth and Nürnberg.

Under the Treaty (Art. 340) they obtained full satisfaction on the first of these points, the Elbe (with the Vltava-Moldau from Prague) being placed under an International Commission of ten members (4 for the German riverine states, 2 for Czecho-Slovakia, 1 each for Great Britain, France, Italy, and Belgium); and free zones in the ports of Hamburg and Stettin were assigned to Czecho-Slovakia, on a lease of 99 years, for the direct transit of goods by river—the details being left to a commission of 3 delegates (1 German, 1 Czecho-Slovak, and 1 British) and subject to revision every ten years (Arts. 363–4).

The European Commission of the Danube, which already existed before the war, was reconstituted under Articles 346 to 353 of the Treaty, but on new and provisional lines. At first all river jurisdiction was vested in four Powers—Britain, France, Italy, and Rumania—but a new international commission was to be formed as soon as possible after ratification of the treaty, consisting of 11 members—2 for the German riverine states, one each for the above-mentioned four Powers, and one for each of the remaining riverine states—viz. Austria, Czecho-Slovakia, Hungary, Yugo-slavia, and Bulgaria. This whole question receives special treatment elsewhere.[1]

The plea for the internationalization of the Vistula was not allowed.

As regards railways, no special provision was made for transit between France and Czecho-Slovakia across German territory, this being left dependent upon the general traffic provisions of Article 365. On the other hand, free railway

[1] Vol. II, pp. 107–8.

communication between Czecho-Slovakia and the Adriatic was specially guaranteed by Articles 322–4 of the Treaty of St. Germain—for the route Bratislava–Fiume via Oedenburg (Sopron) and for the route Budejovice (Budweis)–Trieste via Linz and Klagenfurt.[1]

24. *The Czechs of Austria and the Serbs of Lusatia.* Finally, the Czecho-Slovak delegation advanced special pleas on behalf of the Czech minority in Lower Austria and of the Serbs of Lusatia. It was obvious that neither question could be settled by annexation.

According to the Austrian census of 1910 there were 122,329 Czechs in Lower Austria (102,000 in Vienna), and the Czechs themselves contend that there are as many as 400,000, including of course those whose parents were of Czech origin. Their interests are safeguarded by Articles 62 to 69 of the Treaty of St. Germain, which pledges the Austrian Republic to the protection of its minorities, and in particular to the provision of adequate instruction in the mother-tongue. In the case of the Serbs—whose numbers are estimated at 160,000 and who occupy the districts of Cottbus and Bautzen—it was urged by the Czechs that they should no longer be divided between Prussia and Saxony, but united with the latter and granted a special autonomous position. This claim, however, was allowed to lapse in Paris, and the Serbs remain as before victims to well-nigh certain Germanization.

25. *Attitude of Austria and the Supreme Council towards the boundaries of Czecho-Slovakia.* In conclusion, it may be useful to place before the reader some of the arguments by which the Austrians opposed, and the Principal Allied and Associated Powers defended, this settlement of the frontiers.

(*a*) *The Austrian Position.* Vast contiguous territories in Bohemia, Moravia, and Silesia are inhabited by three million Germans. 'All this people, free up till now and highly civilized, will, without reference to its motives and aspirations, be rendered subject to Czecho-Slovakia.' It was claimed that the communal elections, held under the Czecho-Slovak Government, showed the strength of German feeling. The southern districts of Bohemia and Moravia, with 300,000 Germans, were attached to Upper and Lower Austria by economic ties, and plebiscites were accordingly proposed in these areas.

[1] On all these points *v.* Vol. II, Chap. I, Part V, *passim*.

They also complained that Lower Austria had been deprived of some 18,000 inhabitants.

(*b*) *The Allied Reply.* As regards Czecho-Slovakia, the Powers replied that they intended to preserve to the old Czech provinces of the Crown of Bohemia their historic frontiers to the greatest possible extent. 'They have thought that the populations of German speech inhabiting the borders of these provinces should remain associated with the Czech populations to collaborate with them in the development of the national unity with which history has bound them up (*les a rendues solidaires*).' 'The Powers have considered that the best pledge of that national unity would consist in economic unity of which the Imperial and Royal administration (of the former monarchy) had taken no account. They are, consequently, compelled to assure to the Czecho-Slovak State a complete system of means of communication.' This caused an alteration of the frontier at two points: (1) in the region of the Thaya to include the railway line of Lundenburg–Feldsberg–Znaim, which was necessary to unite Moravia with the more southerly part of Czecho-Slovakia; (2) near Gmünd, to include in Czecho-Slovak territory the point where meet the two Czech great lines from Prague via Tabor to Gmünd, and from Pilsen via Budweis. In each a corner of Lower Austria was cut off. 'Although in the course of the second examination . . . they have made Austria definite concessions and reduced the territory beyond the historic frontier to what was strictly necessary, the Powers believed and believe that they should maintain the principle of the double rectification indicated.' In a joint memorandum of the 17th February 1920, by M. Millerand and Mr. Lloyd George to President Wilson, the following remarks throw light on the decisions of the Conference: 'That ethnographic reasons cannot be the only ones to be taken into account is clearly shown by the inclusion of 3,000,000 Germans in Czecho-Slovakia.'

(*c*) *Comments.* This discussion is important as indicating the one instance in which historic, rather than ethnic, economic or strategic, arguments were used. It is curious that the Hungarian Delegation sought to use the instance of Czecho-Slovakia to uphold the principle of an undivided Hungary on the basis of historic rights. But the cases were really different; Hungary reduced to a domain almost exclusively Magyar could

still live though with difficulty, Czecho-Slovakia in similar case could not. The real argument was that the area defined by history was that in which lay the lands of the Bohemian Crown. But this was insufficient unless accompanied by full freedom of communications and possibilities of economic existence. It may, in general, be said that Czecho-Slovak frontiers were the frontiers of history supplemented by the additions demanded by the necessities of economic life.[1]

[1] This does not mean that this general principle applied to particular areas, as, e.g., the Grosse Schütt, which was assigned to Czecho-Slovakia and is the most questionable transaction in the whole settlement.

CHAPTER V

THE TREATY OF LONDON

PART I

ITALY'S NEW FRONTIERS: THE TYROL, ISTRIA, FIUME[1]

Introductory. The Treaty of London and President Wilson's Ninth Point. The results of the Treaty of London permeate and modify the whole of the Peace Settlement of Austria and of Hungary. The problem of the Italian frontiers was one of the most important in the whole Conference because it threatened at one stage to delay, or even to prevent the signature of the German Treaty and, more serious still, because it conflicted with the Wilsonian principles—and most serious of all, because the action of d'Annunzio in seizing Fiume threatened not only internal revolution to Italy herself but a complete overthrow of the moral and practical authority of the Conference and the Supreme Council. It was therefore inevitable that fierce passions should have been engendered and the wildest controversies should have raged around many of the questions involved.[2] One point it is necessary to emphasize at the outset. This is that 'Signor Orlando, as head of the Italian Government, has stated that in the discussions preceding the German request for an Armistice, and the application of the "Fourteen Points", he declared formally that he must make reservations as to Point 9, which referred to the future frontiers of Italy'.

[1] For statistics, *v.* Vol. V, Table I.

[2] *v.* Vol. V. App. IV for text of the most important documents. Nearly all available documents are published by 'Adriaticus' in *La Question Adriatique*, Paris, 1920. Some important gaps are supplied by Professor F. Šišić, *Jadransko Pitanje*, Zagreb, 1920, which gives reports of the conversations of the 13th–14th and the 20th January 1920. *The Times* of the 28th January 1920 admirably summarizes the various phases up to that date. *Correspondence relating to the Adriatic*, Parl. Paper, Misc. No. 2, 1920, Cmd. 586, gives most but not all of the correspondence from January to March 1920. For the Italian side, *v.* Italian Green Book dealing with Austrian negotiations up to the 10th May 1915 (published in English), and Italian Parliamentary Debates, which are most valuable.

(Point *Nine* runs as follows: 'A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.')

On both occasions it was replied by the other Allied delegates that this was not the moment to discuss points not applicable to Germany and that Point 9 was therefore not in question.

'On the second occasion, Signor Orlando said that at the proper moment he would renew the exception he had already taken.'[1]

Orlando's reservation as to Point 9 did not therefore appear in the Allied Memorandum of the 4th November 1918, which was addressed to President Wilson, and embodied by him in his Reply to the German Government of the 5th November, which formed the binding part of the pre-Armistice Agreement and the legal basis of the German Treaty. It is now clear that Orlando should either not have acquiesced in this decision or, if he did, should have published at once his reservation on Point 9. For the unfortunate Orlando found no 'proper moment' to 'renew the exception he had already taken', as no pre-Armistice agreements preceded the Austrian, Hungarian, or Bulgarian treaties. Had he publicly stated, before the signature of the German Armistice on the 11th November 1918, that Italy was not bound by Point 9, she could not fairly have been charged, as she was subsequently on many occasions, with refusing to accept the Wilsonian principles after having solemnly subscribed to them. She could no more have been charged with inconsistency than could the British Empire for having made public its reservation as to Point 2 dealing with the 'Freedom of the Seas'. When Orlando did at last make public his reservation as to Point 9 (1st May 1919), it was too late to impress or influence public opinion, and the fact is even now much less widely known than it should be. To some extent, however, Orlando suffered, and suffered justly, for his secrecy. For his only public indications of the relations between Italy and the Yugo-slavs had been shown in the sympathy he extended to the Pact of Rome (the Torre-Trumbić agreement of April 1918, and in the *communiqué* of the 8th September 1918, which will be considered below). The net result appears to be that Orlando considered that his secret reservation (which he did not make

[1] Authorized statement of Signor Orlando to *The Times* Special Correspondent in Rome on the 1st May 1919, published in *The Times* of the 2nd May 1919.

public till the 1st May 1919) exempted him from any commitments incurred by his expressions of sympathy with the cause of Yugo-slav nationality, which had already been public for over a year. There is no more instructive example of the difficulties of 'Secret Diplomacy'.

It is convenient to treat the question of the northern frontier, which related chiefly to the new Austria, separately from the other problems relating to the command of the Adriatic and to the frontiers with Yugo-slavia.

A. The Northern Frontier of Italy

The Brenner-Trentino and Alto Adige.

1. *Historical, Ethnic, and Strategic Facts.* The districts of Trentino and Alto Adige form the Süd-Tirol; the area of the former is 2,454 square miles (6,356 sq. km.), and of the latter (including Ampezzo) 2,953 square miles (7,848 sq. km.). These were the districts originally in dispute between Italy and Austria, subsequently the Brenner area was discussed between the Allies and the latter.

The historical facts are not very illuminating. The counties of Trent (Trient) and Bozen (Bolzano) were under the temporal rule of the Prince-Bishop of Trent from the Middle Ages until their secularization (1803) and final annexation to the Tyrol (1814). The Austrian Emperor at the same time annexed the adjacent counties of Brixen and Vintgau (Val Venosta). All had in practice been under Habsburg influence or control for some centuries. A revolutionary change was indeed introduced by Napoleon in 1810, who took this whole Alto Adige and Trentino area from Austria and included it in his kingdom of North Italy under the name of the Alto Adige. This last action was frequently referred to at the Peace Conference by the Italian Delegation as an argument in their favour. But the importance of this decision was not really historical, but geographical and strategical. For, if Italy is considered as a geographic unit, the frontier might be carried along the main divide of the Alps and the Trentino, and Alto Adige would then naturally fall within these limits. This, however, could only be done by doing violence to ethical and national claims.

The statistics are analysed elsewhere,[1] but the broad racial

[1] *v.* Vol. V, Table I.

facts are simple enough. The Trentino, as such, is almost wholly Italian, or at least Romance, for there are Ladins as well as Italians. The sympathy of the Ladins is claimed (and apparently with justice) for the Italians. The Germans in the Trentino are numerically negligible.[1] On the other hand, in the Alto Adige there is a very great German preponderance.[2] North of the Alto Adige there are practically no Italians, but south of Trentino there are a few German islands. There does not seem any reasonable doubt about the feelings of the populations, which run purely on racial lines. The Trentino has always been violently pro-Italian, and the Alto Adige and further districts to the west vehemently pro-German.

From the Italian point of view the question was partly national, partly strategical, and it is difficult to say where one ended and the other began. But there can be no doubt of the grave danger to Italy from the position of the Trentino. It had been lavishly fortified and was an impregnable strategic bastion from which sorties could be made down to the broad plains of Lombardy and Venetia. The great Austrian offensive in 1916 shows clearly the danger to which Italy was exposed. Her alliance of over a generation with Austria-Hungary had made no difference to the latter's military preparations in the Trentino. It was natural, inevitable, and right that this menace to Italy should be removed. But the real question was how far could ethnic and strategic justice be reconciled? It was easy to see that they might conflict. '*Italia irredenta*' might mean one thing, and '*sacro egoismo*' quite another.

2. *The Italian demand for a frontier rectification and the Austro-Hungarian offer.* The pourparlers instituted between Italy and Austria-Hungary during the first few months of the war are of singular interest.[3] They can only be summarized here. On the 15th January 1915 Sonnino demanded a rectification of frontier owing to 'popular Italian sentiment', and stated to Prince Bülow (then on a special German diplomatic mission to Italy) 'that a permanent condition of harmony[4] would not be

[1] Austrian census of 1910. Trentino: Germans, 13,450; Italians and Ladins, 360,847.

[2] Austrian census of 1910. Alto Adige: Germans, 215,796; Italians and Ladins, 22,500.

[3] *v.* Italian Green Book. Diplomatic Documents, submitted to Italian Parliament (20th May 1915). English Translation, London, New York, and Toronto, 1915.

[4] Harmony between Austria and Italy is meant.

attained until it were possible entirely to eliminate the irredentist formula of "Trent and Trieste"'.[1] Finally, on the 8th April 1915, he formulated eleven Articles as indispensable to future co-operation which he despatched to the Austro-Hungarian Government. Some of these did not affect the Tyrol, and need not therefore be mentioned here. But the line demanded in the Tyrol started from the existing Italian frontier at Cevedale, turned north-eastwards to include Bozen, and thence followed an irregular line eastwards until it reached Cortina d'Ampezzo and the existing Italian frontier by Auronzo.[2] It not only completely pinched out the Trentino salient but gave to Italy the important railway junction of Bozen and severed the important Meran railway line from the Brenner line. Baron Burian, the Austro-Hungarian Foreign Minister, was prepared to sacrifice the Trentino, but nothing else, particularly not Bozen. He offered a line running some 30 kilometres to the south of Bozen, which would have brought the Austrian frontier to within some 17 kilometres of Trent.[3] He insisted on the strategic necessity of retaining 'the eastern side of the valley of the Noce, which would remain insecure without possession of the heights protecting the region of Bozen'. Sonnino summed up as follows: 'On one point only, that which regards the Trentino, has the Imperial and Royal Government shown itself disposed to cede a little more than in its first proposals; but even in this there is no provision that will overcome the main disadvantages of the present situation, whether considered from the linguistic, the ethnological, or the military point of view' (21st April 1915).[4] On the 3rd May 1915 Sonnino instructed the Italian representative at Vienna that Italy 'must renounce the hope of coming to an agreement . . . and proclaims that she resumes from this moment her complete liberty of action, and declares as cancelled and as henceforth without effect her treaty of alliance with Austria-Hungary'. In point of fact, Italy had already resumed 'her complete liberty of action', for she had signed the secret Treaty of London with the Entente on the 26th April 1915.

[1] *v.* Italian Green Book, p. 24.
[2] Ibid., pp. 82–5; *v.* map.
[3] Ibid., pp. 86–9.
[4] Ibid., p. 89. Fassa and Ampezzo were Ladinian and were excluded from Baron Burian's offer to Italy. It appears that at the last moment (11th May) Burian privately offered more concessions via Giolitti (*New Europe*, 30th October 1919, pp. 82–3).

3. *The Settlement of the Brenner frontier at the Peace Conference.* The Treaty of London shows a much more pronounced strategic claim on the part of Italy than that put forward in negotiation with Austria-Hungary.[1] The frontier was to be pushed forward to an average depth of over 30 kilometres in advance of the previous extreme Italian claim, so as to include the Brenner Pass. This not only conferred on Italy complete protection but gave her a strategic offensive and put her as regards much of the Tyrol in the same position as she had been when the Trentino was Austrian. The ethnic facts were not in dispute, and this frontier involved handing over a total of about a quarter of a million Germans to Italy. It included valleys like the Oetzthal and the Zillerthal, containing populations of the purest German race.

So far as they have been stated the arguments appear to be almost purely strategic. As has been elsewhere mentioned, this demand was conceded finally on the 29th May 1919.[2] The statements of the different parties at the Conference follow herewith.

(*a*) *The Austrian Position.* 'According to the Conditions, the Southern Tyrol will be practically deprived of its liberty . . . The victorious powers, during the war and since its end, have brought before the whole world—before the triumphant as well as before the defeated peoples—a *régime* of equity and the abolition of every social and political servitude . . . The mountaineers of the Tyrol . . . submitted with full confidence to the victors, believing that their fate and their future were in the hands of just judges. Yet it is actually the Tyrol, till now, except Switzerland, the most burning centre of liberty and resistance to all foreign domination, which will be sacrificed to strategic considerations, as an offering on the altar of militarism.'

'The frontiers she (Italy) demands in the present peace treaty extend beyond the line of waterparting, beyond the territory contemplated in the Treaty of London, and beyond those delimited in virtue of the armistice.'[3] To satisfy strategic

[1] *v. infra*, pp. 286–7, and text, Vol. V, App. III.

[2] *v. infra*, pp. 391–2. According to Thompson, *Peace Conference Day by Day*, p. 372, the tension was foreshadowed on the 12th May.

[3] 'Mt. Tarvis' is mentioned in the Treaty of London as a point of demarcation, and in the Armistice (which latter had no political bearing). The town of Tarvis is well known, but no such mountain is known to exist. It might be argued that it meant the heights north or south of the town, a very great difference from the Italian point of view. The 'Sexten valley' is not mentioned in the Armistice. The Austrian treaty of the 10th September

necessities the Austrian Government advanced a project for completely neutralizing the Tyrol. But it contended that in point of fact the ethnic frontier gave all the strategic protection that Italy required. 'Give bare justice to the Tyrol and Peace to the world!' In claiming its nationals and their domiciles 'German Austria can limit itself to the facts set out above with complete freedom of verification. She need use no other arguments than those of truth, no other claims than those of justice' (Austrian despatch, 10th June 1919).

(*b*) *The Powers' Position.* 'The Allied and Associated Powers consider that no modification should be made in the tracing of the frontier between Italy and Austria, as presented ... in the conditions of peace. It results from the very clear declarations made by the President of the Council of Italian Ministers to the Parliament at Rome, that the Italian Government proposes to adopt a broadly liberal policy towards its new subjects of German race, in what concerns their language, culture, and economic interests' (Reply of Allied and Associated Powers, 2nd September 1919).

(*c*) *Later Evidence of the Powers' Position; Comments.* In the numerous protests made by the Smaller Powers against signing the Minorities Treaties, none was more frequent or more felt than the argument that the Italians signed no such treaty. Some of the objections to the cession would have been removed had the Italians taken this course.[1]

As regards the actual frontier of the Brenner and the reasons for its cession, some light is thrown by a telegram to the Italian Government from Mr. Lansing (12th November 1919):[2]

'Your Excellency cannot fail to recognize that the attitude of the American Government throughout the negotiations has been one of sincere sympathy for Italy and of an earnest desire to meet her demands. Italy claimed a frontier on the Brenner Pass, and the demand was granted in order to assure to Italy the greatest possible protection on her northern front, although it involved annexing to Italy a considerable region populated by alien inhabitants.'

This explanation was quoted—apparently with approval—in the Joint Franco-British-American Memorandum to Italy

1919 ultimately gave Italy the Sexten valley, the town of Tarvis, and the heights north of it.

[1] Cf. Vol. V, Chap. II.

[2] *v.* and for further quotations, *Correspondence relating to the Adriatic Question*, Misc. No. 2, 1920 (Cmd. 586), Parl. Paper.

of the 9th December 1919. Sonnino, in *communiqués* to the Press and speeches, never concealed the fact that this frontier was demanded because of the Treaty of London and in deference to strategic necessities ; this is, at least, an intelligible argument. It is, however, not easy to reconcile the following passage in the Franco-British-American Memorandum of the 9th December 1919 with the disposition of the Tyrol in the Austrian Treaty :

'But an appeal to an historical argument may be permitted to the representatives of three countries to whom the liberation of Italian territories from foreign domination has been a matter of unwavering concern and sympathy through generations of noble and often terrible struggles. Modern Italy won the place in the hearts of all liberty-loving peoples, which she has never since lost, by the pure spirit of her patriotism which set before her people the generous aim of uniting under the Italian flag those extensive provinces formerly within the ancient Italian boundaries which were and have remained essentially Italian territories in virtue of their compact Italian population. The sympathies of the world have accompanied Italy's advance to the outer borders of *Italia irredenta* in pursuit of the sacred principle of the self-determination of the peoples. This principle is now invoked by other nations. Not invariably is it possible, owing to the complicated interaction of racial, geographical, economic, and strategical factors, to do complete justice to the ethnic principle. Small isolated communities surrounded and outnumbered by populations of different race cannot, in most cases, be attached to the territory of their own nation from which they are effectively separated, but the broad principle remains that it is neither just nor expedient to annex, as the spoils of war, territories inhabited by an alien race, anxious and able to maintain a separate national State.'

This argument was invoked in favour of the Yugo-slavs, but it seems equally applicable to the Germans of the Tyrol. Between Point 9 of President Wilson and the obligations of the Treaty of London there is a clear conflict.

The British and French Memorandum (17th February 1920) to President Wilson throws much light on the attempt to reconcile these conflicting principles :

'In thus entering the war on the side of human freedom Italy made it a condition that the Allies should secure for her as against Austria-Hungary strategic frontiers which would guarantee her against the retention by the Central Powers of the strategic command of the northern plains of Italy. Had the Austro-Hungarian Empire remained in existence as the ally of Germany, the provisions of the Treaty of London would have been sound. Relying upon the word of her Allies, Italy endured the war to the end. She suffered a loss in killed of over 500,000 men and in wounded of three times that number, while her people are burdened by crushing debt. It was clearly impossible for her Allies to declare at the end of the war that their signature to the treaty meant nothing but

a scrap of paper, and that they did not intend to apply the terms of their bond. They agreed with President Wilson that the circumstances under which the Treaty of London was concluded had been transformed by the war itself. The Austro-Hungarian Empire had disappeared, and the menace to Italy, against which the terms of the treaty were intended to provide, had largely diminished. . . .

One of the principal difficulties encountered by the heads of Governments during the negotiations of peace was that of reconciling treaty obligations with national aspirations, . . . many of them born during the war and formulated with unexampled clarity and elevation by the President of the United States himself. It was equally clearly impossible to ignore treaties. In fact, the war began in order to enforce upon Germany respect for the solemn treaty she had made nearly eighty years before in regard to the neutrality of Belgium. It is the task of the statesmen of the world to endeavour to adjust national aspirations and ideals, many of which are only transitory and ephemeral, with one another and with international treaties. The difficulty of the task, the patience required in order to effect it successfully, the uselessness of endeavouring to enforce preconceived ideas on refractory material, has been recognised by no one more clearly than by the President of the United States. In his address at the opening session of the Peace Conference he pointed out how impossible it was to expect imperfect human beings and imperfect nations to agree at once upon ideal solutions. He made it clear that in his judgment the only course before the Peace Conference was to do the best it could in the circumstances and to create machinery whereby improvements and rectifications could be effected by reason and common sense under the authority of the League of Nations instead of by resort to war. Accordingly not only was the League of Nations established, but Article IX was specially inserted in the Covenant providing that the "Assembly may from time to time advise the reconsideration by members of the League of treaties which become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world". Thus an essential part of the Treaties of Peace has been the constitution of machinery for modifying and correcting those treaties themselves, where experience shows it to be necessary.

It cannot be said, however, that this argument ends the matter. If treaty obligation was paramount, the Italians were fortunate to obtain Tarvis and the Sexten Valley. If, as Great Britain and France admitted, 'the menace to Italy had diminished,' it seems to follow that the demand for the frontier of the Brenner should diminish also. In point of fact, this frontier is open to objection not only for ethnic reasons, but because it renders possible a strategic offensive on the part of Italy without giving adequate defence to Austria. Two other lines farther to the south could have been drawn, which would not have included so many Germans, and yet would have given adequate strategic protection to Italy, but deprived her of advantages in

taking the offensive. There is no evidence that the Austrian project of neutralizing and demilitarizing the Tyrol was ever seriously discussed, still less that of determining the fate of the Tyrol by plebiscite.[1] It is therefore on the treaty obligation, and on that alone, that the Italian claim to this frontier must be based. It is therefore to the League, and to the League alone, that Austria can look for redress or revision.

B. The Treaty or Pact of London, 26th April 1915; and the Pact of Rome, 10th April 1918

4. *Preliminaries and General Principles.* The account of the Italian negotiations with Austria-Hungary may be called the origin of the Treaty of London. For Baron Sonnino always insisted that the cession of the Trentino was only one part of his scheme. In addition to this he had demanded from Austria the Gorizia (Görz) district and an independent position for Trieste. Next came the problem of the Adriatic, where he demanded the cession of the Curzolare group of islands off the coast of Dalmatia, and the Albanian question, in which he demanded that Albania, as defined in 1913, should be neutral, but that Italy should receive Valona (which she had already occupied) in full sovereignty. On none of these questions except the Trentino would Baron Burian offer any concessions, and this might be held to show that the questions of Trieste, of the Dalmatian islands, and of Valona were actually more important in his view than the Tyrol.

The Treaty of London aimed, like these negotiations, at a general settlement of all outstanding questions in favour of Italy. A study of its provisions shows that there were seven main problems to be dealt with.

These were (*a*) The Brenner frontier; (*b*) Trieste and Gorizia; (*c*) Istria and Fiume; (*d*) Dalmatia and islands; (*e*) Albania; (*f*) The Eastern Mediterranean; (*g–m*) Certain General Provisions.

[1] There was some division on the subject in the German part of the Tyrol. Vor-Arlberg was only prevented with difficulty by the Supreme Council from obtaining incorporation with Switzerland, and the German Tyrolers do not seem to have made up their mind definitely to remain a unit. There is no doubt, however, that no Germans wished to be absorbed by Italy. On the 20th January 1919 the Tyrolese Diet passed a resolution refusing to recognize the separation of South Tyrol. Since then (April 1921) a large majority of voters in Austrian Tyrol voted for union with Germany.

Two main principles ran through the settlement agreed to in the London Treaty: first, strategic security; second, readjustment or maintenance of the balance of power by territorial compensation to Italy. The second was equally important with the first, and is indeed difficult to separate from it. During the negotiations with Burian Sonnino continually insisted that Italy had an interest in maintaining the integrity of Serbia, and that the weakening of her position by Austria-Hungary demanded the strengthening of the natural defences of Italy. But Sonnino was naturally embarrassed in demanding territorial concessions from an Ally. In negotiating the Treaty of London he had a free hand, and this instrument discloses a complete plan for the readjustment of Europe, in so far as the Italian Government realized the future in the spring of 1915. The underlying conceptions of future political adjustment appear to have been the following. The entry of Italy into the war would lead to the military defeat, but not to the political collapse, of Austria-Hungary.[1] Consequently some of her outlying provinces could be lopped. The Brenner frontier to the north, and that of the Julian Alps to the east, could be obtained by Italy. Fiume was to be left as the port of Croatia, which might be autonomous but still dependent on Austria-Hungary, or even be independent. Serbia would remain independent, and would acquire Bosnia-Herzegovina and possibly the southern half of Dalmatia. Italy, by obtaining Trieste, Pola, the whole of the Istrian peninsula, and the northern half of Dalmatia, including the harbours of Zara and Sebenico, would dominate the Adriatic. All other Dalmatian harbours were to be demilitarized as well as Cattaro. Montenegro was to remain independent. Albania was to be withdrawn from Austro-Hungarian influence and partitioned. Montenegro and Serbia were to divide the north, Italy was to 'protect' an autonomous state in the centre, and Greece to have the south. Italy was to obtain Valona in full sovereignty. The new settlement of East Europe would result in a crippled Austria-Hungary and a strengthened Serbia which would prevent her future aggressions. There was no danger of a united Yugo-slavia, for Croatia

[1] Salandra, who was Prime Minister at the time of the signature, wrote 'the complete dissolution of the Austro-Hungarian Monarchy was not then considered as a possible war-aim'. Letter, 19th October 1919 (*New Europe*, 30th October 1919, p. 83).

would be autonomous and Catholic, Montenegro Orthodox and independent. Italy would hold the keys of the Adriatic and be secure from all military attack behind two impregnable mountain walls on the north and on the east. It is important to bear in mind these conceptions, because the actual political conditions had greatly changed at the end of the War; and the question at once arose as to how far a treaty could be binding, whose provisions were based on conceptions which had proved illusory.

5. *The Terms.* The detailed demands of Italy were as follows:

(*a*) *The Brenner Frontier* (*Art. 4*).[1] This frontier has already been mentioned and may be dismissed, as there was ultimately no dispute except in details.

(*b*) *Gorizia, Trieste, and Pola* (*Art. 4*). Italy claimed Gorizia as a continuation to the east of her system of defences to the north. Gorizia is in an area predominantly Slovene in race, but there was not much hesitation in allowing Italian claims to Gorizia itself and to the predominantly Italian towns and harbours of Trieste and Pola. The whole controversies of the Peace Conference dealt with the line east of Gorizia and with the eastern half of the Istrian peninsula.

(*c*) *East Istria and Fiume* (*Art. 4*). Italy acquired East Istria by the Treaty and a line running just west of Fiume, giving her the heights which dominate the town in the military and every other sense. This dispute proved the storm-centre of the whole Conference. Fiume was not demanded in the Treaty as it was intended to be the port of a self-governing Croatia, which would, it was thought, be either independent or be controlled by a weakened Austria-Hungary.[2]

[1] A detailed commentary on Articles 4 and 5 is to be found in an Italian memorandum of the 10th January 1920. Parl. Paper, Cmd. 586, 1920, pp. 14–15. For text of Treaty *v.* Vol. V, App. III, § i; and also statistics, Vol. V, Table I.

[2] It is not true, as is sometimes stated, that Fiume was 'forgotten' in the Treaty. On the contrary, Sonnino addressed a telegram to Italian representatives in Paris, London, and Petrograd, 21st March 1915: 'To Croatia, *whether she remain united to Austria-Hungary or separate herself from it*, will remain the coast from Volosca to Dalmatia with the nearest islands of Veglia, Arbe, Pago, etc. As principal port she would have Fiume besides other smaller ports in the channel of Morlacca.' *v.* A. H. E. Taylor in *Balkan Review*, December 1920, p. 331. Nitti (7th February 1920) said that by the Treaty of London 'the whole city of Fiume and the zone as far as Dalmatia were to be given to the Croats, *whether Austria remained united or was divided*

(*d*) *Dalmatia and the Islands.* Italy received North Dalmatia, including Zara, the only predominantly Italian town of Dalmatia and an area extending up to and beyond Knin and Sebenico. Here again great controversies arose.

(*e*) *Albania.* Italy received control over Central Albania and the sovereignty of Valona, thus enabling her to 'bottle' the Adriatic. The final outcome of these claims is discussed elsewhere.[1]

(*f*) *The Eastern Mediterranean and Asia Minor.* Italy was to receive 'entire sovereignty over the Dodecanese Islands which she is at present occupying' (Art. 8). 'Generally speaking, France, Great Britain and Russia recognize that Italy is interested in the maintenance of the balance of power in the Mediterranean' (Art. 9). In the event of the total or partial partition of Turkey Italy was to 'obtain a just share of the Mediterranean region adjacent to the province of Adalia, where Italy has already acquired rights and interests which formed the subject of an Italo-British convention'. In the case of Turkish territorial integrity being maintained, the interests of Italy would 'also be taken into consideration'.

(*g*) *Rights in Africa and Asia.* All rights and privileges of the Sultan to be transferred to Italy (Art. 10). 'In the event of France and Great Britain increasing their colonial territories in Africa at the expense of Germany, those two Powers agree in principle that Italy may claim some equitable compensation, particularly as regards the settlement in her favour of the questions relative to the frontiers of the Italian colonies of Eritrea, Somaliland and Libya and the neighbouring colonies belonging to France and Great Britain' (Art. 13).

(*h*) *Holy Places in Asia.* Italy associates herself with the Franco-British-Russian declaration on this head (Art. 12).

(*j*) *General Provisions. Indemnity.* 'Italy shall receive

up' (italics not in original). *v. New Europe*, 19th February 1920, p. 142. In their memorandum of the 17th February 1920 Clemenceau and Lloyd George state, 'Under the Treaty of London Italy has had to abandon Fiume altogether and hand it over to *Yugo-slavia*.' This is clearly an error for Croatia. There seems to be no doubt that the Italian contention in their memo. of the 10th January 1920 is correct. After quoting Art. 5 and Note of the London Treaty they say, 'Il ressort clairement de ce texte que la base de la stipulation qui y est envisagée consiste dans l'hypothèse de la formation de trois États différents : le Monténégro, la Serbie et la Croatie.' Serbia in this instance might, of course, include Bosnia, Herzegovina, and South Dalmatia.

[1] *infra*, Part II of this chapter.

a share of any eventual war indemnity corresponding to her efforts and her sacrifices' (Art. 11).

(*k*) *Peace Negotiations and the Papacy.* 'France, Great Britain and Russia shall support such opposition as Italy may make to any proposal in the direction of introducing a representative of the Holy See in any peace negotiations or negotiations for the settlement of questions raised by the present war' (Art. 15). This Article apparently disabled the Allies from answering the pope's appeal for peace on the 1st August 1917. An answer was not sent by England or France, but only by President Wilson.[1]

(*l*) *Secrecy.* 'The present arrangement shall be held secret' (Art. 16).

This provision was rendered ineffective by the fact that the Yugo-slav Committee discovered the substance of the Treaty and published a map illustrating the proposed territorial changes. In November 1917 the Bolshevists published a version of the whole Treaty which was incorrect only in a few details. The Italian Parliament discussed this version in January 1918, but the official version was not made known to Serbia (then the Serb-Croat-Slovene State) until January 1920.

(*m*) *Italian Co-operation with the Allies.* 'The adherence of Italy to the Declaration of the 5th September 1914 (agreement of France, Great Britain, and Russia to "make no separate peace") shall alone be made public, immediately upon declaration of war by or against Italy' (Art. 16).

This was done apparently on the 30th November 1915.

'On her part, Italy undertakes to use her entire resources for the purpose of waging war jointly with France, Great Britain and Russia against all their enemies' (Art. 2).

Italy declared war at once on Austria-Hungary on the 23rd May 1915.[2] But the declaration of war against Germany did not take place until the 27th August 1916 (i.e. over a year after Italy's entry into the War), and seems to have been prompted by Rumania's entry into the War[3] (*v.* p. 310).

6. *The Entente Attitude towards the Treaty of London up to the*

[1] *v.* Vol. I, p. 186 and n., p. 187.

[2] She declared war on Turkey 20th Aug., and on Bulgaria Oct. 1915.

[3] Salandra 'boasted' of this delay, 'as an important service rendered to my country.' Letter, 19th October 1919, in reply to Giolitti's speech of the 12th October 1919. *New Europe*, 30th October 1919, pp. 80–3. *v. infra*, p. 310.

Armistice. (*a*) *French Attitude.* The attitude of France does not appear to have been anywhere stated, but it seems certain that she was interested in the general balance of naval power in the Adriatic and Mediterranean and in the commercial possibilities of Fiume. The claims of Italy in Asia Minor raised questions in which France has always been interested.

(*b*) *The British Attitude.* This has been defined by Lord (then Sir Edward) Grey and Mr. Asquith, the two principal British authors of the Treaty, though Mr. Lloyd George no doubt shared the responsibility as being a member of the Cabinet. As both the former Ministers resigned at the end of 1916 their later views may reasonably be taken as expressive of their attitude at the time of the signature of the Treaty.

On the 5th February 1920 Mr. Asquith said, 'It is one of the most complex and difficult questions of the whole world to disentangle the problems of nationality upon the north and east of the Adriatic. We had to do the best we could, and I am prepared to defend, in the circumstances of the case, every one of the provisions in that Treaty (i.e. of London) as being dictated or justified by ethnological or historical or strategic considerations. And I should be only too glad for that secret Treaty to go before the League of Nations—very likely it will, sooner or later, if they cannot get a better arrangement between the Yugo-slavs and Italy—and there be subjected to the most minute and, if you please, suspicious criticism by impartial representatives of all the Powers of the world.'[1]

This explanation is not very illuminating, for there is no acquisition or even claim at the Peace Conference which could not be so justified under 'ethnological or historical or strategic considerations'. Lord Grey seems to have been less optimistic. He made no direct allusion to the London Treaty, but said, 'In War you will have secret Treaties. Many things regarded as criminal are inevitable in time of war' (Speech at Institute of International Affairs, 5th July 1920).

The attitude of Mr. Lloyd George's Government appears to have been stated by Mr. Balfour, when he said that the secret treaties were 'no obstacle to peace', and the British Government would listen to 'reasonable suggestions' (20th June 1918).[2]

[1] 5th February 1920. *The Paisley Policy*, pp. 125–6. Cf. also Vol. I, pp. 190–1 and n.

[2] *v.* Vol. I, p. 190, n. 2. Mr. Lloyd George in his speech of 5th January

(*c*) *The Russian and Yugo-slav Attitudes.* These must always remain obscure because of the 'dark forces' in the Tsarist Government which influenced so many negotiations. It appears certain that M. Sazonoff disapproved of some at any rate of its provisions. The official Russian attitude appears to have been an insistence on the separation of Catholic Croatia from Orthodox Serbia and Bosnia.[1] Thus Russia was, in some sense, anti-Yugo-slav. The Treaty was speedily revealed to the Yugo-slavs with consequences which produced a split in their ranks which is related elsewhere.[2]

7. *The Italian Attitude.* (*a*) *The Pact of Rome, 10th April 1918.* As the Treaty gradually came to light debates of one kind or another upon it took place both in the press and in the Italian legislature, where the Bolshevik version of the Treaty was openly discussed in January 1918. There was very little criticism of the fact that Fiume was not demanded for Italy, but there was some Socialist attack on the various provisions as 'imperialistic', notably by Bissolati. This view gained ground, for towards the end of 1917 and the early part of 1918, both Army and people in Italy received a notable chastening. The terrible disaster of Caporetto had shaken their nerves and produced profound humiliation. The soldiers had discovered that many of the villagers in the Bainsizza plateau, whom they had redeemed in the name of Italy, were unable to talk to them in Italian. The cry of *Italia irredenta* attracted the bourgeois rather than the Socialist masses of the peasants. The general public, as in all other lands, had begun to think about the Bolshevist phrase of 'No annexations'. Orlando, the new Premier, at the beginning of 1918, had strong idealistic leanings, though he was often unable to realize them. He favoured a movement in the Italian Parliament of men drawn from different parties, which constituted a Committee to arrange an understanding between Italians and Yugo-slavs (February 1918). The latter were now fortified in their aspirations towards unity by their manifesto

1918 said, 'We regard as vital the satisfaction of the legitimate claims of the Italians for union with those of their own race and tongue.' This implies that union with men of Slav race and tongue was not 'vital'.

[1] *v.* Salandra, Letter, 19th October 1919. Other authorities differ and say that Sazonoff's sole opposition to Italy was that South Dalmatia should not be Italian. *v. New Europe* (30th October 1919), p. 83.

[2] *v.* Chap. IV, Part I, pp. 182–4.

of Corfu, and were not unwilling, in the evil times now falling on Europe, to come to terms with the Italians. It was to the interest both of Italians and of Yugo-slavs to attempt to demoralize the Austro-Hungarian Army by appealing to their brethren who were fighting in it. The opportunity came when Signor Torre, as head of the Italian Parliamentary Committee, visited London, and concluded a written agreement with Dr. Trumbić, the head of the Yugo-slav Committee, on the 7th March 1918. It was then arranged that a Congress of Oppressed Nationalities should meet in Rome and define this agreement further.

(*b*) *Terms of the Pact of Rome, 10th April 1918.* The Congress took place in the second week of April and was officially greeted by Orlando as head of the Italian Government. The Torre-Trumbić Agreement was there expanded into 'The Pact of Rome' (10th April 1918).[1] Its first three provisions were common to all nationalities oppressed by Austria-Hungary. The last four formed the basis of the Italo–Yugo-slav pact, concluded by Torre and Trumbić as the representatives of the Italian and Yugo-slav peoples. It was recognized that the 'unity and independence' of the Yugo-slav nation ('known also as the nation of Serbs, Croats, and Slovenes') was a vital interest for Italy, and that 'the completion of Italian national unity is a vital interest for the Yugo-slav nation' (Art. 4), as was also, for both, the 'freedom of the Adriatic Sea and its defence against every enemy present or future' (Art. 5). 'They engage to decide amicably, equally in the interests of good and sincere future relations between the two peoples the pending territorial questions on the basis of the principle of nationalities and of the right of peoples to dispose of their own destinies, and that so as not to prejudice the vital interests of the two nations, which will be defined at the moment of peace' (Art. 6). 'To those groups (*noyaux*) of one people who find themselves included in the frontiers of the other, will be recognized and guaranteed the right of seeing their language, culture, and moral and economic interests respected' (Art. 7).

(*c*) *Comments.* This document is vague in character, but one or two conclusions emerge. Unfortunately for Yugo-slavia

[1] Text in Vol. V, App. III. It has been revealed that Mr. E. C. Wickham-Steed and Mr. R. W. Seton-Watson had much to do with this Congress and the preceding negotiation.

the Treaty of London is not mentioned by name, although the text of the Secret Treaty was read in the Italian Chamber in January 1918.[1]

The rights of people to dispose of their own destinies and the principles of nationality are to be the bases of settlement. In other words the Wilsonian principles of Point 9 and self-determination are to be applied. In the ultimate settlement it is difficult to say that the spirit or letter of either of these arrangements has been preserved. On the other hand, it is only fair to say that the Treaty does contemplate that minorities of alien race will be placed under the domination of both Italy and Yugo-slavia. Also, neither Italian nor Serb Government was legally bound, though both were to some extent committed, by these negotiations.

On the 8th September 1918 the Italian Government, on the proposal of Signor Bissolati, published a statement to the effect that 'Italy considered that the movement of the Yugo-slav people for independence and for the constitution of a free state corresponded to the principles for which the Allies were fighting and to the aim of a just and lasting peace'.[2] This was the highest point ever reached in agreement by the two countries until the Treaty of Rapallo.

(*d*) *President Wilson's Attitude before the Meeting of the Peace Conference.* The new factors in the situation had been the stress of the War and the pressure of the United States which, as led by President Wilson, had taken up a strong stand on the rights of nationalities. But, as the stress of war ceased, certain features became clear. The whole political structure of the Treaty of London was passing away. The signature of the Armistice (3rd November 1918) meant that Austria-Hungary ceased to exist, and the Slovenes and Croats had already proclaimed their unity with the Serbs, which aim Italy on the 8th September had expressly approved. But Italy was now faced with quite a new problem. Instead of a small weak

[1] *v. New Europe*, 19th February 1920, p. 140.

[2] *The Times*, 14th February 1920. Further information is given on 10th January 1921. 'Baron Sonnino opposed with all his strength the proposition of Signor Bissolati, but at last had to give way. But, as the *Corriere della Sera* points out, Baron Sonnino, in forwarding the statement to the Italian ambassadors at the Entente capitals, interpreted it as a negligible expedient of war propaganda with no subsequent value. Time, however, has proved the wisdom of the policy of the late Signor Bissolati.' (Special Correspondent of *The Times*.)

Croatia and Montenegro separated from Serbia, there was to be a new strong Yugo-slav state with over thirteen million inhabitants on the very borders of Italy, and actually claiming Trieste. The reply to this danger was for Italy to claim Fiume. Sonnino and Orlando saw their chance of advocating the utmost strategic demands as defined in the Treaty of London, and carried the day.

It is a curious fact that, in January 1919, Bissolati—the Socialist ex-Minister—anticipated something of the final settlement by claiming Fiume, but advocating the restoration of Dalmatia to the Yugo-slavs. But he was savagely attacked by the Italian 'Imperialists'. Sonnino was now in the ascendant; he demanded the Treaty of London line in Dalmatia and everywhere else. Orlando demanded the city of Fiume, which was not included in the Treaty at all.[1] But, though Italian claims had thus revived in all their magnitude, there was an obstacle in the way. If the Treaty of London was to be applied Italy would lose Fiume, while, if it was null and void, she would certainly lose Dalmatia and perhaps Fiume as well. Italy's claim to Fiume was not good even with England and France, but there was a greater obstacle still. For even if the situation had changed, President Wilson's views had not. Almost his first act, on arriving at the Conference, was to refuse to recognize the Treaty of London, then, as he said, for the first time revealed to him.[2] The Treaty of London and Point Nine were bound to conflict, and it was thus that began one of the most important struggles from the point of view of principle and of result in which the Peace Conference was ever engaged.

C. The Peace Conference and the Italo–Yugo-slav Frontier

8. *The Yugo-slav Attitude at the Conference up to the 23rd April 1919.* The Yugo-slav deputation, having arrived at the Conference, proceeded on the only basis which they could assume as correct, viz. that the Torre-Trumbić Agreement still held

[1] Nitti (7th February 1920) ascribes this demand to 'the spontaneous, sincere, and noble demonstration of the city of Fiume' (quoted in *New Europe*, 19th February 1920, p. 142). Barzilai, in the Italian Senate on the 16th December 1920, said 'No one thought of Fiume (for Italy) before the Armistice'.

[2] *v.* his statement to Senate Committee, 19th August 1919, quoted in Vol. III, p. 71.

good with regard to Italy. They were soon undeceived. The Italians resented the idea that Croats and Slovenes, who had recently been fighting Italians, should now be regarded as Allies. Feeling ran very high, the parts of Yugo-slav territory occupied by Italy were placed under a repressive régime, and on the 18th January 1919 Italy's opposition caused the Great Powers to refuse to recognize any Yugo-slav Delegates to the Conference except as representatives of Serbia.[1]

President Wilson replied to this action by recognizing the Serb-Croat-Slovene state on the 5th February. On the 2nd February d'Annunzio published a fiery declamatory letter denouncing not only Yugo-slavs but also the Great Powers and demanding Fiume and Dalmatia for Italy.

On the 1st February the Supreme Council appointed a strong Territorial Commission on Rumanian and Yugo-slav questions. On the 18th the Yugo-slav (or as it was still called, the Serbian) Delegation appeared to state their case formally before the Council of Ten, and on the 25th entered into detailed discussion with the Commission itself. The views there expressed were embodied in a Memorandum signed by Dr. Trumbić, which has been analysed elsewhere.[2] On the 11th February the Yugo-slav Delegation had addressed a letter to Clemenceau as President of the Conference, and a second letter to President Wilson, offering to accept the latter's arbitration in all outstanding questions between them and the Italians. This request was answered by M. Clemenceau on the 3rd March to the effect that the Italians refused to accept the proposition.

Affairs from that time forward seem to have gone from bad to worse. Early in April it was known that the 'Big Four' were hard at work discussing the question of Fiume. How great was the strain may be illustrated from the journal of a well-informed observer. '*April* 3. The Council of Four added another trouble to its list. It called in M. Trumbić, the Yugo-slav Minister, to get his view on the Adriatic question. Premier Orlando immediately withdrew from the Council, declaring that

[1] On the 18th January 1919 the representatives of Poland and of Czecho-Slovakia were formally admitted under those names to the First Plenary Session of the Conference.

[2] *v.* Chap. IV, Part I, § 12, pp. 207–10. As noted above, the Territorial Commission had no mandate to deal with the boundary beyond point 1,370 (about 15 kilometres east of Assling). Consequently all controversial questions with Italy were dealt with by the 'Four'.

it would be as suitable for the Council of Four to call in a German as to call in a Yugo-slav!'[1] Almost exactly a year before Orlando had himself welcomed Dr. Trumbić with enthusiasm to the Congress of Oppressed Nationalities at Rome, which was directed against Austria-Hungary and Germany.

9. *President Wilson's Memoranda of the 14th and the 23rd April 1919.* On the 14th April President Wilson addressed a Memorandum direct to the Italian Delegation.[2] He took his stand upon his own principles and claimed that the situation had been entirely changed by the dissolution of the Austro-Hungarian Monarchy and by the erection of independent states. He admitted that 'Italy should obtain the whole length of her northern frontier, as granted by the Act known as the Pact of London. But I am convinced that the Pact of London can no longer apply to the regulation of her Eastern frontiers.' The line traced in the Treaty of London was to give Italy 'a perfect security . . . against every eventual act of hostility or aggression on the part of Austria-Hungary'! Austria-Hungary no longer existed and Italy's frontiers would touch those of independent states, frontiers 'constituted with a view of satisfying their legitimate aspirations. . . . States not hostile to the new order of Europe, but on the contrary, emanating from that order itself, interested in its maintenance, dependent on the maintenance of relations of friendship, and bound to a common policy of peace and good neighbourliness in virtue of the Covenant of the League of Nations'.

(*a*) *The 'Wilson Line'.* In this light he approached the whole question. He gave Trieste, Pola, and the greater half of the Istrian peninsula to Italy, but followed northwards a geographic line, traced on a map, and subsequently very famous as the 'Wilson Line'. This started from the mouth of the river Arsa and followed the central backbone of the Istrian peninsula in its natural continuation northwards to Tarvis. 'Beyond (that is to the west of) this line on the Italian side, are considerable groups of non-Italian populations,[3] but their fate is so naturally

[1] C. T. Thompson, *Peace Conference Day by Day*, New York, 1920, pp. 284–5. A statement of Italian claims—declared to be official—was printed in *Gazzetta del Popolo*, 12th March 1919. *v.* Summaries in *International Review*, April 1919, pp. 320–6.

[2] Vol. V, App. III, § iii. The passages are translated from the French version (*v. La Question Adriatique*, by 'Adriaticus'. Paris, 1920, pp. 43–7).

[3] Nearly 370,000 Yugo-slavs in all in Gorizia, Gradisca and Trieste, part of Carniola and Istria.

mixed by the nature of the country with the fate of the Italian people that their inclusion in Italian territory is fully justified.'

(*b*) *Fiume.* 'In my view there is no similar justification for including Fiume, or any of the coast south of Fiume within the limits of the Kingdom of Italy.' This at once disposed of the whole Italian claim to Dalmatia, while Yugo-slavia had already received the eastern half of the Istrian peninsula. Fiume was therefore left an island in a Yugo-slav sea. 'Fiume is by its situation and by all its conditions of development, not an Italian port but an international port, serving the country east and north of the gulf of Fiume.' Fiume was therefore to enjoy a very real autonomy, though included in the Yugo-slav customs régime. It was to be none the less 'left free in its own interests and in those of the surrounding states, to devote itself to the service of the commerce which, naturally and inevitably, seeks its outlets at its port'.

'The States which this port serves are new states.[1] They ought absolutely to count upon access to the sea. Friendship and the relations of the future will depend very largely on an agreement such as I have suggested; and friendship, Co-operation, freedom of action, should be at the base of the agreement of the peace if that peace is to be durable.'

(*c*) *Adriatic Islands and Valona.* The President advocated the cession of the Yugo-slav island of Lissa and the Albanian port of Valona to Italy. He advocated also demilitarization of fortified places on other Adriatic isles and a limitation of armaments in this area by the League of Nations, which would reduce the naval forces on the east side of the Adriatic to the level of police forces. He concluded by stating that the League of Nations would protect the rights of Italian minorities in the Adriatic archipelago and on the Dalmatian coast. He considered that Italy had received all that historic justice demanded.

The Italian Delegation seem to have shown a resolute opposition to this project. Sonnino stated subsequently to the Press that, throughout the Conference, he had stood out for the Treaty of London line in Dalmatia, demanding Istria, Zara, and Sebenico, and the islands. Orlando added to it the demand for Fiume which was not in that treaty at all. Consequently

[1] In his statement of the 23rd April, President Wilson names them. They are 'Hungary, Bohemia, Rumania, and the states of the new Yugo-slavic group'

a complete deadlock ensued. Agreement was not assisted by the Yugo-slavs, who demanded a plebiscite for disputed areas (16th April) and conveyed a deputation to the President the next day, asserting that a plebiscite, already taken secretly in Dalmatia, registered an overwhelmingly anti-Italian result. If the latter statement were correct the Italians could hardly be expected to accept the proposal. If the plebiscite was certain to go against them they might as well yield at once. On the 19th it was reported that 'Orlando had intimated he may not sign the Peace Treaty if the Adriatic question is not settled'[1] (presumably in his favour). On the 20th 'the President withdrew from the Council of Four, feeling that it was useless to go on with a discussion which had been fruitless. . . . He has given his views and let it be known they are a finality. . . . He is definitely opposed to Italy's claims to Fiume.'[1] Orlando and Wilson both remained away from the Council on the 21st, when the President prepared a public statement 'in case there is a break'. The other American delegates 'were unanimous in approving its unyielding attitude against the secret Treaty of London'.[2] It has been reported that Lloyd George and Clemenceau spent these days in trying to find an agreement. If so, it was in vain. On the 23rd April the President issued to the public his statement on the Italian issue. The deadlock was evident and the public sensation immense. It increased in the evening when it was announced that 'as a result of the declaration by President Wilson on the Adriatic question the Italian Delegation has decided to leave Paris to-morrow'.

10. *Results of President Wilson's Statement of the 23rd April 1919.* The publicity of this famous statement, after secrets had been so carefully guarded by 'the Four', was only one cause of the excitement it created. The attitude of England and France remained obscure, but it was reported in the Press that they had produced, though they never published, a Memorandum on similar lines to that of the President.[3] It was at least obviously to their interests to preserve the principle of free communication and the commercial independence, in one

[1] C. T. Thompson, *Peace Conference Day by Day*, p. 317.
[2] Ibid., p. 319.
[3] There is both good British and good American authority for this view. Cf. H. Wilson Harris: *Peace in the Making*, London, 1920, pp. 89–90, has some suggestions on this subject; and C. T. Thompson, *Peace Conference Day by Day*, pp. 338–9, who attacks Clemenceau and Lloyd George.

form or another, of Fiume. The Italian attitude, both official and popular, was one of indignation. Much of the complaint at the suddenness of the publication was somewhat unjust. A comparison of the statement of the 23rd with that of the 14th shows that there is only one difference between them.[1] The former is written as an appeal to both American and Italian peoples. It was at once interpreted by Orlando in his published reply of the 24th,[1] as an appeal 'to peoples outside of the governments which represent them, I should say, almost in opposition to their governments'. He claimed the Treaty of London line on grounds of security, Fiume as an ancient Italian town, and Dalmatia because it had been forcibly denationalized in recent years, though 'Roman genius and Venetian activity' had made it 'noble and great'. On that night Orlando left for Rome and was followed by Sonnino the next day to show Europe that the Italian nation was behind the Italian Government. There was much violence and excitement in the Italian press, but on the whole the departure of the Italian Delegation was of less importance than might have been expected. Ultimately they realized that they would be excluded from the benefits of the Treaty and the League unless they returned.

Credentials had been verified for the German Treaty (1st May), which recognized the Serb-Croat-Slovene state as a negotiator, so that little time was left if Italy wished to take part in the Treaty. On the 5th May the Italian Delegation left Rome to return to Paris, and on the 9th Orlando again joined the Council of Four. He had not added to his personal popularity in his own country, but the Italian people had shown no wish to adopt the ideas of President Wilson, against whom personal feeling was marked. On the 19th June Orlando was defeated in the Italian Parliament, and he and Sonnino were succeeded in their respective positions by Signori Nitti and Tittoni.

11. *Considerations governing the Fiume-Dalmatian question; ethnic, economic, and strategic.* If the Treaty of London had been enforced some 750,000 Yugo-slavs would have gone to Italy, and if Fiume had gone to Croatia some 28,000 Italians (about 23,000 in Fiume) would have been under Yugo-slavia.

[1] *v.* Vol, V. App. III for text. It has been reported that President Wilson published his statement because he heard that the Italian papers were announcing that 'Italy had definitely annexed Fiume'. See V. Bartlett, *Behind the Scenes at the Peace Conference*, 1919, p. 156. Contrast Lansing, *Peace Negotiations*, pp. 206–7.

It is true that Orlando pointed out that though Italy was 'suspected' of 'imperialistic cupidity', 'none of the reorganized peoples will count within its new frontiers a number of people of another race proportionately less than that which would be assigned to Italy.' The 'Wilson Line' gave to Italy over 360,000 Yugo-slavs contiguous to Italy. But there can be no doubt that the proposed additional Italian annexation of about 274,000 Dalmatians, an overseas population nowhere contiguous to Italy, was a very grave matter. But for the Treaty of London it could hardly have been discussed, and it formed as great an obstacle to agreement on ethnic grounds as Fiume did upon economic ones.

(*a*) *Fiume.* The elements of the Fiume problem may be made clear by tracing the 'Wilson Line'. This extended northwards from the mouth of the Arsa river so as to give to Italy the whole of the Trieste–Pola railway, then passed west of Castelnuovo, Senosicche and Idria, leaving on the Italian side the towns of Grahovo, Tolmino and Plezzo, till it ended on the Péc heights near Tarvis. The aim of this line was to exclude the Italians from military positions which dominated Fiume, such as the Monte Maggiore, or similar ones dominating the roads to Laibach, such as Monte Nevoso (Schneeberg) and Blegoš. It gave to the Yugo-slavs the whole St. Peter or Fiume–Laibach railway, the quicksilver mines of Idria, which are the second richest in the world, and removed Italy a considerable distance from the very important strategic railway line of Laibach–Assling–Villach, whence communications ran to both Germany and Vienna.[1] Except at Fiume all the territory included in Yugo-slavia was indisputably Yugo-slav in race, though the Wilson 'line' gave about 365,000 Yugo-slavs to Italy.

The facts as to Fiume are very simple. The town of Fiume itself is as closely connected with its suburb of Šušak as is the City of London with Westminster, only a small stream parting the two municipalities. According to the Hungarian census of 1910, the following were the figures:

	Italians.	*Yugo-slavs.*
Fiume	22,488	13,351
Šušak	1,500	11,000
	23,988	24,351

Majority of Yugo-slavs over Italians in both cities = 363.

[1] Cf. *infra*, pp. 368–9.

The surrounding population was overwhelmingly Slav, and, consequently on ethnic grounds, Fiume could only be claimed by Italy, as a single city, detached not only from Šušak but from all the surrounding countryside. On commercial grounds it was really as fatal to detach Fiume from Šušak as it is to separate an oyster from its shell. Fiume has a fine modern harbour with the latest improvements and capacity for big draught ships, Šušak has only Port Baross, which is not suited for large traffic. There can be no reasonable doubt that the commercial considerations were more important than the ethnic, and these told entirely in favour of Fiume being a free port under international guarantee. For Trieste is the port of export for Austria and South Germany, Fiume that for Hungary. Consequently, if Italy were to control the railway rates and the ports of both Trieste and Fiume, all the countries of Central Europe would be at her good pleasure if she chose to toll and tax them. Czecho-Slovakia and Rumania by their trade on the Danube were interested in the freedom of Fiume, while Croatia and Hungary found in it their sole outlet. For Yugo-slavia Fiume was, and is, vital. The Trans-Bosnian railway is purely strategic, and the magnificent harbours of Dalmatia have no connexion with the hinterland. Consequently Dalmatia must find a 'free port' for her sea-borne trade at Fiume, while it must also be the outlet for the land-traffic of Croatia and of Bosnia. This did not end the matter—any radical change in the railway rates at Trieste (e. g. by Italy) would affect greatly the railway lines at Fiume and the connexion with Vienna and Laibach. In point of strict justice all commercial arrangements arrived at after the war with regard to Trieste should have been followed by complementary arrangements at Fiume. It would have been best for the League of Nations to guarantee the commerce of both, and, failing that, it seemed unwise to hand both over to Italy. The case was really analogous to that of Danzig, though the ethnic claims of Italy to Fiume-Šušak were not as strong as those of the Yugo-slavs, and the presence of a fifth nation at Fiume would naturally alarm the four others whose commerce depended on that outlet being free.

(*b*) *Tarvis-Assling-Idria* (v. Chap. VI, Part II).

(*c*) *Dalmatia—ethnic, economic and strategic considerations.* To hand over northern Dalmatia to Italy meant that an alien and oversea people would control 274,184 Slavs in the

interests of only 13,859 of their own countrymen. The figures are remarkable. The Austrian census of 1910 gave 17,989 Italians in all Dalmatia as against 610,571 Slavs. It was contended that the census was falsified, but even the most extreme Italian writers did not claim more than 60,000 Italians, or less than 10 per cent. of all Dalmatia. Two-thirds of the whole Italian population was concentrated in Zara and its neighbourhood, and the town of Zara itself (with 9,278 Italians to 3,532 Slavs) was the only town with an Italian majority in the whole of Dalmatia. The facts of the situation were that, while Italian brains, capital, and enterprise had dominated the coast and the towns in the Middle Ages, the last generation had seen the development of economic life among the Slavs, and consequently the peaceful expulsion of Italian influences. The Slavs, once simply peasants, had become shopkeepers, shippers, and bankers, and needed no Italian aid. The best proof of this is that Spalato, the chief Slav town, had become a more important commercial centre than Zara, the only Italian town.[1] It is probable that the Italians, who had been living on historic memories, did not realize the intensity of Yugo-slav feeling in Dalmatia at the time of signing the Treaty of London. They very soon realized that hostility after occupying the areas in question. Order could only be maintained with the greatest difficulty on either islands or mainland. The best proof of the difficulties the Italians met with was in the necessity under which they lay of deporting the most eminent citizens of the country. As early as June 1919 a list of fifty-eight deported notables, beginning with a Bishop and a Deputy, was made out.[2] It is certain that many hundreds of men with lesser names were also deported. These facts made it very evident that the ethnic argument in Dalmatia was most decisively in

[1] In 1872 the Austrian Emperor visited the port at Traü (Trogir) and signed his name in the visitors' book as 'Francesco-Giuseppe'. The Italian population there is now a wholly insignificant minority.

[2] Signor Salvemini, in the Italian Chamber of Deputies (24th November 1920), is reported as saying that 'the Italian Government had had to dissolve 30 municipal councils out of 33 (in Dalmatia), so that at the head of the communes there were Italian officials and not properly-elected mayors. Moreover, all liberties were suppressed. No Slav newspaper was allowed to circulate. All Slav societies were dissolved, and 32 out of 57 magistrates were dismissed. Teachers, doctors, and priests were either deported or expelled from the country. . . . These facts must not be attributed to cruelty or folly. They were evidently imposed by the necessity of keeping order in a country which was wholly hostile.'

favour of the Yugo-slavs, and that the Italians could only remain there by exercising armed force.

From the military, as distinct from the naval, point of view, however, there was little to be said. It is obvious, as a great authority pointed out,[1] that 'such places, if held at all, must be held in strength'. The garrison would depend on, and could only be maintained by, sea power. It would have to be strong and, in the case of war, would almost certainly be overwhelmed. Dalmatia, thus garrisoned and separated from land access to Italy, would have been cut off and been a 'hostage to fortune'. The fact is there were two Italian points of view, the military and the naval, which actually conflicted. Admiral Thaon di Revel published in the *Westminster Gazette* an elaborate naval argument for the retention of the northern part of Dalmatia by Italy. But the whole argument for the extension of the frontier to Fiume was one of military necessity, of protecting Italy against invasion. Dalmatia Italy could not claim to hold on military grounds, for it was in the military sense a serious danger.

Italy, however, had a strong case on strategic grounds for obtaining some 'central island' as a naval base. Between Venice and Brindisi there is practically no good harbour on the Italian east coast, merely open roadsteads exposed to the terrible winds which sweep down through the gaps in the Dalmatian mountains. Dalmatia, on the other hand, abounds in excellent harbours which were in the past the haunts of pirates and could now be made nests for submarines. To defend herself against this Italy required a sheltered harbour, not necessarily on the land, but on some island off the east coast of the Adriatic. The justice of some such claim was generally allowed; Lissa was at first suggested, but ultimately the islands of Lagosta and Pelagosa were found more suitable for this purpose. These concessions gave Italy all the naval security she could reasonably demand. It is true that she could protest that Sebenico was a possible nest for submarines and Cattaro one of the finest harbours in the world. But these did little to offset the naval advantages which Italy already possessed. With Pola and Valona and a 'central island base' Italy carried the three keys of the Adriatic at her girdle.

12. *Proposals for settlement. The Tardieu Compromise, 30th May 1919.* On the 29th May President Wilson made the

[1] *v.* Lord Cavan, *Army Quarterly*, No. 1, October 1920, p. 18.

great concession to Italy of the Brenner frontier. But it appears that he made it only on the understanding that Italy would moderate her claims elsewhere.[1]

Therefore, even before Orlando had fallen, a compromise was not only in the air but had been actually proposed. It is called from its French author the 'Tardieu Compromise'. It was proposed on the 30th May to the Yugo-slav Delegation by Colonel House, in the presence of the whole American Delegation except President Wilson. Colonel House explained that the proposal did not come from the President, who adhered to his declaration of the 23rd April, but that he would not oppose a settlement on which Italy and the Yugo-slavs were agreed. The chief point of this project was to create a temporarily independent and demilitarized 'buffer-state' under the League of Nations, including the town of Fiume (but not Šušak) and a hinterland stretching up to the Assling railway triangle and including the St. Peter railway. Its western boundary approximated to the 'Wilson Line'. Some islands were also to be included. The definite destiny of this area was to be decided in fifteen years by plebiscite; Italy was to give up the hinterland of Dalmatia but to annex Zara and Sebenico in Dalmatia, the islands of Cherso, Lissa, Lussin, and Pelagosa, and to have the mandate over Albania.[2] Orlando was stated to have agreed to this, but the Yugo-slavs would not. They demanded that the proposed plebiscite should be held in three years and that the Yugo-slav Government should meanwhile enjoy a position in Fiume equivalent to the Polish position in Danzig. The scheme therefore broke down, but it remained the basis for several other important schemes in the future. It is of great importance, for it was the last product of the period when the 'Big Four' were still in personal and permanent Session.

[1] 'In the Northern Italian frontiers agreements have already been reached which depart from the Treaty of London line, and which were made with the *understanding that negotiations were proceeding on quite a new basis.*' Italics not in original. (President Wilson's memo., 25th February 1920, to French and British Prime Ministers.)

[2] *v. La Question Adriatique*, Paris, 1920, p. 52. The Yugo-slavs and Italians had unofficially discussed a project on the 14th May. *v. The Times*, 28th January 1920. This arranged for Italy to have Fiume and Yugo-slavia Šušak, each in full sovereignty. That section of the port of Fiume between the river Retchina and the railway station to be leased to Yugo-slavia for 99 years, but to be controlled by a joint Italian and Yugo-slav board.

D. The Supreme Council and Fiume 9th December 1919–6th March 1920

13. *D'Annunzio and The Riots at Fiume, July–September* 1919. (*a*) *Events at Fiume—July.* The Government set up in Fiume in November 1918, after the departure of the Serb troops,[1] was an Inter-Allied one, but the Italian General Grazioli was in supreme command. There was one British battalion, two French, one American (withdrawn 11th Feb.), and a strong Italian force. General Savy was the French commander—General Gordon the British. The Italian 'National Council' of Fiume obtained control of the Government and proceeded to great lengths of propaganda. A so-called plebiscite was arranged by them, and on the 10th May 1919 the press announced that they had adopted the Italian Penal Code and passed a resolution of loyalty to King Victor Emmanuel. These actions were disavowed by General Grazioli, but in June the young Italians of Fiume ('the Fiumani') began to raise a volunteer force which they armed and drilled. These 'Fiumani' ultimately began acts of sabotage against not only Yugo-slavs but against some of the French troops. The French had developed a base for supply of the Franco-Serb troops in Fiume, and this had irritated the 'Fiumani'. The result might have been predicted.

(*b*) *The Fiume Riots—and the Supreme Council.* On the night of the 2nd–3rd July the Croat Club at Fiume was wrecked and a French officer wounded. Finally, on the nights of the 6th and 7th July 9 French soldiers were killed and 58 wounded, in an affray with the 'Fiumani', in which some Italian soldiers joined and in which one Italian soldier was killed. It was decided by the Supreme Council on the 8th July to send a Commission of Generals to inquire into the disturbances at Fiume, and the conclusions of their report were given to the press at the beginning of September. These were stated to be:[2]

(1) Dissolution of the 'National Council' and election of a municipality under control of an Inter-Allied commission.

[1] *v.* Chap. II, Part I, p. 122.
[2] *La Question Adriatique*, Paris, 1920, p. 53.

(2) Dissolution of the League of Volunteers of Fiume.
(3) Reduction of Italian armed forces to one brigade of infantry and one squadron of cavalry.
(4) The *personnel* of the French naval base at Fiume to be reconstituted, i.e. to be superseded by a British or American *personnel.*
(5) Nomination of an Inter-Allied Commission to control the municipal administration.
(6) Maintenance of public order to be entrusted to a British or American police force.

According to the same reports these conclusions were accepted by the Supreme Council, and General Grazioli was instructed to resign the command. But on the 12th September (the very day on which the British police were to take over control), to the amazement of the world a number of adventurers, commanded by D'Annunzio, occupied the town of which D'Annunzio proclaimed himself dictator. It needed a poet and a genius to produce a third sensation at Fiume, which in its popular appeal exceeded even the excitement produced by Wilson's manifesto and by the anti-French riots.

(*c*) *D'Annunzio's coup d'état, 12th September 1919.* The Allied troops (including the Italian regulars) hastily withdrew from the town. D'Annunzio, with the aid of deserters and adventurers, formed a small army and occupied the environs of Fiume and even sent expeditions over-sea to Dalmatia. He had some success at Zara (12th November), and won adherents, but experienced a severe repulse at Traü. This small town was garrisoned with a few Yugo-slav soldiers but was within the American naval sphere under the armistice.[1] The American naval commander gave D'Annunzio's adventurers two hours in which to retire, and at the end of it Traü was evacuated. D'Annunzio showed no further desire to try conclusions with sailors or soldiers who did not speak his own tongue. The Italian Government proceeded to draw a cordon of regular troops around Fiume, and thus cut off D'Annunzio from direct access to the Yugo-slav troops at Bakar (Buccari).

The attitude of the Supreme Council appears to have been that D'Annunzio's escapades were the concern of the Italian Government. He was an outlaw, whom Signor Nitti had

[1] *v.* Chap. II, Part I, p. 123. The S.C.S. Government issued a decree, 23rd October 1919, annexing Šušak, then occupied by D'Annunzio.

disavowed and promised ultimately to subdue. Not much is known of D'Annunzio's attitude towards Italy or of his government of Fiume. As to the latter, one thing is certain. He was intensely autocratic and ultimately became very unpopular with all but a small section of the city. It is not clear where he obtained his supplies or the money to pay his soldiers and officials. The blockade ultimately became quite nominal, and the poet-dictator was visited by friends and by many journalists to whom he never failed to supply invaluable 'copy'. From an attitude of relative loyalty towards Italy and the Monarchy he ultimately passed to the wildest republicanism, and even to a species of Bolshevism, and issued proclamations by aeroplane containing the coarsest abuse of Nitti, of Giolitti, and of the Supreme Council. Even his famous letter of the 2nd February 1919 was outdone in extravagance. President Wilson, for instance, was described as a 'cold-hearted maniac who wished to crucify Italy with nails torn from the German Chancellor of the scrap of paper'. In this orgy of literary exuberance we need take no part except to remark that his example was even more eloquent than his language. It was easy to laugh at his rhodomontade, but he had done something that was more important than words. In Italy he awakened consternation, for he might sow dissension both in the army and the State. He had expelled the soldiers of England, he had defied the Supreme Council and continued to flout its authority for over a twelvemonth. His example was infectious, not only in Italy but elsewhere, and not only at the time, but, as is to be feared, for the future.

14. *The Franco-British-American Memorandum to Italy of the 9th December 1919.* (*a*) *New Orientation of the Fiume question.* With the departure from Paris of the principal protagonists it was easier for their successors to discuss proposals for a settlement. The situation was clearer now. Northern Dalmatia, except Zara, was no longer an object of serious contention. It was a pawn in the game which Italy was prepared to abandon if she could secure concessions as to Fiume, which was not secured to her in the London Treaty while Northern Dalmatia was. With the arrival of Nitti and Tittoni (afterwards succeeded as Foreign Minister by Scialoja) the question of the binding character of the Treaty of London was raised. These two, on arriving at Paris, were greeted on the

28th June 1919 with a communication from Lloyd George and Clemenceau to the effect that the Treaty of London and subsequent Conventions had no longer 'a juridical value', but were precedent acts which would serve as a basis for discussion.[1] The chief ground for this appears to have been that Italy had violated her Treaty obligations by not declaring war immediately on Germany (Art. 2). Signor Tittoni on the 7th July contested this view, asserting that no date had been specified and that Italy went to war with Germany as soon as the state of her military preparations allowed of her doing so. At a later date (19th October 1919) Salandra, who had been responsible for signing the Treaty, 'boasted' of this delay 'as an important service rendered to my country'. Giolitti, on the other hand, stated in the Italian Chamber that Italy's delay had violated Article 2 of the Treaty and 'She thus failed to keep the Pact' (12th October 1919).[2] It is not easy to see the merits of the quarrel, but it does not appear that England and France protested in 1915 at the delay in question. In view of this most international jurists would not accept the view that the violation or non-execution of one clause in a Treaty rendered the whole Treaty null and void. At any rate the controversy was dropped, for about seven months later Clemenceau and Lloyd George declared themselves bound by the Treaty of London.[3]

All parties except D'Annunzio were now in a mood for compromise over Fiume. A scheme had already been published on the 25th August which emanated from Washington. The general idea was to give the city of Fiume to Italy and of Šušak to Yugo-slavia, and to place the port and inland communications in the hands of the League of Nations. As the 'Wilson line' was to be maintained Fiume would not have been contiguous with Italy. This scheme might have produced a favourable solution, had not the startling events at Fiume interrupted it.

[1] *v.* Scialoja's speech in the Italian Senate, 14th July 1920. Tittoni's reply of 7th July has been published, but the contents of the Franco-British communication has been only indicated. *v. supra*, p. 291.

[2] *v. New Europe*, 30th October 1919.

[3] e.g. 'The British and French Governments have consistently declared their willingness to abide by the Treaty of London' (Joint Franco-British Memorandum to Italy, 9th January 1920). The Reparation Commission has since (15th April 1921) fixed the date of Italy's *de facto* belligerency with Germany as 26th May 1915, thus implying that Italy committed acts of hostility against Germany at once, though she did not declare war.

(*b*) *Franco-British-American Memorandum, 9th December 1919. The Six Points.* The underlying idea was, however, taken up by the Council of Five, sitting *en permanence* at Paris, and worked out in a joint Franco-British-American Memorandum presented to Italy on the 9th December 1919. It was a definite attempt to find a solution before the Council of Five dissolved, and summarized some previous negotiations between Washington and Rome, which had continued from September to November.

The following six points had been agreed between President Wilson and Signor Nitti:

(1) *Eastern boundary of Italy.* Acceptance of the Wilson line—in principle. The extreme southern boundary, however, was to run to the east of the Arsa River, giving Albona to Italy, 'in spite of the considerable additional number of Yugoslavs (40,000) thereby incorporated (in Italy)'. A 'buffer-state' was to be formed consisting of the town of Fiume—and stretching north to the Karavanken, so as to include the Assling railway triangle. The western boundary of this was to be the 'Wilson line' as modified, thus giving to the 'buffer-state' the quicksilver mines of Idria. The 'buffer-state' was to be demilitarized as well as an area between the Arsa River and Cape Promontore.

(2) '*Buffer-state*' *of Fiume.* The 'buffer-state' of Fiume was to include about 200,000 Slavs and 40,000 Italians, but there was to be no plebiscite as to its future, as the 'Tardieu compromise' had suggested on the 30th May. On the contrary, 'in deference to Italy's objection that the incorporation of this region in the Serb-Croat-Slovene State by free act of the inhabitants, might create a real menace, it is now agreed that the determination of the whole future of the State shall be left to the League of Nations, which, in conformity with Italian requirements, shall not fail to provide the full measure of autonomy which the city of Fiume enjoyed under Austro-Hungarian rule'.

(3) *Dalmatia.* With regard to 'the difficult question of Dalmatia' the three representatives . . . 'feel that the Italian Government have acted on an enlightened view of their higher interests in officially withdrawing territorial claims to an area where to enforce them would have meant permanent discord with the inhabitants of the Serb-Croat-Slovene State, and

prevented all possibility of friendly relations with them. In order, however, to safeguard every Italian racial and sentimental interest, it has been agreed that the city of Zara shall enjoy a special régime. Its geographical position indicates Zara as a part of the Yugo-slav State, but provided the town is left within the Yugo-slav Customs Union, it is to be given complete sovereignty under the League of Nations, and freedom to control its own affairs.'

(4) *The Dalmatian and Istrian islands.* 'The Italian Government appear to be one with President Wilson in realizing the necessary racial, geographic, and political connexion of the Dalmatian coastal islands with the Yugo-slav State. On the other hand, the possession of certain outlying islands, though ethnically Yugo-slav and economically connected with Yugoslavia, is considered by the Italian Government necessary to Italy's strategic control of the Adriatic, and the reasonableness of this claim has been accepted, the following islands being accorded to Italy, on a demilitarized status, namely:

(*a*) The Pelagosa group.
(*b*) Lissa and the small islands west of it.
(*c*) Lussin and Unie.

These islands are to pass in full sovereignty to Italy, who on her part is to make an agreement with the Slav population of Lissa, providing for their complete local autonomy.'

(5) and (6). *Albania.* 'Italy is to receive a mandate for the administration of the independent State of Albania, under the League of Nations.'[1] A boundary line for Albania was sketched which entitled Greece to certain areas in the south.

'The city of Valona, together with such hinterland as may be strictly necessary to its defence and economic development, is to be granted to Italy in full sovereignty.'

On these concessions the Memorandum commented as follows:

'The above six points, in their general aspects, are those on which, after many months' negotiation, the Italian Government have happily reached an agreement with the President of the United States. They appear to afford to Italy full satisfaction of her historic national aspirations, based on the desire to unite the Italian race; they give her the absolute

[1] For further details *v.* Part II of this chapter.

strategic control of the Adriatic; they offer her complete guarantees against whatever aggression she might fear in the future from her Yugo-slav neighbours—an aggression which the three representatives on their part consider as most improbable if the lines of a just and lasting settlement are reached. They have even carried their concern for Italian security to the point of neutralizing the Dalmatian islands and adjacent waters from the northern border of the Ragusa region to Fiume.'

9th December Memorandum.

Italian claims.	*Franco-British-American concessions.*
(1) 'Control by Italy of the diplomatic relations of Zara.'	As regards (1) Zara was to be included in the Yugo-slav Customs Union but 'the city shall be completely independent, under the League of Nations. The city will therefore be entirely free to decide, subject to the approval of the League of Nations, how it shall be diplomatically represented abroad.'
(2) 'An arrangement by which the city of Fiume, the so-called *corpus separatum*, should be dissociated from the Free State of Fiume and made completely independent, though its port and railway should be left to the Free State.'	(2) Fiume to have 'precisely the same degree of autonomy as the city had under Austro-Hungarian rule'. The 'absolute sovereignty' over it to be 'vested in the League of Nations' which could protect racial minorities. No concessions as to altering the boundaries of the 'buffer-state'.
(4) 'Annexation to Italy of the island of Lagosta.'	(4) No concession here made.

(3) The third Italian claim was the most important. They demanded 'direct connexion of the city of Fiume with the Italian Province of Istria by the annexation to Italy of a long, narrow strip of territory running along the coast from Fiume to Volosca, between the railway and the sea, the Italian frontier

in Istria being pushed eastwards so as to include the whole peninsula within Italy'. To this the Joint Memorandum replied: 'With respect to the new Italian proposal for the annexation to Italy of the long narrow strip of coast from Fianona to the gate of the city of Fiume there are difficulties of a practical nature. The reason for which the Italian Government have made this demand is stated to be a purely sentimental one, namely, the desire that the city of Fiume should not be separated from Italy by any intervening foreign country. No doubt such a sentimental reason may be of great importance in the eyes of the Italian Government, but it would appear to rest on a misapprehension of the real position of Fiume. The creation of the buffer State, which is to be completely independent of Yugo-slavia, was, among other reasons, precisely intended to safeguard the position of Fiume; and the free State, of which Fiume must, as indicated in the preceding paragraph, form an essential part, is already in direct contact with the Kingdom of Italy not only by sea, but by a long land frontier of approximately 100 miles. Full effect, therefore, is already given to the sentimental considerations to which the Italian Government attach so much value. In fact, the new Italian plan would not achieve this object so well, as in practice it is to be feared that it would be quite unworkable. The Italian Government do not propose to interfere with the railway connecting Fiume with the north, which they admit is to remain within the Free State. This railway runs for a considerable distance along the coast, and the Italian proposal amounts, so far as this region is concerned, to cutting off from the Free State, and incorporating with Italy, the line of sandy and barren beach intervening between the railway and the sea. Whilst the injury to the Free State, which would in this eccentric way be entirely cut off from its only seaboard, is obvious and unmeasurable, it is not easy to understand what would be the benefit to Italy, unless it be considered a benefit to her that the Free State should be so crippled. Nor does it seem necessary to dwell on the extraordinary complexities that would arise as regards customs control, coastguard services, and cognate matters in a territory of such unusual configuration. The plan appears to run counter to every known consideration of geography, economics, and territorial convenience, and it may perhaps be assumed that if these considerations

were overlooked by the Italian Government, this was due to their having connected it in their mind with the question of annexing to Italy all that remains of the Yugo-slav portion of the peninsula of Istria. This question of further annexation of Yugo-slav territory is raised quite unambiguously both by the demand for the whole of Istria and by the proposal to annex the island of Lagosta. In neither case do even considerations of strategy arise. For the strategical command of the whole Adriatic is already completely assured to Italy by the possession of Trieste, Pola, the islands facing Fiume, Pelagosa, and Valona. Additional security is afforded by the proposed demilitarization of the whole Free State of Fiume, together with a large zone lying to the north of it, and of the small portion of Istria remaining to the Free State of Fiume.'

'Economic considerations being equally excluded, there remains nothing but a desire for further territory. Now the territories coveted are admittedly inhabited by Yugo-slavs, they contain practically no Italian elements. This being so, it is necessary to refer to the way in which President Wilson, with the cordial approval of Great Britain and France, has met every successive Italian demand for the absorption in Italy of territories inhabited by peoples not Italian, and not in favour of being so absorbed. . . .'

'From this point of view the inclusion in Italy of purely Yugo-slav territories where neither security nor geographical nor economic considerations compel annexation, is not in itself a commendable policy. It would be bound to create within the Italian borders a compact body of irredentism exactly analogous in kind to that which justified the demand of *Italia irredenta* for union with the Italian State.'

'The three representatives venture with all deference to express the opinion that, in declining to agree to the incorporation of more Yugo-slav territory, they are acting in the highest interest of the Italian nation itself.'

15. '*The January Compromise.*' (*a*) *Proposals of Italy 6th January 1920, of France and Great Britain 14th January 1920.* On the 8th December 1919 Signor Scialoja, now Foreign Minister of Italy, on hearing from Lord Curzon of the proposed Memorandum, objected that it merely reiterated the Wilsonian position, and that it gave Sebenico and Cattaro to Yugo-slavia and thereby exposed 'the entire central and southern flank of

Italy to attack'. He asked (1) that the note, if presented, should not be made public; (2) that Italy should be permitted to reply; (3) that the Memorandum should not be regarded 'as the last word in the controversy'. These conditions were agreed to by the Council of Five at Paris on the 9th December 1919. On the 6th January 1920, Signor Nitti saw Mr. Lloyd George in London and submitted a statement in writing on the same day, asking for the 'fulfilment of the Pact of London' and requesting eight modifications of the December Memorandum. This resulted in a joint Memorandum of M. Clemenceau and Mr. Lloyd George of the 9th January, which contained the interesting statement that 'the British and French Governments have consistently declared their willingness to abide by the Treaty of London', and replied in detail to Signor Nitti's eight points. Subsequently Nitti protested against the 'buffer-state' and the League of Nations control. Some revision of the Lloyd George and Clemenceau proposals took place. According to the press, Dr. Trumbić was heard at great length before the Conference on the 10th and 12th, and on the 13th the Conference appears to have discussed the suggestion that there should be Italian sovereignty over Fiume; but this was not pressed. On the 14th January the revised proposals were finally handed to MM. Trumbić and Pašić in Paris by M. Clemenceau. These revised proposals are known as the 'January Compromise'.

Nitti Memorandum, 6th January 1920.	*'January Compromise' — Revised proposals of Clemenceau and Lloyd George, 14th January 1920.*
(1) 'Free State of Fiume according to Wilson's plan' but frontier modified so as to be contiguous with Italy.	(1) *Corpus separatum* of Fiume[1] to be independent under the League 'with the right to choose its own diplomatic representation'. Šušak to go in full sovereignty to Yugoslavia. Port and railway communications of Fiume to be under the League of Nations.
(2) *Corpus separatum*[1] of Fiume to have a statute safeguarding its 'Italianità' from the great Slav majority in the buffer-state.	(2) Buffer-state to disappear, but Yugo-slav boundary to include Šušak.

[1] i.e. the district just round the city of Fiume, Šušak not included. This meant the disappearance of the 'buffer-state'.

Nitti Memorandum, 6th January 1920.	*'January Compromise'—Revised proposals of Clemenceau and Lloyd George, 14th January 1920.*
(3) Contiguity between Italy and *corpus separatum.*	(3) Contiguity was not refused, but given only by a strip including a road along the coast. The whole St. Peter-Adelsberg railway from Fiume northwards to be within the Yugo-slav state. Some further rectification was given to Italy near Senosicche to protect the Trieste railway.
(4) Cherso and Lagosta, 'besides those (islands) already assigned by Wilson' (i.e. Pelagosa, Lissa, Lussin and Unie)' to be assigned to Italy'.	(5) Lussin, Pelagosa, and Lissa 'to be assigned to Italy'; all other islands to be under Yugo-slav sovereignty.
(6) 'Effective neutralisation of the islands, and also of the whole coast and of the ports of the Eastern Adriatic coast from Fiume down to the mouth of the Voyusa.'	(6) 'All the islands of the Adriatic to be demilitarised.'
(5) 'Zara, free town, with freedom to select its diplomatic representation. Guarantees for the relations of the citizens of Zara with the Dalmatian territory.'	(3) Municipality of Zara 'to be an independent state under the guarantee of the League of Nations', with the right to choose its own diplomatic representation.
(7) 'Italians of the cities of Fiume and Dalmatia to have the freedom of choosing Italian citizenship without leaving the territory.'	(7) Granted for Italians in Dalmatia.
(8) 'Guarantees for the existing economic enterprises in Dalmatia.'	(8) 'Existing economic enterprises in Dalmatia should have their security safeguarded by an international convention.'
	Albania.
	'Italy to retain Valona, as provided for in the Treaty of London, and, in addition, to have a mandate over Albania.'
	The northern boundaries of Albania to be readjusted in favour of Yugo-slavia, and an autonomous province to be formed.[1]
	Argyrocastro and Koritza in the south to go to Greece.

The main features of this proposal are clear. The 'buffer-state' was to disappear; the city of Fiume was to be independent but confined to its own environs (*corpus separatum*).

[1] Cmd. 586, Parl. Paper, Misc. No. 2, 1920, p. 18; *v. infra*, pp. 343–4.

The much coveted contiguous access to Fiume was granted to Italy. Šušak was to go to Yugo-slavia and the St. Peter railway was to remain inside her western boundaries. The Yugo-slavs were to be reconciled to the loss of territory in Istria, etc., by an international guarantee of the communications of Fiume, by the cession of the whole of Dalmatia except Zara, and by a concession in North Albania which would enable them to build a railway from Prisrend to Scutari. Such was the proposal on which England, France, and Italy had at last agreed and which they were prepared to urge with their full power. Settlement seemed at last in sight, but the three Powers had forgotten two factors: Dr. Trumbić and President Wilson.

(*b*) *The reply of Dr. Trumbić, 20th and 28th January 1920.* On the 20th January Dr. Trumbić forwarded a Memorandum accepting the principle of the independence of the *corpus separatum* of Fiume, but demanding that the port and communications should be *sous la gestion* of Yugo-slavia. Otherwise he adhered strictly to the Wilson line, as the new proposals, ceding Albona and Senosicche, would give 460,000 (instead of over 400,000) Yugo-slavs to Italy.[1] He accepted the principle of the independence of Zara but placed its diplomatic representation under the League, for to give Fiume and Zara the right of choosing their diplomatic representatives 'would constitute a disguised annexation' (to Italy). He accepted the demilitarization of the Isles and offered to cede Lussin and Pelagosa to Italy, if they were also demilitarized. On other questions he was prepared for agreement, though he wished to make some stipulations as to the partition of the Austro-Hungarian Navy and commercial fleet. As regards Albania, he preferred it as 'a local autonomous Government' as defined in 1913 'without interference from any foreign Power'. In case this was not accepted he would stipulate for certain rectifications in favour of Yugo-slavia. In substance, therefore, he rejected the 'January Compromise'.

The Supreme Council met the same day and Clemenceau is stated to have recommended acceptance in strong terms. He drew attention to the fact that, while Croats and Slovenes

[1] *v.* Vol. V, statistics. The real figures of the 'Wilson line' are about 366,000, and as amended in the December Memorandum about 420,000, revised proposals of January about 484,000 (including 12,000 on the islands).

had fought against the Entente, Italy had fought for her. If the Yugo-slavs did not accept the proposals, not only would the Treaty of London be applied, but Italy would be empowered to carry its provisions into effect. He added that he spoke in a 'friendly' spirit and that the Yugo-slavs had his 'sympathy'. Mr. Lloyd George is reported to have concurred with these views.[1] This formidable address was almost the last official utterance of the great Frenchman who had presided over the Conference for a twelvemonth.

On the 28th January Dr. Trumbić replied to the effect that the Yugo-slav Government considered the communication of the 20th January 'as a friendly proposal, not as an injunction', and one not to be answered immediately. The proposals did not wholly conform 'to the principles proclaimed by the Peace Conference of the free disposal and independence of peoples, nor the wishes of populations, nor to what was geographically and economically expedient'. The Yugo-slav Government would accept 'arbitration or a plebiscite' and had been ready to do so for over a year. 'In default of an immediate and categorical acceptance, it (the Yugo-slav Government) did not understand that they (the Powers) desired to apply to it a Treaty unknown to it and concluded by third parties, who had never communicated its contents.' The proposals could not therefore be wholly accepted. The demand thus made for a communication of the text of the Treaty of London could not well be refused by Italy, England, and France, and necessarily produced a further delay. Meanwhile it had already become evident that Yugo-slavia would not stand alone in her resistance to the 'January Compromise'.

16. *President Wilson's intervention—The Memorandum of the 10th February 1920.* Mr. Frank Polk, the American representative on the Supreme Council, had left Paris shortly after signing the 9th December Memorandum. Mr. Wallace, the American Ambassador at Paris, was without full powers and therefore did not sit on the Supreme Council, though Mr. Polk had requested that 'the Dalmatian and other questions should be taken up through regular diplomatic channels'.[2] On

[1] Professor Šišic, adviser to the Yugo-slav Delegation, has published a work *Jadransko Pitanje*, Zagreb, 1919. This gives conversations of the Conference with Trumbić and Pašić on the 13th, 14th, and 20th January, which appear to be *verbatim* reports.

[2] Mr. Lansing to Mr. Wallace, Paris, 20th January 1920.

the 20th January, Mr. Wallace was instructed to make inquiries of M. Clemenceau and Mr. Lloyd George.

'The United States is being put in the position of having the matter disposed of before the American point of view can be expressed, as apparently M. Clemenceau and Mr. Lloyd George have sought only the views of the Italian and Yugo-slav Governments before ascertaining the views of the United States Government. Is it the intention of the British and French Governments in the future to dispose of the various questions pending in Europe and to communicate the results to the Government of the United States? There are features in connexion with the proposed Fiume settlement which both M. Clemenceau and Mr. Lloyd George must realize would not be acceptable to the President.'[1]

(*a*) *Joint telegram of Clemenceau and Lloyd George, 22nd January 1920.* On the 22nd a joint telegram was sent in the names of M. Clemenceau[2] and Mr. Lloyd George. They disclaimed all idea of not consulting the United States and summarized the 'January Compromise' in the following terms:

'The French and British Governments are glad to think that practically every important point of the joint memorandum of the 9th December, 1919, remains untouched, and has now been endorsed by the Prime Minister of Italy. Only two features undergo alteration, and both these alterations are to the positive advantage of Yugo-slavia:

'1. The Free State of Fiume, which would have separated 200,000 Yugo-slavs from their Fatherland, disappears. Three-quarters of these people are at once and for ever united with Yugo-slavia. A source of perpetual intrigue and dispute is done away with. And if in return Yugo-slavia has to agree to the transfer of territory to Italy, including some 50,000 Yugo-slavs in addition to those already included under the Wilson proposal, the balance is clearly to the benefit of Yugo-slavia. Fiume becomes an independent State under the guarantee of the League of Nations, and the authority of the League of Nations over the port becomes absolute and immediate in the interests of all concerned.

'2. As regards Albania, an attempt has been made to afford

[1] Mr. Lansing to Mr. Wallace, Paris, 20th January 1920.
[2] He was succeeded as French Prime Minister by M. Millerand on the 21st.

satisfaction to the necessary requirements of all parties concerned. The details of the administration of this country by Yugo-slavia, Italy and Greece have yet to be elaborated. But in working to this end, sight will not be lost of the feelings and future interests of the Albanian people, and every endeavour will be made to carry out the arrangements in full consultation with them.'

(*b*) *President Wilson's Memorandum of the 10th February 1920.* President Wilson replied on the 10th February in a memorandum of great importance. He intimated that the American Government was now to be consulted, but that it would not consent to the Treaty of London being used to enforce the submission of the Yugo-slavs.

'The President fully shares the view of the French and British Governments that the future of the world largely depends upon the right solution of this question, but he cannot believe that a solution containing provisions which have already received the well-merited condemnation of the French and British Governments can in any sense be regarded as right. Neither can he share the opinion of the French and British Governments that the proposals . . . (of the 14th January) leave untouched practically every important point of the joint memorandum of the French, British, and American Governments of the 9th December, 1919, and that "only two features undergo alterations, and both these alterations are to the positive advantage of Yugo-slavia". On the contrary, the proposal of the 9th December has been profoundly altered to the advantage of Italian objectives to the serious injury of the Yugo-slav people and to the peril of world peace. The view that such positive advantages have been conceded to Italy would appear to be borne out by the fact that the Italian Government rejected the proposal of the 9th December and accepted that of the 14th January.

'The memorandum of the 9th December rejected the device of connecting Fiume with Italy by a narrow strip of coast territory as quite unworkable in practice, and as involving extraordinary complexities as regards customs control, coast, guard services, and cognate matters in a territory of such unusual configuration. The French and British Governments, in association with the American Government, expressed the opinion that "the plan appears to run counter to every con-

sideration of geography, economics and territorial convenience". The American Government notes that this annexation of Yugo-slav territory by Italy is nevertheless agreed to by the memorandum of the 14th January. The memorandum of the 9th December rejected Italy's demand for the annexation of all of Istria, on the solid ground that neither strategic nor economic considerations could justify such annexation, and that there remained nothing in defence of the proposition, save Italy's desire for more territory admittedly inhabited by Yugo-slavs. The French and British Governments then expressed their cordial approval of the way in which the President has met every successive Italian demand for the absorption in Italy of territories inhabited by peoples not Italian, and not in favour of being absorbed, and joined in the opinion that "it is *neither* just nor expedient to annex as the spoils of war territories inhabited by an alien race". Yet this unjust and inexpedient annexation of all of Istria is provided for in the memorandum of the 14th January. The memorandum of the 9th December carefully excluded every form of Italian sovereignty over Fiume. The American Government cannot avoid the conclusion that the memorandum of the 14th January opens the way for Italian control of Fiume's foreign affairs, thus introducing a measure of Italian sovereignty over, and Italian intervention in, the only practicable port of a neighbouring people, and taken in conjunction with the extension of Italian territory to the gates of Fiume, paves the way for possible future annexation of the port by Italy in contradiction of compelling consideration of equity and right. The memorandum of the 9th December afforded proper protection to the vital railway connecting Fiume northward with the interior. The memorandum of the 14th January establishes Italy in dominating military positions close to the railway at a number of critical points.

'The memorandum of the 9th December maintained in large measure the unity of the Albanian State. That of the 14th January partitions the Albanian people against their vehement protests, among three different alien Powers.'

The President then intimated that he would not consent to the latter proposition.

'The matter would wear a very different aspect if there were any real divergence of opinion as to what constitutes

a just settlement of the Adriatic issue. Happily, no such divergence exists. The opinions of the French, British, and American Governments as to a just and equitable territorial arrangement at the head of the Adriatic Sea were strikingly harmonious. Italy's unjust demands had been condemned by the French and British Governments in terms no less severe than those employed by the American Government. Certainly the French and British Governments will yield nothing to their American associate as regards the earnestness with which they have sought to convince the Italian Government that fulfilment of its demands would be contrary to Italy's own best interests, opposed to the spirit of justice in international dealings, and fraught with danger to the peace of Europe. In particular, the French and British Governments have opposed Italy's demands for specific advantages which it is now proposed to yield to her by the memorandum of the 14th January, and have joined in informing the Italian Government that the concessions previously made "afford to Italy full satisfaction of her historic national aspirations based on the desire to unite the Italian race, give her the absolute strategic control of the Adriatic and offer her complete guarantees against whatever aggression she might fear in the future from her Yugo-slav neighbours". . . .

'It is a time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms co-operate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war. This Government does not doubt its ability to reach amicable understandings with the Associated Governments as to what constitutes equity and justice in international dealings; for difference of opinion as to the best methods of applying just principles have never obscured the vital fact that the main several Governments have entertained the same fundamental conception of what these principles are. But if substantial agreement to principle, if just and reasonable, is not to determine international issues; if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the Powers; if forcible seizure of coveted areas is to be permitted and condoned, and is to receive ultimate justification

by creating a situation so difficult that decision favourable to the aggressor is deemed a practical necessity; if deliberately-incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of Powers, the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise; but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

'If it does not appear feasible to secure acceptance of the just and generous concessions offered by the British, French and American Governments to Italy in the joint memorandum of those Powers of the 9th December, 1919, which the President has already clearly stated to be the maximum concession that the Government of the United States can offer, the President desires to say that he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France of the 28th June, 1919, which are now before the Senate and permitting the terms of the European settlement to be independently established and enforced by the Associated Governments.'

(*c*) *Reply of Millerand and Lloyd George, 17th February 1920.* The February Memorandum of Wilson dissolved the 'January compromise' made by Lloyd George, Clemenceau, and Nitti. It was received on the 14th and answered by a joint memorandum of M. Millerand and Mr. Lloyd George on the 17th. Their chief point was that the origin of the 'January compromise' was that they discovered, when dealing with the representatives of Italy and Yugo-slavia in Paris, that nobody desired the 'buffer-state' of Fiume. Yugo-slavia desired to do away with it and include 'as much as possible of its territory and population (200,000 Slavs) within its own borders'. Thus, under the December Memorandum there would be about 420,000 Slavs

under Italy and 200,000 in the buffer-state. Under the compromise 90,000[1] more Slavs would pass to Italy but 150,000 would be added to Yugo-slavia. They disclaimed the idea that contiguity of Italian territory to Fiume 'paved the way for annexation'.

'As regards the railway, the proposal of the 20th January gives to the Yugo-slav State the control of the whole line from the point where it leaves the port of Fiume, which is under the control of the League of Nations. The railway is a commercial and not a strategic railway. Under President Wilson's proposals it is commanded by Italian guns. According to either plan nothing could be easier than for Italy to cut it in the event of war. They do not, therefore, see that there is substance in this criticism of a proposal whose real effect is to transfer the whole railway to Yugo-slavia instead of leaving it in the hands of the free state of Fiume, which no one desires.'

After some discussion of the Albanian question they announced that the failure of an agreed settlement must leave them no choice but to acknowledge the validity of the Treaty of London. They agreed with the President that conditions had changed.

'But throughout these negotiations they never concealed from him the fact that they regarded themselves as bound by the Treaty of London in the event of a voluntary agreement not being arrived at. The fact, therefore, that when they made their proposals of the 20th January they informed both the Italian and the Yugo-slav Governments that in the event of their not being accepted they would have no option but to allow the Treaty of London to come into force can have come as no surprise, and was, indeed, the obvious method of bringing this long controversy to a close. They would point out that this declaration is not, as the American Government would appear to think, an ultimatum to Yugo-slavia on behalf of Italy. Under the Treaty of London, Italy has had to abandon Fiume altogether and hand it over to Yugo-slavia. This part of the Treaty is as unacceptable to Italians as is the transfer of Dalmatia and the islands to Yugo-slavia.'

They concluded by a somewhat controversial discussion on

[1] It was pointed out that Wilson had agreed to 40,000 of these passing to Italy in the December Memorandum.

the general principles of the Peace, which has been summarized elsewhere.[1]

(*d*) *Wilson's Memorandum, 25th February. Franco-British Reply, 26th February 1920.* The President replied on the 25th February to the effect that Yugo-slavia had not consented to the 'January compromise'. Consequently, direct negotiations between her and Italy were required. 'The President would of course make no objection to a settlement *mutually agreeable to Italy and Yugo-slavia regarding their common frontier in the Fiume region, provided that such an agreement is not made on the basis of compensation elsewhere at the expense of nationals of a third Power.*[2] His willingness to accept such proposed joint agreement of Italy and Yugo-slavia is based on the fact that only their own nationals are involved. In consequence, the results of direct negotiation of the two interested Powers would fall within the scope of the principle of self-determination. Failing in this, both parties should be willing to accept a decision of the Governments of Great Britain, France and the United States.'

The French and British Premiers replied on the 26th February stating that the President's proposal,[2] which they quoted, 'would be the ideal way of settling the question at issue, and they are willing to do their utmost to reach a settlement by this road. In order to facilitate this process they are ready to withdraw the proposals made both on the 9th December and the 20th January, for they feel that, if the two parties principally concerned believe that the various Allied and Associated Powers are committed to supporting them in any particular solution, it will be more difficult to secure a voluntary agreement between them. The French and British Prime Ministers therefore join in a cordial invitation that President Wilson should take part with them in a formal proposal to the Italian and Yugo-slav Governments urging them to negotiate a mutual agreement on the basis of a withdrawal of all previous proposals.'

'If, however, this attempt should prove unsuccessful, the French and British Prime Ministers agree that the United

[1] *v.* Chap. VII, pp. 433–4.

[2] The passage in italics was quoted in the Franco-British Reply.

Note.—Some of the parts of these despatches dealing with Albania are omitted and dealt with on p. 344.

States, Great Britain and France should once more consider the question in common with a view to arriving at concrete proposals.'

They practically agreed to drop the question of partitioning Albania, but adhered to the view that the Treaty of London might have to be used as a lever to secure compliance if all other means failed.

'In conclusion, the French and British Prime Ministers venture to call the attention of President Wilson to the urgent importance of a speedy settlement of the Adriatic dispute—a dispute which is now gravely threatening the peace and delaying the reconstruction of South-Eastern Europe.'

(*e*) *President Wilson's letter of the 6th March 1920.* On the 6th March the President acknowledged this despatch but stated that he could not join in withdrawing the December Memorandum. If, however, both Yugo-slavia and Italy desired to withdraw from the 'buffer-state' idea 'and desired to limit the proposed free state to the *corpus separatum* of Fiume, placing the sovereignty in the League of Nations without either Italian or Yugo-slav control, 'then the President is prepared to accept this proposal and is willing, under such circumstances, to leave the determination of the common frontier to Italy and Yugo-slavia'. He intimated once more his refusal to accept the coercion of the Yugo-slavs by the application of the Treaty of London.

With this utterance was ended the long controversy between the great Powers over Fiume. President Wilson had failed to convert Orlando, Nitti to convert D'Annunzio, the three Powers together had failed to convert Italy, Tardieu and Clemenceau had failed to convert the Yugo-slavs. The President of the Conference and the President of the United States had failed to solve the problem, and the two principals were at last left to work out their own salvation, which they ultimately did without summoning the League of Nations to their aid.

E. Direct Negotiations between Italy and Yugo-slavia, Treaty of Rapallo.

17. *Pallanza and the prelude to Rapallo.* The result of the last serious controversy between the Great Powers in the Peace Treaty had been to produce a division between the

American and the Franco-British views. Conditions were more favourable than they had once been, for Nitti, unlike Sonnino, was a man who preferred negotiation to negation. But his political position was weak, and it was not improved by his failure to obtain the 'January compromise'. The San Remo Conference of the three Great Powers led to an attempt to arrive at direct agreement between Italy and Yugo-slavia at a conference between Nitti and Trumbić at Pallanza (May). It met just after imposing demonstrations had been held in all parts of Yugo-slavia in favour of Fiume remaining Yugo-slav. Negotiations were proceeding favourably when Nitti was recalled to Rome by a political crisis on the 11th May which ended in his downfall. The negotiations were broken off just as they had reached a favourable stage. They are reported to have been based on the following lines:

(*a*) A modification of the 'Wilson line' was to give more protection to Pola, by carrying the line to Ponta Fianona, instead of to the Arsa mouth (to this Wilson himself had already assented in principle). Two other rectifications in favour of Italy were to be made near Monte Maggiore and Senosicche. The St. Peter railway would, however, have remained Yugo-slav.

(*b*) *Fiume.* Nitti's claim of territorial contiguity between Italy and Fiume was to be abandoned. The city of Fiume was to be under Italian sovereignty. Šušak with the port of Baross and the Zagreb railway was to be Yugo-slav, the harbour of Fiume itself was to be controlled by the League of Nations. The Italian part of Fiume would be an island in a Yugo-slav sea, but protected by the League.

(*c*) Zara was to be autonomous under Yugo-slavia.

(*d*) The islands Lussin and Unie alone to be Italian, fate of Cherso to be decided by plebiscite.

These terms on the whole represented genuine concessions on both sides and are the best tribute to the moderate and conciliatory spirit of Nitti.[1] It is, of course, possible that the Italian Chamber would not have ratified such a Treaty.

Very serious social and political troubles now began to appear in Italy which were not even temporarily tided over until September. As in many other Italian political crises the chaos gradually subsided, and Giolitti appeared riding the

[1] *v.* Special Correspondent of *The Times*, 13th May 1920.

whirlwind. The situation was not without its irony. Nitti, who had just fallen, had been received on his arrival at Paris at the end of June 1919 with a Franco-British intimation that the Treaty of London was no longer binding upon them. Yet it was in his favour that these same two Powers had used the threat of the Treaty of London to enforce the 'January compromise'.[1] Now Giolitti was in power who had advised neutrality for Italy during the war and had declared that Italy had broken the Pact of London, and therefore that it had no binding force. It would seem therefore that, from all points of view, the Yugo-slav prospects had very greatly improved.

But this was not really so. Giolitti was at least a Realist, a man who saw facts as they were, a man who could be trusted not to take office unless he commanded a parliamentary majority, and trusted not to renew negotiations unless with a prospect of success. Moreover, D'Annunzio was inflicting great harm on Yugo-slavia by his interference with the traffic to Zagreb and Belgrade. All British commerce, for instance, had to go to Yugo-slavia via the Simplon or via Salonica. A serious affray between Yugo-slavs and Italians at Spalato had provoked riots at Trieste, and it was reasonably certain that this harbour would not be open to Yugo-slav goods for some months. Yugo-slavia was, in effect, blockaded at Fiume and at Trieste. At one period at the Conference it was suggested that Yugo-slavia could find an outlet at Bakar (Buccari). But at that place the railway station is a considerable height above the harbour and D'Annunzio's raiders had cut off the best route, so that a détour of 11 kilometres had to be undertaken. Practical experience very soon proved that no such outlet was possible. There were other economic considerations. The Yugo-slav budget showed a deficit, and the exchange got worse. Unless export and import could be undertaken on an extensive scale the financial and economic condition of the country would become serious and even critical.

In June Italian troops, who had already left Antivari, finally evacuated Cattaro. Thus all the Southern coast of Dalmatia and of Montenegro was at last free from Italian

[1] That at least was the version of Scialoja, Nitti's Foreign Minister in the Italian Senate, and he quoted Tittoni's reply, 7th July 1919, *The Times*, 16th and 17th July 1920.

occupation. In October the French handed over the administration of the harbour of Cattaro provisionally to the Yugo-slavs, but the Powers had stipulated (15th Sept.) that Allied warships should be permitted to enter the harbour of Cattaro, which should not be used as a military arsenal.[1] This was claimed by the Yugo-slav press as an important concession to Italy.

Two very important considerations now affected Yugo-slav feeling. On the 15th October the Klagenfurt plebiscite took place and its result was that, though an ethnic majority of Slovenes were in this area, the electoral majority voted for union with Austria. This was a sad blow. It was emphasized by the fact that Yugo-slav troops marched into the area and the three Powers (Great Britain, France, and Italy) peremptorily ordered them out and forced them to evacuate the place in forty-eight hours by delivering an ultimatum. This incident was followed by another which doubtless greatly discouraged the Yugo-slavs as they were proceeding to Rapallo. At the Presidential Election in the United States the Democrats, who had adopted the Wilsonian programme of the League and the policies therein implied, were hopelessly beaten. Thus fell their great champion President Wilson, and with him apparently all hopes of securing an arrangement on the basis of the 'Wilson line'.

M. Vesnić has summarized their feelings as follows: 'We realized the difficulty of our situation after the Carinthian plebiscite and the American election, and what counts much more, we felt our big Allies had left us to our own destiny and simultaneously put upon our shoulders the responsibility for the peace of Europe.' He then proceeded to refer to the exquisite courtesy with which the Italian negotiators had received him. Whether there were other reasons not expressed time alone will show. On the 8th November, M. Vesnić, Dr. Trumbić, and M. Stoyanović proceeded to Santa Margherita and were met by the Italian Delegates headed by Count Sforza. Differences of opinion were speedily reported and a rupture was threatened. It did not come. On the 10th November, to the amazement of the world, it was announced that 'the Adriatic question had been settled', and that Giolitti would arrive to sign the Treaty. On the 12th it was

[1] The French (i.e. Inter-Allied) evacuation of Cattaro on the terms indicated took place 4th March 1921, from which time it may be assumed to have become Yugo-slav territory.

signed by all the plenipotentiaries. The result was certainly not foreseen by everybody, but one thing is undoubted. Whatever judgment may be passed on the Treaty it cannot be maintained that either side was taken unprepared. No diplomatic question was ever more discussed, and every economic, racial and strategic difficulty must have been perfectly known to the distinguished diplomats on each side.

18. *Terms of the Rapallo Treaty.*[1] The main points of the Treaty are as follows:

(1) *Boundaries of Istria.* The Italian frontier line turns southward from Péc, where Italy, Yugo-slavia, and Austria meet, leaving Mount Blegoš and the Assling 'railway triangle' to Yugo-slavia. Farther to the south Italy obtains Idria and the town of Adelsberg, and the whole course of the St. Peter railway to Fiume, and the strategic point 1454, Monte Nevoso (Schneeberg). The town of Castua and a tongue of land running south of Monte Nevoso, and thence in a westerly direction, are, however, granted to Yugo-slavia apparently for ethnic reasons.

(2) *Free State of Fiume, Arts. 4 and 5.* 'Full liberty and independence' of the Free State of Fiume 'in perpetuity' is recognized by both parties. The *corpus separatum* of Fiume is, however, enlarged by a coastal strip stretching to the west and stopping just outside Mattuglie, which remains Italian.

(3) *The Istrian and Dalmatian Islands, Art. 3.* Of the Istrian isles Cherso and Lussin, with some small adjacent islets, fall to Italy. Arbe, Veglia, etc., go to Yugo-slavia. Of the Dalmatian islands Italy retains only Lagosta and Pelagosa with adjacent islets.

(4) *Zara, Art. 2.* The city of Zara and a perimeter of about 7 kilometres round the town are 'recognized as forming part of the Kingdom of Italy'. A special convention is to 'regulate the reciprocal intercourse between the territory assigned to Italy and the rest of the territory hitherto forming part of the same communes, district, and province belonging to the Serb-Croat-Slovene Government, including therein the just division of provincial and communal property, and of the archives relative thereto'.

(5) *Protection of Italians of Dalmatia, etc.* (*a*) Yugo-slavia

[1] For Text *v.* Vol. V, App. III, § xi.

promises to respect economic concessions, granted by the Government or public bodies, to which the Serb-Croat-Slovene Government succeeds, to Italian companies or citizens, and held by the latter in virtue of legal title deeds up to the 12th November 1920. The Serb-Croat-Slovene Government binds itself to keep all the pledges given by former Governments.

(*b*) Italians, who up to the 3rd November 1918 'belonged to former Austro-Hungarian territory, which in virtue of the Treaties of Peace with Austria and with Hungary, and of the present Treaty is recognized as forming part of the Serb-Croat-Slovene Kingdom, will have the right of opting for Italian citizenship within a year from the entry into force of the present Treaty'. They are exempted from the obligation of transferring their domicile outside the territory of the Serb-Croat-Slovene Kingdom. 'They will preserve the free use of their own language and the free practice of their own religion, with all the attributes connected with such freedom.'

(*c*) Degrees and University diplomas, etc., obtained by Serb-Croat-Slovene citizens in Universities, etc., of Italy to be recognized by the Serb-Croat-Slovene Government as valid in its territory, and as conferring rights equal to those derived from degrees, etc., in the higher Serb-Croat-Slovene Universities. 'The validity of the higher studies completed by Serb-Croat-Slovene subjects in Italy will form the subject of a further agreement.'

(*d*) *Art. 8.* The two Governments to establish a convention 'with the object of intensifying the intimate reciprocal development of the cultural relations between the two countries'.

(*e*) *Economic Conference, Art. 6.* A Conference of technical and competent authorities of the two countries is to be convoked within two months of the coming into force of the Treaty, to 'place before the two Governments precise proposals on all the plans for establishing the most cordial economic and financial relations between the two countries'.

(*f*) *Arbitration and Interpretation, Arts. 5 and 9.* In case of dispute over territorial boundaries, 'the arbitration of the President of the Swiss Republic shall be requested, and from this arbitration there shall be no appeal' (Art. 5). The Treaty is in both languages—Italian and Serbo-Croat. 'Should there be any divergence between the two, the text to be followed

will be that in Italian as the language known to all the plenipotentiaries.'

(*g*) *Convention subsequent to Treaty.* It was stated officially that a Convention had been signed by the two States with the intention of taking action, if there was any attempt to restore the Habsburgs to the throne or thrones of Austria and Hungary.[1] But no details were made public. The subjects of Montenegro and Albania were not mentioned in the Treaty. This is carrying out the conditions suggested by President Wilson.

19. *Comments on the Treaty.* (1) The Istrian frontier is on the whole very favourable to Italy, and gives her in all about 467,000 Yugo-slavs. Yugo-slavia obtains Mt. Blegoš and therefore some protection to Laibach and the Tarvis-Assling railway triangle.[2] But Italy gains much more in this area: in addition to Yugo-slav subjects, the very rich quicksilver mines of Idria, the St. Peter junction, and the railway to Fiume, thus giving her a continuous railway route between Trieste and Mattuglie right up to Fiume. Moreover, she obtains the very important strategic point of Monte Nevoso, which enables her to command the road to Laibach, the Slovene capital. The railway from Fiume to within a short distance of Laibach is also in Italian hands.

(2) The area of the Free State of Fiume is extended so as to make it contiguous with Italy. This is a modification of Nitti's proposal in January.

(3) The history of the cession of the Istrian and Dalmatian islands is interesting. On the 9th January 1920 M. Clemenceau and Mr. Lloyd George had seen 'serious objections to the removal of the island (Cherso) from the Free State' of Fiume as 'the preponderant part of the population (of Cherso) is Slav', and had agreed to cede Lagosta 'for strategic reasons'. On the 14th their revised proposals maintained their view but agreed to cede Lussin, which has a strong Italian minority. They had stated Lagosta to be 'necessary' to Italy on the 9th for 'strategic reasons', but on the 14th, as all islands were to be demilitarized, they had substituted Lissa. So whereas Clemenceau and Lloyd George would have ceded only Lussin,

[1] *v.* Chap. IX, pp. 492–4.

[2] This is not much use to Yugo-slavia, but enables her to interrupt traffic between Austria and Italy. A good study of the Treaty and its effects is by A. H. E. Taylor in the *Balkan Review*, December 1920, pp. 330–5.

Lissa, and Pelagosa, the Yugo-slavs themselves ceded Cherso, Lussin, Lagosta, and Pelagosa. The islands of the Adriatic were to be demilitarized according to the January compromise, but this provision does not appear in the Treaty of Rapallo. The Yugo-slavs obtained, of course, the port of Sebenico, but Italian, like other Allied, warships have already been allowed the right of entry into the harbour of Cattaro, which is not to be a military arsenal. Dalmatia was abandoned (except Zara) by Italy in the 'January compromise' just as at Rapallo.

(4) The economic status of Zara does not seem to be clear, but she is now politically Italian, whereas in the January compromise she was to be independent under the League.

(5) The rights obtained by the Italians of Dalmatia are very extensive and greater than any others granted under similar cases in any other Treaty.

(6) Economic co-operation depends on mutual agreement, but without international intervention or aid.

(7) There is no provision for arbitration except over the boundaries. The provision arranging for the Italian text to prevail in case of divergence gives, for practically the first time, a high diplomatic importance to that language, and much will depend upon the actual meaning of the words. From the Yugo-slav point of view, it would have been safer to have adopted for the authoritative text a neutral language, such as French, in which the diplomatic meanings of words are known and standardized.

20. *Ratification of the Treaty and Expulsion of D'Annunzio from Fiume.* It remained to ratify the Treaty and to deal with D'Annunzio. In Yugo-slavia ratification offered no difficulties. The National Assembly and the Skupshtina had no legal right to be consulted nor had the Constituent Assembly when elected. The Treaty was speedily ratified by the Yugo-slav Cabinet, though Korošec, the Slovene Minister, refused to sign it. On the 22nd November the Regent of the Serb-Croat-Slovene State signified his assent. In the Italian Chamber the Treaty ran a more chequered course, but was ratified on the 27th November by 253 votes to 14. In the Senate it was opposed by Ziliotto, the Mayor of Zara, who stated that D'Annunzio's opinion had more weight than that of 40 million Italians, and also by the naval strategist Admiral Thaon di Revel, while Sonnino was conspicuous by his absence. It

ultimately passed the Senate and received the royal assent on the 20th December, ratifications being exchanged on the 2nd February 1921.

D'Annunzio, who had become even more autocratic as Dictator of Fiume, refused to accept the Treaty. He seized the islands of Arbe and Veglia, and endeavoured to incite the soldiers and sailors to mutiny. Two small destroyers deserted to him and some troops also rallied to his cause. He declared war on Italy on the 1st December. But his heroics had been spun out too long and neither the population of Fiume nor the Italian Higher Command were disposed to have further patience with him. On the 24th December, General Caviglia, after fruitless parleys, advanced to the attack. D'Annunzio's 'Arditi' resisted and with success, though the losses were small. There was a truce on Christmas Day, but resistance was clearly hopeless. D'Annunzio had been slightly wounded; he had no reserves, the town had already been shelled, and General Caviglia had announced his intention of bombarding the town and destroying it by sections unless a surrender was arranged. D'Annunzio at last realized that the people no longer supported him. He had frequently threatened to 'throw his bleeding body between Fiume and Italy'. Now he exclaimed petulantly that 'Italy was not worth fighting for' (and apparently also not worth fighting against) and instructed the Municipality to come to terms (29th December 1920). The surrender was arranged, and the Italian troops entered the town on the 18th January 1921 after a settlement had been arranged with the authorities (1st January). D'Annunzio issued what was said to be his thousandth manifesto in which he said, 'I leave to Fiume my dead, my sorrow, and my victory.' It was a pity that an adventure not without gleams of idealism and courage had become at first extravagant and exuberant, and at last merely tedious and absurd. A hero who is not wanted in the city he comes to save is no longer a hero at all.

21. *International Aspects of the Treaty.* While Giolitti must receive credit for the undoubted firmness he showed in mastering D'Annunzio, and Vesnić for his courage in facing popular clamour in Yugo-slavia, both would appear to have neglected one aspect of the Treaty. The consent of the Great Powers had indeed been implied if direct negotiations succeeded,

but this did not mean that they could be wholly neglected. The negotiators evidently thought so, for all territories, recognized as Italian under the Treaty of Rapallo, were incorporated in Italy on the 5th January 1921. There would appear to be two aspects to the question: (*a*) How far is the Treaty of London modified or abrogated? (*b*) How far is the consent of the Great Powers necessary to the validity of the Rapallo Treaty?

(*a*) *Modification of Treaty of London.*[1] With the exception of Articles 4 and 5, which have already either been modified by the Austrian Treaty or the Treaty of Rapallo, it would appear that all the Articles have been superseded by subsequent arrangements to which Italy has been a party, or have become obsolete.[2] The only exceptions to this rule appear to be Articles 12 and 13, which remain until territorial compensations granted in Africa and elsewhere are embodied in a definite agreement.

(*b*) *Necessity of Consent of Great Powers.* President Wilson's suggestion that the settlement should be made on its merits, without compensation at the expense of a third party like Albania, was strictly observed. Otherwise there is no reference in the Treaty to any international guarantees, and still less to the League of Nations. The position does not seem to be very clear, because Article 7 of the Treaty of Rapallo appears almost to consider the Treaty of Rapallo as equally able, like the Treaties with Austria and with Hungary, to assign territory to one Power or another. If this assumption is made, it is incorrect. There can be no real doubt that the city of Fiume and the other Austro-Hungarian territory involved, belongs legally to the Principal Allied Powers unless and until they consent to assign it to a definite State. Their consent may be implied but is still necessary to the Treaty of Rapallo, before it is really recognized as coming into force. Moreover, even so the Powers have a right to intervene in virtue of the two Articles guaranteeing free access to the Adriatic to Austria and to Hungary respectively.[3] Austria and Hungary must both have such access to the sea at Fiume. Conse-

[1] *v.* Text, Vol. V, App. III, and cf. this chapter, Part II.

[2] Even Article 7 falls under this head, for, as Italy will no longer obtain Dalmatia and certain islands, the arrangements dealing with Albania fall to the ground.

[3] Austria 311, Hungary 294. *v.* also n. 1, p. 337.

quently, if any condition arose endangering the freedom of international communications at Fiume, the Great Powers would have a right to bring pressure upon the two States who signed the Treaty of Rapallo.[1] It is only another instance of how the war and the peace have produced conditions which necessitate international co-operation and guarantees, however much nations may try to avoid one or the other. It is therefore improbable, whether they desire it or not, that Yugo-slavia and Italy will escape altogether from that international control and from that supervision of the League of Nations which they so carefully excluded at Rapallo.

[1] On the 14th February 1921 the British Government wrote both to the Yugo-slav and the Italian Governments, that they 'recognize, without reserve, the stipulations contained in this Treaty (Rapallo) relative to the allocation of such of the territories of the Austro-Hungarian Monarchy as had not yet been allocated under the treaties of peace referred to' (Austria and Hungary). The French Government is understood also to have assented, so that the territories in question are now allocated. *v.* Misc. no. 12 (1921), Cmd. 1283.

CHAPTER V

THE TREATY OF LONDON

PART II

ALBANIA

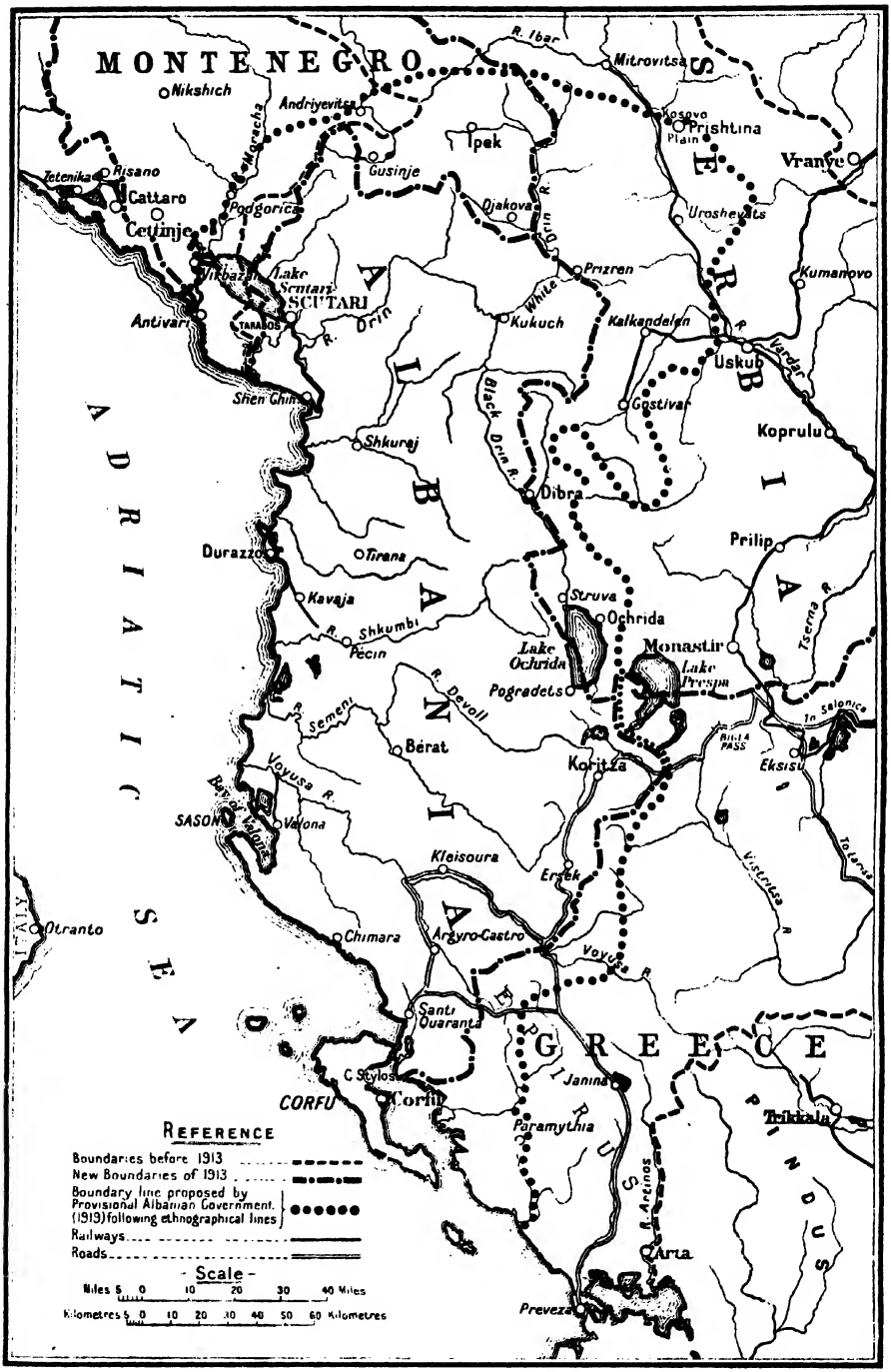
1. *Emergence of Albania as a State, 29th July 1913.* The result of the Balkan War of 1912 was that as early as December of that year the Great Powers agreed, in principle, as to the independence of Albania. Sir Edward (now Lord) Grey announced the conclusions of the Great Powers on the 7th April 1913 :[1] 'The agreement between the Powers respecting the frontiers of Albania was reached after a long and laborious diplomatic effort. It was decided that the littoral and Scutari should be Albanian, while Ipek, Prizrend, Dibra and (after much negotiation) Djakova should be excluded from Albania. This arrangement leaves a large tract of territory to be divided between Serbia and Montenegro as the fruits of victory.' This announcement referred only to the north and north-eastern borders. An article was inserted in the Treaty of London (30th May 1913), by which both the Turkish Empire and the Balkan League left to Germany, Austria-Hungary, Italy, Russia, and Great Britain 'the care of regulating the delimitation of the boundaries of Albania and all other questions concerning Albania'.[2] In pursuance of this article, an international commission proceeded to Albania and delimited the north and north-eastern boundaries, but never reported fully. It appears that the frontiers had already been adequately indicated and that their mission was largely of a technical character. For reasons that are not altogether clear it appears that the area south of Gusinje[3]

[1] Cp. *Albania*, No. 17, Hist. Section, Foreign Office, London, 1920, p. 99.

[2] Art. 3 of Treaty of Peace between Bulgaria, Greece, Montenegro, Serbia, and Turkey signed at London, 30th May 1913. Text is in *History of Eastern Question*, No. 15, Hist. Section, Foreign Office Handbook, pp. 132–7.

[3] Probably because a survey was not made and the line of the watershed was not exactly known.

ALBANIA


MONTENEGRO
Nikshich
Andriyevitsa
R. Ibar
Mitrovitsa
Kosovo Plain
Prishtina
Vranye
Ipek
Gusinje
Risano
Zetenika
Cattaro
Podgorica
Cetinje
Djakova
Uroshevits
Prizren
Kumanovo
Lake Scutari
SCUTARI
Antivari
TARABOS
R. Drin
Kukuch
Kalkandelen
Uskub
R. Vardar
Sfen Ghin
Gostivar
Koprulu
Shkurej
Dibra
Prilip
Durazzo
Tirana
Kavaja
Struva
Ochrida
R. Shkumbi
Pecin
Lake Ochrida
Monastir
Lake Prespa
Pogradets
R. Devoll
R. Semeni
Berat
Koritza
To Salonica
Eksisu
Vovusa R.
Valona
SASONO
Kleisoura
Erseke
Otranto
Chimara
Argyro-Castro
Santi Quaranta
C. Stylos
CORFU
Corfu
Janina
Paramythia
Trikala
Arta
Preveza
R. Arachthos
ADRIATIC SEA
ALBANIA
SERBIA
GREECE
EPIRUS
THESSALY
ITALY
REFERENCE
Boundaries before 1913
New Boundaries of 1913
Boundary line proposed by Provisional Albanian Government. (1913) following ethnographical lines
Railways
Roads
Scale
Miles 0 10 20 30 40 Miles
Kilometres 0 10 20 30 40 50 60 Kilometres

and two small areas immediately west of the two important towns of Prizrend and Dibra (both awarded to Serbia) were not actually delimited. The chief difficulties of the arrangement were that about half a million Albanians, including certain predominantly Albanian towns, such as Dibra, Prizrend, Djakova, and Ipek, were enclosed within Montenegrin or Serbian frontiers.

The settlement of the southern and south-eastern frontier was a more lengthy matter, and it was not till the 12th August 1913 that it was announced that agreement had been reached. An international commission proceeded to the south and had reported on the 19th December. Their work was carefully done, but the award was not favourable to extreme Greek claims. Greece received much of Epirus and the important town of Janina, but Argyro-Castro and the important road via Santi Quaranta, Ersek, and Koritza remained to Albania.

2. *Arrangements for the Government of Albania.* The independence of Albania appears to date from its recognition by the Council of Ambassadors on the 29th July 1913. Sir Edward (now Lord) Grey, on the 12th August, indicated the following features of the new government:

(1) A foreign prince chosen by the Great Powers.

(2) An international commission of control.

(3) A gendarmerie supplied by a neutral Power (Holland).

The last two features barely materialized,[1] but a German Prince, William of Wied, was found to act as 'Mbret' or ruler and provided with an international loan of £3,000,000. Essad Pasha and a deputation offered him the crown on the 21st February 1914. On the 7th March he landed at Durazzo and made Essad a general. On the 28th March he made him Minister of War, and in May arrested him. In June Essad was removed to Italy and his partisans besieged the 'Mbret' in Durazzo. Prince William, after a vain appeal to the Powers, quitted Durazzo on the 4th September 1914 and took service as an officer in the German Army. His power had never extended beyond the town in which he had first landed. On the 18th February 1918 Mr. Balfour declared that 'the arrangements come to in 1913, to which Albania was not a party, have ceased to have

[1] £400,000 of the loan was actually spent. Some good work was done by the Dutch Gendarmerie, but the International Commission did little. *v.* Chekrezi, *Albania Past and Present*, New York, 1919, pp. 90, 129, 138.

binding force, as all the signatory Powers are now engaged in war. 'As regards the future . . . His Majesty's Government would be glad to see the principle of nationality applied as far as possible to this as to the other difficult questions which will have to be settled by the Peace Conference.' This utterance, however, might be construed so as to mean merely that the frontiers could be rearranged.

3. *Position as altered by the Treaty of London 1915.* Albania had always been an important interest to both Italy and Austria-Hungary. To the former it was chiefly important because the magnificent harbour of Valona is but sixty miles from the Italian coast, and the possessor of that harbour can use it as a stopper wherewith to close the Adriatic bottle. In the first weeks of the War, Italy, though still a neutral, occupied the island of Sasseno, and finally on the 25th November 1914 Valona itself, with armed forces, though she informed Austria-Hungary that it was her policy to prevent any Power from controlling Albania during the War. After (or rather just before) her rupture with Austria-Hungary Italy signed the Treaty of London with Russia, Great Britain, and France (26th April 1915). Articles 6 and 7 dealt with Albania in the following fashion :

ARTICLE 6. 'Italy shall receive full sovereignty over Valona, the island of Sasseno and surrounding territory of sufficient extent to assure defence of these points (from the Voyusa to the north and east, approximately to the northern boundary of the district of Chimara on the south).'

ARTICLE 7. 'Should Italy obtain the Trentino and Istria in accordance with the provisions of Article 4, together with Dalmatia and the Adriatic islands within the limits specified in Article 5, and the Bay of Valona (Article 6), and if the central portion of Albania is reserved for the establishment of a small autonomous neutralized State, Italy shall not oppose the division of Northern and Southern Albania between Montenegro, Serbia, and Greece, should France, Great Britain, and Russia so desire. The coast from the southern boundary of the Italian territory of Valona (see Article 6) up to Cape Stylos shall be neutralized.

'Italy shall be charged with the representation of the State of Albania in its relations with foreign Powers.

'Italy agrees, moreover, to leave sufficient territory in any event to the east of Albania to ensure the existence of a frontier line between Greece and Serbia to the west of Lake Ochrida.'

It is not clear from these articles that the independence of the Albania of 1913 was intended to be terminated, but at any

rate it was to be limited to a small area. In effect, part of it might be partitioned and part might be under the control of Italy. The 'small autonomous neutralized State' would apparently be under Italian direction, as Italy was to be charged with the diplomatic representation of Albania. Valona in any case was to remain Italian. In 1914–15 conditions were very confused. Finally, the Austro-Hungarians occupied north and central Albania, but Italy continued to hold Valona with a strong garrison. On the 3rd June 1917, Italy proclaimed the independence of all Albania under Italian protection. This proclamation was subsequently explained in the sense that the Italian proclamation spoke not of a 'protectorate' but of a 'protection' of Albania.[1]

Meanwhile, the French, who had occupied the Ersek–Koritza road, replied to the Italian proclamation by proclaiming the Republic of Koritza, which apparently was to be independent of 'Independent Albania'. After three months the independent Republic was abolished, but the Koritza area continued under French control.

4. *Inter-Allied Military Occupation of Albania.* Events stood thus at the close of the War. Towards the end of 1918 the Serb troops occupied Scutari, but eventually abandoned it to an inter-Allied force commanded by a French General. It seems clear that the actual Scutari area was therefore regarded as international and separated from the rest of Albania. The French continued to hold the Koritza area till May 1920, when it was surrendered to the Albanians. Early in 1919 Serb troops advanced beyond their 1913 frontier into Albania and occupied a line along the whole north frontier comprising the basin of the Drin from the west of Dibra to a point south of Gusinje. In March 1920 the inter-Allied forces retired from Scutari, and the French control over it ceased. The Serb troops then seized the opportunity to occupy the heights of Taraboš, which lie within the Albanian frontier of 1913, and dominate the city of Scutari. An Italian garrison remained in the town. Since Italy has returned her Albanian Mandate, the juridical position would now appear to be that both Yugo-slav and Italian forces, in so far as they occupy Albania as defined in 1913, are doing so in the name of the Allied and Associated

[1] *v.* Tittoni's Note of 7th July 1919, quoted by *The Times*, 16th July 1919.

Powers as a whole, until order can be restored and the frontiers of 1913 confirmed or re-drawn.

5. *Albanian Claims at the Peace Conference.* Like almost every other race or people, Albania had her claims represented at the Conference,[1] and, as has already been described, a Territorial Commission on Greco-Albanian affairs was appointed. The account of the labours of this Commission in respect to Albania has been given from an authoritative American source.[2] It does not, however, appear that the north and north-eastern frontiers of Albania were taken into consideration. The actual question dealt with, therefore, was the adequacy or otherwise of the southern frontier as defined in 1913. Though considerable numbers of Albanians inhabited the areas west of Janina, discussion seems in fact not to have turned on whether the Albanian frontier was to extend southwards but whether the Greek area was to extend northwards. Two districts awarded to Albania in 1913 came under discussion.

(*a*) *The Argyro-Castro District.* Argyro-Castro itself was a pro-Albanian town, but the surroundings were largely pro-Greek. During the years since 1913 serious disturbances took place in this area and the Greek inhabitants certainly made a strong resistance to Albanian attempts to crush them. During the years 1914–16 Greek troops occupied most of the area and protected them. Subsequently, the area came under Allied control and the question was therefore re-opened at the Peace Conference.

(*b*) *The Koritza District.* The Koritza-Ersek area was claimed by the Greeks for a somewhat different reason. The road between these two towns is the only one connecting Macedonian Greece with Epirus. The Pindus Mountains absolutely cut off Thessaly from Epirus and, unless this road is in the hands of Greece or of a neutral power, the only connexion between Janina and Salonica, or between Janina and Larissa, must be by sea, as the Pindus range is crossed only by

[1] *v.* Vol. I, p 257, note, and see this volume, map, p. 338.

[2] *Some Problems of the Peace Conference,* Haskins and Lord, pp. 278–81. For a statement of Albanian claims *v.* Memo. on Albanian Claims at Peace Conference, May 1919, by Mehmed Bey Konitza, *Council of International Conciliation,* No. 138 ; and for the Greek view, 'Northern Epirus and the Principle of Nationality,' ibid., No. 141, by N. J. Cassavetes. *v.* also statement of C. T. Erickson, C. A. Chekrezi, C. A. Dako, *Hearings Senate Committee Foreign Relations,* Part 18, 66th Congress, Washington, 1919, pp. 931–9, 961–71.

goat tracks. On the grounds of supply and communication, therefore, the possession of the Koritza road was of the highest importance to Greece. The question of nationality is, however, a particularly difficult one. No one doubts that Mussulman Albanians are anti-Greek, but it is often doubtful how far Orthodox Albanians are really Nationalist Albanians. The test of language affords no clue. Many inhabitants of this area are bilingual, and the fact that nearly all the schools in this area are Greek does not necessarily mean that persons who know Greek are Grecophil. On the whole, the balance of evidence suggests the view that the majority of the Argyro-Castro area might favour the Greeks and those of the Koritza area the Albanians.

The Paris Conference seems to have been unable to agree on the matter. According to our previous authority (Haskins and Lord, p. 280), 'While the British and French advocated transferring all of Northern Epirus to Greece,[1] the Italians stood out for leaving it to Albania, and the Americans advocated a compromise solution, which would have ceded the southern, Argyro–Castro district to Greece, while leaving to Albania the northern district of Koritza, which some people have called the intellectual centre of Albanian nationalism'.

6. *Italy seeks but returns the Mandate. December 1919–28 June 1920.* In December 1919 and January 1920 the question of Albania was raised once more in a manner that has already been partially indicated. As part of the arrangements for settling the question of Fiume, it was proposed that Italy should receive Valona in full sovereignty and have the Mandate over all Albania.[1] On the 14th January it was proposed that an autonomous province should be constituted in the north under the control of Yugo-slavia, with the object of enabling her to build and work the railway from Prizrend to Scutari and San Giovanni di Medua, while Greece was to receive a frontier which practically gave her both the Argyro-Castro and Koritza area. Italy showed some objection to the frontier thus to be acquired by Greece. It does not seem, however, worth while to examine these proposals in detail because the vigorous intervention of President Wilson brought them to

[1] *v.* Vol. V, Appendix III. The revised proposals of Clemenceau and Lloyd George state 'the southern boundary of Albania to be the line proposed by the French and British Delegations on the Greek Affairs Commission, leaving Argyro-Castro and Koritza to Greece'.

naught. His point of view may be indicated by a quotation from his Memorandum of the 10th February 1920:

'The memorandum of the 9th December maintained in large measure the unity of the Albanian State. That of the 14th January partitions the Albanian people against their vehement protests, among three different alien Powers.'[1]

and he intimated that he would not consent to it.

On the 6th March he re-stated his opinion:

'Albanian questions should not be included in the proposed joint discussion of Italy and Yugo-slavia, and the President must re-affirm that he cannot possibly approve any plan which assigns to Yugo-slavia in the northern districts of Albania territorial compensation for what she is deprived of elsewhere.'

The negotiations of Pallanza and Rapallo with reference to Fiume do not seem to have included any agreements with respect to Albania. Meanwhile the situation at Koritza had been seriously altered by the actual progress of events. The French, who had administered the Koritza area with great ability, retired from it in May 1920 but it was immediately occupied by Albanian troops, and after some obscure skirmishing and still more obscure negotiation with the Greeks the whole of the southern frontier of Albania as defined in 1913 remained in the hands of the Albanians themselves. In the part of Albania occupied by the Italians, the Albanians showed likewise no intention of submitting, and the Italian troops encountered great difficulties from armed bands and suffered greatly from malaria. In February the Albanians formed their

[1] The chief differences appear to be the following:

Joint Franco-British-American Memorandum, 9th December 1919.	*Revised Proposals.* *Clemenceau and Lloyd George*, 14th January 1920.
Suggested Greek frontier to include Argyro-Castro but not Koritza.	(1) Koritza and Argyro-Castro to go to Greece.
(2) North and east frontiers of Albania as in 1913. Drin valley railway to be built by Yugo-slavia, but the Albanian state retained right of negotiating 'regional rectifications' with Yugo-slavia. The Boyana river navigation to be under League of Nations.	(2) Readjustment of north and east frontiers. Part of north Albania to be 'an autonomous province' under Yugo-slavia. The map indicating this area has not been published—but Šišic, *Jadransko Pitanje*, p. 83, quotes Clemenceau as telling Trumbić on 18th January that it included the Drin valley, Scutari, and S. Giovanni di Medua.

Valona and Hinterland, in each case, to go in full sovereignty to Italy, which had the Mandate for Albania.

own Government, first at Ljusna and then at Tirana. On the 28th June 1920 Giolitti spoke of the independence of Albania and foreshadowed returning the Mandate. The question of Valona remained. After some rather obscure fighting an agreement was ultimately signed between Italy and the Tirana Government on the 2nd August.[1] This provided for the independence of Albania as defined in 1913 and for the complete evacuation of all Albania by the Italian forces. The Italians retained only the island of Sasseno dominating the Bay of Valona and maintained a garrison at Scutari, but this last apparently as an international force. Otherwise, they withdrew their forces altogether and Giolitti formally returned the Mandate for Albania which Italy had received. The new Government, which represented the three religions and most of the representative tribes of Albania, showed considerable energy. It improved the roads, instituted telephones, and did something to improve the financial system. It had now recovered for Albania the whole of the 1913 boundaries except in the north and north-eastern districts. There, as related, the Serbs had occupied the basin of the Drin from the south of Gusinje to the shores of Lake Ochrida, holding strategic positions beyond the 1913 line. The Albanians were ill-advised enough to attack the Serbs at about the only point where the latter had strictly maintained the frontier of 1913, that is, just north of the Lake of Scutari. This attack was begun in July 1920, doubtless by the local levies and without the consent of the Tirana Government. It was defeated, and the Serbs advanced, occupied, and held a line some 5 to 10 kilometres beyond the 1913 boundary, which gave them better possibilities for defence, in case of a future attack. In the Dibra area severe fighting also took place. The Serbs were driven back to the 1913 frontier, but ultimately restored their line and took up their old military positions beyond the Drin well in advance of their legal frontier.

7. *Difficulties of the Northern and Eastern Frontiers.* The situation had thus cleared to a considerable extent except in the area where Serbs and Albanians were in contact. The history of this area since the first Treaty of London, 30th May

[1] This agreement has not been published and it is not clear whether it is a Treaty between Italy and a *de facto* Albanian government, or merely a species of armistice. Italy never formally received the Mandate.

1913, had shown decisively that the present frontier is impossible. It has three grave defects. As at present drawn the four important towns of Ochrida, Dibra, Prizrend, and Podgorica are all exposed to attack. It is also probable that the Albanian attacks on them would actually have been more successful had the Serbs strictly adhered to the line of 1913. In September 1913 the Albanians actually captured Ochrida and Struga, and both at that time and in September 1920 fighting took place beneath the very walls of Dibra. The most vulnerable place is obviously Prizrend, which is assailable from heights on one side and from a valley on the other. The railway is comparatively close to this town, and there are considerable numbers of Albanians in the Kossovo Plain who might be stirred into unrest by Albanian attacks on the Serbs. It seems clear that the frontier cannot remain as it stands, but its future settlement might be along one of several lines. (1) The Yugo-slav frontier could be advanced; (2) the frontier of Albania could be drawn in a manner more in accordance with her ethnic claims; (3) strategic rectifications with a view to interposing natural barriers between the two states could be made on a basis of mutual compensation and exchange. The situation is not unlike that on the North-west frontier of India. It seems probable that the interposition of natural frontiers is the only ultimate way of preventing sudden raids by small frontier tribes whom the Government of Albania cannot reasonably be expected to control and to whose incursions the Yugo-slav Government cannot reasonably be expected to submit. On the other hand, the large numbers of Albanians who were incorporated in the kingdoms of Serbia and Montenegro in 1913 give rise to a problem obviously difficult of solution. Up to date, however, no decision has ever been made to revise pre-war frontiers except in the case of Albania.

8. *Admission of Albania to the League by the Assembly, 17th December 1920.* The Government of Tirana had laboured under great difficulties not only from want of money and from the presence of many refugees from the disturbed northern areas, but still more from want of recognition. By appointing a High Commissioner Italy had recognized the new Government at any rate as a *de facto* Government, but the other Powers had given no sign. In December, however, the question of recognition came up before the League of Nations Assembly,

and it is important to point out that by Article 1 of the Covenant admission to the League depends on an agreement of two-thirds of the Assembly and does not require unanimity. In the case of Albania, however, the decision appears ultimately to have been unanimous. It has been stated that her admission was adversely reported on by the Commission considering it. Lord Robert Cecil, as representative of South Africa, and Mr. Rowell representing Canada, strongly advocated this admission when it came before the Assembly. Mr. Fisher, representing Great Britain, at length withdrew his opposition, and the question was finally decided in favour of Albania on the 17th December. The decision implies that the existing Government of Albania is a real government with a real organization and a real function. It satisfies the conditions of having self-government, and, according to Lord Robert Cecil, the Assembly 'is convinced that there is no reason for impugning the good faith of Albania or her desire and power to fulfil her international obligations'. This decision not only gives great moral support to Albania, but in case of future attack by any power it gives her the right of appeal to the League and such protection as is afforded by Article 10 of the Covenant. A number of problems remain to be settled, such as the evacuation of Scutari by the Italians, the regulation of the traffic of the Boyana river, the evacuation of the Isle of Sasseno, and the revision of certain parts of the northern and eastern frontiers.[1] But these difficulties, of course, do not affect the question of the recognition of Albania as a national state. Her recognition will, however, not be complete until the decision of the League Assembly has been confirmed by the members of the League individually. For the first time in her history, Albania will then have acquired the right to independence and self-government entirely unhindered by the interference of interested powers.

[1] It is clear that her frontiers must be authoritatively defined because Article 10 cannot guarantee the 'territorial integrity' of a state, without knowing what its boundaries are. Similarly the Minorities Treaty, which Albania will have ultimately to sign, cannot be complete until it is known within what boundaries these minorities must lie.

It is not clear that the agreement of 1913 is not still in force.

CHAPTER VI

THE PLEBISCITES

PART I

THE CZECHO-SLOVAK PLEBISCITE AREAS

A. The Teschen Question

1. *History and Geography.* The Silesian province of which the Teschen district forms the south-east corner was occupied by Slav tribes as early as the fifth century of our era, and formed during the early Middle Ages a sparsely populated march land between groups of Czech and Polish tribes which successively acknowledged the suzerainty of the Polish or Bohemian kings. In the tenth century the Teschen district was included in the Bohemian kingdom and in the diocese of Prague, founded in 873, but at the end of the same century it came under Polish rule and was included in the diocese of Breslau, in which it still remains. It was reconquered by the Czechs for a few decades in the eleventh century, but again passed to Poland in 1054. The town of Teschen is mentioned for the first time in 1155 as a seat of a Polish castellan. From 1163 on the authority of the Polish king as Dux Maximus of Silesia declined and the local principalities, of which Teschen was one, after 1282 became virtually independent. After the Tartar incursions in the first half of the thirteenth century successive waves of German immigrants advanced eastwards into the Silesian duchies and settled in large numbers in the principality of Teschen, especially in the towns. From 1291 onwards the Bohemian kings gradually established their authority over the whole Silesian province. In 1316 Oswiecim (Auschwitz) and Zator were separated from Teschen, and under Duke Kasimir I the principality assumed its present form. In 1327 the Duke concluded a treaty with the Bohemian king John of Luxemburg, recognizing him as his feudal overlord, and in 1335 Poland finally relinquished her claim to Silesia in favour of Bohemia. From then till 1742, except

for a few years at the end of the fifteenth century, the Teschen district was regarded as a fief of the Bohemian Crown.

The ancient Ducal house died out in 1653 and the fief escheated to the Habsburg Emperor in his capacity as King of Bohemia. In 1742 Maria Theresa ceded to Frederic II of Prussia 'all Silesia, except Teschen and the district beyond the river Oppa and the High Mountains'. Maria Theresa had the cession in question ratified by the Estates of Bohemia, thus recognizing the rights of the Bohemian Crown over the Silesian lands. The remaining fragment of Silesia as finally delimited by the boundary commissions appointed by Frederic II consisted of the ancient circles of Troppau (Opava) and Teschen (Czech Tešin, Polish Cieszyn), which are divided from one another by the Moravian district of Mistek. It was henceforth regarded as an Austrian province and under Joseph II was united for administrative purposes with Moravia, though the Provincial Estates (Landesstände) remained distinct.

In 1858 the Emperor Francis Joseph, as King of Bohemia, granted the fief of Teschen to the Archduke Albert.[1] In 1860 the Duchy of 'Upper and Lower Silesia' was finally separated for administrative purposes from Moravia. Upper Silesia or Teschen was administratively under Troppau (Opava), and for judicial purposes under Brünn (Brno).

The Duchy of Teschen, which is divided into the four districts of Frydek, Fryštat, Teschen, and Bielitz, has an area of 2,282 square kilometres, but its mineral wealth, especially its coke and gas coal and its position as a nodal point in the road and railway system of Central Europe, give it an importance out of all proportion to its actual size. Its natural boundaries are clearly defined to the west by the Ostravice, an affluent of the Oder, to the north by the natural depression followed by the Warsaw–Vienna railway, to the east by spurs of the Beskids and by the Biala, a tributary of the Vistula, and to the south by the wooded slopes of the western Beskids which form the watershed between the Danubian system and the valleys of the Oder and Vistula. The western part of the Duchy forms a corridor between the East European plain and the basin of Vienna and is at the junction of several arterial

[1] In his Rescript of September 1870, Francis Joseph acknowledged the indivisibility of the lands of the Bohemian Crown.

lines of communication which since prehistoric times have served as routes for trade, for invasion, and for the migration of peoples. These are:

(*a*) the road and railway to Vienna and Prague by the upper valley of the Oder and March. The line to Prague diverges at Prerau;
(*b*) the road and railway to Breslau and Berlin;
(*c*) the railway to Warsaw and Petrograd via Czerstochowa;
(*d*) the railway to Cracow, Lemberg, and Kiev;
(*e*) the very important line from Oderberg through the Jablunka Pass to Sillein, Kaschau, Budapest, and the Balkan lands.

Eastern Silesia is thus of great importance as regards the railway traffic of the whole of Central Europe because the two great main double lines connecting the north and south of Europe and also the south and west intersect at Oderberg (Bohumin).

2. *Language and Ethnology.* Under Bohemian suzerainty in the later Middle Ages the official language was, as in Bohemia itself, first Latin, then German. Czech became the official language of the Ducal Chancery in 1434, and remained the judicial language of the country till the period of active Germanization under Joseph II. The Hussite tradition was strong among the Slav peasants, and the Silesian Protestants, who were less harshly treated by the Habsburg Emperors in the seventeenth century than their co-religionists in Bohemia and Moravia, produced devotional works in Czech such as those of Třanovsky (1581–1637) which were in general use in their schools and churches down to 1848, though after about 1750 the official language was German, and the towns were externally germanized. Czech hymnals were also in use in the Catholic churches down to about 1870. The native Silesians, or Slonzaks, in the eastern part of the Duchy, speak a transition dialect between Czech and Polish, and often describe themselves as 'Moravians'. After 1848 a Polish paper was founded at Teschen, and a few local Poles vigorously supported by their kinsfolk in Western Galicia carried on active propaganda among this section of the population, chiefly through the agency of polonophil priests and schoolmasters whom the Czechs allege to have been tacitly encouraged by the Austrian authorities.

After 1870 there was a large influx of Polish workmen from Galicia into the Karvin mining district. It is admitted by Polish writers that there was no Polish literary activity in Teschen before the second half of the nineteenth century. The Austrian census for 1900 shows a population of 360,662, of whom 218,869 spoke Polish, 85,553 Czech, and 56,240 German. The census returns of 1910, which probably tended to favour the German element, show a total population of 426,370 of whom 233,850 (54·85 per cent.) spoke Polish, 115,604 (27·11 per cent.) Czech, 76,916 (18·04 per cent.) German. The 1910 census showed that the Polish speakers numbered 77·63 per cent. of the population in Biala, 76·81 per cent. in Teschen, and 63·52 per cent. in Fryštat, while in Frydek the Czech speakers formed 78·16 per cent. The Polish speakers included the numerous recent immigrants from Galicia in the mining districts, numbered at 50,000 to 80,000, and about 56,000 native Silesians (Slonzaks, *Slazacy*), many of whom belonged to the Silesian People's Party which had been organized in 1907 to oppose the polonizing efforts of the Galician Poles. Some light is thrown on Polish immigration from Galicia by the Austrian census of 1910, which shows that there were 101,138 persons in the Teschen district who did not possess the rights of citizenship (*Heimatsrecht*) in the Duchy itself.[1] To sum up, the Polish speakers are in a large majority in the central and eastern parts of the Duchy; in the north-eastern part they are rather less numerous than the Czech and German-speaking population; in the western part (Frydek) they are not numerous. The Germans are mostly settled in the towns, such as Bielitz and Teschen, and form the middle class in the urban and industrial regions. German capital is largely invested in the mines, factories, and great landed properties.

The province formed a natural unit and under Austrian rule there was broad tolerance between Poles, Slonzaks, Czechs, and Germans, and between Catholics, Protestants (93,500), and Jews (11,000). Racial friction was not acute, though after 1890 some Czech nationalists, such as the poet Bezruč, complained bitterly of Polish encroachments in the Fryštat region. There was a strong tradition of provincial particularism, and the sentiment of unity and of common interest was widespread

[1] 54,279 of these immigrants came from Galicia and Bukovina.

and general except among the immigrant element in the mining district. The general standard of civilization was western in character and approximated more to that of Upper Prussian Silesia and Moravia than to that of Galicia.

3. *Mines and Industries.* The Duchy, which was one of the most highly industrialized and densely populated areas in the former Austrian Empire, owes its economic importance to the fact that it forms part of the vast Silesian coal-field of 6,920 square kilometres, of which 7·3 per cent. is included in eastern Silesia. The coal-field is bowl-shaped, and one portion of the rim comes close to the surface at Karvin, where excellent coal containing 65 per cent. gas is obtained, which is extensively used in the industries of Bohemia and Moravia. The Karvin coal-field is being developed from west to east, round Ostrau, Orlova, and Karvin. No pits have yet been opened to the east of the river Olša, and that portion of the Duchy with its Polish-speaking population is still chiefly agricultural, though there are iron-works at Ustron and Golleschau, and large textile mills at Bielitz, which with Biala on the Galician bank of the river of the same name forms a German-speaking enclave. The relative importance of the Teschen portion of the great Silesian coal-field is best seen from the following statistics :

Total Output of Coal and Coke in 1913.

	Coal.	*Coke.*
	Tons.	Tons.
Bohemia	27,106,532	10,424
Moravia	2,498,515	1,429,794
Teschen	7,594,865	1,146,580
Russian Poland and Galicia .	8,740,000	—
Prussian Silesia . . .	43,801,056	2,201,829

The existing reserves of coal in their proportion to the basin as a whole are as follows : Moravia and Teschen 8·6 per cent., Kingdom of Poland and Galicia 37·4 per cent., Prussian Silesia 54 per cent. The mines employ about 35,000 miners, of whom approximately one half are Polish and the other half Czech. The proximity of these mines, which produce much better gas coal and coke than is obtainable in Bohemia and Moravia, has led to the development of industries of great importance in the Duchy itself and the adjoining portion of Moravia round Mährisch-Ostrau. For instance, the great iron-works at

Trzynietz near Teschen and at Witkowitz near Mährisch-Ostrau are dependent on the Karvin coal, as are also, in a less degree, the large chemical works, oil refineries, and other industries at Oderberg and Fryštat, and the textile factories at Frydek and Bielitz. The eastern portion of the Duchy is mainly agricultural, and supplies the mining and industrial districts to the west with farm produce. There are also important cloth factories at Bielitz and a flourishing timber industry.

4. *The Czech claims.* In their formal statement to the Peace Conference the Czechs based their claims on the following historic, economic, and political grounds:

(i) *Historical.* Since 1335 the district had from the standpoint of feudal law formed an integral part of the lands of the Crown of St. Wenceslas.

(ii) *Ethnological.* According to the census of 1910 the Polish-speaking population formed 54·85 per cent. of the population. Apart from the fact that the language of ordinary intercourse (*Umgangssprache*) did not absolutely determine nationality, the Polish speakers included the native Silesians (Slonzaks) and the numerous Polish miners from Galicia, who numbered more than 50,000. These immigrants were not a stable element in the population, and tended to move eastwards as the western coal-mines were worked out.

(iii) *Economic.* (*a*) The Czecho-Slovak State could not cede the Fryštat district which formed part of the mining and industrial district of Mährisch-Ostrau (Moravska Ostrava), with which it was inextricably interlinked economically owing to the dependence of the great iron-works and chemical industries, such as those at Witkowitz and Moravska Ostrava, on the Karvin coal and coke. The pit coal from Silesia was also indispensable to the industries of Bohemia and Moravia, and to a lesser extent of Slovakia.

(*b*) The Oderberg–Jablunka–Sillein line was of vital importance to the Czecho-Slovak State from the political, economic, and military standpoint, as it was the arterial line connecting Slovakia with Bohemia–Moravia. The line over the Vlara Pass in Moravia was of secondary importance on account of its steep gradients and sharp curves, and the line from Břeclava (Lundenburg) to Bratislava (Pressburg) was too far to the south to be of much economic use. On the other hand, the

Jablunka–Oderberg line was only of very secondary importance to Poland.

(iv) *Political.* (*a*) The Czechs contended that the Poles did not really require the Karvin mines, nor the Oderberg–Jablunka railway. A large portion of the Karvin coal-field extended into Polish territory and only required to be properly developed.

(*b*) The disputed territory was only about the size of a French *arrondissement*, and it was doubtful whether the majority of the Polish-speaking inhabitants really desired to be incorporated in Poland. If they remained in Czecho-Slovakia that State would guarantee all their liberties and privileges.

(*c*) In reply to the Polish contention that these economic difficulties could easily be surmounted by special treaties regulating the export of the Karvin coal and the use of the Oderberg–Jablunka railway, the Czechs insisted that a State in their geographical position must be in complete possession of mines and lines of communication which were of vital importance to its economic existence. They cited the case of Antwerp, cut off in war-time from free access to the sea owing to the Dutch control of the lower Scheldt. The Czechs therefore, while admitting that the Poles according to the principle of nationality had a valid claim to the districts of Teschen and Fryštat, submitted that, in view of the arguments adduced above, it would be merely mechanical to apply the principle of nationality in this instance.

The Czechs appear from the first to have been willing to cede Bielitz to Poland, and at later stages in the negotiations they intimated their willingness to acquiesce in a line of demarcation which secured them the possession of the Karvin coal-field and the Oderberg–Jablunka railway.

5. *Polish Claims.* (i) The Poles, while admitting that the district of Frydek properly belonged to Czecho-Slovakia, claimed the remaining districts of Bielitz, Teschen, and Fryštat on account of the Polish national sentiment of the majority of the population which M. Roman Dmowski described as being 'sentimentally and culturally, if not ethnographically, Polish'.

(ii) The Poles maintained that the economic considerations adduced by the Czechs did not justify ownership. M. Dmowski pointed out that the railway over the Jablunka Pass had been

constructed as the main line between Berlin and Budapest. In addition to the existing line over the Vlara Pass two additional lines could easily be constructed to connect Moravia directly with Slovakia. M. Paderewski said that Poland would be prepared to pay half the cost of constructing these two lines, in case the line from Oderberg to Jablunka were ceded to Poland.

(iii) The Poles pointed out that any economic difficulties could easily be surmounted by means of Conventions, providing for a regular supply of coal and coke for Czecho-Slovakia from the Karvin mines and for the free passage of Czecho-Slovak trains to and from Slovakia over the Jablunka Pass.

It will be seen that in the main the Polish case rested on ethnological and linguistic considerations, whereas the Czech claims were based on economic and historical arguments.

During the last few years of Austrian rule the Polish members in the Diet (Landtag) of Austrian Silesia supported the historic Czech claims to the province. In 1916, however, when the Central Powers were making preparations to reconstitute the Polish state, some Chauvinistic German writers suggested that Biala, Oswiecim, and Zator should be detached from Galicia and incorporated in Silesia. The Polish population of these districts raised a vigorous protest, and early in 1917 their Central Committee presented a memorandum to the Polish Club in the Reichsrat at Vienna and to the Austrian Minister for Galicia, demanding that the Duchy of Teschen should be annexed to Galicia.

The future of the Teschen district was discussed by Professor Masaryk and M. Paderewski at Washington in May–June 1918, when it was agreed that the matter should be settled by friendly negotiation between the Czech and Polish Governments in the event of the defeat of the Central Empires. On page 53 of his work, *The New Europe*, published in October 1918, President Masaryk says that ' with goodwill on both sides it is possible to find a suitable frontier in Austrian Silesia '. When Austria collapsed at the end of October 1918, two local Silesian organizations, the Polish National Council and the Czech National Local Committee for Silesia, provisionally assumed power in the name of their respective States. Great confusion ensued, but after a few days the two bodies concluded an agree-

ment at Ostrau on the 5th November 1918, establishing a provisional frontier line on an ethnographical basis, by which Frydek and the Czech communes of the district of Fryštat were within the Czech zone, while the districts of Bielitz and Teschen, and the Polish communes of Fryštat fell to the Poles. A central body composed of 7 Czechs, 7 Poles, and 5 Germans was to organize and control food supplies for the whole Duchy. Racial minorities in either zone were to be protected, and nothing was to be done by either side to prejudice the final disposition of the territory or to effect its permanent incorporation in either State. The coal districts were placed under the mining administration of Mährisch-Ostrau, but the Polish National Council were to have the right of nominating a confidential agent to represent them. This frontier line gave twenty-six pits to the Czechs and ten to the Poles. The Prague Government merely tolerated the situation thus created and reserved their right to modify any arrangement concluded by the local National Committee for Silesia, which had never been formally recognized by them. The execution of such a relatively complicated agreement was difficult in any case, and both sides appear to have violated its spirit especially in the Fryštat district, where the situation was rendered still more strained by the presence of a number of advanced social revolutionaries who fomented anti-Czech feeling and general discontent among the miners.

6. *The crisis of January 1919.* Great indignation was aroused among the Czechs when the Polish authorities on the 10th December 1918 announced that the election of deputies to the Warsaw Diet from the occupied portion of the Teschen area would take place on the 26th January, and a week later mobilized troops along the provisional frontier. The Prague Government, professing to be greatly alarmed at the proceedings and still more by the alleged spread of Bolshevism in the mining districts in the Polish zone, sent a special courier to Warsaw with a memorandum requesting the withdrawal of the Polish troops. He was however arrested at Cracow, and did not reach Warsaw till the 26th January. On the 22nd January the Czech military authorities prepared to advance, and four officers of the Great Powers, who were with the Czech troops, went on the 23rd January to Teschen and demanded the complete evacuation of Eastern Silesia by

Polish troops on two hours' notice. The Czech troops then advanced and occupied Oderberg (Bohumin) after a slight skirmish. On the 5th February an armistice was concluded, defining the Czech and Polish zones. The Poles held the Vistula with a bridgehead beyond Skotschau.

7. *The Conference appoints a Commission; its recommendations.* The Czech advance produced a very unfavourable impression on the Peace Conference at Paris,[1] which on the 3rd February, after having heard the statements of the Polish and Czech representatives, decided to refer the matter to the Commission, already appointed to proceed to Poland, of which the President was M. Noulens, late French ambassador at Petrograd. Some days later the Conference accepted the recommendations of this Commission, which were as follows:

(*a*) The mining districts and the section of the Oderberg-Jablunka line north of Teschen was to be held by the Czechs, while the southern portion of the line from Teschen to Jablunka was to be held by Polish troops.

(*b*) The local administration was to be carried on in accordance with the agreement of the 5th November 1918.

(*c*) An Inter-Allied Commission of control subordinate to M. Noulens' Commission was to be sent to Teschen to see that these decisions were carried out, and to collect data and statistics on which the Peace Conference could base their final award.

The Inter-Allied Commission arrived at Teschen on the 12th February,[2] and at first as a temporary measure allowed the Czech troops to retain the positions they had taken up in January, but M. Noulens' Commission, which had arrived in Warsaw on the 12th February, ordered the subordinate Commission at Teschen to enforce without delay the decisions of the Peace Conference and sent two of its members, Generals Niessel and Romei, to Teschen, by whose orders a military Convention was drawn up on the 25th February, fixing limits beyond which

[1] Cf. Mr. Lloyd George in House of Commons, 16th April 1919: 'How many members have heard of Teschen? I do not mind saying that I had never heard of it, but Teschen very nearly produced an angry conflict between two Allied States, and we had to interrupt the proceedings to try and settle the affairs at Teschen.'

[2] The first or Inter-Allied Commission was authorized by the Conference on the 31st January 1919 and remained at Teschen from the 12th February 1919 till January 1920, when it was superseded by the International or Plebiscite Commission.

the Czech and Polish troops might not pass. The new positions were taken up on the 25th February. The Commission appear to have been much hampered in their work owing to the fact that they could only make suggestions to the Czech and Polish Governments.

The Inter-Allied Commission sent in their main report to the Peace Conference at the end of March 1919, submitting some additional recommendations towards the end of April.

There appeared to be three possible courses:

(*d*) To constitute the duchy as a neutral state. This would have met the wishes of a large number of the inhabitants, especially the native Silesians or Slonzaks and the Germans, but the practical difficulties would be very great, as the territory was so small.

(*e*) To divide the territory on ethnographical lines, which would follow roughly the temporary frontier of the 5th November 1918, though the Czechs might be given the Jablunka Pass with such territory as was required to enable them to construct a connecting line from Mährisch-Ostrau to Jablunka by way of Frydek, so as to have direct railway communication with Slovakia over the Jablunka Pass through their own territory. The Commission, however, drew attention to the difficulties of delimiting a satisfactory frontier through the densely populated mining and industrial district of Karvin–Mährisch-Ostrau without cutting mining concessions in two and separating workmen from their places of work and their homes and marketing places.

(*f*) To follow the natural hydrographical lines of division according to the basins of the Olša and Vistula. For instance the eastern districts of Schwartzwasser, Bielitz, and Skotschau might be assigned to Poland.

The Peace Conference, having regard to the inherent difficulties of arriving at a satisfactory solution, advised the Governments of the two Republics to endeavour to settle the question amicably between themselves.

8. *A Plebiscite decided on, 27th September 1919; administration of Teschen area.* Negotiations for this purpose took place at Cracow from the 23rd July to the 30th July 1919. The Polish representatives demanded a plebiscite, and as the Czechs would not agree to this the negotiations broke down. Meanwhile the heads of the Delegations of the principal Allied

Powers at Paris, after consulting the Czecho-Slovak and the Polish delegates, decided at the end of July that, if the respective Governments were unable very shortly to reach an agreement, the matter must be decided by the Supreme Council. The whole question was very carefully considered by the Supreme Council in September, after hearing oral statements from the heads of the Polish and Czecho-Slovak Delegations. The Council being unable to accept any of the suggested alternative lines of demarcation decided on the 27th September to hold plebiscites for the whole Duchy of Teschen,[1] and in the disputed areas of the Slovak counties of Zips and Orava.

The Teschen plebiscite area was to be placed under the control of an International Commission vested with full powers, on whose arrival the two Republics were to withdraw their troops.

The following were the voting conditions :

'The right to vote shall be given to all persons, without distinction of sex, who :

(*a*) Have completed their twentieth year on the 1st January 1919 ;

(*b*) Have had their domicile or indigénat ('Heimatsrecht') in the plebiscite area since a date prior to the 1st August 1914.

Persons occupying a public position or having, as officials, acquired indigénat, shall not have the right to vote.

Persons convicted of political offences before the 3rd November 1918, shall be enabled to exercise their right of voting.

Every person will vote in the commune in which he is domiciled or in which he has indigénat.

The result of the vote will be determined by communes according to the majority of the votes cast in each commune.'

It will be seen that, in contrast with the Klagenfurt plebiscite, the result of the vote was to be determined by communes and not by the total majority in the whole area, a very important difference (*v.* p. 381, n. 1).

The Plebiscite Commission, which arrived at Teschen on the 30th January 1920, found the plebiscite area divided into two portions by the line of demarcation of the 3rd February 1919.

The line itself presented a formidable barrier of military posts and custom stations and the closest scrutiny of persons

[1] Note, however, that the Minorities Treaty between the Principal Allied Powers and Czecho-Slovakia, signed on the 10th September 1919, refers in its preamble to 'part of Silesia' as included in the territories of the Czecho-Slovak State. Western Silesia (Troppau) is certainly intended, but it might be taken to imply more.

and goods was combined on both sides with a strict censorship. The first act of the Commission was to replace the Czech and Polish guards by French and Italian troops, and to set back the customs line to the respective frontiers of Czecho-Slovakia and Poland. The parts of the area to east and west of the demarcation line were each placed under a Prefect nominated by the Polish and Czecho-Slovak Governments respectively. These officials were under the direct order of the Commission. Certain communes of the district of Fryštat, including the Karvin coal-mines, were withdrawn from the competence of the western Prefect and placed under a sub-commission of four members, one delegated by each section of the Commission. This division into Prefectures was arranged after careful consultation with the members of the outgoing Inter-Allied Commission, which had been at Teschen since the 12th February 1919. The Commission also took over from the Czecho-Slovak authorities the duty of distributing the output of coal in the Ostrau–Karvin region. The Czechs had systematically utilized the period from February 1919 onwards to consolidate their prestige in the region between the two lines of November 1918 and February 1919 by means of judicious propaganda and victualling.

Racial friction soon became acute in the Karvin region owing to the agitation carried on by some of the Polish miners and the counter-measures organized by the Czech plebiscite Commission at Mährisch-Ostrau (Moravska-Ostrava). There was also unrest in the iron-works at Trzynietz, some miles to the south of Teschen, where the Polish workmen ejected all the Czech employees.

A Conciliation Committee, consisting of one representative of the miners, one of the Czech plebiscite Committee, and one of the political parties on either side, was formed at the suggestion of the Commission to settle strikes and disturbances in the mining regions. Both sides were in a state of tension and excitement as a result of the war, of the Czech invasion of January 1919, and the long period of suspense before the plebiscite. The Press of both countries appears to have deliberately circulated grossly exaggerated rumours calculated to increase the general unrest.

On the 18th May 1920 a serious riot occurred in the town of Teschen, and on the 21st May about 11,000 Polish miners

struck work in the Karvin district and remained on strike for several weeks. The tension and unrest became very serious, and at the end of May a demand was made in the Warsaw Parliament for the suspension of diplomatic relations with Czecho-Slovakia.

9. *Question referred to Ambassadors' Council, 10th July 1920.* The Ambassadors' Council at Paris, having received urgent representations from the Inter-Allied Commission regarding these alarming developments, inquired of both States whether the question could not be settled by arbitration. M. Beneš, the Czecho-Slovak Minister for Foreign Affairs, discussed matters with M. Patek, the Polish Foreign Minister, and they agreed to obtain the opinion of the Committees for Foreign Affairs of their respective Parliaments. The Committees for Foreign Affairs of the Czecho-Slovak Senate and Chamber of Deputies considered the whole question at the end of June and rejected the proposal for arbitration expressing themselves in favour of a plebiscite. On the other hand, the Polish Committee for Foreign Affairs were opposed to a plebiscite. Meanwhile the Czecho-Slovak Chamber of Deputies had received a deputation of Slonzaks and Germans from Teschen demanding that the National Assembly at Prague should insist on the carrying out of the plebiscite. After further negotiations between the two Governments MM. Beneš and Grabski, the Czecho-Slovak and Polish Delegates to the Spa Conference, submitted a declaration, dated the 10th July, to the Supreme Council, consenting in the name of their respective Governments to the suspension of the plebiscites in Teschen, Zips, and Orava, and to the taking by the Allied Powers, after hearing the two parties, of the necessary measures for a definite settlement of the dispute.

On the following day the Supreme Council sent similar notes to the Polish and Czecho-Slovak Delegates enclosing copies of a resolution passed by the Council on the 11th July in regard to the frontiers between the two Republics in the former Duchy of Teschen and in the counties of Zips and Orava. This resolution points out that, in view of the objections raised by both parties, it appeared impracticable to proceed either to a plebiscite in accordance with the decision of the Supreme Council of the 27th September 1919, or to arbitration as had been recently proposed. Any further prolongation of

the dispute would injuriously affect the interests of Europe and the general peace.

In these circumstances, the representatives of the British, French, Italian, and Japanese Governments assembled at Spa had decided that the Delegates of the Allied Powers in the Ambassadors' Conference at Paris should forthwith be authorized, after hearing the two parties, to elaborate as soon as possible a settlement in accordance with the decision of the Supreme Council.

10. *Decision of Ambassadors' Conference, 28th July 1920.* The instructions sent by the Supreme Council to the Delegates of the four Allied Powers in the Ambassadors' Conference were as follows:

(i) The Duchy of Teschen was to be divided between the two Republics by a line running from north-west to south-east, starting east of the village of Prstna and drawn so as to leave to Czecho-Slovakia the town of Fryštat, then running south in the direction of Teschen along the river Olša and from there south-east so as to leave to Czecho-Slovakia the whole of the railway running north and south, but to include in Poland the town of Teschen.

(ii) The regions of Zips and Orava were to be divided so as to leave to Poland the north-east part of Orava and the north-western portion of Zips, according to lines approximately traced on maps annexed to these instructions.

(iii) The Ambassadors' Conference was to take such measures in consultation with the representatives of the two Republics as would ensure the satisfactory settlement of all economic questions, including that of the distribution of coal and of transport between the two countries.

After a series of meetings the Ambassadors' Conference, consisting of the representatives of the four Powers named above and of the United States of America,[1] drew up a Declara-

[1] The American Government, while not disapproving of the proposed line of demarcation, considered that it should not be imposed upon both parties in the rapid way contemplated. On learning, however, that the interested parties were prepared to accept the decision of the Conference of Ambassadors, the Washington Government instructed their Ambassador at Paris to acquiesce.

On the 27th January 1921, Beneš, the Czecho-Slovak Foreign Minister, in asking the Chamber to ratify the Treaty, spoke as follows: 'With reference to the problem of the territory of Teschen, although it does not satisfy it, the Czecho-Slovak Government considers our difference with the Poles definitely settled and desires to pursue a policy of systematic *rapprochement*.'

tion delimiting the frontiers of Teschen and of Zips and Orava, which was signed by Great Britain, France, Italy and Japan, while Poland and Czecho-Slovakia signed their acceptance of the award on the 28th July 1920.[1] The Agreement was ratified by the Czecho-Slovak Chamber on the 28th January 1921.

The partition of the little duchy can only be regarded as an unfortunate necessity, as it had since the beginning of the fourteenth century formed an administrative and economic whole, and possessed a strong local tradition based on the sentiment of unity and common interests. As, however, it was impossible to constitute it a neutral state or to assign the whole territory to either Republic, the line of division actually adopted was probably the most equitable in the circumstances and best calculated to produce the minimum of economic dislocation. Based on the river Olša, it assigns to Czecho-Slovakia the whole of the Karvin mining area and the Oderberg–Jablunka Railway, which passes through a modern suburb of Teschen on the western bank of the river.

Poland, on the other hand, obtains the ancient town of Teschen, which is first mentioned as a Polish castellany in the twelfth century, and since 1848 has been the centre of Polish literary and political activities in the duchy. She also acquires the valuable agricultural region to the east of the Olša, containing the German enclave of Bielitz with its textile factories which are connected economically with those in the German town of Biala in Galicia. The Karvin coal deposits extend east of the Olša to Dieditz and Western Galicia, so that it is probable that the Polish portion of the duchy, which already possesses important works and industries at Teschen, Ustron, Bielitz, Skotschau, and Dieditz, will become more and more industrialized when new coal pits are opened east of the Olša.

[1] The Declaration contains provisions safeguarding the rights of individuals and corporations in the territories in question and apportioning the shares of the financial obligations of Austria and Hungary to be assumed respectively by Poland and Czecho-Slovakia. It also provides that Czecho-Slovakia shall deliver yearly to Poland in return for naphtha a quantity of coal from the Karvin mines equal to that delivered in 1913.

B. The Question of Zips and Orava

1. *History.* The Poles claimed the north-west part of the county of Zips (Polish, Spisz, Czech, Spiš, Magyar, Szepes) on historic and ethnological grounds, and the north-eastern part of the county of Orava (Magyar Arva) for ethnological reasons.

In 1412 the Emperor Sigismund, as King of Hungary, pawned 13 of the 24 German towns of the Hungarian county of Zips to Poland. This portion of the district was never redeemed by the Hungarian Crown and remained Polish till 1769, when Maria Theresa, encouraged by a law of the Hungarian Parliament passed in 1756, occupied the district which was formally ceded to Austria at the First Partition of Poland in 1772. The Poles have always laid special stress on the fact that the occupation of Zips in 1769 marked the beginning of the First Partition.

2. *Ethnology.* The northern portions of the counties of Trenčin Orava, and Zips are inhabited by Slovak peasants, Gorals (highlanders), who speak a dialect which is a transition from later Slovak and Polish, just as farther east in the neighbourhood of Eperies (Prešov) Slovak dialects are spoken which approximate to Ruthenian. About thirty years ago the eminent Slavist, Dr. Polivka of the Czech University of Prague, called attention to the fact that a part of the population in several villages in Orava near the Galician frontier spoke dialects showing certain Polish influences. This was due partly to economic influences. For instance, owing to the bad roads Cracow was more accessible from some villages in northern Orava than Dolni-Kubin, the county town. Moreover, the peasants of northern Orava and Zips had benefited by the rapid development of Zakopane, the well-known Polish health resort in the Tatva. Many of them attended markets at Novy Targ in Poland or went on pilgrimage to the famous Polish shrine at Czenstochowa. Strong Polish influences, however, appear to have been confined to the villages near the frontier.

The existence of a Polish element in these portions in the counties of Orava and Zips was not officially acknowledged in the Magyar census returns, which never refer to Poles by name except in foot-notes, but group the Polish element under the category of 'others'. It will, nevertheless, be observed from a comparison of the returns for the county of Orava

for 1900 and 1910 that the number of 'others' had increased in the decade from 888 to 16,120.

Population in 1900.	*Population in 1910.*
1,494 Magyars.	2,000 Magyars.
2,127 Germans.	1,528 Germans.
80,487 Slovaks.	59,096 Slovaks.
888 others.	16,120 others.

It is evident that the Magyar officials, for reasons best known to themselves, had discovered the existence of a considerable non-Slovak element in the Trstena district of Orava for the first time in the census of 1910.

The statistics for the county of Zips are as follows:

In 1900:	10,843 Magyars.	In 1910:	18,658 Magyars.
	42,885 Germans.		38,434 Germans.
	99,557 Slovaks.		97,077 Slovaks.
	14,333 Ruthenes.		12,327 Ruthenes.
	4,117 others.		5,629 others.

3. *The Polish Case.* In the *Petite Encyclopédie Polonaise*, published at Lausanne in October 1916 under the editorship of M. Erasme Piltz, it is claimed that there are 200,000 Poles[1] in the northern portions of Zips, Orava, and Trencin, while in M. Piltz's larger *Encyclopaedia*, published at Fribourg in 1916, it is asserted that the highlanders of Orava and Trencin form an intermediate type between the Slovaks and the Poles of Teschen. The Poles emphasized their historic claim to Zips and maintained that the Magyar census returns had included large numbers of Polish Gorals under the heading of Slovaks.

4. *Czech Case.* The Czechs maintained that the Gorals, or highlanders of the Carpathian ridge adjoining the Galician frontier, were not ethnically Polish, and had not strong Polish sympathies, though in the two districts specially claimed by the Poles they had economic connexions with Poland owing to the relative accessibility of Zakopane and Novy Targ. This was largely due to deliberate policy on the part of the late Magyar authorities, who aimed at keeping the Slovaks isolated and discouraging them in every possible way. Nevertheless,

[1] In a pamphlet issued in 1919 the Polish Committee at Warsaw for the Defence of Zips, Orava, and Podhalia made the singular claim that there were 50,000 Poles in Zips and 50,000 in Orava.

the Slovak Gorals of northern Zips and Orava were not polonophil and their present isolation could be obviated by the construction of proper roads and the use of motor-buses, etc.

5. *The Plebiscites abandoned, 11th July 1920.* The Czecho-Slovak authorities had occupied the whole of the two counties in November 1918, but the Galician Poles carried on active propaganda among the Gorals along the frontier, and on the 10th January 1919 the Warsaw Government set up an Administration Commission at Cracow for 'Galicia, Teschen, Orava, and Zips'.

The complications raised by the Teschen Question had an inevitable repercussion on the problem of Zips and Orava, and the Peace Conference, finding that the Polish and Czecho-Slovak Governments could not settle the matter between themselves, decided on the 27th September 1919 that plebiscites should be taken in the disputed zones of the two areas. A Plebiscite Commission was sent to Zips and Orava early in 1920. On the 11th July 1920 the Supreme Council at Spa, acting on a request from the Czecho-Slovak and Polish Governments, decided to abandon the plebiscite and fixed the frontiers in the two areas, leaving the details to be worked out by the Conference of Ambassadors at Paris.[1]

It will be seen from the map that the new lines of demarcation widen considerably the Zakopane salient. It seems tolerably certain that some of the frontier villages in the two districts have more natural economic connexions with Galicia than with Slovakia, and presumably the sense of nationality is not very strongly developed in these remote mountain regions. It is doubtful, however, whether their cession to Poland can be justified on purely ethnological grounds.

C. Leobschütz (Hlubĭce)

This small piece of territory in Silesia involves part of the administrative district of Leobschütz and borders on the Moravian frontier and Troppau. It includes a population of about 34,113 Germans, 6,121 Czechs, 1,183 Poles, and its fate is connected with the plebiscite in Upper Silesia. 'Germany hereby agrees to renounce in favour of the Czecho-Slovak State all rights and titles over the part of the Kreis of Leobschütz

[1] *v. supra*, p. 362.

comprised within the following boundaries in case after the determination of the frontier between Germany and Poland the said part of that Kreis should become isolated from Germany.'[1] The area includes some important railway connexions. If the result of the plebiscite in Upper Silesia is in favour of Poland this area is ceded by Germany to Czecho-Slovakia.

[1] Art. 83 of German Treaty. *v.* Vol. III, p. 155, for further description of boundary in question.

CHAPTER VI

THE PLEBISCITES

PART II

THE KLAGENFURT BASIN

A. The Klagenfurt Question at the Conference

1. *Introductory. Settlement of the new frontiers of Styria and the 'Assling triangle'.* The fate of the three old Austrian provinces of Carniola, Carinthia, and Styria formed one of the most disputed problems of the Conference, and involved the interests of three Powers. Italy claimed, and eventually obtained, part of Carniola; the major part of Carniola and the debated districts of Styria passed to Yugo-slavia without any popular vote, and a plebiscite ultimately gave to Austria the Klagenfurt area in Carinthia. The three problems cannot, in fact, be separated from one another, though circumstances forced Klagenfurt to the front and made it one of the most important minor disputes at the Conference. It is a curious fact that the population of all these areas in dispute was predominantly Slovene in race, though (and the fact is important) not always predominantly Yugo-slav in national aspiration.

2. *Railway Problems.* (*a*) *The 'Assling triangle'.* The real unity of the problems was due to the railway systems which bound them together and therefore acutely concerned the three neighbouring states of Italy, Austria, and Yugo-slavia. For transportation reasons the following towns were extremely important—Villach, Assling, and Marburg, as being all on or near great railway routes. The Italians had obtained by the Treaty of London and subsequent arrangements control of the Trieste–Udine–Villach line. This was not, however, so important as the great Tauern–Bahn line to the Tyrol and South Germany via Trieste–Assling–the Rosenbach Tunnel and Villach. Though Italy had not claimed it in the Treaty of London, the piece of land bounded by Assling on the west and by point 1,370 on

the east, known as the 'Assling triangle', caused serious difficulties. The point was that, if Austria obtained the Klagenfurt area and Yugo-slavia the 'Tarvis triangle', the direct railway connexion between Italy and Austria would be broken and Italian and Austrian goods would be subjected to the customs examination and tolls of a third power. This was contrary to all the principles of transportation, which are to make railway lines entirely within one nation's territory if possible, and if not to confine them to the territory of two nations. The intervention of a third party over a small part of a through line is necessarily annoying and productive of friction. Italy had not claimed the 'Assling triangle' under the Treaty of London and was certain, therefore, not to obtain it. The piece of territory might indeed have been given to Austria, but to do this would have been to bring an enemy over the Karavanken within measurable distance of the sea. Moreover, the population affected was wholly Yugo-slav. Hence this solution found no favour. Ultimately the Peace Treaty with Austria put this area at the disposal of the Allied and Associated Powers, and by the Treaty of Rapallo (12th November 1920) Italy agreed to Yugo-slavia obtaining it.

(*b*) *St. Peter–Laibach–Marburg railway.* The great Austrian Südbahn railway ran from Trieste to St. Peter (with junction to Fiume) and thence to Laibach, Marburg and Vienna. By the Treaty of Rapallo Italy obtained the Trieste–St. Peter (junction to Fiume) stretch of railway to ten miles north of Adelsberg; Yugo-slavia obtained the railway from this point to a point beyond the important German town and railway junction of Marburg. A third nation thus again controlled part of a through route. Here again a railway line which, on transportation principles, should have been shared by only two nations, was trisected by three. It must not be thought, however, that the solutions were made as easily and as simply as the description implies. But there was no fighting in these areas; the 'Assling triangle' and Marburg were occupied by Slovene levies immediately after the Armistice, at which time Italian troops also occupied that part of the Trieste–St. Peter railway which they eventually incorporated in Italy. There was therefore no serious difficulty in keeping order in any of these areas, and it was only in the Klagenfurt Basin that actual fighting continued and forced the problem of the disposal of that area into undesirable prominence.

3. *Styria and the Klagenfurt Question.* In dealing with the Armistices it has already been mentioned [1] that no provision was made in the Armistice of the 3rd November for an occupation line to be held by Allied troops in Carinthia and Styria. In Styria there was some fighting, but eventually Yugo-slavs and Austrians accepted a line delimited by command of General Franchet d'Esperey. This corresponded roughly to the ethnic line and to the permanent frontier as settled at the Conference. No such solution was arrived at in the case of Carinthia.

The Klagenfurt area is bounded on the south by the Karavanken mountains and forms the basin of the Drave. The inhabitants, who number about 150,000, are predominantly Slovene in race, but the town of Klagenfurt itself, which is the most important in Carinthia, contains 28,958 inhabitants, of whom 25,582 are German (Census of 1910). To the north of the Basin runs the important Villach–Feldkirch–St. Veit railway line to Vienna. The towns of Villach and of Assling are adjacent to, but not actually part, of the Klagenfurt area. The town of Klagenfurt is important as a centre for agricultural supplies, also the basin contains a lead-mine at Bleiburg and a rifle-factory at Ferlach.[2] One important fact should be noted. An American Mission under Colonel Miles had visited this area in January 1919 in the hope of restoring peace and had taken great trouble to ascertain the wishes of the inhabitants as to their future status. It was stated in the press by Slavs who had accompanied the Mission (and the statement was not in substance denied) that Colonel Miles had reported that, though the majority of the inhabitants of the basin were Slovene in race, there would not be a majority in favour of union with the Serb-Croat-Slovene State. The newspaper discussion on this report increased the bitterness. All the elements of a burning question were there already; the unrest produced by an undecided demarcation line and racial hatreds fanned to flame by a state of actual and continuous warfare.

4. *The 'Four' intervene, 31st May 1919.* In the Klagenfurt area the fortunes of war continually fluctuated and Austrians and Yugo-slavs contended with one another as chance or

[1] *v.* Chap. II, Part I.

[2] The latter was important for the Yugo-slavs if they got it but of no value to the Austrians, as Art. 132 of the Austrian Treaty lays down that all munitions, etc., shall be produced in a single factory.

opportunity dictated. Neither of them at first paid the slightest attention to the Conference and there was indeed no reason why they should, for no one knew what was the line which they were justified in holding. The Yugo-slavs naturally contended that they were justified in adopting as their temporary line the actual ethnic frontier, the Austrians that the true line was that which had existed at the moment the Armistice was signed. There was no way of settling the difficulty until this sporadic fighting became of sufficient importance to produce the intervention of the Conference. At the end of April the situation became really serious and the Yugo-slavs, who had previously been chiefly south of the Karavanken, began to cross them and threaten the Klagenfurt Basin. After several reverses the Yugo-slav irregulars were strengthened by some Serb troops and this fact introduced a new and important feature. The prowess of the Serb troops was such as to change the situation completely. By the third week of May two-thirds of the Basin was over-run and the important town of Klagenfurt itself captured with immense quantities of Austrian war material. This fact brought the Conference on the scene, for the Austrian war material belonged to the Allies and the intervention of Serb troops meant that the Government at Belgrade was now supporting the irregular Slovene levies. On the 31st May the 'Four' despatched a telegram to both Austrian and Yugo-slav Governments ordering both sides to cease hostilities and to evacuate the Basin with their armed forces. On the 2nd June negotiations for a suspension of hostilities began between the two parties and on the 6th an Armistice was signed, but on the 8th it was disavowed by the Austrians. On the 13th Italian troops occupied the Villach–Feldkirch–St. Veit railway just north of the Basin in virtue of a clause in the Armistice permitting them to safeguard the routes to Vienna. This action naturally produced some effect on the combatants. The Yugo-slavs fell back from the northern side of the Basin, but retained the town of Klagenfurt and about two-thirds of the whole Basin.

5. *Decision to hold a Plebiscite, 23rd June 1919.* Towards the end of June a solution was arrived at, which was communicated to both belligerents and embodied in the draft Treaty delivered to Austria on the 20th July and in the Treaty as signed on the 10th September. It was decided to divide the Basin into two zones, A and B, for the purpose

of holding a plebiscite to decide their ultimate fate. Zone A, the southern and largest part, was predominantly Slovene in race, and contained about 78,000 inhabitants; Zone B, which included the town of Klagenfurt itself, was predominantly German, and contained about 54,000 souls.

Before giving the details and results of this plebiscite it may be well to quote the arguments by which Austria opposed and the Powers justified the general territorial settlement as to Styria and Carinthia. This will serve to explain why a plebiscite was granted in the one case and refused in the other.

6. *Correspondence of Austria with the Powers on the Boundaries of Carinthia and Styria*

(*a*) *The Austrian Position.* The Austrian Delegation stated that they welcomed the news that a plebiscite had been granted to determine the future character of the Klagenfurt basin. 'So much the greater was the consternation of the people of Central Styria, where circumstances are exactly analogous to those in Carinthia, that the Peace Conference has opposed a formal refusal to the fervent desire of this oppressed people to recover its liberty.' Just as the Klagenfurt basin formed one unity so did the basin of Marburg (Maribor). In both cases 'economic life would be disorganized[1] by an arbitrarily traced frontier'. The railway triangle of Bruck–Villach–Marburg was essential to Austrian economic life. Marburg especially depended on connexion with Graz and Vienna, and the basin of the Mur was in a similar position. The railway line from Mureck to Radkersburg was, in any case, essential to Austria and the basin of the Mur should not be divided. Petitions to that effect had been signed in all the communes affected. The hydraulic energy of the Drave was also a source of wealth for all Styria. Accordingly, a plebiscite for all disputed districts in Central Styria was demanded. Certain suggestions were then laid down for a plebiscite.

(*b*) *The Powers' Position. Reply of the 2nd September 1919.* 'The policy of assimilation pursued by the imperial and royal administration in respect to the Slovene race, has been one of the

[1] For purposes of plebiscite the Klagenfurt basin was divided into two zones, the Yugo-slavs having the administration of zone A until the plebiscite was taken. The Austrian Delegation seem here to assume that the plebiscite would go against them, which it did not do.

chief reasons preventing the formation of its moral unity under the old monarchy. Bent beneath the pressure of officials foreign to their race, deprived of schools teaching their language, discouraged by the immigration of state officials and workers, the Slovenes have yet preserved their national aspirations intact. The Allied and Associated Powers have recognized the right of these Slav populations to share the destinies of a Slav State.'

This principle has different applications in (i) Styria, (ii) Carinthia.

(i) *Styria.* 'The Marburg basin in its geographic, ethnic and economic unity should be attached to the Serb-Croat-Slovene Kingdom.' It communicates easily with the south and the Drave valley. 'They (the Allied and Associated Powers) recognize that certain towns, notably Marburg, are German in character. But they state that the Slovene element clearly dominates in the rural population, where the action of the authorities only succeeds with difficulty in creating factitious majorities.'

The Powers . . . 'have yet taken into account the Austrian protest regarding the town of Radkersburg, whose geographic and economic conditions seem to give it an orientation in the direction of Austria rather than of the Serb-Croat-Slovene State'.

'They are convinced that their solution, thus amended, answers at once to the sentiment and interests of the majority of the population.'

(ii) *Carinthia.* The Powers 'admit the geographic unity of the Klagenfurt basin. They find a very definite ethnic line of demarcation, but state that the economic orientation of this region appears to be towards the frontier. They have wished to give the population every opportunity to confront their national aspirations with their economic interests, and decide whether they wish or not to maintain their regional unity.' For plebiscite purposes they have arranged two zones divided by an ethnic line. The Austrian protest about the waterworks of Klagenfurt being cut off from the town was admitted. A new article (310) was inserted to secure this water supply.

B. The Holding of the Plebiscite

7. *Arrangements under the Treaty*

Article 50 of the Austrian Treaty signed on the 10th September 1919 laid it down that the Klagenfurt Area should be placed under the control of a Commission entrusted with the duty of preparing a plebiscite in that Area and assuring the impartial administration thereof. The Treaty also stipulated that in the first zone (A), which was to be administered in accordance with the general legislation of the Serb-Croat-Slovene State and by its officials, the plebiscite was to be held within three months from the coming into force of the Treaty, on a day to be fixed by the Commission, and that, if the vote in that zone was in favour of the Serb-Croat-Slovene State, a plebiscite was to be held in the second zone within three weeks of the proclamation of the result of the plebiscite in the first zone, on a date to be fixed by the Commission. If, however, the vote in the first zone resulted in favour of Austria, no plebiscite was to be held in the second zone, which was to be administered in accordance with the general regulations of the Austrian legislation and by Austrian officials, and the whole of the plebiscite area was to remain definitively under Austrian sovereignty.

8. *Organization: (a) The Plebiscite Commission*

The Treaty of St. Germain was finally ratified on the 16th July 1920, and in accordance with the terms of the Treaty the Commission immediately proceeded to Klagenfurt, where it established its headquarters and was formally constituted at a meeting held on Wednesday, 21st July 1920, under the Presidency of the British Commissioner and at which the French and Italian Commissioners were present, together with the Austrian and Serb-Croat-Slovene Delegates, as laid down in the Treaty.[1] The Commission was charged 'with the duty of arranging for the vote, of taking such measures as it might deem necessary to ensure its freedom, fairness, and secrecy;' and steps were immediately taken by the Commission to set in

[1] The Commission was composed as follows: President Lieut.-Col. S. C. Peck, D.S.O. (British Empire), Dr. Cvijić who was succeeded by Jovan Jovanović (Serb-Croat-Slovene (S.C.S.) State), Count Charles de Chambrun (France), Prince Livio Borghese (Italy), Capt. A. Peter-Pirkham (Austria).

motion the proposals put forward for the organization of the plebiscite area. The underlying idea of the scheme adopted was that the detailed organization of the plebiscite should as far as possible be carried out by the inhabitants themselves under the supervision of the Commission, and the following machinery was accordingly set up:

(*a*) An Inter-Allied Secretariat.
(*b*) An Advisory Administrative Council.
(*c*) District Councils.
(*d*) Commune Councils.

The Inter-Allied Secretariat consisted of a Secretary-General (British) and three Secretaries, one British, one French, and one Italian, and to it were assigned the duties of compiling the minutes of the meetings of the Commission and conducting the business of the Inter-Allied Section.

The Advisory Administrative Council consisted of three members, one British (Chairman), one French, and one Italian, to whom were entrusted the duties of supervising and reporting to the Commission on the administration and government of the two zones of the area, and in particular of ensuring that no public official or employee used his position or office to influence the voting in any way whatsoever.

(*b*) *Organization of the plebiscite area, voting qualifications*

The plebiscite area was for the purposes of the Commission divided into six districts in each of which were placed District Councils consisting of District Commissioners (Inter-Allied military officers), one nominated by each of the British, French, and Italian Commissioners. These District Councils acted as corporate bodies, the Chairmen (representing in equal proportion the three nationalities) signing and forwarding their reports to the Commission on behalf of their colleagues. They were made responsible to the Plebiscite Commission for all the details of organization of the plebiscite within the confines of their districts. They were the channel by which the orders of the Plebiscite Commission were conveyed to the Commune Councils (see below) and were responsible for seeing that these orders were carried out. They were also charged with the supervision of the administration of their districts.

The Commune Councils, of which in zone A of the plebiscite area there were in all fifty-one, consisted of six representatives, three being nominated by the Austrian Delegate on the Commission and three by the Serb-Croat-Slovene Delegate. These Councils were made responsible to the District Councils whose duty it was to keep in close touch with and supervise the work of the Commune Councils, to compile the register of voters in each district, and to preside at the polling centres on the day of the vote. The Chairmen and Secretaries of each Commune Council, who represented in each case the Austrian and Serb-Croat-Slovene parties or *vice versa* in equal proportions, were appointed by the District Councils, who were instructed that wherever possible members of Commune Councils should be local men belonging to the commune in which they served, and in most cases local men were obtained.

In addition to the above organization there was set up an Inter-Allied Tribunal consisting of one British (Chairman), one French, and one Italian Representative and two Assessors in a consultative capacity nominated by the Austrian and S.C.S. Delegates respectively. The duties of this Tribunal were to try offences against the authority of the Commission such as disobedience of their instructions and proclamations, wilful hindrance of officials carrying out duties in connexion with the plebiscite, impersonation at the polling booths, deliberate falsification of ballot papers, etc. A Boundary Committee composed of five officers, nominated by each member of the Commission respectively, was also set up in order to determine in detail on the spot the geographical boundaries of the area.

As soon as the District Councils had established the Commune Councils and put them in motion, the Commission issued detailed regulations designed to govern the preparation of the registers and the carrying out of the vote in all its stages. These regulations, which were printed in the German and Slovene languages, set forth in full the conditions governing the right to vote, the method of compiling the registers, the rules governing appeals and objections, the procedure on the day of voting, the form and use of the ballot papers, and finally the method to be employed in counting the votes. By the terms of the Treaty of St. Germain the right of voting in the plebiscite was enjoyed by every person of either sex:

(i) Who on or before the 1st January 1919 had attained the age of 20 years, and

(ii) Who had on the 1st January 1919 his or her habitual residence in the zone subjected to the plebiscite, and

(iii) Who either (*a*) was born in the said zone or (*b*) though not born in the said zone had his or her habitual residence or enjoyed rights of citizenship (*pertinenza*) in the said zone from a date anterior to the 1st January 1912.

In order therefore to qualify for a vote every one had to satisfy the first two conditions, and one or other of the alternatives under the third condition. If a person satisfied the conditions in respect of age and of place of birth, it was necessary that he or she should also have had his or her habitual residence in the zone of plebiscite on the 1st January 1919. If a person qualified in respect of age but not of place of birth, then he or she must also have had his or her habitual residence or have enjoyed *pertinenza* in the zone of plebiscite on the 1st January 1919 and for a period of not less than seven years preceding that date; i.e. from a date anterior to the 1st January 1912. The word zone in sub-headings (*b*) and (*c*) of Clause 50 of the Treaty of St. Germain was interpreted by the Commission in its wide sense as meaning the whole zone of plebiscite. Also a person was said to have 'habitual residence' who on or before the 1st January 1919 had settled in the plebiscite area with the obvious intention or with intent appearing from circumstances, to take there his permanent residence. 'Habitual residence' for the purposes of the Commission's rules was not considered as being interrupted by absence if the circumstances showed the intent to retain the residence, nor owing to the liability to render military service or as a consequence of the war.[1]

9. *Administrative acts of the Plebiscite Commission.* In addition to the actual organization of the vote the Commission carried out several administrative acts under the powers conferred on them. The chief of these was the removal of the Austrian and S.C.S. Police and Forest Guards from the Line of Demarcation between zones A and B, transit across which thus became unrestricted to persons and goods coming from both zones, and the issue of cards of identity to all residents in the Klagenfurt area. In accordance with the terms of the Treaty

[1] Imprisoned persons, but not certified lunatics, were allowed to vote. The former were very few in number.

the local troops in the area were replaced by a Police Force recruited on the spot and controlled by Inter-Allied officers appointed by the Commission.

10. *The Voting.* The voting took place on the 10th October 1920, passed off without incident, and the smooth working of the voting arrangements was greatly due to the harmonious collaboration of the Austrian and S.C.S. Representatives on the Commune Councils in carrying out the regulations of the Commission. Polling centres were established in every Commune of each District in zone A and in some cases there were two or more polling centres in one Commune, i.e. in Communes having more than 588 voters as each complete register contained 588 names and there was approximately a polling centre to each register. The total number of polling centres in the zone was 80, and at each of these polling centres the polling commenced at seven a.m. and finished at six p.m. 58 Inter-Allied Officers were lent by the Inter-Allied Commission of Control in Vienna and this reinforcement enabled one officer to be placed in charge of each polling centre, and allowed others to be stationed on all the important entrances to the zone of plebiscite to keep out persons who had not the right to vote. Practically all of these voters had registered their votes by midday.

On entering the polling centre of their Commune each voter was, after presenting his voting ticket and having his name and number as given on the ticket verified with the corresponding entry in the voting list, handed by the chairman of the Commune Council an envelope together with a green ballot paper bearing the name 'Austria' and a white ballot paper bearing the name 'Yugo-slavia' printed legibly thereon. He then proceeded into a small booth, of which there were several in each polling centre. There he tore into two pieces the ballot paper of the State for which he did not want to vote, and inserted both the torn and untorn ballot papers in the envelope, which was then closed and handed to the Chairman. He immediately placed it unopened in the ballot box in full view of all present. This method of voting, which was rendered necessary owing to the presence of a number of illiterates on the voting lists, completely assured secrecy and gave great confidence to the people, who fully realized that the conditions under which they voted ensured absolute secrecy. This was a large factor in the maintenance of peace and order, which was also contributed to

by the prohibition of the sale of intoxicating liquors on the day of the poll and previous days.

At the close of the poll the ballot boxes were sealed by the Commune Councils and together with the accompanying protocols were handed over to the District Council concerned. They conducted the scrutiny in the presence of the Austrian and S.C.S. Liaison Officers who had for the last six weeks or so of the plebiscite been attached, together with a German and a Slovene interpreter, to each district. Owing to the large percentage of voters the scrutiny in each district took a considerable time and it was not until the evening of Wednesday the 13th October that the Inter-Allied Advisory Council, which had been charged by the Commission with checking and compiling the figures submitted by the District Councils, presented to the Commission the final result. This was announced by the President at a meeting of the Commission held that same night.

11. *Result of Plebiscite.* The result of the plebiscite was that 22,025 votes were given to the Republic of Austria, and 15,279 to the Kingdom of the Serbs, Croats and Slovenes, leaving a majority in favour of the Austrian Republic of 6,746 votes.

A remarkable factor of the plebiscite was the enormous percentage of the registered voters who throughout the whole zone recorded their votes. The total number of persons qualified to vote in zone A was 39,291, and the total number of votes cast (including invalid votes, of which there were altogether 332) was 37,636, making a percentage of 95·78 voters who went to the poll.

In view of the fact that the voting in zone A was in favour of Austria no plebiscite was, in accordance with Article 50 of the Treaty of St. Germain, to be held in zone B of the area, and the whole of the area was therefore to remain definitively under Austrian Sovereignty.

12. *Conclusion of the work of the Plebiscite Commission.* Under the Treaty, however, the labours of the Commission were not concluded until the administration of the whole of the Klagenfurt Area by the Republic of Austria had been assured. Steps were accordingly taken immediately by the Commission to make the necessary provisions for the safeguarding as far as possible of the minority and for the handing over of the machinery of Government, such as civil and police administration, together with all the archives, public buildings, schools, and railway

buildings and stock, to officials of the Austrian Government. The work of the Commission in this direction was considerably delayed by the action of the S.C.S. Government in occupying zone A with their troops on the 14th October, i.e. four days after the plebiscite. The Commission immediately protested against this action and decided to take into their own hands the administration of zone A. The attitude of the Commission was supported by the Conference of Ambassadors, who presented a strong ultimatum to the S.C.S. Government demanding the withdrawal of the troops in 48 hours (20th Oct.). They were consequently withdrawn after an occupation of the zone lasting about a week. The withdrawal of the troops enabled the Commission to proceed with the work of handing over which had thus been interrupted, but it was not until the 18th November that the Commission felt that the work had been thoroughly completed and that they were in a position to entrust the whole zone to the care of the Republic of Austria. On that day the Commission published a final proclamation to the inhabitants of the area, informing them that their mission had terminated and that 'henceforth the administration of both zones of the plebiscite area devolved in full measure upon the lawfully constituted authorities of the Austrian Republic', and emphasizing the provisions of the Treaty of St. Germain respecting the protection of minorities. On that day also the final meeting of the Commission was held at which the President, the French and Italian Commissioners, and the Austrian and S.C.S. Delegates signed a document delivering over from that day the administration of the whole Klagenfurt Area to the Government of the Republic of Austria.

13. *General Conclusion.* The result of the plebiscite caused some natural heart-burnings among the Slovenes, but there was general agreement on one point. The elections were conducted with absolute fairness and the number of recorded votes was so many and the majority so adequate, that the result was taken as final. Whatever conclusions may be held it cannot be denied that the vote represented faithfully the opinions of the inhabitants at the time of voting. The reasons for this are more difficult to explain. One thing alone is certain, the conclusion of Colonel Miles in his report was abundantly justified. The Yugo-slavs wanted an earlier date than 1912 for residence, contending that this would have considerably affected

the result. It is anyhow unquestionably true that in 1914 there were only two Slovene schools in the whole area so that administrative and educational tradition must have worked in favour of Germanization.[1] It is probable, however, that other causes were even more important, such as the economic situation of the Klagenfurt Basin and the question of military service. It is not, however, clear if the voters really voted for an undivided Carinthia or for reunion with Austria as a whole. If zone A had fallen to the S.C.S. State its peasant inhabitants felt that their only market and economic outlet would be cut off, in view of the fact that zone B (with the market centre of Klagenfurt) was extremely unlikely also to fall to that State. Perhaps, as a secondary consideration, they felt that they would be compelled to serve in the S.C.S. Army, whereas they knew that under the Republic of Austria such an obligation would not be required of them. It is perhaps impossible to probe the motives of the peasant and the decision must be left to time for approval. There is no doubt, however, that this plebiscite is remarkable, as being the only one up to now conducted successfully without the aid of Inter-Allied military forces. The moral authority of the Commission was sufficient to carry through the plebiscite with unparalleled smoothness, and for this result great credit is due to the President and the other members of the Commission.

[1] It should be recognized, however, that the voting by total numerical majority, and not by majority in each commune, favoured Yugo-slavia (cp. p. 359).

CHAPTER VI

THE PLEBISCITES

PART III

GERMAN WEST HUNGARY[1]

1. *Introductory: General Arguments.* The problem of German West Hungary was, in some ways, unique. For it involved a territorial exchange at the expense of one enemy power and in favour of another. The first sketch of the new frontiers, as given on the 2nd June 1919, did not indicate that a portion of Hungary (German West Hungary) was to be transferred to Austria. This was not absolutely necessary at this stage, but it seems probable that two circumstances caused the question to be raised. These were the preparation of the Austrian Treaty itself and the events taking place in Hungary. The Austrian Delegation urged on the Allied Powers the danger from the economic ruin with which Austria was threatened and provided a reasonable means for averting that peril. Evidence was brought to show that German West Hungary was the 'kitchen garden of Vienna', that the Austrian capital had suffered from the lack of vegetables and the West Hungarian peasants from the loss of their markets. Béla Kun's régime in Hungary enforced the argument from another point of view, for the Peace Conference realized the danger incurred by Austria in relation to Hungary. The important town of Wiener-Neustadt was within a few kilometres of the existing Hungarian frontier, from which four easy roads led to Vienna. To push that frontier back for any average breadth twenty to thirty kilometres would afford protection to the Austrian capital and keep Bolshevism at a reasonable distance in both present and future. The economic and military arguments for the transfer of territory were therefore undoubtedly strong,

[1] The title 'West Hungary' is normally used, but 'German West Hungary' is technically more correct. See also Chap. II, Part II, and Vol. V for statistics.

and, if the ethnic arguments were no less so, the case seemed to be concluded.

In this, as in other, cases the ethnic facts do not seem to have been contested by either side. The district in question extends from the Danube to the Upper Valley of the River Raba and includes parts of the three Hungarian counties (*comitato*) of Vas, Sopron, and Moson. It is largely mountainous and contains about 330,000 souls. Of these 235,000 are Germans, 50,000 Croats and Wends, 25,000 Magyars, 20,000 Jews and small nationalities; i. e. 71 per cent. German and 29 per cent. all other nationalities whatsoever (Census 1910). There was no reason to suppose that the Croats or the Wends were more pro-Magyar than the Germans, so the Magyars seem to have no strong case on the grounds of race.

2. *The Hungarian Position.* (*a*) *Economic Arguments.* It is convenient to take the Hungarian statement of the case first, though their views were only fully given in their General Reply of the 12th February 1920 to the Allies, and in an official or semi-official pamphlet issued about the same time.[1] The question was hardly dealt with from the military point of view, but there were some interesting admissions on the economic side in the Appendix to the General Reply. They did not deny that the district in question contributed considerably to the vegetable supply of Vienna.[2] They admitted also that 'the milk supply of these countries does really, for the most part, come from these counties'. They stated, however, that this actual supply came from the more definitely Magyar districts, and that, in any case, this supply would now be diminished. The surplus of milk available for export had been due to capitalistic dairy-farming, which had now come to an end owing to the extensive agrarian reforms instituted in Hungary. They denied that any great part of the meat supply of Vienna came from German West Hungary. They stated, however, that the annexation of these districts by Vienna would adversely affect the industrial part of the population who depended on

[1] General Reply. Appendix XV with relevant annexes. *v.* also *East European Problems*, No. 6, '*West Hungary*', by Dr. Gustav Thirring, Director of Budapest Municipal Statistical Office, London, New York, and Budapest, 1920.

[2] They took the opportunity to suggest here that the new frontiers of Czecho-Slovakia and Yugo-slavia would interfere considerably with the vegetable supply of Budapest.

Budapest. As, however, the industrials formed only 23 per cent. of the population affected, the argument could hardly be a powerful one.

(*b*) *Ethnic and Historical Arguments.* Dr. Thirring's pamphlet published a map and some detailed statistics, intended to show that 'in some places of the territory allocated to Austria the non-German inhabitants constitute considerable minorities, even majorities in several cases.[1] Thus the secession (*sic*) of this territory were (*sic*) in direct contradiction to the nationality principle on which Austria, supported by the Entente's decision, bases her claims. It is quite obvious that the annexation of such mixed language territories, which would subject great bulks of Hungarians and Croats to Austrian rule, were (*sic*) to give rise to nationality conditions quite unknown in present Hungary.' The figures already given show that West Hungary was a mixed population but overwhelmingly non-Magyar in race, and therefore the arguments just quoted have little basis in fact, especially as practically the whole population was admitted, even by the Magyars, to be 'German-speaking'. There was a good deal more substance in the more purely historical argument advanced by Dr. Thirring. He contended that the Germans of West Hungary had been there since the time of Charlemagne and 'differ from the Austrian Germans in descent, language, and manners, have never united with them in common cause and never desired to do so'. The Germans of West Hungary had in fact frequently fought as Hungarian frontier-guards against the Austrians and, though occasionally under Austrian control in the past, had always been administratively under the Kingdom of Hungary. He argued also that, in these areas, Magyars, Germans, and Croats had all lived together in contentment and 'in perfect harmony' side by side. 'These nationalities have never had any cause for discontentment (*sic*) and they have never betrayed any such sentiment; in all the liberty wars they have fought side by side with the Magyars for the Magyar fatherland, and their love and fidelity was as natural to them as to the most original Magyar.'

3. *Allied Decision to cede West Hungary to Austria without a Plebiscite, 20th July 1919.* Dr. Thirring's argument laid stress

[1] This seems rather misleading. In only one district is there a non-German majority—the ceded portion of the Köszeg district, and in that district the Germans number 49 per cent.

on facts which were unduly neglected at the Peace Conference. No trouble was spared to ascertain, and it is improbable that the Conference in any way misunderstood, the facts relating to nationality, economics, hydraulics, or statistics in this case or in other similar ones. But the ascertaining of the true wishes of the people concerned was a much more difficult matter. If a German or a man of German speech, or a Croat or a man of Croat speech, was always anti-Magyar, the question was one of ascertainable fact. But it was much harder to obtain evidence as to whether the German, Slav, and Magyar of West Hungary did form a cultural and historic identity with the Magyars.[1] The actual wishes of the population were also exceedingly difficult to ascertain. Béla Kun's revolution rendered examination on the spot impracticable between March and the end of July 1919. His revolution also had the effect of confusing the minds and opinions of the inhabitants. Under these circumstances, a plebiscite would have been, in any case, impossible for many months. It was, of course, demanded by the Hungarian Delegation but it would have necessitated the presence of Entente troops in considerable numbers. In July it had not been found possible to send an army to expel Béla Kun from Budapest, and it was clearly impracticable at that date to promise to hold a plebiscite in an area still occupied by him. Accordingly, the Principal Allied Powers, in communicating their revised draft of Peace terms to Austria on the 20th July 1919, informed her that Western Hungary would be ceded to her without a plebiscite. It will be seen that this decision in fact preceded the statement of their case by the Hungarian Delegation, and was necessitated by the peculiar circumstances of Béla Kun's revolution and of the Austrian distress.[2]

4. *The Austrian Position, and the Position of the Principal Allied and Associated Powers.* The actual motives of the decision of the 20th July 1919 with reference to West Hungary were

[1] The only firsthand evidence from examination on the spot after 3rd November 1918 came from the American Commission of Inquiry directed by Professor A. C. Coolidge from Vienna. See Vol. I, p. 239.

[2] No specific provisions as to the fate of West Hungary appear in either Austrian or Hungarian Treaties except that the frontier line between the two countries is defined to secure the cession of West Hungary to Austria. See Vol. V, Art. 27, Part II (Austria); Art. 27, Part II (Hungary). The powers of suggestion granted to the Boundary Commissions (see *infra*, pp. 422–3, and Art. 29 in both Treaties) might conceivably be important, as the non-German districts of West Hungary lie nearest to the new Hungarian frontier.

set out at some length in the correspondence between the Supreme Council and the Austrian Delegation and may be summarized as follows:

(*a*) *The Austrian Position, as stated in their Observations of the 6th August 1919.* The Austrian Delegation 'has to recognize with a sincere acknowledgment the decision taken by the Conference with respect to the German regions of Western Hungary. In extending the frontiers of the Young Austrian Republic to these districts, the Peace Conference has effectively contributed to make life possible for German Austria and thus to realize the principle of free self-determination (*droit des peuples de disposer librement de leur sort*). German Austria, however, desires scrupulously to put into execution the said principle, which has in addition been adopted as the basis of her national organization.' They desired, therefore, to have a plebiscite under the direction of one of the Allied Powers to ascertain explicitly the wishes of the inhabitants. 'Only this wish formally declared by the people itself could serve, in right and in fact, as a basis for the incorporation of Western Hungary in German Austrian territory.' They protested, however, against the separation of the Wieselburg district into two parts, 'of which that to the East is traversed by the Pressburg-Cserna railway and was not to form part of Austria'. This part was necessary from the point of view of the food supply of Austria, as this district supplied milk to hospitals and babies. A plebiscite was proposed for this area. Arrangements could be made to safeguard the railway for the Czecho-Slovaks.

(*b*) *Position of the Principal Allied and Associated Powers; Reply of 2nd September 1919.* The Powers have 'thought it right to reattach to Austria the districts of Western Hungary which are inhabited by a German *bloc* and of which the agricultural products form an important element in the food supply of Vienna'.

'The boundary established and communicated to the Austrian Delegation on the 20th July is very close to the ethnographic frontier, notably in the region of St. Gothard.' In the case, however, of the environs of Pressburg (Bratislava) the Powers have been preoccupied with guaranteeing access to the sea to the Czecho-Slovak state. In consequence, they have desired that Pressburg[1], the great market of Moravia, should have its communications with the Adriatic assured along

[1] Bratislava.

Hungarian as well as along Austrian territory. They have therefore left the railway Cserna–Szentjanos–Hegyeshalem in Hungarian territory and considered it impossible to cut it by allowing the Austrian revindication of the district of Wieselburg.

'Inside the frontier thus fixed, the ethnic character and national character of the populations too clearly show their reattachment to Austria for the Allied and Associated Powers to think it necessary to recur to a plebiscite or, in any case, to share in the organization and supervision of such a consultation if Austria were to proceed with it.'

5. *Developments subsequent to the 20th July 1919.* The Allies had refused point-blank to negotiate or assist in a plebiscite, though Austria had strongly pressed for it. They sent inter-Allied officers into the territory in dispute, but they did not disturb the Hungarians in their actual occupation of the territory during the whole of the year 1920, when the question of the signature and ratification of the Hungarian Treaty was under discussion. At the beginning of 1920 the Hungarian Government addressed a note to the Austrian Government proposing that a plebiscite should be held to determine the fate of West Hungary in accordance with the previously expressed Austrian pledge on the subject, and offering certain commercial advantages as an inducement to Austria to consent. The matter came before the National Assembly of Austria and was fully discussed on the 19th February 1920. The Chancellor summed up the discussion by declining to discuss the question of legality as that had already been settled by the Peace Treaty and was not the concern of Hungary. The district of West Hungary would receive the status of an Austrian province (when occupied by Austria). It would receive a provincial legislature, which would be elected on a properly democratic basis. This would decide as to the possibility of a plebiscite, and arrange for its carrying out if it was decided to hold one. The Austrian Government's official Reply was presented to the Hungarian Minister at Vienna and published in the press on the 20th February 1920. It stated that German West Hungary 'already belongs *de iure* to Austria,[1] and consequently Austria cannot enter into negotiations regarding this country, nor renounce a part of its people for temporary economic concessions of questionable value. The Austrian Government, however, is ready to

[1] This is not quite correct. *v.* note, p. 388.

negotiate with Hungary and all other neighbouring States on the question of Free Trade.'

The Austrian Government was, no doubt, within its rights in refusing to permit Hungarian interference in the question of a plebiscite. But its enthusiasm for that form of decision seemed to have waned from the date of the Reply of the 6th August 1919 to the Powers. The Austrian Government apparently was no longer 'scrupulously to put into execution the said principle' (of self-determination) 'which has in addition been adopted as the basis of her national organization'. On the contrary, it was to be left to the provincial assembly not only to decide upon but to execute the plebiscite, an undertaking which would obviously be difficult for such a body. It appears, therefore, that there has been a devolution of responsibility for the plebiscite. The Allied Powers threw it on Austria, and Austria has thrown it not on the people but on the legislature of West Hungary. If any plebiscite is ever to be taken it is reasonably certain that it will be unreasonably delayed. A communication of the Council of Ambassadors at Paris of the 23rd December 1920 (announced in the press of the 3rd January 1921) intimated to both governments that the Hungarians must evacuate the districts of West Hungary on the coming into force of the Treaty. The organization of a provincial government by Austria would take some time, and a plebiscite could hardly be held much before the end of 1921.[1] One conclusion seems certain. In view of the delay and difficulties a strong demand for a plebiscite would not be made unless there was a strong desire to return to the rule of the Hungarian Government. The motives of the peasant are likely to be mixed and incoherent—fear of a Red Terror from Vienna and of a White Terror from Budapest, fear of a lost market if he severs from Austria and of lost political customs if he severs from Hungary. Such difficulties make it doubtful whether the plebiscite will ever be held, and render it certain that prophecy as to its result will be impossible.

[1] The legal position would appear to be that the Treaty of St. Germain (with Austria) came into force on the 16th July 1920, and under Article 27 the territories in question were attributed to Austria without the intervention of Hungary, which was not a signatory. By the Treaty of Trianon (with Hungary), not yet in force, the Allies, without the intervention of Austria (which was not a signatory), decided to take these territories from Hungary (Articles 27 and 71). It is therefore the duty of Hungary to cede these territories, on the coming into force of her Treaty, to the Allied and Associated Powers, who will then hand them to Austria.

CHAPTER VII

THE MAKING OF THE TREATIES WITH AUSTRIA, BULGARIA, AND HUNGARY, AND THE PRINCIPLES UNDERLYING THEM [1]

1. THE AUSTRIAN TREATY

1. *Introductory.* The negotiations centring round the Austrian, Bulgarian, and Hungarian Treaties possess a certain unity, for in the main the treaties are similar in design and scope. The German Treaty was a bad model to imitate, as the drafters of the Austrian Treaty soon found, but when once the broad lines of the Austrian Treaty had been fixed, many of its clauses could be, and were, transferred wholesale to the Treaties with Hungary and with Bulgaria. Consequently, the negotiations connected with each possess an underlying unity of conception, and one may be seen to grow out of the other. The contrast of all with the German Treaty is striking. There the territorial clauses were capable of interpretation on the basis of the 'Fourteen Points'. In the Austrian, Hungarian, and Bulgarian Treaties the territorial arrangements are difficult to reconcile with any definite principle. On the other hand, in both the German and the other Treaties the Military, Naval, Air, the Economic, Financial and Reparation clauses are worked out on similar principles. But the Ports and Waterways Clauses in the German Treaty are wholly distinct from those in the others. Except for their territorial clauses the Austrian, Hungarian, and Bulgarian Treaties greatly resemble one another, and in so far as they do this, they differ from the German. The reason is a simple one. The war, or the rise of the new nations, had rendered these countries for the moment harmless. Their demobilization and disarmament were certain, and even Béla Kun's revolution in Budapest did not alter the main out-

[1] The full treatment of territorial clauses is given elsewhere in this volume, the Reparation, Economic and Financial clauses of these Treaties are specially considered in Vol. V, Chap. II, while International communications have already been discussed in Vol. II, Chap. I, Part V.

lines of the Allied policy. These three States were not to be feared in the condition to which the war had reduced them, and they were not hated by at least three of the Great Powers. The statesmen and the experts had a freer opportunity than they had as regards Germany, and were untrammelled by popular prejudice in England, France, and America. Had it not been for the obligations incurred by the Treaty of London with Italy, the Supreme Council would have had an unequalled chance of settling the numerous and complex questions entirely on the merits of each particular case.

2. *Decisions affecting the Austrian Treaty taken by the Supreme Council before the 2nd June 1919.* (*a*) *The Decisions as to the German Tyrol and Czecho-Slovakia, May, June.* In one sense, and from a territorial point of view the most important sense, the Austrian Treaty had already been settled before the Austrian Delegation arrived, and discussion of details had therefore become futile. The creation of the new States of Czecho-Slovakia and Yugo-slavia, and the liberation of Italians who were Austrian subjects, had definitely settled at least that few Czechs, Yugo-slavs, or Italians would remain beneath the Austrian flag.[1] But the implications were wider than this, for under the Treaty of London Italy claimed a frontier as far as the Brenner, which included over 200,000 Germans. France and England considered themselves bound by this Treaty, though President Wilson had refused to recognize it. But before the Treaty was actually presented, to be exact on the 29th May, it was reported that President Wilson had given way on this point, and the Draft Treaty of the 2nd June showed that this report was true. It was obvious that no modification could be obtained here, for President Wilson would not have yielded if he thought it possible to induce the Allies to make concessions. As regards Czecho-Slovakia and Yugo-slavia it had already been rumoured on the 10th May that the boundaries of these new States had been settled, and the Draft Treaty of the 2nd June showed that the historic frontiers of Bohemia and Moravia, with Slovakia, which included over three million

[1] The Poles and Czecho-Slovaks were recognized by being admitted to the Plenary Session of the Conference, 18th January 1919. On the question of recognition of Yugo-slavs there seems no doubt that the mere exchange of their credentials in connexion with the German Treaty was equivalent to recognition. This took place on 1st May, from which date this State existed though its boundaries were undefined.

Germans, were to be the frontiers of the new Slav State. As regards Yugo-slavia, the frontier was more uncertain, and some subsequent alterations in fact took place. But it was also known in this case that Austrian boundaries would not advance farther to the south than the Karavanken mountains, and the river Mur. Hence the essential fact was known that Austria was to be a small land-locked State of somewhat over six million inhabitants, and was to have nearly four million compatriots severed from her and placed under alien rule. Such grave decisions could hardly have been announced unless the Supreme Council was prepared to stand by them.

(*b*) *Decision as to the union of Austria to Germany, April.* A last, and in view of the future of Austria, an even more momentous decision had been reached. Austria was not to be permitted to join herself to Germany. According to M. Tardieu,[1] this decision was taken largely in deference to French views. Among the 'garanties essentielles jusqu'alors vainement réclamées' from the other Allied and Associated Powers,[2] which were obtained by M. Clemenceau in the second fortnight of April, he mentions that of the prohibition to Austria to unite herself to Germany. It was necessary to make this decision thus early because the German Treaty was approved in Plenary Session on the 6th May and presented on the 7th, and Article 80 of the German Treaty, as signed on the 28th June, ran as follows:

> 'Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.'[3]

The question can apparently be raised in the Assembly of the League, but the Council has the right of decision. The motives for this decision have been usually considered to be the desire to safeguard the independence of Czecho-Slovakia in her early days, and the belief that a plebiscite in Austria would at that time have been influenced by desire for food and by other

[1] *L'Illustration*, 29th May, 1920, p. 325.

[2] The Italian Delegation was absent from Paris between the 24th April and 4th May.

[3] For such purposes the Council must be unanimous. Therefore a single power, e.g. France or Italy, can forbid Austria joining Germany. *v.* Vol. I, p. 347, and *infra*, p. 477.

temporary considerations. The subsequent history of this Article 80 of the German Treaty, which ultimately was adopted in a slightly different form as Article 88 of the Austrian,[1] is detailed elsewhere, for it concerns Germany rather than Austria. In fact the most remarkable thing is the correctness of the Austrian attitude in the matter, in view of the attempt of the Germans to secure a revision of it. Their defeat at the hands of the Supreme Council is related elsewhere.[2]

To sum up then—on three points, probably the most disputable in the whole Austrian Treaty, the Supreme Council had already made up their minds before the Austrian Delegation had an opportunity of seeing the Draft Treaty, and all were presented at the Plenary Session of the Allies on the 29th May. On none of these points was any alteration obtained in the final treaty, so that the inclusion of German Tyrol south of the Brenner in Italy, of German Bohemia in Czecho-Slovakia, and the veto on the inclusion of German Austria in Germany, were the three irrevocable facts which confronted the Austrian Delegation of the 2nd June.

3. *Arrival of the Austrian Delegation ; the Klagenfurt crisis.* On the 2nd May 1919, the Government of the Austrian Republic was informed by a note from the French Mission that the Allied and Associated Powers had invited them to present themselves at St. Germain-en-Laye on the 12th May to examine the Conditions of Peace.[3] On the 14th the Austrian Delegation arrived and took up their residence in the old palace once inhabited by James II of England. On the 19th their full powers were presented, and on the 22nd they were accepted, but with a very important qualification, which showed in what direction the

[1] ARTICLE 88. 'The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.'

This was not inserted until the final Draft of 10th September was delivered to the Austrians.

Mr. Bonar Law, in reply to Mr. Asquith in the British House of Commons (14th April 1920), explained 'participation in the affairs of another Power' as 'that is to say any agreement with any other party which compromises her independence. That is certainly what is intended.'

[2] Vol. I, p. 347 ; Vol. II, pp. 13–14 ; Vol. III, p. 154.

[3] Hungary had also been invited but, as the Government had fallen, no answer was received.

peace proposals were leading. They presented their credentials in the name of 'German Austria'; but they received them back from the Allied and Associated Powers in the name of 'Austria'. The meaning of this change was presently to appear; it was that 'Austria' had not the right or the power to speak in the name of all the Germans of the Austrian half of the Dual Monarchy. This verification of credentials had another important result, for it was on this date of the 22nd May that the new Government of Austria received a *de facto* recognition.

Hardly had this question of credentials been settled than one of those singular breaches of the peace arose which so often threatened the whole Conference. This was one of the most important, and exercised both 'the Five' and 'the Four' at a critical moment. On the 22nd and again on the 26th the Austrians complained that the Yugo-slavs had crossed the temporary demarcation line in Carinthia and were attacking them. On the 31st 'the Four' addressed a telegram to the heads of both the Yugo-slav and Austrian Governments, demanding an evacuation of the Klagenfurt basin by both sides, and the cession to the Allied and Associated Powers by 'Austria' of the control of that basin for six months. This step proved to be not the end, but the beginning of difficulties at Klagenfurt, which will be described elsewhere. It at least shows that the 'Four' lent prompt attention to the material difficulties experienced by the New Austria, and illustrates how the need of executive intervention complicated diplomatic arrangements.

4. *The Draft Treaty of the 2nd June.* On the 24th May the Austrian Delegation sent a rather pathetic note to the Supreme Council, complaining of the 'incertitude', and asking for immediate communication of the terms. Clemenceau replied on the 27th informing them that the terms would be communicated on the 30th, except that the clauses dealing with the future military establishment of Austria and with reparation would be reserved. On the 29th the communication of the terms was adjourned to the 2nd June, and on the 30th Chancellor Renner, in acknowledging this notification, asked for a personal interview to discuss the questions involved.[1] Clemenceau

[1] Cf. President Wilson to F. P. Walsh, 11th June, 1919. 'Of course, you should understand that no small nation of any kind has yet appeared before the Committee of Four, and there is an agreement among the Committee

replied on the 31st that, according to the rules imposed by the Conference for the conduct of negotiations, the exchange of views must be exclusively in writing, but that communications would be strictly confidential. The Draft Treaty was finally presented on the 2nd June. It was very defective in form, the Political Clauses (Part III) dealing with Italy and the Serb-Croat-Slovene State were reserved though the general outlines of all frontiers were given, and consequently of the territorial changes that were to take place. The military clauses, the reparation, and the financial clauses were also reserved. In some ways perhaps these reservations were an advantage, for they enabled the Austrians to concentrate at once on a relatively small number of points.

5. *The Austrian Protests.* The Austrian line was to accept the Wilsonian principles logically and whole-heartedly, to demand no sovereignty over any one in the area of Austria-Hungary who was not ethnically a German, and to demand allegiance from every one who was. On the 10th June they protested against the separation from Austria of 4 out of 10 million Austrian-Germans in Czecho-Slovakia and Tyrol, stating that what remained of German Austria could not live, and that the city of Vienna comprised 2 out of the 6 millions who could not exist without the possibilities of export. They protested particularly against the right of sequestrating and liquidating the property of Austrian nationals which was to be given to the inhabitants of States newly formed out of the débris of Austria-Hungary, while compensation had to be made by the new Austria alone. They stated that Austria was no longer a great Power but a newly-born State, and that her annihilation might create a centre of social ferment and unrest, and that this disaster would involve their neighbours as well as themselves. The Austrian Government could not be responsible for the consequences of such terms of peace as these. They ended by asking for a commission of inquiry into their resources which should be controlled by the Allied and Associated Powers. In this brief survey they touched on some of the most vital points of the Treaty. A slight note of defiance was seen because, disregarding Clemenceau's suggestion that all communications

of Four that none can come unless unanimous consent is given by the whole Committee.' *Hearings, Committee Foreign Relations, U.S. Senate, 66th Congress*, No. 106, p. 835.

should be confidential, the Austrian answer of the 10th June was communicated to the Press and the public.[1] From this time forward a rain of notes and a storm of economic, geographic, statistical, legal, and historical dissertations deluged the Supreme Council. So enormous was their mass that it proved impossible to answer them in detail. In their Final Reply of the 2nd September, the Allies wisely stated that they had examined with care the whole mass of literature, though they added unkindly (and incorrectly) that they had found no new arguments in it.

6. *The Contest over the Preamble.* In point of fact the Austrian Delegation first raised on the 16th June a new and important question. The contention that the Austrian Republic was not the heir of the old Austria (i.e. the Cisleithan part of the Austro-Hungarian Monarchy) was fundamental, and it is of the greatest importance to understand its precise implications. They amount to this: the Austrian Republic was a State *de novo* and new-born. It first saw the light on the 12th November 1918, nearly ten days after the Armistice. Therefore it had never been at war with the Allies. It did not refuse to share the burden of the war expenses, but maintained that it could not be solely responsible for those of the old 'Austria', or of the whole Austro-Hungarian Monarchy.[2] Its share was to be determined in this way. Not only was the Kingdom of Hungary to bear its share proportionate to wealth and population; but the old 'Austria' was to be

[1] Subsequently they found it convenient occasionally to resume confidential communications.

[2] The whole vexed question of the position of Austria-Hungary is here raised. It is impossible fully to discuss it here, but it would appear that 'Austria' and 'Hungary' were separate States for internal purposes, united by a third element 'The Common Monarchy' or Austria-Hungary which was responsible for international relations. In strict law there was no 'Hungary', for the Hungarian word 'Magyarország' means the 'land of the Magyars' (*v.* Wickham Steed, *Hapsburg Monarchy* (4th edition, 1919), p. 29, note). In the same way the Austrian Delegation pointed out that the official title 'Austria' applied only to the sovereign house, 'domus Austriae', and that the Cisleithan part of the Common Monarchy had been officially entitled from 1867 to 1914 'The Kingdoms and countries represented in the Reichsrat'. Though neither term is therefore legally correct the expressions 'Austria' and 'Hungary' are convenient to describe the two halves of the Monarchy. The Austrian Delegation went on to say that there was legally no 'Austrian' army, only an 'Imperial and Royal' army of various nationalities, German, Magyar, Czech, Yugo-slav, etc. So far the Austrian Delegation were on sound ground, but there seems no legal warrant for their further assumption that old Austria was not really a single State.

considered as a series of different nationalities, German, Czech, Slovene, Poles, etc., each of which assumed a proportionate share of war responsibilities and war burdens. The contention was that the old 'Austria' had not really been a single State at all but a conglomeration of different nationalities.[1] It was pointed out that, since the universal suffrage law of 1907, the Germans had always been in a minority in the Austrian Reichsrat; and coalitions had had to be formed with one or other of the Slav nationalities. If this principle had been accepted, the Austrian Republic would have escaped more lightly from the burden of the war than any other of the nationalities, for as they pointed out, 'German Austria is the least important of all the new States'. In a letter of the 2nd July they developed this contention still further, stating that the war had been one of the dynasty, of the general staff, and of the militarists, of Magyars against Serbs, of Poles against Russians, of Croats and Slovenes against Italians, and of Catholic Croats against Orthodox Serbs. In fact, the only people in the old Austria-Hungary who had not agreed to the war were the German Austrians. Both 'as belligerent and as successor' German Austria was 'absolutely in the same position as its neighbours (Czechs, Poles, etc.), who had equally issued from the Austro-Hungarian Monarchy'.

7. (*a*) *The Austrian Amendments to the Preamble.* The Austrian Amendments to the Preamble were finally formulated as follows:[2]

Preamble in Draft Treaty 2nd June.	*Austrian Counter-proposition, 10th July.*
The Five Principal Allied and Associated Powers etc. 'on the one part and *Austria* on the other'.	'*German Austria*'
'Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or *indirectly, against Austria, and which* originated in the declaration of war against Serbia on July 28, 1914 by the former Imperial and Royal Austro-Hungarian Government... (which) has now ceased to exist and has been replaced in Austria by a republican government, . . . Whereas the Principal	'indirectly against German Austria and which, considering that the former Austro-Hungarian Monarchy has to-day ceased to exist and that in Austria its territories have been partitioned between the following states, i. e. Ger-

[1] See p. 395, note 2.

[2] Italics not in original.

Preamble in Draft Treaty 2nd June. Continued.	*Austrian Counter-proposition, 10th July. Contd.*
Allied and Associated Powers have already recognized that the Czecho-Slovak State, in which are incorporated certain portions of the said monarchy, is a free independent and allied state and Whereas the said Powers have also recognized the union of certain portions of the said Monarchy with the territory of the Kingdom of Serbia as a free independent and allied state, under the name of the Serb-Croat-Slovene State ' etc.[1]	man Austria, Italy, Poland, Serb-Croat-Slovene State, Czecho-Slovakia and the Ukraine,' Whereas, etc.
' From the coming into force of the present Treaty *the state of war will terminate. Austria is recognized as a new and independent state under the name of the " Republic of Austria "*. From that moment, and subject to the provisions of this Treaty, official relations will exist between the Allied and Associated Powers and the Republic of Austria.'	delete ' state of war will terminate '. The sentence should then run: ' From the coming into force of the present treaty German Austria, comprising those parts of the old Austro-Hungarian Monarchy inhabited by Germans, is recognized—as well as the other states arisen from the territories of this old Monarchy—as a new independent state: it will bear the name of the " Republic of German Austria ". From that moment, etc.

These proposed amendments, though often good in law, were sometimes bad in sense. New Austria could not sign peace with the Allies and refuse to shoulder the burdens of the

[1] Note that Poland is not mentioned here as a ' free independent and allied state '. Art. 1, part iii, section vii, Political clauses of Austrian Draft Treaty of 2nd June ran, ' The High Contracting Parties hereby recognize and accept the frontiers of Poland, the Serb-Croat-Slovene State, and the Czecho-Slovak State as these frontiers are at present determined in the Annex hereto, or as they may be ultimately determined by the Allied and Associated Powers in treaties with the states concerned.' The argument seems to be that the Austrian Republic was concerned only with her new frontiers and not with any districts outside them, which were in future for the Allied and Associated Powers to dispose of and were no concern of Austria. By Art. 91 of the 10th September Austria expressly renounced ' all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy . . . situated outside the new frontiers of Austria '. (This was Art. 3, part iii, section vii, of 2nd June.) Poland is mentioned, however, in Arts. 195 and 208, and is one of the ' successor-states ' in virtue of Galicia.

old Monarchy. For Germans and Hungarians in that Monarchy had been really enemies, while their Slav and Latin populations had been only technically enemies. These facts had to be fitted into diplomatic language. It was possible to recognize Czecho-Slovakia as an Allied State without a formal conclusion of peace; it was possible, as the Allies soon found, to recognize the new Austrian Republic, but it was impossible to exempt it from signing a formal Treaty of Peace. There does not therefore seem much justification for the Austrian Republic's protest against treating 'one state as a vanquished belligerent and the others as conquerors'. Moreover, if strict law was to be followed, it was absurd to contend that 'Austria' had not been one state before the war.

(*b*) *The Powers' Decisions.* None the less the Allied and Associated Powers, in drafting their original Preamble, had entered upon dangerous waters. They had made an error in the Preamble, for the Allies never went to war with 'Austria', but only with Austria-Hungary—or the Monarchy as a whole. But the difficulties of identifying Old Austria with the new Republic were still greater. If this was so the Austrian Republic could claim to speak for, say, the German population of Czecho-Slovakia, or for any Germans likely to be included within Yugo-slavia. A more serious danger lay behind this, for the Emperor Charles had never abdicated. He might therefore return as ruler of Austria, if New Austria was identical with Old Austria. He obviously could not return to a State created *de novo* without an amendment in the constitution whose basis and principle were republican. Hence the *de novo* policy was the only one which offered complete security to the Allies, but there were great difficulties in adopting it. Further complications lay in the international obligations of the former Austro-Hungarian Monarchy. In the draft of the 2nd June (Political clauses, § V, Art. 1, Belgium [1]) 'Austria' was made to consent to the abrogation of the Belgian Treaties of the 19th April 1839 'so far as she is concerned'. How far was she concerned or was she concerned at all? There were other difficulties; in Art. 32 of the Economic clauses, Part X of the 2nd June Draft, 'Austria,' i. e. the Republic, was made responsible for damage or injury to Allied property 'in Austrian territory as it existed on July 28, 1914'. Both the clauses

[1] Art. 73 of 20th July; Art. 83 of 10th September.

above named appeared to support the view that 'Austria' was not a new State but the heir to the Old Monarchy. Some risk necessarily lay in this conception, but it had to be faced.

8. *Solution adopted in the Preamble to the Treaty of the 10th September 1919.* The solution eventually adopted was not consistently followed in the Draft of the 2nd June, or even in that of the 20th July, but it was clearly set forth in the Preamble signed on the 10th September.[1]

'These Powers constituting, with the Principal Powers mentioned above, the Allied and Associated Powers,
of the one part;
And AUSTRIA,
of the other part;

Whereas on the request of the former Imperial and Royal Austro-Hungarian Government an Armistice was granted to Austria-Hungary on November 3, 1918, by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded, and

Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or indirectly, against Austria-*Hungary*, and which originated in the declaration of war against Serbia on July 28, 1914, by the former Imperial and Royal Austro-Hungarian Government, and in the hostilities conducted by Germany in alliance with Austria-Hungary, should be replaced by a firm, just, and durable Peace, and

Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Austria by a republican government, and

Whereas the Principal Allied and Associated Powers have already recognized that the Czecho-Slovak State, in which are incorporated certain portions of the said Monarchy, is a free, independent and allied State, and

Whereas the said Powers have also recognized the union of certain portions of the said Monarchy with the territory of the Kingdom of Serbia as a free, independent and allied State, under the name of the Serb-Croat-Slovene State, and

Whereas it is necessary, while restoring peace, to regulate the situation which has arisen from the dissolution of the said Monarchy and the formation of the said States, and to establish the government of these countries on a firm foundation of justice and equity; . . .

From the coming into force of the present Treaty the state of war will terminate.

[1] Italics not in original. It is convenient, though chronologically premature, to give the final wording of the Preamble here, because the conception embodying it was really adopted in the body of the Treaty as drafted on the 20th July. The alterations thus inserted in the Treaty were due largely to the 'Co-ordinating Committee', which had four meetings on the 19th and 20th August 1919, and several later ones. The personnel were M. Jules Cambon (France), Mr. J. W. Headlam-Morley (Great Britain), Mr. Woolsey (U.S.A.), Count Vannutelli-Rey (Italy), M. Idachi (Japan).

From that moment, and subject to the provisions of the present Treaty, official relations will exist between the Allied and Associated Powers and the Republic of Austria.'

In the Preamble, as it appeared on the 10th September, the Allies abandoned the view that the Austrian Republic was a new State whose existence had yet to be recognized.[1] It was an old State, shorn of certain outlying provinces and endowed with a new government. *De facto* recognition of the new government presumably dated from the time when the Republic's credentials were accepted at the Peace Conference, i.e. from the 22nd May; *de iure* recognition dated from the signature of Peace (10th September).

The war of preambles was no more a dispute about minutiae than were the old religious controversies of the first four centuries. It dealt with apparently minute details in which error involved far-reaching results. No political community has ever presented more complex legal problems than Austria-Hungary, and even its death agonies caused infinite difficulties to lawyers and diplomats. To cut the Gordian knot and to call Austria a wholly new State made it difficult to establish her previous responsibility and obligations. The solution was to maintain the identity of the old State with the New Austria. The Powers replied (2nd September): 'Austria is one of the successor states of Austria-Hungary . . . Austria herself does not shrink from this heritage when it is a question of preserving the diplomatic and consular buildings in Siam (etc.) (Art. 111 of 10th September) . . . or reserving to herself the possibility of obtaining part of the indemnity fixed in the final Protocol signed at Pekin 7 September 1901 (Art. 113 of 10th September). The Powers consider that Austria is bound by the treaties and contractual obligations of the old Austro-Hungarian Monarchy. They have to demand of it its formal renunciation of rights, titles, and privileges belonging to that state', e. g. *re* Morocco (96), Egypt (103), China (113).[2] In the

[1] The Preamble of 10th September omits the words: 'Austria is recognized as a new and independent state under the name of the Republic of Austria', which were in the Drafts both of 2nd June and 20th July. This, however, does not appear to affect the question of recognition but only shows that a 'new' state was not recognized.

[2] cp. also Arts. 83, 84, 85 of 10th September, relating to guarantees of abrogation by 'Austria' of former Treaties or arrangements made by the Austro-Hungarian Monarchy for Belgium, Luxemburg, and Schleswig, and substantially the same as in the original draft. In Art. 203 of 10th September

covering letter of the 2nd September the Powers stated that they considered that the responsibility for the war did not fall wholly on the dynasty. 'It is impossible to admit the defence of the Austrian Delegation that the Austrian people does not share the responsibility of the Government which provoked the war and that it should escape the duty of reparation to the full towards those upon whom, in conjunction with the Government it supported, it inflicted so grave an injury. The principles upon which the . . . Treaty is founded must remain. The people of Austria is, and will remain till the signature of the peace, an enemy people. Peace once signed Austria will become a state with which the Allied and Associated Powers can count upon being able to maintain friendly relations.'

The practical upshot of all this seems to be that Austrian-German and Hungarian peoples were charged with the guilt of the war and therefore with the war debt and the consequences of war. Thus, though Austria was recognized as one of the successor-states of the Habsburg Monarchy, she and Hungary incurred moral responsibility for its past sins and obligation. The exact nature of this responsibility was finally settled in the clauses of the Treaty. As regards the disposal of all Austro-Hungarian territory, it was clearly laid down that all rights over territory outside the new boundaries of Austria were surrendered by Austria and the disposal of these territories became a matter for settlement by the Principal Allied and Associated Powers only.[1]

9. (*a*) *Concessions made by the Supreme Council before*

(Art. 199 of 20th July) it was laid down that the (new) Austrian Government 'shall be solely responsible for all the liabilities of the former Austrian Government incurred prior to July 28, 1914', etc.

In Art. 91 of 10th September (Art. 90 of 10th July) it was further provided that:

'Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy and which, being situated outside the frontiers of Austria as described in Article 27, Part II (Frontiers of Austria), have not at present been assigned to any State.

'Austria undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.'

These three passages sum up the new conception that was adopted, and, with some exceptions, eventually worked out throughout the Treaty.

[1] In practice Italians, Serbs, etc., occupied certain of these areas, but theoretically these belonged to the Principal Allied and Associated Powers until otherwise disposed of by them.

20th July. League of Nations, 4th July. The Draft Treaty of the 2nd June was confessedly incomplete, but several important modifications of it, as it stood, were foreshadowed by the Supreme Council at the beginning of July. On the 23rd June the Austrian Delegation demanded immediate admission to the League of Nations. Among other arguments they pointed out that, in case of dispute with say Czecho-Slovakia, the latter would send a delegate to the Council while the former could only send a written representation. They also stated that they required the protection of the League as, unlike Czecho-Slovakia, Yugo-slavia, and Hungary, they had not had recourse to arms or prejudged the decisions of the Conference by creating accomplished facts. They stated, therefore, that they desired the protection of the League, and made certain suggestions by which it could be improved. The Powers replied on the 4th July, and took occasion to traverse some of the arguments of the Austrians. On the whole, however, the reply was favourable. They stated that 'It has never been their intention to exclude Austria for any long period from the League; on the contrary, they wish to reiterate that it is their hope and conviction that the League will at the earliest possible date include all nations that can be trusted to carry out the obligations accepted by members of the League. . . . As soon as they are assured that Austria possesses a responsible Government and that this Government has both the will and the power to fulfil its international obligations, they are prepared to support Austria's candidature for admission to the League.'[1] They concluded by promising to examine, and to submit to the Council of the League, the suggestions of Dr. Lammasch as to the establishment of an International Court of Justice, and as to a General International Convention for promoting equality of trade.

(*b*) *Allied Concessions on liquidation of Austrian property, 8th July.* A further communication from the Supreme Council of the 8th July dealt with a point of fundamental importance. The liquidation of Austrian property in the States issuing from the Old Dualist Monarchy, or in the States ceded out of the territories (*états cessionnaires de territoires*) of the old Austro-Hungarian Empire. They considered that the Austrian

[1] Austria was actually admitted as a Member of the League in December 1920. No promise, etc., of admission had, however, been embodied in the Treaty, and this concession was not a change in the Treaty as such.

protest against the permission accorded in the Draft Treaty of the 2nd June to the new States to liquidate the property of Austrian nationals resident in their territory was not without value, and the article had accordingly been suppressed, and another substituted (Art. 261 of 20th July, ultimately Art. 267 of 10th September) and protecting Austrian nationals against liquidation in the sense of the wish expressed by their Delegation.[1]

(*c*) *Allied Concessions as to Non-Reciprocity of commercial intercourse, 8th July.* Another important concession was made with reference to the Austrian protest about the non-reciprocity of the Articles 1–4 of Part X, Economic Clauses of the 2nd June. These were ultimately inserted unaltered as Arts. 217–20 of the 10th September Treaty,[2] but with some very important additions in Arts. 221 and 232. It was contended that the Austrian Delegation had misunderstood the effect of these provisions which were now qualified by Arts. 221–222 (10th September), and which permitted special customs relations between Austria, Hungary, and Czecho-Slovakia, which did not extend to other Powers. Reciprocity was, however, definitely refused for a fixed period, but that period was under certain circumstances reduced from five to three years by a provision which eventually reappeared as the first paragraph of Art. 232 of the 10th September:

'The obligations imposed on Austria by Chapter I above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.'

To this was now added the qualifying phrase:[3]

'Nevertheless it is agreed that unless the League of Nations decides otherwise an Allied or Associated Power shall not after the expiration of three years from the coming into force of the present Treaty be entitled to require the fulfilment by Austria of the provisions of Articles 217, 218, 219 or 220 unless that Power accords correlative treatment to Austria.'

In other words, the New States could not claim the fulfilment of these stipulations after three years without granting reciprocal treatment.

[1] *v.* also Vol. V, Chap. I, Part I. [2] Arts. 213–16 of 20th July.

[3] This appears as Art. 232 of 10th September, except that the numbers of the other Articles referred to as 217–20 are numbers 213–16 in the draft Treaty of 20th July.

Three important concessions—in their way as important as the three irrevocable decisions—had already been made before the completed Treaty was delivered to the Austrians. The general meaning of these concessions was clear, and the importance of them was very great. Partly for the sake of universality, partly from mere imitation, the original Draft of the Austrian Treaty had been assimilated to the German. As examination and written discussion proceeded, it was found more and more difficult to work on this model, and in parts of the Treaty still open to discussion it was speedily abandoned. It would certainly have been simpler to remodel the Austrian Treaty, like the Austrian State, *de novo* from the beginning. But the Treaty makers were fast in the toils of consistency, and struggled in vain to escape from them. Each section did its work practically anew, but the plain guiding principle which should have formed the basis of the Treaty was never wholly adopted and there was resultant loss and confusion. That principle should have been to make the Austrian Treaty as unlike the German as possible, for it dealt with different problems, with the childhood or old age, not with the vigorous manhood, of States, with the reconstruction of whole communities, not with the lopping of provinces, with the disarmament of a State essentially helpless, not with that of one which was a potential menace to civilization; with indemnities to be placed on a State of six millions, not of seventy. As soon as these facts became clear, great alterations and great concessions were made. In particular, the hard position of Austria was recognized, and the New States were compelled to grant her considerable concessions. But the Austrian Treaty was never thoroughly and completely rewritten, and the shadow of the German falls darkly over many of its pages.

10. *Presentation of the Draft Treaty of the 20th July.* On the 20th July the Supreme Council transmitted to the Austrians a revised draft of the Treaty together with an intimation that their Delegation had ten days in which to formulate a reply. The new Draft consisted of 371 clauses and was a much more complete affair than that of the 2nd June. It contained, however, serious errors and omissions. The 'Preamble' remained unaltered and inaccurate, and some of the other anomalies remained in the Financial and Economic Clauses. A considerable territorial concession was announced, namely,

the proposed cession to Austria of German West Hungary, which was important on economic as well as on ethnic grounds.[1] The Reparation Clauses resembled the German in body but not in spirit, while the Military Clauses were definitely drafted on a basis different both in substance and form, in order to avoid comparison. The chief importance of the Draft Treaty of the 20th July is that it provided the text for the formal Observations of the Austrians and the final Allied Reply.

11. *The Discussion upon the Territorial Clauses.* (*a*) *The Austrian Protest, 6th August 1919.* The Austrians presented their Observations on the 6th August. Many of these were no longer applicable, for example the principle of early admission into the League of Nations had already been conceded, as well as the non-sequestration of Austrian private property in the New States. On the Political Clauses there was naturally much discussion, which will be found fully analysed elsewhere.[2] The Austrians protested against three million Germans being handed over to Czecho-Slovakia, over 200,000 to Italy, and many thousands to Yugo-slavia, as being contrary to all the principles of self-determination.

(*b*) *The Powers' Reply, 2nd September 1919.* The Allied and Associated Powers, in their Reply of the 2nd September, did not attempt to deny the ethnic facts but emphasized other considerations. Few concessions were made, but the German town of Radkersburg was returned to Austria. The Powers declined to permit the holding of plebiscites in other areas. A plebiscite had, however, already been granted in the Klagenfurt basin, and also in the case of Teschen,[3] but it was refused in all other cases, even in German West Hungary, where the Austrians themselves demanded it. Czecho-Slovakia acquired three million Germans in virtue of historic rights; Italy over 200,000 because of treaty obligations and strategic claims. Some light is thrown on the general principles of the Treaty by the subsequent correspondence between some of the Principals. 'That ethnographic reasons cannot be the only ones to be taken into account is clearly shown by the inclusion of 3,000,000 Germans in Czecho-Slovakia, and the proposals

[1] *v.* also *supra*, pp. 383–4.

[2] For the frontier with Italy, *v.* pp. 280–9; with Czecho-Slovakia, *v.* pp. 267–70; with Hungary, *v.* pp. 382–8; with Yugo-slavia, *v.* pp. 210–11, 368–81.

[3] The Galician part of Poland, though not figuring much in the Austrian Treaty, was part of Austria while the Austro-Hungarian Monarchy existed.

so actively supported by the United States Delegation for the inclusion within Poland of great Ruthenian majorities exceeding 3,500,000 in number hostile to Polish rule.[1] Though the British Representatives saw serious objections to this arrangement, the British Government have not thought themselves justified in reconsidering on that account their membership of the League of Nations.' (Mem. British and French Prime Ministers to President Wilson, 17th February 1920.)

To this the President replied on the 25th February 1920:

'The President notes that the memorandum of the 17th February refers to the difficulty of reconciling ethnographic with other considerations in making territorial adjustments, and cites the inclusion of 3,000,000 Germans in Czecho-Slovakia and more than 3,000,000 Ruthenes in Poland as examples of necessary modifications of ethnographic frontiers. He feels compelled to observe that this is a line of reasoning which the Italian representatives have advanced during the course of negotiations, but which the British and French have hitherto found themselves unable to accept. There were cases where, for sufficient geographical and economic reasons, slight deflections of the ethnographical frontier were sanctioned by the Conference, and the American Government believes that, if Italy would consent to apply the same principles in Istria and Dalmatia, the Adriatic question would not exist.'

Orlando, in a published *communiqué* of the 24th April 1919, approved the statement that Italy had received the 'barrier of the Alps, which are her natural defences'. He also stated that 'among the various national reorganizations which the Peace Conference has already brought about or may bring about in the future, none of the reorganized people will count within its new frontiers a number of people of another race proportionately less than that which would be assigned to Italy. Why, therefore, is it especially the Italian aspirations that are to be suspected of imperialistic cupidity?'[2]

Of Yugo-slavia alone can it be said with certainty that the Austrian cessions, either of populations or territory, involved only 'slight deflections of the ethnographical frontier'. The question as to whether 'geographical and economic reasons' for the various decisions were 'sufficient' will long exercise historians. It seems necessary, however, to point out that, without some substantial proportion of Germans, the state of

[1] The Galician part of Poland, though not figuring much in the Austrian Treaty, was part of Austria while the Austro-Hungarian Monarchy existed.

[2] *v.* Vol. V, App. III, for texts of these documents.

Czecho-Slovakia could not have been formed. The number of Ruthenes, assigned for example to Czecho-Slovakia, raises further difficulties, but the Ruthenes seem to have been practically considered as almost falling in the same category as populations to be governed under mandates. The geographical and economic factors are examined elsewhere, but the ultimate judgment upon the Austrian (and indeed also upon the Hungarian) Treaty will probably be determined by the extent to which the erection of the new States justified interference with ethnic conditions. In certain cases natural boundaries or economic advantages had to be given in order to give to the new States the possibility of continued existence. But much of the Austrian territory was highly industrialized and the transfer or partition of areas of this type presented the Conference with new and unprecedented problems for solution.

12. *The Nationality and Minorities Clauses.* On the subject of the Nationality Clauses the Austrian Delegation protested vigorously, and pointed out serious inconsistencies. Thus under Article 37 an Austrian national, born in such territories of the former Austro-Hungarian Monarchy as are transferred to Italy, and entitled to citizenship before the 24th May 1915 under the local administrative laws, acquired Italian nationality *ipso facto* and lost his Austrian nationality. On the other hand, under Article 57, if born in Trieste but 'habitually resident' in the territories assigned to the Serb-Croat-Slovene State, he would lose Austrian nationality but *ipso facto* acquire Serb-Croat-Slovene nationality. Further, (acc. Art. 38) while an Italian [1] who was an Austrian national, could opt for Italy, an Austrian, in the newly acquired Italian territory, had not similar privileges. These and some other anomalies were probably due to an overworked Drafting Commission rather than to the Supreme Council.

In reply the Powers acknowledged most of these inconsistencies and redrafted the Nationality clauses, which they placed in a separate section in the Treaty of the 10th September (Part III, Sec. vi, Arts. 70–82; and also Sec. vii–viii, Arts. 84–94). These dealt with practically all the difficulties and ambiguities of which complaint had been made. The Austrians made no objection to the clauses for the protection of racial minorities. They claimed that the 'laws in force in the German Austrian

[1] Or Czecho-Slovak, or Yugo-slav or Rumun, as the case might be.

Republic are the most democratic in the world', but that, in so far as they did not already do so, new laws would be made to cover the clauses mentioned. The articles dealing with the protection of racial minorities by the League, as appearing in the first draft of the Austrian Treaty, were provisional, and ultimately had to be harmonized with the Polish Treaty (*v.* Vol. V, Chap. II). These were redrafted accordingly and appear as Articles 62 and 69 of the Treaty of the 10th September.[1]

One important alteration in favour of Austria took place. In the original of Article 69 (Art. 87 of 20th July) the 'consent of the Council of the League of Nations was required for any modifications thereof'. But, unless 'otherwise expressly provided', the decisions of the Council must be *unanimous* (Art. 5 of Covenant in all Treaties). The revised article made this consent dependent only on the assent of 'a *majority* of the Council', and not upon a unanimous assent. At the same time the Allies took the opportunity to add an article (No. 88) which thus makes the independence of Austria inalienable, except with the *unanimous* consent of the Council. This was inserted in the Austrian Treaty because the Germans, as

[1] ART. 62: 'Austria undertakes that the stipulations contained in this Section shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.'

ART. 69: 'Austria agrees that the stipulations in the foregoing Articles of this Section, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The Allied and Associated Powers represented on the Council severally agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

'Austria agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

'Austria further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Austrian Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Austrian Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.'

related elsewhere,[1] had inserted in their new Constitution, signed on the 31st July 1919, an article providing for the admission of representatives from Austria to the Reichstag of Germany when that country should join the German Empire.[2]

13. *Military, Naval and Air Clauses, Sanctions and Penalties.* As regards the Military, Naval and Air Clauses, the Austrians argued that the abolition of compulsory military service would prevent Austria from raising any military forces at all and was opposed to democratic principles. A number of detailed exemptions from conditions were requested, chiefly with the view of slowing down the process of disbanding officers, demobilizing men, dismantling fortresses and munition factories.

As regards the Naval Clauses, they drew attention to the absurdity of any land-locked State being expected to deliver up any material, and they made an effort to secure concessions in the Air Clauses, for the commercial purpose of manufacturing and exporting aeroplanes during the six months after the Treaty had come into force. All these suggestions were declined, with one small exception,[3] with the remark that the Powers 'could not forget that Austria had been the Ally of Germany'. Sanctions and penalties had formed the subject of a voluminous correspondence already. The Austrian arguments were now rejected with the final tart observation: 'To claim that the laws of the Austrian Republic are opposed to the bringing of Austrian nationals before a foreign tribunal is an argument which the Allied and Associated Powers cannot admit; in international law it belongs to the Powers, who are parties to a Treaty, to put into force the laws necessary for the application of that Treaty.' It may be noted here that no attempt had been made to accuse the Austrian Emperor of 'supreme moral offences', or to bring him before a tribunal.

[1] Italics not in original. Vol. I, p. 347.

[2] Strong objection was taken by the Austrian Delegation to the provisions of Part IV, Austrian interests outside Europe, Arts. 95–117. These rendered property of Austrian nationals in Morocco, Egypt, Siam, and China, liable to be dealt with according to sections iii and iv of Part X, Economic Clauses, i.e. to liquidation. The Powers in reply refused to grant any modification or to grant them equal treatment in Morocco, Egypt, Siam, and China, as this would put Austria, before she entered the League, in a position as favourable as a member of the League. (*v.* Vol. V, Chap. I, Part IV.)

[3] Para. 4 of Chapter I, Military Clauses of the Armistice of 3rd November 1918, having become inoperative was omitted from Art. 157, which stipulates for the remaining in force of paras. 2 and 3 of Chapter I, Military Clauses, paras. 2, 3, 6 of Chapter I of Annexed Protocol (Military Clauses), *v.* this volume, Appendix I.

(14) *Reparation and Finance.* The Austrian Delegation protested against being made responsible as author of the war for the loss and damage inflicted by it. This argument and the Allied answer to it have already been dealt with in the discussion on the Preamble. Apart from this the chief argument was that the Austro-Hungarian Monarchy had been an economic as well as a political unit, and this was urged as a reason for a demand for the repeal of many of the more onerous clauses. A number of detailed protests followed as to the amount of river-craft, cattle, wood and iron to be surrendered. They protested in a manner not without interest against the surrender of objects of art, records, etc. They refused to admit 'the principle . . . that all objects, important from the point of view of art, archaeology, science or history, can be claimed by the country whose spirit and culture have created them', pointing out that such a principle would result in limiting such collections to purely national works. They also stated that Italy had already carried off some works of art to which the Treaty gave them no claim. 'If one wished to scatter to the winds works of art and science peace would begin with an act of destruction equal to the devastations of war.' It was a last plea for the Old Vienna as a centre of culture and a gracious citadel of art. The Allied Reply refused to alter the principle of Reparation. As regards the cession of river-craft, the article was altered (300) in favour of Austria. They declined to reduce the number of Austrian milch cows to be surrendered to various members of the Alliance on the ground of the scarcity of milk prevalent among them as well as among the Austrians.[1] As regards the question of objects of art, the Reparation Commission was given some discretion, and the Italian Government promised to restore any objects of art improperly taken by them after the Armistice of the 3rd November. The Financial Clauses provoked lengthy arguments on both sides as to Austrian financial responsibility of a type already familiar to students of the Preamble.

(15) *Ports, Waterways and Railways; Labour.* The discussion as to Debts, Property, etc., is dealt with elsewhere in this volume, but the question of International Communications demands some notice.[2] These provisions were so bound up with the German Treaty that they had to be dealt with in a previous

[1] *v.* also Vol. V, Chap. I, Part I, p. 7. They have not yet (March 1921) been surrendered.

[2] *v.* Vol. V, Chap. II, Part IV.

volume.[1] But they are of considerable interest because the Powers made far-reaching concessions to Austria in consequence of her representations. These had already been conceded from the point of view of general principle (v. § 9 (*a*), (*b*), and (*c*)). Some specific alterations in detail were now made, of which Article 304 enabled Austrian representatives to be present at the Conference for drawing up the permanent statute of the Danube.[2]

As regards Part XIII, Labour, the Austrian Delegation, like the German and Bulgarian, made this an occasion for vigorous propaganda and for suggesting detailed legislation in favour of Labour. The Powers replied shortly to the effect that there seemed to be no difference in principle but that detailed suggestions must await discussion before the League of Nations.

(16) *Signature of the Austrian Treaty of St. Germain, 10th September 1919; Exchange of Ratifications, 16th July 1920.* No resistance to the Final Reply had ever been contemplated by Austria or expected by the Supreme Council, and on the 10th September the Treaty was duly signed at St. Germain. Treaty ratifications, which were much delayed, were not exchanged until the 16th July 1920, from which time the Treaty came into force and the state of war ceased.

II. THE BULGARIAN TREATY

1. *Introductory.* There are few features of special interest attaching to the preliminaries preceding the signature of the Bulgarian Treaty. One curious circumstance is that, as the League of Nations formed part of this as of every other treaty, a number of nations, of which the chief was the United States, signed the Treaty though they had not been at war with Bulgaria. While the territorial clauses undoubtedly entailed severe losses on Bulgaria, the Reparation clauses were the most fair and practicable in any Treaty. The Bulgarian Delegation, when they arrived at the end of July, seem to have been surprised that no one offered to shake hands with them. In fact, the Bulgarian atrocities in occupied territory,[3] and the manner in

[1] *v.* Vol. II, p. 95, et seq. [2] *v.* also Vol. II, p. 102.

[3] Terrible instances of this were given in the report of the Commission on the Responsibility of the Authors of the War and on enforcement of penalties. Apart from actual atrocities on men, women, and children they included the deliberate destruction, not only of rare manuscripts, but of common printed books, and attempts to denationalize the Serb inhabitants of occupied areas. The Report tabulated 32 different kinds of offences committed by the authorities

which she intervened in the war, had removed much of that warm sympathy which had been felt not only in England but elsewhere for her. The friends of Bulgaria in the Allied countries were, and always have been, very numerous and worked ardently in her favour, but they did not succeed in producing any very serious modifications in the Treaty. Perhaps one reason of this was that the Great Powers had spared Bulgaria an occupation of her territory by the soldiers of Greece, Rumania, or Serbia, whose helpless inhabitants she had so deeply wronged. Bulgaria was practically the only enemy power whose territory had not been occupied, invaded or devastated to any appreciable extent, and this circumstance led to some misapprehension on her side as to the reality of her defeat.

2. *Preliminary Communications, 2nd September 1919.* On the 2nd September Todoroff communicated with the Supreme Council to the effect that his Delegation had been at the Castle of Madrid for five weeks without receiving the terms. He proceeded to anticipate them by some preliminary observations on the supposed terms which he had derived from the Press. He denied the assumption that Bulgaria was the one 'guilty, imperialistic and aggressive' nation in the Balkans. He said that she was now helpless and assailed by enemies on all sides, and in the same position as Poland had been in the eighteenth century. He asserted that she had lost 400,000 of her soldiers during the wars from 1912 onwards. He protested vigorously against the proposed cessions to Serbia of the Bulgarian towns

or forces of the Central Empires and their Allies against the Laws and Customs of War and the Laws of Humanity. Of these three were monopolized by the Bulgars. These were, No. 4, *deliberate starvation of civilians*; No. 8, *internment of civilians under inhuman conditions*; No. 14, *confiscation of property*. Two other categories were shared by Bulgars and Turks only; these were, No. 2, *putting hostages to death*; No. 6, *abduction of girls and women for the purposes of enforced prostitution*. Two others were shared by Bulgars and Germans only; these were, No. 9, *forced labour of civilians*; No. 10, *usurpation of sovereignty during military occupation*. Excluding offences at sea, of which Bulgars could not well be guilty, the Report mentioned specific instances of 122 German offences, 76 Bulgarian, 38 Austrian, and 15 Turkish ones. Even this is misleading, as the Bulgarian offences were the most numerous in such cases as No. 3, *torture of civilians*, which gives 9 Bulgarian instances, 6 German, 1 Austrian, 1 Turkish, or No. 5, *Rape*, which gives 4 Bulgarian, 3 German, 1 Austrian, and 1 Turkish. The instances given are described as 'typical'. Also Bulgaria had waged war for less than three, and other enemy Powers for more than four, complete years. (*v. Hearings, Committee of Foreign Relations, U.S.A. Senate, 66th Congress*, No. 106. Washington, 1919. Annex 1 to Report of Commission, pp. 335–59.)

of Tsaribrod and Strumica and of Western Thrace to Greece. He demanded plebiscites for Thrace and Macedonia, on the basis of self-determination.

3. *The Bulgarian Observations on the Draft Treaty, 24th October 1919.* On the 7th October the Bulgarian Delegation asked for and received an extension of ten days in which to reply to the Draft Treaty (19th September). On the 24th October the Bulgarian formal Reply was received. The chief point which they stressed was that Bulgaria had had a change of heart and was regenerated and democratic, like France after her Revolution. On this, as well as on other grounds, she protested against her exclusion from the League of Nations. She made no objection in principle to the Minorities clauses, of which most were already in her constitution, but she wanted the other Balkan Powers as well as herself to sign the same treaty guaranteeing such rights. In her territorial claims she merely repeated the arguments already used in Todoroff's letter of the 2nd September. As regards the Military clauses she demanded a limited compulsory service, pointing out the difficulties of recruiting peasants for a voluntary long-service army. She demanded that the army and total numbers of armed men should be raised from 33,000 to 40,000.

As regards the Naval clauses, she demanded a limited torpedo flotilla for the Black Sea and armed motor-boats for the Danube. In the Sanctions and Penalties she objected to representatives of Serbia, Rumania, and Greece being on the mixed tribunals for trying war-criminals, on the principle apparently that these nations retained that Balkan savagery which the Bulgars had now abrogated. She also objected, on the principle of *non bis in idem*, to the Allies re-trying those war-criminals whom Bulgaria had already punished.[1]

As regards Reparation, she put in lengthy pleas against the total amount of liability imposed and suggested some detailed changes. In the Ports and Waterways Section she pleaded for reciprocity and suggested an addition to Art. 234.

[1] *v.* Arts. 118–20. The Bulgarians expressed some apprehension as to the clauses relating to Prisoners of War. Before the ratification (9th August, 1920) the Yugo-slav Government repatriated 10,000 Bulgarian prisoners. The remaining 2,000 were retained by the Yugo-slavs (according to an official declaration of 20th October 1920) because Bulgaria had not handed over war-prisoners to be tried under Art. 119, but were repatriated before the end of the year. Greece and Rumania have now waived their rights to try war-criminals.

This provided that, if Czecho-Slovakia, Rumania, or Yugoslavia improved a 'part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution, and maintenance of such works'. Bulgaria wished to be entitled to similar benefits and privileges. (This request was ultimately refused on the ground that analogous treatment had been applied to Germany and Austria.[1]) Of the Labour clauses Bulgaria heartily approved, but went even farther than the Allies and suggested some improvements.

4. *The Powers' Reply* (*3rd November*). On the 3rd November the Allied and Associated Powers delivered their formal Reply. In their covering letter they refused to admit the plea that the Bulgarian people had not desired the war, or the suggestion that other neighbouring Balkan countries were responsible for it. 'The Allied and Associated Powers do not wish to follow Bulgaria in this discussion. The eloquence of the facts is enough for them.' . . . They 'cannot lose sight of the fact that, in ranging herself beside the Central Empires and in remaining until the moment at which their defeat seemed achieved, Bulgaria has broken the chief link between Russia and her Allies, opened to Germany the road to the East and thus rendered inevitable the prolongation of the war. She is then responsible for the terrible evils which have resulted from this.' The Powers concluded, however, by disclaiming 'the idea of vengeance' and by giving the Bulgars ten days in which to sign.

In their formal Reply the detailed concessions were as follows: As regards the League of Nations, a speedy entry was promised if the future attitude of Bulgaria was satisfactory (and was actually accorded in December 1919). On the question of frontiers the Allies declined to admit that the question of that part of the Dobrudja, ceded to Rumania by the Peace of Bucharest in 1913, was open to discussion. They claimed that the frontiers of Bulgaria had only been fixed after considering 'every element of the problem' and that they saw no reason for reconsideration. They, however, gave no detailed reply or argument on any of these grounds—ethnic, geographic, or economic. They added, however, that they had been

[1] *v.* for further treatment Vol. II, p. 103.

particularly attentive towards safeguarding the economic interests of Bulgaria by guaranteeing her access to the Aegean.[1]

No modifications were granted in the Minorities clauses or in the Military or Air clauses, but, in the Naval clauses, two paragraphs were added to Article 83 to enable Bulgaria to maintain a small flotilla, not armed with torpedoes, on the Danube. No concessions were granted as regards Penalties and Sanctions. In Reparations a small concession only was given.[2] In the Financial clauses a few passages were redrafted, the only important change being in Article 141, where the Reparation Commission was instructed to take 'into account only such portion of the debt contracted after August 1, 1914, as was not employed by Bulgaria in preparing the war of aggression'. The only other modification of any importance is to be found in Article 197, dealing with 'Special Provisions relating to transferred Territory'.[3]

5. *Signature of the Bulgarian Treaty of Neuilly, 27th November 1919. Exchange of Ratifications, 9th August 1920.* On the 13th November Sarafoff informed the Council that the Delegation 'would sign but yields to force', and Stambuliisky on the 22nd wrote that he 'would sign even a bad peace' and had 'no illusions'.

No further resistance was experienced, and on the 27th November 1919 the Treaty with Bulgaria was signed at Neuilly-sur-Seine. Ratifications were exchanged on the 9th August 1920, from which time the Treaty came into force and the state of war ceased.

III. THE HUNGARIAN TREATY

1. *Delay in summoning the Hungarian Delegation; Decision as to Frontiers of the 13th June 1919.* It was intended to begin the Peace negotiations with Hungary at the same time as with Austria. The outbreak of Béla Kun's revolution rendered this impracticable, and the negotiations with his and subsequent governments came to nothing, as is related elsewhere. But the Béla Kun régime had not only very important

[1] This was to be by the railway which Venizelos promised to build from Kavalla to the Struma Valley.

[2] It forms the seventh paragraph of Art. 121.

[3] The second, third, and fourth paragraphs of Art. 197 were altered in a sense more favourable to Bulgaria.

results upon the country but more particularly in regard to the Peace Treaty. For on the 13th June 1919, as is related elsewhere, the Supreme Council made a formal communication to Béla Kun of the new frontiers accorded to Czecho-Slovakia and Rumania and ordered him to withdraw his force behind them. These frontiers were permanent and definite and meant the severance from Hungary of Pressburg (Bratislava), the Grosse Schütt, Slovakia, Transylvania and a good part of the Hungarian Plain. The permanent frontiers of Yugo-slavia do not appear to have been communicated, but Yugo-slavia had already been recognized and the principle of the dismemberment of the Kingdom of Hungary had been laid down. Consequently on one of the most important and vital questions, the separation of vast tracts of territory from Hungary without plebiscite, a decision had already been taken before the Hungarians were able to discuss the terms. And this decision was in fact irrevocable, for the Great Powers could not reverse it without breaking faith with their smaller Allies.

2. *The Hungarians summoned to the Conference; Count Apponyi's Speech on receiving the Treaty, 16th January 1920.* On the 26th November a Coalition Ministry or Cabinet of Concentration was formed under and recognized by the Supreme Council which formally invited the new Government to send delegates to Neuilly to receive the Peace terms on the 1st December. Some difficulties arose, but finally Count Apponyi—an ex-minister and brilliant orator of pronounced Clerical and Magyar views—was appointed head of the Delegation which proceeded to Neuilly. On the 16th January 1920, in receiving the Treaty he made a speech, which proved second only in celebrity to that of Brockdorff-Rantzau in receiving the German Treaty. His chief point was that Hungary was in a unique position, as she lost two-thirds of her land, including three and a half million Magyars, and two-thirds of her total population as existing before the war. He denounced the refusal to hear Hungary at the Conference and the prohibition of all discussion as entirely contrary to all Wilsonian ideas. He stressed the inferiority of the culture of the races now occupying former Hungarian territory, and demanded a plebiscite in all ceded areas. He denounced in very strong terms the outrages wrought by the Rumanians in occupied territory. Finally, he turned to the Italian representatives present, addressed them

in their own tongue, and reminded them that good feeling and a desire for liberty and constitutional government were common to both Hungarians and Italians. It is a curious fact that a Hungarian Foreign Secretary has since pointed with pride to this occasion, as the first for four hundred years on which Hungarian delegates argued their case alone and independently before the representatives of foreign states.

3. *The Hungarian Reply, 10th February; contest over the Preamble.* An answer was required by the 10th February, but by that time only the General Reply was ready, and the detail of the counter-propositions was presented at a slightly later date. This fact made little difference, as much of the ground had been covered by notes preceding the actual delivery of the peace terms. The final objection in the General Reply may, in point of fact, be taken just as it dealt with the Preamble. This ran as follows in the Draft Treaty of the 16th January 1920:

'Whereas the former Austro-Hungarian Monarchy has now ceased to exist, *and has been replaced in Hungary by a republican government.*'

The Delegation wished to cut out the whole of the latter part of the sentence,[1] and simply to note that the Monarchy had ceased to exist. They contended that the 'Republic of Hungary' was a designation 'to say the least premature. It is true that—in consequence of well-known events—the functions of the royal power have been suspended, but this material fact cannot change the legal fact of the ancient constitution of the country, which can only be modified by the will of the nation, expressed in its national assembly, elected by universal suffrage. As this act has not yet taken place, we beg you to use, according to established usage, the name of "Hungary", and we beg the substitution of this name for that of "Hungarian Republic" in all the sections of the Treaty of Peace and in all the official documents'. This was not, as the Hungarian Delegation stated, 'a question of form,' but of material substance. Under this Preamble the Monarchy had permission to revive and to creep back under the shadow of a phrase. The position of the Allied and Associated Powers had already been defined as regards the Habsburgs, and they had publicly stated they would not permit their return, and this statement was again published on the 2nd February.

[1] That here given in italics.

But they had no wish to prevent the Hungarians from adopting a monarchical form of government if they themselves wished it. Accordingly, the new Preamble made use of the word 'Hungary' *solus* and inserted the following amendment:

'Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Hungary by a national Hungarian Government.'

No serious question arose in this case, as in that of Austria, as to whether the new Hungary was a state *de novo*. However its form of government might be changed, the state itself remained unchanged, except that it now undertook control of those international relations formerly discharged by the now defunct Common Monarchy. Hungary remained an historic state though shorn of nearly two-thirds of her old population.

4. *The Hungarian Demand for a Plebiscite.* The General Reply contained one passage of wide and almost universal condemnation. 'We consider and believe we have proved that there are in the very basis of the Treaty, as it has been proposed to us, such serious errors of fact that they must make for its total rejection.' The chief objection stated was the radical remodelling of a 'territory which had for ten centuries been a political unity because nature predestined it to be one, and the numerical diminution—equivalent to annihilation—of a nation whose cohesion has been strengthened . . . by these ten centuries. And this is to be done in the name of the nationality principle, whereas the new states which would be erected on the ruins of the Hungarian state would be, from the radical point of view, just as complex as the latter, while every other principle of organic unity would be wanting.' The frontiers were arbitrarily drawn, separating industrial from agricultural districts and 'aggravating thereby the conditions of productive labour'. The 'characteristic feature would be the transfer of the inevitable national hegemony to races of an inferior grade of civilization . . . which neither the peoples subjected to it, nor the conscience of humanity could accept without revolt'. This was not the only consideration. 'The territorial dismemberment of Hungary would be achieved without taking the slightest account of the will of the peoples concerned; they would be transferred from one state to another as cattle is driven from stable to stable.' . . . 'Only a plebiscite can establish in an incontrovertible manner the

will of the peoples concerned.' They then proceeded to quote, with some effect, the Allied Reply to Austria which rejected the German claim to historic Bohemia. 'They (the Allied Powers) thought it best to preserve as far as possible the historic boundaries of the Czech provinces belonging to the Kingdom of Bohemia. They thought it convenient that the German-speaking people living close to the boundaries should remain associated with the Czech people, to be their co-workers in the evolution of that national unity, of which history has made them partners.' On this the Hungarian Delegation commented: 'The statement is perfect . . . these words . . . apply with equal force to the case of territories inhabited by non-Magyars but belonging to Hungary for ten centuries.'

Hungary was prepared to offer 'her non-Magyar citizens a wide cultural and even territorial autonomy' and had 'prepared a special solution for Transylvania'. She therefore submitted proposals for a plebiscite to be managed by neutral commissions and a neutral military or police force, by which she meant one which was not Czech, Rumanian, or Serb. 'Without a plebiscite the transfer of the territories detached from Hungary would have no fundament, neither juridical nor moral; because these territories not being represented at the national assembly, this assembly has no right to dispose of them. Supposing therefore that the national assembly signs, through its plenipotentiary, and ratifies a treaty transferring these territories to a neighbouring state, such treaty would not be binding on the people living there, who would always have the right to consider themselves as being subjected to a rule of illegal violence.' The plebiscite, in short, was 'the chief and fundamental demand'.

5. *The Three Vital Questions.* The second part of the General Reply contained a sketch of the 'vital questions'. Besides the return of war-prisoners, which was, of course, a transitory measure, there were three main points.

(*a*) 'The case of 1,800,000 Magyars, who, though living on territories connected in unbroken geographic contiguity with the great Magyar mainland, are still to be torn from it and submitted to an abhorred foreign force.'[1] These were

[1] *v.* Statistical Tables, Vol. V. About 3,095,000 Magyars *in toto* were taken from Hungary, but of these only 1,800,000 lived in 'unbroken geographical contiguity' with her.

270,000 in the north-west, 410,000 in the north-east, 650,000 in the east, and 359,000 in the south. The contention was that the towns on these borders were 'almost exclusively Magyar or Magyar and German seats of Magyar learning and ancient culture'. These were wantonly to be submitted to the double torture of denationalization and cultural downfall. A plea was put in for the half million Szeklers, and it was proposed to connect 'their territory with the Magyar mainland, through a corridor of mixed population—with 200,000 Magyars—which lies between them. The great Magyar town of Kolozsvár (Cluj), former metropolis of Transylvania (68,108 souls, of which 83·4 per cent. Magyar), with its university and ancient Magyar cultural institutions, would thereby be saved.'

'These are the most glaring defects, the most irritating enactments, of the peace treaty as presented to us, from the standpoint of the nationality question. The plebiscite would certainly do away with them, but they ought to be cured anyhow and under any circumstances.'

(*b*) 'Next we have to consider the economic disorganization of Hungary in consequence of her planned dissection. . . . Should parts of the Hungarian territory be severed from it, in whatever way, the least that ought to be done to prevent serious trouble, is to maintain the economic (*sic*) union of these severed parts with Hungary for several years. Even this would be a palliative only, since neither the rivers would flow, nor the valleys open in a direction opposite to the present one after that epoch of transition. But still the blow would be softened and time would be given to each section of the disconnected whole to prepare for the struggle against the nature of things, which would henceforth be their daily bread.' Suggestions were then offered by which the economic distress of the country could be alleviated, Hungary 'having suffered three devastations within a short period, through war, Bolshevism and—in a great part of the country—Rumanian occupation'.

(*c*) As regards the protection of minorities, more solid guarantees were demanded, though the Hungarian Delegation stated that all such difficulties would disappear 'if we are given an opportunity to decide the fate of our country by means of a plebiscite'.

6. *The Powers' Reply, 6th May 1920, and the Covering*

Letter. Before the Allies replied, they considered a joint memorandum from Czecho-Slovakia, Yugo-slavia, and Rumania, which doubtless had considerable influence on their answer, The chief point of this Memorandum, as reported in the Press, was to call the attention of the Powers to the fact that the Hungarian frontiers were definitely delimited on the 13th June 1919, and that any alteration of these would be regarded as a betrayal.

In their covering letter, the Allied and Associated Powers declared that 'they have been animated by the sole desire to take decisions conformable to justice and to the superior interest which they protect (*aux intérêts supérieurs dont elles ont la garde*). If the result of that study does not accord in essential traits with the counter-propositions formulated by the Hungarian Delegation, that is because it seemed impossible to the Powers to adopt the point of view of this Delegation.

The guilt of the war was definitely laid upon them. 'The Hungarian Government seems to forget the grave responsibilities weighing upon the Magyar state. . . . In the Dual Monarchy Budapest exercised an influence often the most predominant. Had Budapest resolutely opposed it they would never have dared, at Vienna, to launch the ultimatum which provoked the war.'[1] In addition, the Powers could not forget Hungarian action before the war, especially as regards the annexation of Bosnia and Herzegovina. Bearing in mind the fact that some of the men now entrusted with the defence of her interests had then (1908–9) been in office, and 'inspired her imperialistic policy', 'how could they (the Powers) believe that the new Hungary has decided to break all the ties attaching her to a recent past?' The reference to Count Apponyi was obvious.

The Powers then proceeded to say that they had not replied to every point of the Hungarian Observations, but that it must be clearly understood that 'absence of response in no way means adhesion to a thesis sustained by you'. In particular, there was no detailed answer dealing with the question of frontiers or the demands for a plebiscite, on which Hungarian memoranda had been numerous. No modifications had been

[1] But see *Austrian Red Book*, Part I, pp. 21–34. According to this Tisza opposed the war, though Berchtold, a Magyar, supported it in the fateful council of the Common Ministers on the 7th July 1914. The Hungarian Parliament afterwards supported the war

admitted by the Powers 'because they are convinced that any modification of frontiers fixed by them would involve worse evils than those denounced by the Hungarian Delegation'.

7. *Concessions as regards Delimitation of Frontiers.* 'It is not, in fact, correct that the new states built on the ruins of the old Austro-Hungarian Monarchy contain as large a population of heterogeneous elements as the old Hungarian Kingdom.' Nor was it true that they included as many races. Ethnographic conditions in Central Europe made it impossible for political and racial frontiers to correspond. 'Consequently, and the Allied and Associated Powers did not resign themselves to it without regret, certain nuclei of Magyar population found themselves under the sovereignty of another state.' This, however, did not mean that old territorial arrangements should remain. 'Even a thousand-year-old state is not built for permanence (*n'est pas fondé à subsister*) when its history is that of a long oppression by a minority avaricious for rule of the races enclosed within its frontiers. Historic right does not avail against the will of peoples, and of this there can be no doubt.'

'As regards the question of plebiscites the Allied Powers considered them needless, when they perceived with certainty that this consultation, if surrounded with complete guarantees of sincerity, would not give results substantially different from those at which they had arrived after a minute study of the ethnographic conditions and national aspirations. The wish of the peoples was expressed in October and November 1918 when the Dual Monarchy disappeared under the blows inflicted by the Powers, and when long-oppressed populations welcomed their Rumanian, Yugo-slav, and Czecho-Slovak brethren. The tardy concessions to national autonomy made by the Hungarian Government do not, in any way, change the essential historical truth that, during long years, the whole efforts of Magyar policy have tended to stifle the voice of oppressed populations.'

The Powers, 'however, admit that, at certain special points, the frontier traced by them cannot precisely correspond to the ethnic or economic needs, and that an inquiry on the spot will perhaps show the need of altering the limit foreseen in the Treaty in a particular place'. This, however, would not be done before Peace was signed, but the Commissions of

Delimitation (appointed fifteen days after the coming into force of the Treaty) could report on anything they considered 'not corresponding to ethnic or economic necessities' (*qui ne correspondrait pas aux exigences ethniques ou économiques*) and present their conclusions to the League of Nations. The League could then offer its good offices to arrange a rectification amicably. 'In giving this power to the Commissions of Delimitation, the Allied and Associated Powers consider they take as much account as is necessary of the Observations presented by the Hungarian Delegation and fully safeguard the interest of the frontier populations.'[1] The interests of the islets of Magyar population were fully protected by the Minorities Treaties signed by Czecho-Slovakia, Yugo-slavia, and Rumania.

The Allied and Associated Governments concluded by saying that the powers conferred on the Commissions of Delimitation and the retouching of various articles of the Treaty marked the extreme limits of concession. The Conditions of Peace as remitted now were definite. As such the Hungarian Delegation must give a declaration that they were prepared to sign within ten days from receipt of the Powers' Reply.

(8) *The Hungarian Reply, 12th February 1920, and the Powers' Answer of 6th May, considered in detail.* The Allies made no direct reply, except in their covering letter to the Hungarian Observations on the League and on Frontiers (Parts I and II). The Hungarians used the Political Clauses, Part III, particularly Minorities (Arts. 54–60) and Nationality

[1] ART. 29: 'Boundary Commissions, whose composition is or will be fixed in the present Treaty, or in any other Treaty between the Principal Allied and Associated Powers and the, or any, interested States, will have to trace these frontiers on the ground.

'They shall have the power, not only of fixing those portions which are defined as "a line to be fixed on the ground" but also, where a request to that effect is made by one of the States concerned, and the Commission is satisfied that it is desirable to do so, of revising portions defined by administrative boundaries; this shall not, however, apply in the case of international frontiers existing in August 1914, where the task of the Commission will confine itself to the re-establishment of signposts and boundary-marks. They shall endeavour in both cases to follow as nearly as possible the descriptions given in the Treaties, taking into account as far as possible administrative boundaries and local economic interests."

'The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

'The expenses of the Boundary Commissions will be borne in equal shares by the two States concerned.'

Art. 29 of the Austrian, Bulgarian, and Turkish Treaties is similar in tendency. But the Powers' letter gives Hungary also a possibility of appeal to the 'good offices' of the League.

(Arts. 61–66), to air two of their special grievances. One was a long catalogue of the crimes committed by the Rumanians in their occupation of Budapest, and other parts of Hungary, a catalogue which, in substance if not in detail, could not be refuted. The other was an elaborate argument to the effect that 'culture is superior to numbers', backed by elaborate statistics to prove that the Magyars were the most educated race in Hungary, and that their laws of nationality—as established in Hungary—afforded ample protection to the subject races. Both these latter arguments were extremely sophistical, because everybody knew, and many Magyar statesmen had reluctantly confessed, that the Nationalities Law had never been carried out. Hence the Law, as such, instead of being efficacious, had been the very reverse, and was in itself the strongest justification for depriving the Magyars of their subject nationalities. The argument of a 'lower culture' was also open to flaws, for the smaller percentage of Yugo-slav or Rumanian literates was due to the fact that the Magyars had starved the elementary schools, and suppressed the secondary ones, of every non-Magyar people in Hungary. The Magyars had, by permitting the ignorance of other nationalities, deliberately sanctioned and promoted it, and they now appealed to that ignorance as justification for their continued domination. Such pretensions could not impose on the Powers, even if the claim to 'superior culture' was not absurd on every comprehensible theory of self-determination. The Powers advanced little argument, but the Hungarian Observations on Nationality and Minorities were not acceded to or even seriously discussed. With regard to certain modifications concerning Part IV, 'Hungarian Interests outside Europe', the Powers pointed out in reply that no modifications could be admitted, as these clauses were identical with those in the Austrian Treaty, which Italy had already ratified, and that in such respects Austrian and Hungarian interests had been identical before the war.

9. *Military, Naval, and Air Clauses and Sanctions.* As regards the Military, Naval, and Air Clauses the Hungarians made some singular demands. They desired to increase their military strength beyond the 35,000 effectives allowed them in Article 108. They desired to increase the number of forest guards to double that of 1913 (the number allowed in Article 107)[1]

[1] Elsewhere they complained that their forest areas were decreased to

and the police to two and a half times that of 1913, to permit the exclusion of candidates for military academies from the total number of effectives, to alter the proportion of officers to be discharged every year, and to recognize universal and compulsory service. The inducement held out in each case was that the Hungarian Army could be used to suppress Bolshevism anywhere and everywhere, an inducement frequently repeated in various parts of the Reply and in various ways at subsequent dates. The Allies replied dryly that there was an evident contradiction between arguments for 'raising an army to 85,000 effectives and the impossibility alleged by Hungary of supporting the financial charges inherent in a voluntary army of 35,000 men'. Practically all modifications were refused but the Commission of Control was given a certain amount of discretion in matters of detail as regards military and naval matters. As regards Part VII, 'Penalties', the Hungarians complained that trial of war-criminals outside their own country was 'contrary to the general legal comprehension of the legalized world'. The Powers answered that 'Articles 157–160 cannot be suppressed, as the Hungarian Delegation demands, without imperilling the very idea of justice which serves as their foundation'.

10. *Reparation.* On Reparation the Hungarian Delegation demanded the suppression of paragraphs 5, 6, and 7 of Annex I to Part VIII,[1] 'which defines the categories of damage for which compensation can be claimed from Hungary'. This was a crucial point, for it touched on the old and disputed question of pensions. The Reply of the Powers was interesting. 'It (the Hungarian Delegation) demands the suppression of these three paragraphs, of which the disposition, according to it, is contrary to the fundamental principles proclaimed by President Wilson.

'The terms of Annex I are identical with those which have been inserted in the Treaties of Versailles, of St. Germain, of Neuilly, and the Allied and Associated Powers cannot permit any modification in the actual text, as Hungary advances no special reason peculiar to herself.' Other provisions were

15 per cent. of the pre-war area, yet they desired forest guards for this limited area double the number of all forest guards in 1913!

[1] These are identical with those in Annex I to Part VIII of German Treaty. See Vol. III, pp. 218–19. Cf. also Vol. II, pp. 47, 75–7. Vol. V, Chap. I, Part I.

defended upon the same lines, though the question of legality and of conformity with the Wilsonian principles was carefully avoided by the Powers. On Part IX (Financial Clauses) a similar opinion was expressed by them. 'The Hungarian Delegation seems to forget that these burdens and these losses have been imposed by the aggression of Germany and her Allies; and that the peace should be a peace of justice at the same time as it is a peace of regeneration. Consequently it is just that Hungary should give reparation (*répare*) according to the full measure of its resources. Its sufferings will result not from the conditions of the peace, but from the acts of those who have provoked and prolonged the war.' In order to be equitable also the Hungarian Government could not expect the States, arising from the débris of old Hungary, to pay the burden of the war-debt for which the old Hungarian Government was in fact responsible.

On the other hand, special provision for inquiry was made into the losses inflicted by Béla Kun and the Rumanian Occupation, for which the Reparation Commission could make allowance (Article 181).

11. *Economic Clauses. The Hungarian Demand for Free Trade.* As regards Part X (Economic Clauses), the provisions of Article 205 were explained as permitting Hungary to make preferential agreements with Austria and Czecho-Slovakia, in regard to which other Allied Powers claimed no reciprocal advantage. This met one Hungarian demand. The second was for the establishment, over a long period of years, of free exchange between Hungary and the transferred territories. The Powers pointed out that this would have the effect of erecting economic barriers between the transferred areas and the other parts of the States to which they belonged (e. g. between Croatia and Serbia). 'The Powers . . . cannot consider a proposition whose effect would be to neutralize, from the economic point of view, the liberation of the territories that they have snatched from the Hungarian yoke, and to prevent, from the same point of view, the fusion of these territories with the States which are restoring them.' They concluded with a suggestion that ancient commercial relations would re-establish themselves and that, if they did not, and if Hungary found her economic barriers incompatible with the régime of peace, the League of Nations could use its good offices to adjust matters.

A special addition was made to Article 207 with this object —'to permit' special tariff arrangements with Czecho-Slovakia.

12. *Ports and Waterways.* The Hungarian Delegation had made a very strong point of their view that Hungary was an economic unit which could not be broken up without damage to all component parts. Nowhere did this conclusion apply with more force, so they contended, than in the case of hydraulic communications. As a result of these remonstrances the Allies inserted Article 293 of the revised Treaty of the 4th June, which established a permanent technical Hydraulic system, and a Commission 'composed of one representative of each of the States territorially concerned and a Chairman appointed by the Council of the League of Nations'. This was to maintain and improve the unity of the hydraulic régime. Its functions are more fully described elsewhere.[1] Another important article, the same both in Draft and Final Treaty, Number 294, gave 'free access to the Adriatic Sea . . . Hungary . . . with this object will enjoy freedom of transit over the territories and in the ports severed from the former Austro-Hungarian Monarchy'. The rest of the Powers' reply consisted in explaining various misinterpretations of this Part XII, which the Hungarians were said to have made. For instance, the Allies were at pains to point out that they had not been guilty of 'absurdity' in Article 295, for it became operative only 'under similar conditions of transport'.

13. *Labour.* As regards Labour, the Hungarian Delegation alone of all the defeated nations expressed a wish to retard and not to advance the operation of the provisions laid down in this charter of international Labour. They stated that Hungary had a great excess of agricultural labour over industrial, and that, under such circumstances, it was difficult to have an eight-hour day or to equalize conditions and hours of labour. It was impossible, according to them, to enforce such conditions. The Powers replied shortly to the effect that the Labour section applied chiefly to industrial workers, but could and did apply in part to agricultural ones, and that no alterations could be made, as this would involve conflict with the German and Austrian Treaties.

14. *The Signature of the Hungarian Treaty of Trianon, 4th June 1920. Ratification by Hungarian Parliament, 13th*

[1] See Vol. II, pp. 103-4.

November 1920. The covering letter had given the Hungarians ten days in which to announce their intention of signing the Treaty. Apponyi, who had stated to the Supreme Council on the 16th January that the Treaty contained 'inacceptable conditions', resigned from the Delegation because the final Treaty contained no essential modifications. The two points on which he laid most stress were the refusal to modify the territorial frontiers or to hold plebiscites to decide the destinies of the ceded populations. M. Ivan de Praznovsky was named plenipotentiary in his stead, and on the 17th M. Semadan, as President of the Council, addressed a letter to the Supreme Council. He gave assurances that his envoys would sign the Treaty, but he laid special stress on two points in the promises of the Allies. The first was to entrust their Boundary Commissioners with a certain discretion, particularly as regards the Ruthenes, to whom autonomy was to be granted. The second was the holding out of the prospect of an early entry of Hungary into the League of Nations. On the 4th June the Treaty of Trianon was signed by two Hungarians, M. Gaston de Bénard, Minister of Labour, and M. Alfred Drasche-Lazar, Envoy Extraordinary and Minister Plenipotentiary. At one stage Hungary, or at least Budapest, had been draped in black on account of the Treaty. The Hungarian Parliament, which had held an election in January 1920, consisted of politically inexperienced representatives, and was therefore an incalculable force. As the moment for ratification drew near, however, moderating influences were brought to bear. The Foreign Minister, Count Csáky, published a rather interesting article in the press, in which he claimed that Hungary had at last gained international status and must boldly face her difficulties. This impressive historic appeal was doubtless not without its weight. The conclusion of the 'Little Entente' on the 14th August 1920 showed that, at any rate, the adjacent Powers of Czecho-Slovakia, Yugo-slavia, and perhaps Rumania had signed a defensive alliance to enforce the execution of the Treaty. The pressure of the Supreme Council also became evident, and on the 13th November the Hungarian Parliament ratified the Treaty, and on the 6th December had prepared their ratification for exchange.

IV. GENERAL CONSIDERATIONS ON THE PRINCIPLES UNDERLYING THE THREE TREATIES

1. *Self-determination and the Sanctity of Treaties.* The more detailed consideration of principles underlying the three Treaties has been already indicated in part, and is more fully discussed in the sections dealing with the various territorial adjustments and with the finance and economics of the Treaties. It is, however, apparent that there was a conflict of principles between the Allies, such as did not exist in the discussion of the German Treaty. The conflict in the German Treaty was between the self-determination of peoples and the military security of certain States. This was the basis of discussion on such points as the Rhine frontier, the Saar valley, and Upper Silesia. In all such cases some compromise was arrived at. In the Austrian and Hungarian Treaties the real conflict was between the self-determination of peoples and the sanctity of treaties. It was graphically pictured by President Wilson in the following words:

> 'When I gave utterance to those words ("that all nations had a right to self-determination"), I said them without the knowledge that nationalities existed, which are coming to us day after day. . . . You do not know and cannot appreciate the anxieties that I have experienced as the result of many millions of people having their hopes raised by what I have said. For instance, time after time I raise a question here in accordance with these principles and I am met with the statement that Great Britain or France or some of the other countries have entered into a solemn treaty obligation. I tell them, but it was not in accord with justice and humanity; and then they tell me that the breaking of treaties is what has brought on the greater part of the wars that have been waged in the world.' [1]

No other statesman has put the argument with such force and clearness, for it is obvious that the President is referring to the

[1] *Hearings, Committee of Foreign Relations, U.S. Senate, 66th Congress*, No. 106, Washington, 1919, p. 838. Wilson realized the difficulties of its application. Cf. C. T. Thompson, *Peace Conference Day by Day*, New York, 1920, p. 251. It is not always recognized how 'the principle of self-determination' is defined in Wilson's speeches. *v.* Principle *Four* of Speech of 11th February 1918 (App., Vol. I, p. 439): 'That all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break up the peace of Europe, and consequently of the world.' The limitations here implied on the application of the principle are considerable.

Treaty of London, signed by England, France, and Italy, which would have handed over some 700,000 Slavs to Italy, and which conflicted sharply with Point 9 of the 'Fourteen Points'. This runs as follows: 'A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.'

(*a*) *The Italian Position.* It seems to be evident that the Italian delegates at the Conference refused to admit the application of Point 9, at any rate after the 1st May 1919.

'In view of the frequently repeated argument that Italy's acceptance of Mr. Wilson's "Fourteen Points" as a basis for future peace invalidates the claims put forward by the Italian Delegation at Paris, I have thought it well to apply direct to the Italian Prime Minister for a definite statement on this point.

'Signor Orlando authorizes me to say that on two occasions during the discussions in Paris regarding the German request for an armistice and the application of the "Fourteen Points" he declared formally that he must make reservations as to Point 9, which has reference to the future frontiers of Italy. On both occasions it was replied that this was not the moment to discuss points not applicable to Germany and that Point 9 was therefore not in question.

'On the second occasion, Signor Orlando said that at the proper moment he would renew the exception he had already taken.'[1]

The Italian position, therefore, seems to be quite clearly that the Treaty of London, being prior to Point 9 (of the 'Fourteen Points'), definitely anticipated it and rendered it ineffective. To a limited extent the British point of view coincided with this. Sir Edward Grey (Viscount Grey), who negotiated the Treaty of London, in speaking at the Institute of International Affairs on the 5th July 1920, insisted strongly on 'the sanctity of treaties', but at the same time declared that secret treaties were necessarily produced by war, and added, 'many things regarded as criminal are inevitable in time of war'. The assumption appears to be that such instruments bind their negotiators in ways that are undesirable, and prevent them from doing justice to ethnic claims. So far as national aspirations went, then, the Treaty of London, and the sanctity of treaties generally, in so far as they were concluded previously to the 'Fourteen Points', introduced a limiting factor. In the case of the Rumanian Secret Treaty, this did not arise, because Rumania had herself abrogated it by making peace with the enemy. Agreements with Russia about Constantinople

[1] *The Times'* special correspondent, Rome, 1st May 1919; published in *The Times*, 2nd May 1919. Cp. also pp. 278–80.

had also died a natural death. These were the only other secret treaties which seriously affected Austria, Hungary, or Bulgaria.

(*b*) *President Wilson's Position.* The attitude of President Wilson on this whole matter is of high interest. He has stated that 'the whole series of understandings (i. e. secret treaties) were disclosed to me for the first time' after he had arrived at Paris, when he saw them all.[1] He always refused to recognize the Treaty of London. Mr. Lansing has stated the American attitude as being to support those parts of the secret treaties which were 'reasonable and just', and to oppose those which were not. In practice, however, even President Wilson, though asserting that the wishes of the people were the prime consideration, admitted some modifications to the principle that people should not be transferred from sovereignty to sovereignty without being consulted. These modifications were necessitated by strategic security or 'by an earnest desire to meet Italian demands' as based on the Treaty of London.

'Italy claimed a frontier on the Brenner Pass, and the demand was granted in order to assure to Italy the greatest possible protection on her northern front, although it involved annexing to Italy a considerable region populated by alien inhabitants. Italy demanded further a strong geographic eastern frontier, and this likewise was granted in order to assure her abundant protection, although it involved incorporation within Italian boundaries of further territory populated by alien inhabitants. Italy demanded the redemption of her brothers under foreign sovereignty, and every effort was made to meet this wish even in certain cases where by so doing much greater numbers of foreign races were brought within Italian sovereignty. Italy demanded complete naval control of the Adriatic, and this was granted by according her the three keys of the Adriatic—Pola, Valona, and a central island base. When all this failed to satisfy Italian claims, there was added concession to concession at Sexten Valley, at Tarvis, at Albona, in the Lussin Islands, in the terms of the Fiume Free State and elsewhere. In our desire to deal generously, even more than generously, we yielded to Italy's demand for an Italian mandate over Albania, always hoping to meet from Italy's statesmen a generous response to our efforts at conciliation.'[2]

(*c*) *French and British Position.* It seems, however, that a species of agreement was arrived at between President

[1] Discussion between President Wilson and Senate Commission, 19th August 1919. See Vol. III, p. 71. This is borne out by C. T. Thompson, ap. 6th January 1919, *Peace Conference Day by Day*, pp. 76–9.

[2] Mr. Lansing to M. Tittoni, 12th November 1919, quoted in Franco-American-British Memorandum of 9th December 1919 (Cmd. 586, Parl. Pap. Misc., No. 2, 1920). *v.* Vol. V, App. III.

Wilson's views and those of France and Great Britain in the 9th December 1919 Memorandum, when the three Powers addressed Italy as follows:

'*To the considerations thus urged by Mr. Lansing (quoted above) the three representatives desire to add another argument. In doing so* they trust the Italian Government will not credit them with any desire to give advice on questions of Italian high policy, on which the Italian Government will rightly claim to be the best judge. But an appeal to an historical argument may be permitted to the representatives of three countries to whom the liberation of Italian territories from foreign domination has been a matter of unwavering concern and sympathy through generations of noble and often terrible struggles. Modern Italy won the place in the hearts of all liberty-loving peoples, which she has never since lost, by the pure spirit of her patriotism which set before her people the generous aim of uniting under the Italian flag those extensive provinces formerly within the ancient Italian boundaries which were and have remained essentially Italian territories in virtue of their compact Italian population. The sympathies of the world have accompanied Italy's advance to the outer borders of *Italia irredenta* in pursuit of the sacred principle of the self-determination of the peoples. This principle is now invoked by other nations. Not invariably is it possible, owing to the complicated interaction of racial, geographical, economic, and strategical factors, to do complete justice to the ethnic principle. Small isolated communities surrounded and outnumbered by populations of different race cannot, in most cases, be attached to the territory of their own nation from which they are effectively separated, but the broad principle remains that it is neither just nor expedient to annex, as the spoils of war, territories inhabited by an alien race, anxious and able to maintain a separate national State.

'From this point of view the inclusion in Italy of purely Yugo-slav territories where neither security nor geographical nor economic considerations compel annexation, is not in itself a commendable policy. It would be bound to create within the Italian borders a compact body of irredentism exactly analogous in kind to that which justified the demand of *Italia irredenta* for union with the Italian State.'[1]

Subsequently, however, when France and Great Britain advocated the 'January compromise' as regards Fiume, they came into conflict with the President. This was, however, on a different point. There appears to have been substantial agreement between the three Powers that ethnic and other considerations could and must modify, though they did not destroy, the obligations of a previous Treaty. Even Italy admitted this in principle, though differing much as to the degree of modification needed. When on the 6th January

[1] Franco-British-American Memorandum of 9th December 1919.

1920 she wrote a Note, 'Italy asked for the fulfilment of the Pact of London', she proceeded to make an offer which modified its operation considerably in practice.

2. *Wilsonian Principles not applicable to Pre-War Treaties.* Another point of great importance is that the President several times made clear that his principles applied only to the territory of the defeated Powers, and were not meant to 'inquire into ancient wrongs'.[1] This gave the Treaty of London a certain *locus standi*, but it was even more important as regards the Treaty of Bucharest of 1913. By that arrangement the Rumanians had acquired new territory in the Dobrudja which was predominantly Bulgar in race, and the Serbs had acquired Macedonia, where pro-Bulgar sentiments were strong. In 1915, under pressure from the Powers, Serbia had offered to cede Monastir and an adjoining strip of territory to Bulgaria. In 1919 Serbia and Rumania did not yield, or offer to yield, a single inch of the ground they had acquired in 1913. It will be seen, therefore, that the Wilsonian principles did not govern even the very recent past, however they might affect the present or the future.

3. *Conflict between Ethnic and Economic Principles; Plebiscites.* A further conflict arose between the French and British on the one side and President Wilson on the other. The nature of this is indicated by the following extract:

> 'The President notes that the memorandum of the 17th February refers to the difficulty of reconciling ethnographic with other considerations in making territorial adjustments, and cites the inclusion of 3,000,000 Germans in Czecho-Slovakia and more than 3,000,000 Ruthenes in Poland as examples of necessary modifications of ethnographic frontiers. He feels compelled to observe that this is a line of reasoning which the Italian representatives have advanced during the course of negotiations, but which the British and French have hitherto found themselves unable to accept. There were cases where, for sufficient geographical and economic reasons, slight deflections of the ethnographical frontier were sanctioned by the Conference, and the American Government believes that, if Italy would consent to apply the same principles in Istria and Dalmatia, the Adriatic question would not exist.'[2]

Here the difference is not between ethnic justice and the sanctity of treaties, but between conflicting claims of ethnography,

[1] *Hearings, Committee of Foreign Relations, U.S. Senate, 66th Congress,* No. 106, Washington, 1919, p. 835.

[2] President Wilson's Memorandum, 25th February 1920.

economics, and geography. As has already been demonstrated elsewhere, the 'Fourteen Points', etc., are themselves at variance on this point.[1] The claims of nationality, free communication, and economic necessity, must often conflict with one another, and did in these treaties, as at Marburg, at Fiume, and on parts of the new Magyar-Rumanian and Serbo-Bulgarian frontiers. It is this fact that partly accounts for the cession of more than three millions of Germans, and of the same number of Ruthenes and of Magyars respectively, to alien rulers without their choice being ascertained by plebiscite. An equally insoluble difficulty lay in the fact that the arrangement of plebiscites for over nine millions of persons would have necessitated the employment of Allied troops on an enormous scale, and was quite impracticable in the middle of 1919, when Béla Kun was abroad in the land. The only plebiscites, sanctioned by the Powers in the three treaties regulating Central Europe and the Balkans, were at Teschen and Klagenfurt, where the number of troops employed was insignificant. This practical fact dominated the situation, and is one which the historian of the future should not forget. If the German Treaty had not arranged for Allied troops to hold the plebiscites in Silesia, Schleswig, and East Prussia, the Hungarian one might have had them in the Alföld.

4. *Relations of the Principal Powers to the Smaller States in the three Treaties.* The three Treaties all contained clauses which aroused the wrath of the Smaller States, and provoked the resistance or discontent alike of Poland, Rumania, Czecho-Slovakia, and Yugo-slavia. The most serious objection was that to the Minorities Treaties, which is fully described elsewhere. Here it is enough to say that the Smaller Powers regarded these provisions as an infringement of their national sovereignty, a point on which small States are naturally sensitive. Furthermore, Italy escaped any similar treaty obligation, though there were special reasons for this course.[2] A distinguished

[1] *v.* Vol. II, pp. 366–7, 381–4, 388–93. The President realized this himself at an early stage of the Conference. President Wilson 'said he acknowledged this [giving Danzig to Poland] was a violation of the principle of self-determination, but he pointed out that Germany and all concerned had agreed that Poland was to have an outlet to the sea, so that this was an issue between two conflicting principles'. March 19, 1919. C. T. Thompson, *Peace Conference Day by Day*, p. 251.

[2] *Supra*, Chap. V, Part I, § 3 *b*, and also Vol. V, Chap. II, Minorities Treaties.

Serbian authority described these clauses as 'a perpetual internal and external menace . . . created by certain groups accessible to influence by our enemies abroad'.[1] The same authority states that 'It is clearly stated (in the Treaty) that the big nations have big rights and the smaller nations have lesser rights'. . . . 'Through all the political clauses, like a red line, runs evidence of the difference in treatment accorded to the interests of Great and Small States.' The delimitation of frontiers was, according to him, on ethnological or historical grounds for the Smaller Powers, but on strategical for Italy. 'The Treaty was drawn up in English, French, and Italian, although by far the most interested parties concerned were Austria, Rumania, Poland, Czecho-Slovakia, and the Kingdom of the Serbs, Croats, and Slovenes.'[2] He proceeds to contend that Italy has priority over the Small Powers as regards reparation and in all economic matters. Italy had two clauses (Articles 37 and 45) for special protection of Italians in transferred territories, the Smaller Powers had only one such clause (Article 92) for their common 'benefit'.

It is certainly not easy to meet these contentions, and the list might even be lengthened. For instance, the settlement of the Danube appears to give the Great Powers an undue control over that river, though no single Great Power is now a riparian State. There are, however, certain other sides to the picture. In the first place, the Smaller Powers were in a sense the Powers 'with limited interests', and were necessarily compelled to conform more to a general scheme and principle than was the case with the Great Powers. Next they were certainly more irresponsible in their methods, and, as Mr. Lloyd George remarked in a memorable passage, Teschen was at one time nearly the cause of a conflict between Poland and Czecho-Slovakia. Others have pointed to sharp differences between Yugo-slavia and Rumania, which were only settled by the intervention of the Great Powers, and to all appearance could only have been so settled. Moreover, in their attempt to liquidate all property of Austrian nationals and in their disapproval of the Reparation and Economic Clauses, the Smaller Powers showed little understanding of the appalling economic

[1] Jovan-Jovanović, 'Treaty with Austria', *Balkan Review*, November 1919, p. 250.
[2] Ibid., 243, 249, 250.

situation of Austria, and still less understanding of how that chaos would react upon themselves.

It is further not always recognized that considerable concessions were made to the point of view of the Small Powers in certain respects. The attempt to promote universal Free Trade in Central Europe broke down largely because of the opposition of the Smaller Powers. In spite of the strong ethnic claims for rectification of frontiers in the Dobrudja and Macedonia, Rumania and Serbia made good their resistance, and in the Ruthenian question Poland eventually had her way. According to a well-informed authority a scheme was proposed reducing the Polish Army to 80,000, and those of Yugo-slavia, Rumania, and Czecho-Slovakia to 50,000 in each case. In view of energetic protests by these four Powers on the 5th June 1919 the Council of Four dropped the project.[1] Therefore, in spite of their expressed desire to reduce and limit armaments, the Great Powers allowed Poland, Rumania, Czecho-Slovakia, and Yugo-slavia to increase their armies, while British, American, French, and Italian armies were dwindling.

These were substantial concessions to the point of view of the Smaller Powers. It is probable that, if the Great Powers had altered their methods, had shown more tact and temper and consideration, and had consulted the Smaller Powers more freely, much of the resentment felt would have disappeared.[2] It has persisted, and its consequences are undoubtedly of a serious character. It has encouraged a particularist point of view, and tended to make the Smaller Powers rely on themselves and to defy the Great Powers when it is safe to do so. The 'Little Entente', for example, the defensive alliance of Czecho-Slovakia, Yugo-slavia, and perhaps Rumania to execute the Hungarian Treaty, may have dangerous results if it increases the bad feeling between Hungary and these three Powers, and may nullify the proposals for economic co-operation between the severed units of Austria-Hungary. A still more

[1] C. T. Thompson, *Peace Conference Day by Day*, pp. 390–1, *v.* a criticism of this action by Mr. Asquith in House of Commons, 15th April 1920.

[2] When the list of commissions was read out at the second Plenary Session of the Peace Conference on the 25th January 1918, the 'Small Powers had a total membership of five members on all the commissions'. Nearly all protested and it is of considerable interest that 'even Sir Robert Borden, the Canadian prime minister, criticized the discrimination against the Small Powers'. C. T. Thompson, *Peace Conference Day by Day*, New York, 1920, p. 151. Cf. pp. 100, 102–4, 112–17, 133, 154–5, 179, 387.

dangerous tendency is the suspicion of the League of Nations and of the Council of the League which various Articles of the Treaties appear to have engendered in the Smaller Powers. To quote our authority again: 'When in the future our enemies consent to join the League . . . they will hasten, under one pretext or another, to accuse our Government before the League, elaborating this method of attack into a system both insupportable and dangerous.'[1] There is certainly substance in this contention. One difficulty has indeed been removed. In case of an appeal by a Small Power against a Great, during the Peace Conference (as e. g. of Yugo-slavia against Italy) there was an evident injustice, for the plaintiff stood at the Bar and the defendant sat on the Bench with the other Judges. In a similar case Canning, one of our greatest and wisest Foreign Ministers, wrote as follows: 'Nothing can exceed the soreness of other Powers, of the Netherlands in particular, at the association of Prussia in an alliance assuming the general direction of Europe, more especially since a question between Prussia and the Netherlands was decided at Verona against the latter, the Netherlands not being summoned to state their case, and Prussia sitting as a judge in a cause to which she was a party.'[2] Such a system, though it may find arguments in a temporary crisis, cannot persist if it is to be supported by the Smaller Powers. Art. 15 of the Covenant now provides that, in the case of such dispute between two members of the League, one being on the Council, the report of the Council will be considered unanimous without the opinion of that member of the Council who is a party to the dispute being necessary. In addition, any member of the Council 'may make public a statement of the facts of the dispute and of its conclusions regarding the same'. At the present time, four of the Smaller Powers are represented on the Council. It appears, therefore, that adequate guarantees are given for publicity and for the full discussion of causes in which a Great and Small Power are involved. In the future, therefore, it may be hoped that the Smaller Powers will recognize the true character of the League as its functions and working are revealed. To quote Canning again: 'No combination of Great Powers can justify the infliction of injury upon a smaller one.' It would seem that the

[1] Jovanović, *Balkan Review*, November 1919, p. 251.
[2] Temperley, *Life of Canning*, p. 216.

League is the strongest machinery ever invented to protect the Smaller Powers in such circumstances, for it provides the Smaller Powers with the engine of publicity and the fact of representation on the Tribunal.

5. *Case of Austria.* The final judgment on the three Treaties will be most affected by a consideration of the treatment meted out to Austria. This has been frequently criticized, and a typical example of such criticism is supplied in the following extract:

'But the provisions as regards Austria are even more severe. They have been described by such a thoughtful and sober-minded man as Lord Robert Cecil as "insane". Austria, unlike Germany, is a bankrupt State, and upon her, upon this bankrupt State, the Treaty imposes an undefined liability—undefined, I mean, as regards its total amount. She is to hand over, in addition to large quantities of manufactured articles, some 19,000 head of cattle, horses, and sheep. Think of that. That is in a country where the condition of the population is such that we are making appeals in our churches and from our platforms day by day and week by week to the benevolence and generosity of the people of Great Britain, supplemented by a corresponding dole from the Government, in order that they may be saved from starvation. I do not think I need enlarge upon that.' (Mr. Asquith at Paisley, 6th February 1920.)

The criticisms on reparation, property, and the like are dealt with more fully in another place,[1] where it will be seen that there is much to be said for many of these provisions, which are more terrible in appearance than reality. Yet, when all is said, an appalling tragedy remains—the spectacle of a land bankrupt and starving, enduring more suffering to-day even than the devastated areas in war-time. The real crux of the matter would appear to be the territorial one. When it was decided to break up Austria-Hungary, the decision was taken mainly on ethnological grounds. The difficulties encountered in such a 'break-up' were, however, mainly economic. It is quite true that a scheme to preserve intact the areas of Old Austria-Hungary as an economic unit by a system of compulsory free trade was advanced or advocated.[2] Such schemes would also have avoided the economic 'break-up' of Austria-Hungary while permitting her territorial readjustment. But they could only have been carried through at the expense and to the injury of such States as Serbia, Rumania, Poland, and

[1] *v.* Vol. V, Chap. I, *passim.* The cattle, etc., have not (March 1921) been delivered.

[2] e.g. by Mr. Asquith in the House of Commons, 14th April 1920.

Italy, all of which had endured the most appalling sufferings at the hands of the enemy. Nor is it clear that a system of compulsory free trade would have availed to save the New Austria. As is pointed out elsewhere, in the area which remains to her there is compulsory free trade, but the city of Vienna is blockaded by her provinces.[1] The real causes of tragedy are based on the fact that the war, if continued long enough, was certain to be fatal to the continuance of the Dual Monarchy and bound to result in the rise of new States, which would endanger its very existence. When the ultimatum against Serbia was launched the statesmen of the Ballplatz declared, and the reckless Viennese applauded the declaration, that every step and every consequence of this action had been foreseen. It is the sad fate of the people of Austria to pay for the recklessness of their rulers. The Austrian diplomat, who was shown at the Friedjung trial to have instigated the forgery of documents designed to discredit Croat statesmen, subsequently became Under-Secretary of State and helped to draft the ultimatum to Serbia. That a man demonstrably guilty of forgery was suffered by Austrian public opinion, not only to continue in office but to be promoted, shows the measure of their indifference to the behaviour of their rulers. In that light-hearted spirit lies the political misfortune of the Old Monarchy and the appalling fate which has befallen the new Republic. 'There is another world for the expiation of good and evil, but the wages of folly are payable here below.'[2]

6. *The Justice of the Austrian, Hungarian, and Bulgarian Treaties.* The appeal to 'justice' was constantly made not only by the Enemy but also by the Allied and Associated Powers in the discussions preceding the signature of the Treaties. This raises a serious question which serves to show the difference between these Treaties and the German. Two or three simple tests can be applied to the German Treaty in order to ascertain some rule by which its justice or injustice can be established. Does it conform, or not conform, to the Wilsonian principles or to the pre-Armistice Agreement? It is probable that some definite judgment can be reached on one or other of these points, at any rate as to whether or no the German Treaty is based on the pre-Armistice agreement.

[1] See Chap. IX, Part I, p. 482.
[2] Acton, *French Revolution*, 1910, p. 239.

This can reasonably be considered the test of whether it is 'just' or not. But in the other three Treaties both the question and the tests are wholly different. There was no pre-Armistice agreement recognized as legally binding on all the Allies. Wilson himself was indeed bound, but his principles, as such, are much vaguer in character, and more difficult of application to Austria, to Hungary, and to Bulgaria than to Germany. Moreover, they encountered obstacles in the way of secret treaties and of ethnic and economic complexities which did not exist in the case of the German Treaty. The truth of the last statement is very clearly shown by the fact that, while the Allies gave full replies to the German Delegation on every ethnic point raised, they practically refused to discuss them at all in the case of Hungary and Bulgaria, while in the case of the Germans included in Italy and in Czecho-Slovakia their answers were noticeably meagre. The test of the Wilsonian principles is therefore much more difficult to apply with certainty and precision to the three Treaties than to the German. For example, it is much easier to reconcile the territorial basis of the German than of the other three Treaties with the 'Fourteen Points' and other principles.

The principles of 'justice' were invoked on all sides, and if there was agreement as to their meaning, we should be in a much better position to judge the three Treaties. But as to the meaning of 'justice', neither international lawyers, nor the Great Allied nor the Minor, nor the Enemy Powers, were or are agreed. It has already been pointed out that justice is a vague term and that what seemed 'justice' to the Allies seemed 'injustice' to Germany.[1] In the three Treaties it would probably be possible to point to some principles which the Americans regarded as unjust, and to others which the British, the French, and the Italians regarded as unjust from their individual points of view.[2] It might, of course, be con-

[1] Vol. I, pp. 402–5; Vol. II, pp. 254, 260–4, 346 and n., 371–4, 405.

[2] e.g. according to President Wilson (10th February 1920) Italy's demands in respect to the Adriatic were 'opposed to the spirit of justice in international dealings'. He subsequently accepted many of these demands as formulated in the Treaty of Rapallo, presumably because the Yugo-slavs had consented to the Treaty. The same principle applies to the joint Franco-British-American Memorandum of 9th December 1919, which declared it 'neither just nor expedient to annex, as the spoils of war, territories inhabited by an alien race, anxious and able to maintain a separate national State'. It

tended that they sank these individual differences and were in agreement as to the 'general justice' of the Peace. But even if this be admitted, it would not dispose of the objections of the Minor Powers. Serbia, for example, contended that the Wilsonian principles applied only to the German and not to the other three Treaties. The argument is as follows: 'He' (M. Protitch, Delegate for Serbia) 'says that not having reached any agreement with Austria-Hungary, Bulgaria, or Turkey, as to what the terms of peace with these countries shall be, we are free to endeavour to impose any terms as we decide to be just.'[1] But this argument, while getting rid of the Wilsonian principles, which the Principal Allied Powers never explicitly disavowed, does not show that the view of 'justice', as held by Great and Small Powers, is the same. The facts indicate the contrary. The representatives of Serbia, which had by then become the Serb-Croat-Slovene Kingdom, put up a strong resistance to the Minorities Treaties which they only signed at a deferred date and under protest. Except in one or two instances, those representatives had no share in making the three Treaties and took no part in the final decisions. The Austrian Treaty itself was criticized by a distinguished Yugo-slav representative as inflicting upon all the Small Powers 'a very considerable measure of injustice'.[2] The Polish Delegation would probably, and the Rumanian certainly, have endorsed this view. If, however, there was no agreement as to what was 'just' among the Allies, there was still less agreement among the Enemy Powers. Bulgaria, like Hungary, was a predominantly agricultural country, but to the one the

would appear that, in this case, 'justice' depends on the consent of the Yugo-slav Government to such annexation, though the Yugo-slavs actually annexed were not consulted.

[1] Presumably Protić is the Serbian Delegate. See Address on behalf of American Delegates before Reparation Commission by J. F. Dulles, 19th February 1919. Mr. Dulles proceeds: 'In a technical sense this may be correct. . . . I do maintain, however, that it was understood that the settlement with these countries was to be in the spirit of the terms specifically agreed to as to Germany and which were originally enunciated as the terms of a general peace.' See Baruch, *The Making of the Reparation and Economic Sections of the Treaty* (New York, 1920), p. 325.

[2] Jovan Jovanović, in 'Treaty with Austria', *Balkan Review*, November 1919. It is also well known that the smaller Powers formally protested against the Minorities Treaties (*v.* Chap. II, Part II) and C. T. Thompson *Peace Conference Day by Day*, New York, 1920, p. 387; *v.* also Vol. I, pp. 249, 257, which shows how they protested against being excluded from the chief decisions.

Labour Clauses of her Treaty were 'just', to the other 'unjust'. Austria formed herself, or desired to form herself, into a new State on Wilsonian principles based purely on ethnic unity; according to the Austrian doctrine it was 'just' to include in this area twelve million Germans, and 'unjust' to take any away. Hungary thought it 'just' that Czecho-Slovakia should annex three million Germans on historic grounds, and used that analogy to argue that it was just for Hungary to retain some eight or nine millions of non-Magyar nationalities upon historic grounds. Austria thought it 'just' to annex West Hungary as its population was predominantly German. Hungary thought it 'unjust' to take this district away from her. These indications are sufficient to show how widely interpretations of 'justice' differed.

7. *Summary.* In moving the ratification of the Austrian and Bulgarian Treaties on the 14th April 1920, Mr. Cecil Harmsworth said in the British House of Commons:

> 'Two main principles ran through these Treaties, first the just punishment of wrongdoing, incalculable in its moral and economic effects; secondly, the prevention, so far as it might be humanly possible, of a similar wrongdoing in future.'

These principles are equally applicable to the Treaty with Hungary as to that with Austria, and it must be left to posterity to pronounce finally upon them. One observation, however, may be hazarded, for one test of 'justice' possibly does exist and is defined by President Wilson. 'The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favourites and knows no standards but the equal rights of the several peoples concerned' (President Wilson, 27th September 1918). If the treatment of enemies differed from that of Allies, as regards adjustment of frontiers or in respect to nationality, or any other subject, it might be held that the 'justice' was not 'impartial'. It certainly would be difficult for the most robust controversialist to contend that the enemy never received less, or the friend more, than his due in the three Treaties of St. Germain, Trianon, and Neuilly. This test is, however, a rough one, for it does not define 'justice' but only finds out if treatment is 'impartial'. Moreover, it can be applied only in certain cases. In many clauses of the Treaty,

as e.g. Reparation or Enemy Property, no comparison between treatment of friends and of enemies is possible. Consequently we shall not be in a position to pronounce finally or even fully on the 'justice' of these three Treaties, until there is some international agreement or pronouncement on the subject. Probably petitions to the League of Nations will eventually force the Members of the League to arrive at some definite conclusions on these important questions. For it will be difficult to adopt interpretations or to accept or reject revisions of the Treaties or complaints with respect to their execution, without expressing opinions on the 'justice' or 'injustice' of the demands submitted. As these opinions will be generally agreed or unanimous ones they will help towards devising a standard of international justice.

CHAPTER VIII

THE NEW BULGARIA

1. *Introductory; geographical importance of Bulgaria.* In the alliances devised by Germany and brought into being in 1914–15 for the realization of her ambitions, the inclusion of Bulgaria was procured for reasons of greater weight than the military importance of the Bulgarian army. This army, indeed, was nowise underrated; it was recognized as affording a considerable and welcome addition to the armed might of the alliance; but the chief value of Bulgaria as a German ally was found in the geographical position she occupied between Central Europe and Western Asia. Placed thus her active support became almost essential to the execution of German designs in the East, particularly during their earlier and more critical stages.

But this accident of geographical position carried with it influences of yet wider bearing than those directly affecting Germany. It gave Bulgaria, as the enemy of the Western Powers, an importance out of all proportion to her population, wealth, or combatant strength; it affected to a correspondingly serious degree the direction and application of military effort by those Powers; it may be said to have prolonged the war; and at the Peace Conference it influenced the terms which the victorious Allies deemed it necessary to impose on the Bulgarian people.

It will be well at this stage to look a little more closely at the strategical position held by Bulgaria; at the results to the Allied Powers of her alliance with Germany; and at the consequent importance of forcing her out of the war.

Her central position in the Balkan peninsula gave Bulgaria control of the three lines of railway by which the Turkish Empire might be reached from Europe. Her western frontier came within ten miles of the only line between Europe and Greece which did not pass over Bulgarian soil. For some three hundred miles she possessed the right bank of the Danube. She held, in fact, a monopoly of the means of intercommunica-

tion between the various Balkan States. She could deny access to the Turkish Empire from Europe by land; or, with Serbia out of the way, provide excellent railway facilities between the Central Powers and Constantinople. She could unite Turkey in Europe, Rumania, Serbia, and Greece by the shortest interior lines of communication; on the other hand, she could, if she chose, make intercommunication impossible for Turkey and only possible for the other states by roads far outside the Bulgarian frontiers. When Bulgaria became the ally of Germany all these great strategical advantages passed to the side of the Central Powers. With Serbia crushed Germany had the clear road she desired to the sovereign position of Constantinople.

The holding of Constantinople and the Straits for Germany, a matter fraught with incalculable consequences for the Allies, was made possible only by the transport of arms, munitions, and men through Bulgaria. This breach of neutrality contributed to the failure of the Dardanelles campaign, and ensured the isolation of Rumania. It prevented the supply of war material to Russia except by the frozen harbours and inadequate railways of the north. It withheld from the people of the British Isles the immense quantities of foodstuffs which had accumulated in Black Sea ports—at a time, too, when foodstuffs were most required in Western Europe. The effect upon Russia of the Straits being closed against her was deep and far-reaching beyond estimation. It is certain, at least, that the tremendous disasters and casualties suffered by her armies from lack of weapons and munitions, and the economic paralysis due to the impossibility of exporting her products, contributed much to the making of the Revolution.

But yet wider opportunities against her enemies were conferred on Germany by the Bulgarian route to Constantinople. From that city the East lay open to her—Asia Minor, Trans-Caucasia, Syria, Egypt, the Persian Gulf, the Arabian coast-line of the Red Sea. German prevision had already linked up disconnected railways into a great route which, with two short breaks, extended from Constantinople to Arabia, and brought the Suez Canal within reach of hostile operations by land. The Turkish Army, trained and directed by German officers, and stiffened by German and Austrian contingents, was able to operate against the Canal and against Baghdad.

Wireless stations, and bases for German submarines, were to be established along the eastern coast-line of the Red Sea. From Constantinople, too, by the aid of the Turkish Caliph, Germany hoped to set the Mohammedan world ablaze against the Western Powers.

These, and other grave dangers arising from German control of the Ottoman Empire and the Balkan countries, compelled the Allies, after the failure at Gallipoli, to embark on the yet greater expedition to Salonica. Directed against Bulgaria and the German line of communication with the East, this counter movement menaced the whole German edifice in South-eastern Europe and Western Asia. It prevented Greece from being drawn into the Central Alliance, and immobilized large enemy forces; but for long it was itself immobilized, and only succeeded in knocking Bulgaria out of the war when the final triumph of the Allies was no longer in doubt. For at least two years, nevertheless, the Salonica zone ranked as the third greatest theatre of war. The measure of this distracting and financially costly campaign, rendered necessary by the Bulgarian alliance with Germany, is that for the greater period of the war it had locked up some three-quarter million Allied troops, transported and kept supplied across seas infested with enemy submarines.

Such in brief were the remarkable and disproportionate services Bulgaria, by reason of geographical endowment, was able to render as the ally of the Central Powers. The permanent factor of her strategical position, the use she had made of it, and the influence this position might yet again exert, were matters which could not be ignored by the Allies when framing the Treaty of Peace.

With these facts cited as necessary background we may pass now to a broad survey of Bulgaria since the Armistice, more particularly of Bulgaria as affected by the Treaty of Neuilly.

2. *Bulgarian attitude after the Armistice.* The Armistice of the 29th September 1918 marked the end of the 'Personal Régime' of King Ferdinand of Bulgaria. Since his accession to the throne ambition and the love of power had impelled him more and more to autocratic methods of government, and he chose as his ministers servile politicians concerned to forward their own interests by a ready compliance with the Royal

will. Most sinister of all the powers he was able in this way to vest in himself was the right of contracting treaties without reference to the Sobranje. Under the outward form of a constitutional monarch with ministers responsible to the country the King had, in fact, acquired powers almost despotic. Nor had he found it difficult to establish himself in the position of supreme control. Native Bulgarian leaders were amateurs of political science, confessedly ignorant of statecraft and the confused and dangerous ways of international politics. The King, an Austrian Bourbon connected with the great Royal Houses of Europe, was reputed well versed in such matters, and fondly credited with an astute direction of Bulgarian affairs, although he was in truth an opportunist without the saving grace of insight. He had but to clothe his policy with the intensely nationalistic ideals of his people to obtain their whole-hearted support; or if that were too much to expect in all cases, as upon the question of entering the war against Russia, he was able, by promise of great territorial gains, to secure at least their doubting acceptance. As ruler he had, indeed, created a 'Ferdinand' medium, through which, unknowingly, the mass of the Bulgarian people saw matters of foreign policy, and were led to act accordingly, even though with misgivings. The truth and disillusionment came only by the hard experience of defeat in war. From the disaster in which the King and his ministers had plunged them the Bulgarian people, in 1918, fell back upon themselves, to find a way out, and to reconstruct their exhausted and disorganized state as best they might.[1]

These early efforts, it may be said, were not all above suspicion. Hesitation and delay appeared in carrying out various conditions of the Armistice; actions did not always square with professions and promises; a desire for evasion and for the concealment of facts was sometimes evident. But the country should be judged not so much by details, as by the general course it followed when faced by the consequences of defeat.

The General Election on the 31st March 1920 gave to Bulgaria a Sobranje freely elected, representative of the people, and

[1] Ferdinand abdicated 4th October 1918, and his eldest son, after a short republican interval, was proclaimed as Boris III. The new Government under Todoroff began to rule from the 28th November 1918.

alive to the grave circumstances of the hour. From this body emerged a government unlike those which had held office during the 'Personal Régime' of the King. By far the largest party returned to the Sobranje was the Agrarian, representing the greater part of the freeholding peasantry, who form 75 per cent. of the Bulgarian population. An Agrarian Government, with M. Stambuliisky—a life-long opponent of the King—as Premier was the outcome. It was democratic, even socialistic, yet strongly opposed to Communism; without experience, but anxious to learn and ready to experiment; strong enough to pass into law any measure it adopted, and to follow any policy it deemed necessary in the public interest. Above all it professed to stand for a New Bulgaria, and a break with 'Ferdinand' traditions, for a desire that the country should live at peace with its neighbours, and for an honest intention to retrieve the past and secure the goodwill of the Western Powers. With these as the characteristics and aims of his Government M. Stambuliisky undertook the heavy tasks of accepting and carrying out the terms of an onerous Treaty of Peace, and of reconstructing a defeated and impoverished state.

3. *Bulgarian War-aims* (*1915–18*). More must be said upon M. Stambuliisky and the remarkable measures initiated and adopted by his Government; but before doing so it is necessary to glance at Bulgarian war-aims, at the Bulgarian Memorandum to the Peace Conference, and at the terms and implications of the Treaty of Neuilly.

The alluring prospect of gaining at once both territory and revenge had brought Bulgaria to the German side in spite of war-weariness and doubts among her people. She supported the Central Powers, in fact, to escape from the Treaty of Bucharest, though that itself was the sequel of her own inordinate ambition. Her official aim in the war, therefore, the reward she expected from her great Allies, was territorial gain at the expense of her enemies, Serbia and Rumania; and these gains were to be the districts they had wrested from her two years before, with a good deal added now that the opportunity seemed hers.

From Serbia she expected not only Serbian Macedonia, but the Old Serbian district of Kossovo, including Prishtina. She desired also to extend her western frontier to include Pirot, and perhaps the whole of Serbia eastward of the Morava;

in this way she would obtain a north-western frontier abutting on Hungary.

From Rumania Bulgaria required the portion of the Dobrudja taken from her by the Treaty of Bucharest, with an extension northward beyond the original frontier. She also required indemnities. Subject to these aims being realized she was willing to accept in principle a reduction of armaments and compulsory arbitration. Such at least was the gist of the reply Bulgaria gave, on the 26th September 1917, to an enquiry by His Holiness the Pope.

It should be noted that Bulgarian politicians were, to some extent, divided on the question of war-aims. Majority Socialists required Macedonia, and the Dobrudja of 1912; in Serbia east of the Morava they sought only a comparatively narrow corridor to the Hungarian frontier; but they, too, demanded indemnities. Minority Socialists, on the other hand, were more idealistic. They supported national self-determination by plebiscite, and on this basis urged a Federation of all Balkan nationalities and rejected indemnities.

Socialist moderation, however, counted for little, for the parties were of no great importance. Had victory fallen to the Central Powers it is certain that Bulgarian annexations would have been limited only by the frontiers her Allies deemed it expedient to allow her.

4. *The Bulgarian Memorandum to the Peace Conference.* At the Peace Conference which decided the terms to be imposed on Bulgaria she was not invited to offer her views; nevertheless she submitted a long document, prepared by MM. Gueshoff and Tsokoff, two of her most experienced diplomatists, in which her case was presented. In general the Memorandum sought to traverse statements contained in Greek and Serbian memoranda already laid before the Conference; and it adduced arguments and cited historical facts in support of Bulgarian territorial aspirations. On the whole it was less a statement of claims than a plea, based on the Eleventh of the 'Fourteen Points',[1] for wide extensions of territory. Though not

[1] *Point* 11. 'Rumania, Serbia, and Montenegro should be evacuated, occupied territories restored, Serbia accorded free access to the sea, and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality, and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.'

contending for the sweeping annexations formulated in the Bulgarian war-aims it yet urged that the Dobrudja and portions of Serbian Macedonia and the Serbian Morava were ethnically and historically Bulgarian and therefore should be united to Bulgaria; and that on the same grounds she could show sufficient title to both Eastern and Western Thrace, and so should receive the one and remain in possession of the other.

In no area cited in the Memorandum, except perhaps the Dobrudja, is the question of racial predominance clear-cut and free from arguable uncertainties. In the southern part of the Dobrudja, indeed, reliable ethnical facts certainly support Bulgaria; in a part of Macedonia and in Western Thrace they do so in less degree; but in Serbia east of the Morava and in Eastern Thrace they are undeniably against her. The question is further complicated by the distribution of races within the districts. The northern part of Western Thrace by itself is predominantly Turkish and Bulgarian; if the narrow seaboard strip be regarded, it is Greek by reason of its Greek coastal towns. On ethnical grounds, therefore, the Memorandum was loose and unconvincing. But the question of Bulgarian territorial expansion is inseparable from the conditioning events of the Second Balkan War and the War of 1914–18. The whole Memorandum, indeed, was made unreal and unworthy of its subject by the purpose it showed of conveniently ignoring or travestying the part played by Bulgaria in these wars. It implied, in fact, that Bulgaria, though the defeated enemy of the Allied Powers, had incurred no responsibilities, and was entitled to claim from them great extensions of territory at the expense of their Balkan Allies. In no vindictive spirit the Peace Conference was unable to accept these suggestions as a suitable basis for the Treaty of Peace.

5. *The Allied Reply* (*2nd Nov. 1919*). The reply of the Peace Conference can be briefly noticed here as its chief conclusions are summarized elsewhere.[1] It traversed most of the Bulgarian claims, and cited facts against them with cold and destructive logic. To the contention that Bulgarian public opinion was not unanimously favourable to the alliance with the Central Powers the Conference replied that Bulgarian support was given, none the less, to a Government which was satisfying its territorial designs by pursuing a policy of conquest; and that

[1] Chap. VII, Part II, pp. 414–15.

Bulgarian troops did not hesitate, without provocation, to attack the Serbian Army in the rear, thus paralysing the heroic efforts this army was making on another front against invaders who threatened the existence of Serbia. The Reply remarked further that when Bulgarian troops were led against Rumania they everywhere displayed by their attitude that they cherished a hatred against the occupied country. And that there, as in Serbia and Greece, Bulgaria waged a war of conquest and pillage; and that public opinion unanimously applauded the successes of her arms.

To the Bulgarian assertion that the people did not believe the war would bring them into conflict with the Powers of the Entente the Conference asked: How could the Bulgarian people suppose that the Serbian Army would be left without aid by its Allies, when the struggle in which it was engaged had its origin in the aggression of Austria-Hungary against Serbia? And if the least doubt had existed in this respect among Bulgarian troops, how was it explained that when these troops found themselves in contact with those of the Entente, their country had no desire to give up the struggle against the Powers which had chiefly contributed to Bulgarian independence? It was only when conquered in the field and obliged to lay down her arms that Bulgaria had demanded peace.

The Reply of the Allies next reminded Bulgaria that in adhering to the Central Powers to the moment of their downfall she had broken and kept broken the principal line of communication between Russia and her Allies, opened the way to the East for Germany, and thus inevitably prolonged the war.

The Great Powers asserted that no idea of vengeance inspired them when preparing the conditions of Peace, and that they simply sought to establish a peace which should be just, and therefore lasting and fruitful. They felt that the conditions were of a nature to ensure the pacific development of Bulgaria and to enable her to re-establish within a short time her normal economic life. They further recalled that to this end they had guaranteed to Bulgaria a free economic opening on the Aegean Sea. The Reply of the Allies was closed by the statement that if the Allied and Associated Powers did not answer all the questions raised by the Bulgarian Delegation it was because, after studying them, they had not deemed it possible to accede to the requests made.

6. *Venizelos and Bulgarian aims.* We have seen the great importance of Bulgaria's strategical position, and how it enabled her, though an insignificant power, to affect the course of a world-war. We have seen, too, the instinct her people have for dominance and territorial aggrandizement, the sacrifices they are prepared to make for these ends, and the readiness with which they follow a leader who shews the way by which such ends may be reached. Her people are known, further, to be sober, docile, laborious; apt in military organization, and stout in arms; but good haters who are in bitter rivalry with their Balkan neighbours. Add that they live mainly on the soil, tilling each his freehold land, and have a high birth-rate, and they appear as a people firmly rooted, certain to increase and likely to seek expansion; a people capable of much good, capable also of much disturbance; a race in which however exists the elemental stuff of greatness though overlaid by primitive defects. It remains now to show how the Peace Conference, without imposing vindictive or crushing terms, sought to penalize national lawlessness, to diminish Bulgaria's temptations and opportunities to aggression and revenge, and yet leave her free to find a full and prosperous national life. To do so it is first necessary to recall certain events, beginning with the Second Balkan War.

As the result of the Second Balkan War Bulgaria lost to Serbia and Greece the whole of that part of Macedonia, east of the Vardar, which had fallen to her share by the First Balkan War. The part she lost to Greece included the rich district of Kavalla. She lost, also, the Bulgarian Dobrudja to Rumania, and Eastern Thrace and Adrianople to Turkey; but she retained Western Thrace.

In January 1915—that is, soon after the entry of the Turkish Empire into the war—M. Venizelos, the Greek Premier, addressed two remarkable memoranda to the King of the Hellenes. In the first of these he showed, when forwarding a communication on the subject handed to him by the British Minister at Athens under the instructions of Sir Edward Grey, that with Turkey on the side of the Central Powers a great opportunity had arisen for Greece. It was nothing less than for her to obtain, by acting with the Entente Powers, territorial expansion in Western Asia Minor upon a scale never hoped for by the most sanguine of Greek optimists. An extension that would create

a real *Magna Graecia* and include within its frontiers the greater part of those ancient and historical lands of Asia, Greek by immemorial tradition, and still the home of large numbers of the Greek race. To use this great opportunity he showed that it would be necessary to obtain the co-operation with Greece of Serbia, of Rumania, and, if possible, of Bulgaria; but that the latter would demand certain concessions on the part of the others. The concessions he suggested for Serbia and Greece were the return of Serbian Macedonia and the Kavalla district. In his second Memorandum he developed his proposal further, and with much force showed the advantages, not only to Greece but to the Entente as a whole, of making sacrifices which might bring Bulgaria into the war against the Central Powers. With this end in view he now definitely urged that Greece should agree to surrender the Kavalla region, painful though the sacrifice might be.

In a later Memorandum addressed to the Peace Conference in 1918 M. Venizelos showed how the proposal had fallen through. He showed that Bulgaria had been offered the Dobrudja, Turkish Thrace to the Sea of Marmora, Kavalla, and Serbian Macedonia up to the frontiers of Albania, but had rejected these concessions as inadequate, demanding, in addition, Serbia east of the Morava, and part of Albania in order to obtain a coast line on the Adriatic. She had thus aimed at establishing a Bulgarian State extending from the Black Sea to the Adriatic, and from Hungary to the Aegean and the Sea of Marmora; a Bulgaria that would dominate the other Balkan States to an extent jeopardizing their existence. She sought in fact to become, what her rivals had always accused her of trying to be, the 'Prussia of the Balkans'. Having twice sought to gain her ends by war and twice suffered defeat, precautions against her became unavoidable in the interests of peace. Such precautions the Treaty of Neuilly sought to establish.

7. *The re-drawing of the Bulgarian Frontiers.* (*a*) *Re-adjustments of population in the Balkans.* In a large degree the Conference attained the purpose of removing future menace from Bulgaria by indirect means, for the readjustments of frontiers in South-Eastern Europe on an ethnical basis radically changed the relative importance and strength of Bulgaria with regard to her rivals. Under various treaties each Christian neighbour had vastly increased in area and population, whereas by the

Treaty of Neuilly, Bulgaria was slightly diminished in both. The change in relative standing so produced is shown in round figures in the following table; those for Greece in 1921 being, however, merely approximate, as no definite statistics are available for Eastern and Western Thrace, nor for the Greek Smyrna zone of the Treaty of Sèvres, all of which are included.

	1914		1921	
	Sq. miles.	*Population.*	*Sq. miles.*	*Population.*
Bulgaria .	47,750	5,500,000	45,000	5,200,000
Rumania .	53,454	7,700,000	113,221	16,101,000
Serbia (or Yugo-slavia)	33,900	4,600,000	101,250	13,635,000
Greece . .	42,000	4,800,000	60,000	7,500,000

But beyond making this vital and far-reaching change, the Conference included in the Treaty of Neuilly certain direct precautions against future Bulgarian aggression and national desire for revenge; and sought also to diminish the strategical importance of Bulgaria with regard to Constantinople and the Straits. These measures imposed military limitations upon the country, adjusted her Western frontiers to the strategical advantage of her neighbours, and withdrew from her Western Thrace and her seaboard on the Aegean Sea.

The military clauses of the Treaty are dealt with at length in another chapter and need only be outlined here.[1] They limit the military material Bulgaria may possess, and the manufacture of armaments, and prohibit semi-military organizations. They also fix the maximum strength of the army at 33,000 rifles and direct that the force shall be recruited on a voluntary, long-service basis, the men to serve for not less than twelve years. By this provision it was sought to prevent Bulgaria passing any large portion of her manhood through the army and thus creating a great reserve of trained men. But this clause appears to present great, if not insuperable difficulties with regard to voluntary service. The Bulgarian Government has endeavoured to enlist men, but has signally failed: no recruits have offered themselves, nor seem likely to offer. As a conscript soldier, for a comparatively short time with the colours, the Bulgarian peasant takes kindly to military service and goes through his training with zest; but to leave his land and village for a long space of years and become a professional soldier does not appeal

[1] *v.* Chap. III, Part III, *passim.*

to him. It appears that if Bulgaria is to have an army at all some modification of this clause will be necessary.

(*b*) *Macedonia.* The refusal of the Allies to entertain Bulgarian claims in Macedonia need not be discussed here; to have granted these claims in any direction to a potentially dangerous but defeated enemy in the circumstances outlined was clearly out of the question (cp. also p. 433).

(*c*) *Serbo-Bulgarian frontier.* The Treaty, as has been said, also adjusted Bulgaria's Western frontier to the advantage of Serbia. The pre-war Western frontier of Bulgaria contained two bold salients, one of which approached the Belgrade-Salonica Railway within 12 miles, near the Serbian town of Vranye; the other came within 5 miles of the same railway near the Greco-Serbian frontier at Gradište. From these salients the Bulgars were able during the opening stages of the war to make railway communications impossible between Serbia and Greece. The Treaty dealt with these two problems by assigning the Strumica salient to Serbia (with consent of Greece) and advancing the Serbian territory to about 15 miles east of Vranye. So far the Serbian claims and the Conference awards were in harmony. But north of these points the Serbian demands were only partially conceded. They claimed the Bulgarian town of Tsaribrod and the Dragoman Pass, south of Nish, and the Bulgarian town of Vidin on the Danube. As regards Tsaribrod the Serb claims were conceded, and the readjustment of territory thus made enables four out of the seven roads by which Nish is approached to be commanded by the Serbs, thus protecting that vital strategic railway centre. On the other hand the Conference refused to give the Dragomanci Pass to Serbia, which would have enabled the Serbs to threaten Sofia at will, but thrust the Serbian frontier back to strong defensive positions south of Tsaribrod.[1] These changes give considerable strategic advantages to Serbia in the way of defence, but give her no offensive advantage such as she had specifically claimed. This is a really genuine attempt to make peace by giving each side a strong frontier for defence and

[1] The demand for Vidin was refused, but some protection to the Timok valley railway was accorded by pushing the Bulgar frontier back an average of about two kilometres for a distance of about ten miles. This gives no strategic protection, but enables the Yugo-slavs to claim that the frontier has been violated if rifle-shots from the Bulgarian side reach the railway line. Cp. p. 134 n. and pp. 211–12.

a weak one for aggression. Tsaribrod, a Bulgarian town, passes to Serbia, Vidin remains to Bulgaria, and the total territory transferred and population affected is comparatively small.

(*d*) *Western Thrace.* The measure, however, which detached Western Thrace from Bulgaria and denied her territorial access to the Mediterranean, involved the most important change.[1] It gave rise to national consternation and grief in Bulgaria, and has been the chief cause of criticism of the Treaty in other countries. While this provision may seem to bear the stamp of harshness that might have been avoided, there were underlying reasons, connected with the Allies' wider policy for safeguarding Constantinople and the Straits and diminishing the strategical importance of Bulgaria, which made the transfer of Western Thrace necessary if the policy was to be effective. Nor was any violation of ethnical principles involved. The population of Western Thrace contains no Bulgarian majority, either relative or absolute; an absolute majority, indeed, is held only by Moslems as against Christians. The ethnical factor therefore could fairly be ignored and the future of the territory decided on grounds of higher policy.

The portion of Western Thrace detached from Bulgaria by the Treaty has a length of about 80 miles, and an average depth of nearly 30 miles. It is, indeed, the seaward slopes of the Rhodope Mountains which bound, on part of the southern side, the Balkan area occupied effectively by the Bulgarian race. The southern frontier now laid down for Bulgaria is, more or less, a natural one, along the water-parting of the Rhodope Mountains.

But through this narrow maritime region not predominantly Bulgarian in population lie the natural routes for trade between the Mediterranean and a great part of Bulgaria, with Kavalla, Porto Lagos, and Dedeagach as possible ports. Before the First Balkan War there had been no stronger Bulgarian aspiration than to obtain an Aegean coast-line, providing Bulgarian ports on the Mediterranean, turning the national front southward instead of to the closed Black Sea and the East, and removing the dependence of the country on the waterway of the Straits. The First Balkan War realized these aspirations in full; the Second Balkan War diminished them somewhat,

[1] In Eastern Thrace a slight readjustment of frontier in favour of Bulgaria was given her for ethnic reasons to the north-west of Adrianople.

for it cost Bulgaria Kavalla; but Porto Lagos and Dedeagach remained, and projects were set on foot to make of the former a great port worthy of Bulgarian hopes. By detaching the whole Aegean littoral the Treaty of Neuilly thwarted all these sentimental and practical national ambitions under circumstances galling beyond measure to Bulgarian feeling. It ensured, in fact, a revival of the aspirations of 1911, but intensified now to the last degree.

It was in spite of these strong reasons for the continuance of Bulgaria in Western Thrace that the Conference reluctantly decided to detach the district; not by way of penalty, but, as has been said, on what were held to be the over-ruling needs of high policy. Nor, it must be admitted, can the sufficiency of these reasons be impugned if we consider the unhappy position in which Bulgaria had placed herself with regard to her rivals when these great causes came before the Conference.

The Bulgarian people had demonstrated the need for precaution against their ambitions for Balkan hegemony, and their innate capacity for aggression and national revenge. The Peace Conference held, in consequence, that it was imperatively necessary to cover the supremely important position of Constantinople and the Straits against future ambitious movements from the North-west, and at the same time diminish the strategic importance of Bulgaria. The road from Central Europe was now strongly held by the important new State of Yugo-slavia; it was necessary, however, to interpose a sufficient barrier between Bulgaria and Constantinople. The task of holding this barrier could not be undertaken by the Western Powers. But Greece appeared to be a possible warden, marked out for the duty by her geographical position, by the considerable Greek element in the population of Eastern Thrace, and by her political sympathies with her Western Allies. She could hardly, however, hope to hold Eastern Thrace permanently if it were separated from Greece itself by the broad wedge of Western Thrace, forming part of a compact, virile, and still ambitious Bulgaria. And there were further considerations to be borne in mind. At best the territory of the Greater Greece to be created would be scattered, loosely knit, and dependent on sea-communication, with nearly half of her population living in the Greek Islands and in the new territory proposed for her in Asia. With Bulgarian harbours on the Aegean it

was evident that in time of war large movements of Greek troops by water could be rendered difficult if not impossible by the operations of hostile submarines; that, in short, possession of the Aegean littoral would confer upon Bulgaria strategic advantages destructive of the large purposes the Conference had before it.

8. *Economic access of Bulgaria to the Aegean.* But though the fate of Western Thrace was thus settled against Bulgaria the practical economic opportunities dependent on outlet to the Mediterranean were not denied her. M. Venizelos has announced that in widest measure Greece was prepared to give Bulgaria access to the Aegean sea coast;[1] that within a stated time she might decide at which port she would require special facilities, and that there she would receive rights under treaty enabling her to establish what in effect would be a free port for Bulgarian goods in free and uninterrupted communication with Bulgaria, although on Greek territory. This offer would secure to Bulgaria the same, or nearly the same, practical economic advantages that she would enjoy if the port were in every way her own; but it leaves unsatisfied the intangible, though powerful, demands of national sentiment. Economists, and those who hold the impulses of national consciousness lightly, may urge that by this arrangement Bulgaria would secure the substance, though losing the shadow. From the Bulgarian national point of view it is the shadow, and not so much the substance, to which the chief value is attached. It cannot be said that the Treaty prejudicially affects the material future of the Bulgarian people, or their opportunities for national development within territory indisputably occupied by the Bulgarian race. Without the Aegean littoral, without Macedonia, without Adrianople and Eastern Thrace, Bulgaria still holds the most advantageous position in the Balkan Peninsula; a wide and fertile area with access through her own ports to the Black Sea, and the prospect of equally easy commercial access through Greek ports to the Mediterranean. And it should be remembered that for the future the waterway of the Straits will always be open and without irritating restraint. For all practical purposes Inter-

[1] Dedeagach is unsuitable as a port and at a great distance from Sofia. Kavalla, which is a fine harbour, is the most suitable, and Venizelos offered to build a railway connecting that port with the Salonica–Constantinople railway which now runs to Sofia up the Struma valley, though with a break of gauge.

national Control of the Straits will render the Black Sea ports of Bulgaria as free for the world's shipping as ports upon the Aegean, and in point of fact, Varna is more suitable for a Bulgarian harbour than the shallow open roadstead of Dedeagach. In this matter only the question of national sentiment in its most subtle and tenacious form remains unappeased.

In essence the territorial clauses of the Treaty of Neuilly—the loss of Eastern and Western Thrace and Macedonia which they impose—mean that for the immediate future Bulgaria's national development must be confined to territory ethnically Bulgarian beyond question. That she cannot seek to make herself the dominant Balkan power by Bulgarizing large areas outside these definite ethnic boundaries, and that, in fact, though not treated vindictively by the Treaty, she has lost, at least on this occasion, the high stakes for which she played in 1915. It remains for her to make the best of the not unsatisfactory future at present in sight before her: the country gives evidence, indeed, of following this course of wisdom.

9. *The future policy of the new Bulgaria; Stambuliisky.* The prospect demands a little attention here, for the methods by which it is being pursued offer remarkable features. We have noticed the Agrarian Government formed under the leadership of M. Stambuliisky, and that it professed to represent a 'New Bulgaria' eschewing aggression and anxious to live at peace with its neighbours; a few words are necessary now upon M. Stambuliisky himself, as chief author of the unusual measures by which Bulgaria is seeking to work out her salvation. He comes of peasant stock, and was educated first in his village school, then at Sofia, and next at the University of Halle. His career since has been varied and adventurous as editor, politician, leader of a peasant political party, and of a peasant revolutionary army which rose against Ferdinand and was defeated only by the aid of German troops. He has always been in violent opposition to King Ferdinand and his policy; and after the Second Balkan War attracted widespread attention by his campaign against the authors of that crime. He stood out for Bulgarian neutrality in 1915, and for his reward was condemned to death, a sentence subsequently commuted to imprisonment for life. Released in 1918 he led the Bulgarian political movement in favour of peace; and with this as his recent record won the elections in 1920 which placed an Agrarian Government in power. Since then

he has been absorbed in the measures for reconstructing his country, and in visiting various European countries in order to lay his policy before their Governments and to enlist the good will of their peoples. At the age of 43 he occupies a position in Bulgaria which makes much possible for him in point both of age and opportunity.

Though Socialistic in essence the policy of the Agrarian Government is opposed to Communism; and supported by a land-owning peasantry it has not hesitated to suppress the 'Narrow Socialists', who profess Bolshevism of a kind, by measures of the most drastic and forcible character.

In brief the policy of the Agrarian Government aims at making Bulgaria a model state by Socialist methods—methods which shall, however, commend themselves to a nation of freeholders. To find in labour and industry the means of national reconstruction. To compel the people to work. To increase cultivation by utilizing the waste lands of the country. To develop its natural resources by every means possible, both by private enterprise and by State assistance. To provide roads, waterways, and railways to enable the increased products of such developments to be exported with facility. And by increased production to meet honourably the heavy financial burthens which Bulgaria has incurred in war, both on her own behalf, and as indemnity laid upon her by treaty.

The chief process by which this policy is to be effected is by Compulsory Labour, and Laws for the purpose are already in operation. They provide for universal industrial service in the place of universal military service, and both sexes are liable, men for 16 months, women for 8 months, both before the age of 20; nor may immunity of the fit be purchased. Most of the work will be manual labour—road-making, railroad building, irrigation, re-afforestation and mining—but technical and factory work also will be undertaken by those who are capable, particularly by women.

Another measure of socialistic nature is the redistribution of land, according to the working capacity of each peasant family. Under this scheme all suitable state lands, all land held in excess of needs, and all ill-cultivated land will be distributed among landless peasants, among labourers with certain qualifications, and among Bulgarian refugees from neighbouring countries.

It is too early, as yet, to say how these measures will work in practice; how they will be borne even by a people as naturally industrious and used to labour as the Bulgarian population. So far they are said to have given results better than could have been expected even by the most sanguine. Perhaps, however, their chief value is that they show an honest intention on the part alike of Government and of people to face their difficulties boldly, and to find in their own labour and in the natural resources of their country rather than in foreign loans the means for discharging the onerous obligations under which they lie.

With this spirit pervading Bulgaria her economic prospects can never be indifferent. She has a fertile soil, from which her hardy and industrious cultivators are capable of extracting national wealth beyond what is necessary to meet, in due time, all her national liabilities.[1] That they will do so can hardly be doubted. The chief uncertain element in the future of Bulgaria lies in the political course her people may elect to follow. There is hope that they may be content to leave to future generations the settlement of those national aims in pursuit of which the present generation has almost wrecked the country.

We may hope that they will, and that in due time Bulgarians will recognize that their real and greatest future lies in a Confederation of Balkan States, in which their virile peoples, laying aside old rivalries, old hatreds, and old hopes of dominance, shall contribute their differing racial qualities to the formation of a single Balkan Power, great in area and wealth and population, and greater still in opportunity, in consciousness of unity, and in the versatile capacities and good will of diverse and gifted races.

[1] The whole question of Bulgarian Reparation and Finance is examined in full in Vol. V, Chap. I. On 27th March 1921 the Ambassadors' Council demanded the repeal of the Bulgarian Labour Law as tending to military conscription. Text is in March *Contemporary Review*.

CHAPTER IX

PART I

THE NEW AUSTRIA

1. *Introductory.* The ancient empire of the Habsburgs fell with a fall that for suddenness and for dramatic completeness has had few parallels in the history of the world. While still holding great stretches of conquered territory and almost before a foreign soldier had set foot on its soil, it crumbled into fragments. Each of the nationalities that had so long lived together within its borders now thought only of itself. To some the way was henceforth open to the realization of cherished ideals and ambitions; to others, lately dominant, it was a question of saving for themselves what they could from the ruins of former greatness.

In the early days of October 1918 the leading men of the German group in the Austrian Reichsrat began to discuss the necessity of common action in view of the rapidly progressing dissolution of the Empire. They soon agreed on the general principles of a future German-Austrian State. On the 16th October an imperial manifesto was issued inviting the different nationalities to organize themselves so as to form a federated realm. On the 21st October the two hundred and ten German-Austrian members of the Reichsrat were convoked. They proceeded to constitute themselves a provisional national parliament that should take over the government and administration of German Austria and should prepare for a future constitution. At a second meeting, on the 30th October, the principles of the organization of the new State were laid down. On the 11th November it was recognized by Emperor Charles, who declared the old government at an end, and thus the Empire of the Habsburgs ingloriously terminated its career of centuries.

The German-Austrian State was faced from the outset by pressing questions of the utmost difficulty. Not only had the machinery of administration to be kept running but the

feeding of Vienna had to be attended to at every cost, and hundreds of thousands of disbanded and disorganized soldiers, streaming back from the Italian Front, had to be looked after. Unless they were promptly mustered out, or at least deprived of their arms and sped on their way to their homes, which, in many cases were in regions no longer parts of Austria, there was danger of military anarchy, such as occurred in Russia. This delicate task, however, was successfully accomplished. No attempt was made to keep any one in the ranks and before long the new republic found itself without an army.

2. *The Provisional Government and the Elections* (*February 1919*). The Provisional Government was formed by a coalition of the three strongest parties—the Christian Socialists, representing the more conservative and clerical element, the so-called *Bürgerliche* (Citizen) groups, among whom the German National party took the lead, and the straight Socialists. All these seem to have thrown themselves honestly and earnestly into the task of doing what was possible under the circumstances. Temporarily, three Presidents and a Council of State of twenty members (and their substitutes) were chosen by the parliament. The three Presidents with a Chancellor and a Notary of the Council were to form the directing executive body. Besides this, a number of departments were created to do the work of the former ministries. A volunteer popular guard—the *Volkswehr*—was gradually organized.

In February the elections occurred for the Assembly. There had been serious apprehensions of disturbances on this occasion. Many people believed that the country districts would vote overwhelmingly in favour of the Christian Socialists, giving them a complete majority in the Government, to which the Socialists in Vienna would refuse to submit and that the result would be civil war. Fortunately the elections passed off quietly enough. The Socialists were contented, having not only triumphed in Vienna but won successes elsewhere. Most of the country districts fell to the Christian Socialists. The Citizen groups fared worst, in part owing to the divisions in their ranks, but as no party had an absolute majority, the system of coalition government was continued. When the Constituent Assembly met, M. Seitz, a Socialist, was chosen President of the Republic; Dr. Renner remained at his former post of State Chancellor.

3. *Foreign Policy of the Republic.* One of the fundamental difficulties that had to be met in the formation of the new State was the fact that no one knew what were to be its boundaries, and there was a wide range of possibilities. From the first, the German-Austrian Government, and public opinion with it, placed itself on strong logical ground. It took the position that it accepted completely and unreservedly the fundamental principles laid down by President Wilson—that is to say, the 'Fourteen Points' and the other declarations. By so doing, it gave up all claim to retain within its borders any territory inhabited by peoples not wishing to be under it. Henceforth the Czechs, the Slovenes, and the Italians of the Trentino were to be their own masters. What the German Austrians asked for was like freedom and justice for themselves in equal accordance with President Wilson's principles. In a law of the 22nd November 1918 they declared (Article 1): 'The Republic of German Austria exercises territorial jurisdiction over the unbroken territory of German settlement within the boundaries of the kingdoms and lands formerly represented in the Reichsrat', and then follows a list of what this comprises, even including detached fragments such as Brünn, Iglau, and Olmütz. In a supplementary declaration dated the same day, it was stated that the industrial region of North-east Moravia and East Silesia forming a single economic unit inhabited by a mixed population of Germans, Czechs, and Poles, was a proper object for international administration. On the other hand, a claim was put in for the German-speaking portion of West Hungary. German Austria thus defined would have some ten million inhabitants, for it would include the German parts of Bohemia and Moravia as well as most of old Habsburg Austria. It is true some of these territories were not contiguous with the rest of the State, but this would matter little, for they did border on Germany, with which German Austria hoped soon to be merged. There might be difficulties as to the exact frontiers in regions where the population was mixed, and detached groups of German-speaking population—especially in Bohemia and Carniola—would necessarily be sacrificed. On the other hand, it was claimed that some of the non-German-speaking peasantry, notably in Carinthia, would prefer, for economic reasons, to remain with their old neighbours. At any rate, in all cases of doubt, the

German Austrians offered to submit the question to a plebiscite, provided such a plebiscite were fairly taken under the supervision of Allied or other non-partisan officials.

Logically this position was difficult to assail. President Wilson had held out to mankind the hope of a better world based on certain international principles and conditions. The German Austrians had accepted these unreservedly and only asked that the same principles should be applied to them. It was with this understanding that they had submitted and abandoned further resistance. And there is no occasion for us to question their honesty in this connexion or the genuineness of their belief that their cause was good. It was so, in many respects, but in their reasoning they left too much out of account.

In the first place, they conveniently forgot that they had for generations supported and profited by quite opposite principles. As long as they were the masters they had had small thought of self-determination or plebiscites. Now that they had come to grief, the other nationalities, who had been dominated by them, who had suffered at their hands, and had had grievances and rival claims against them that dated back for centuries, were not likely to let bygones be bygones in this easy fashion. The Austrians were a defeated nation. Not only were they doomed in the nature of things to pay reparation, but it was not easy to resist the more moderate demands made for their territory by claimants who all belonged to the victorious side. In disputed questions before the high tribunal at Paris, these all had the right of being heard verbally while Austria could only put forward her case in writing. In addition Italy sat on the tribunal which judged her own claims.

4. *Future Political Status; Union with Germany.* Even more important than the question of the frontiers of German-Austria, though not so immediate, was that of her future political status. Three possible solutions were obvious. The new State might either constitute itself permanently as an independent republic, bound by no special ties to any of its neighbours; or it might become a part of some confederation; or, finally, it might return to the common fold of its nationality and join the German Republic. Each of these courses had its partisans, but the disadvantages if not actual impossibilities

of the first, although it is the one that has prevailed thus far, were so manifest that it met with much less support than the other two.

Article II of the Fundamental Law of the 12th November 1918 declared that 'German Austria is a constituent portion of the German Republic', to which its exact relations were to be determined later. The rival plan, which soon won favour, was what was usually termed a Danubian Confederation that should include German Austria, Hungary, Bohemia, Yugoslavia, perhaps Rumania, and other Balkan States—possibly even Poland, and should thus be the successor on a larger scale of the Habsburg Empire with all of its advantages but without its faults.

This idea found ardent supporters in German Austria. To begin with, it was attractive to those who still held to the old imperial tradition. Many of them regretted the downfall of the house of Habsburg, and all of them shrank from the thought that Austria, with her centuries of political primacy, should now dwindle into a mere province of a socialistic republic dominated by the North German. The deep-rooted dislike of the Prussian, which still survives in South Germany, has been far stronger in Austria, with her memories of more than a century of rivalry and of three disastrous wars, the last of which ousted her from her old hegemony. During the great struggle that had just ended, the relations between the two empires had not been such as to promote good feeling. It is true that they had fought side by side, but German scorn of Austrian inefficiency and Austrian resentment at Prussian domineering, had had ample reason to increase on both sides. In the course of the fighting, Austria had more than once been actually saved by Germany. On the other hand, she had been patronized, directed, and frequently browbeaten by her from the beginning to the end. Must she now be absorbed by her? A union with South Germany alone might be attractive, but in new greater Germany, the beautiful and cultured Vienna, the ancient seat of the proudest empire in Europe, would be nothing but a provincial town under the ferule of Berlin. In a Danubian Confederation she would be the natural capital and headquarters, and would retain something, at least, of her former imperial position.

In the second place, many people, particularly among the

property-holding classes, feared the political and social influence of a union. Not only had Germany turned into a republic with a highly democratic constitution; she also contained a great, well-organized Socialist party. At one time the triumph of socialism there looked not unlikely and perhaps imminent. Austrian Conservatives accused the Socialists in their own country of wishing for a union chiefly in order to strengthen their position. Conversely, the strength of socialism in Germany frightened every one in Austria who was opposed to its doctrines. Such feelings varied with the changing course of events. When Munich was in the throes of revolution, the alarm of Austrian Conservatives was extreme. When the Government got the upper hand in Berlin, while it tottered in Vienna, union with Germany appeared less terrifying to them.

Religious feelings also entered into the question, although the Church, as such, took no positive stand. The members of a Danubian Confederation would mostly be Roman Catholic States, and all of them (except Greece, if she were included) would contain a large Catholic element. On the other hand, the absorption in a Protestant State like Germany meant to many Catholic Austrians a triumph for Protestantism and a loss of the proud position that their country had long held as one of the chief pillars of the Church.

The economic motive weighed with many. Austrian capitalists and manufacturers had an uneasy feeling that they were less well organized, less energetic, and less modern than their German rivals. This fear had operated in the past to prevent too close economic relations between the two empires. If now the protective duties were to disappear, and if Vienna were to become a mere local emporium cut off by political barriers from her former markets, as well as from her former sources of supply, could her industries maintain themselves against the formidable competition to which they would be subjected? If, in the past, with a whole empire to exploit, Austrian industries had found it difficult to hold their own against their German competitors, what chance would they have under the new dispensation? But, in a Danubian Confederation, though its members would be politically independent, Austrian capital and industry might still hope to retain their precious economic fields. In Bohemia, in Yugo-

slavia, and even in Hungary, Vienna owned and financed mines and manufactures—not in Germany. The Habsburg Empire had, in the course of centuries, acquired a real economic balance and unity. Its now disjointed parts would suffer most seriously if they were to begin a fratricidal struggle for existence. The whole tendency of modern capital and industry is towards large conglomerations, and the only way in which these new small States could hold their own in economic or political matters, as compared with the great world empires, was to form some sort of a confederation, however loose, which would enhance their position in the world.

To these various arguments the partisans of union with Germany had much to reply. They pointed out that, for a period of ten centuries, Austria had been an integral portion of Germany, and had for many generations furnished to the German nation its emperors. Only since the war of 1866, barely more than half a century ago, had Austria led the separate existence which, in the end, had tended to her undoing. Now that the Empire of the Habsburgs had gone irretrievably to pieces and the sundered nationalities—with the exception of the Czechs and the Magyars, who had no near kin—were turning in one direction or another according to their ethnic affinities (to Italy, to Serbia, to Rumania, to Poland), what was more natural and proper than that the Germans of Austria should rejoin their brothers in their old fatherland? The separation from it had been accidental and of short duration. The reunion would not mean a triumph of North Germany over South. On the contrary, it would be a reinforcement of the Southern element which might thereby well regain the preponderance it had exercised at an earlier age. In the same way, it would not mean a success for Protestantism, but rather the strengthening of the Catholic element in Germany. To be sure, certain people might suffer economically, but they were likely to in any case. All Europe —not to say the world—was going through a painful crisis which would last until it had readjusted itself to new conditions. Vienna, with her splendid position on the Danube, would be the second capital of the German State, a centre of enterprise and industry, and would draw under her influence the South German regions which had always had more affinity with her than with Berlin. A reunited Germany would be

large enough for both. Painful as the losses of Germany had been, and difficult as was the crisis she was now going through, she remained and would remain a great State. Only from her could the Austrians obtain the immediate support and the future security of which they were in such sore need.

The advantages of a Danube Confederation might be considerable in theory, but what was the chance of their realization? How was such a confederation to be formed? Was it to have a common parliament? Could any one imagine that the different Danubian States, after what had just occurred, would consent to be subject in any way to a single parliament that should make laws for them all? The idea was absurd. The best that could be attempted was a series of agreements—of compromises. But Austria knew something about such compromises. Since 1867 her relations with Hungary had rested upon a compromise—the famous *Ausgleich*—which had had to be renewed every ten years. From the start it had never worked well. There had been endless discussion, bargaining, hard feeling. Only the pressure of certain great unifying forces, like the crown and the military influence, had managed somehow or other, at the last moment, to bring about a solution, each time with greater difficulty. After the agreement was thus reached with infinite pains, both parties set to work at once to plan out how they could make a better bargain at the next renewal. And all this had happened at a time when Hungary and Austria had been supposedly—and to a considerable extent were in fact—on the most intimate terms with one another. How could any one in his senses imagine that now the whole heterogeneous group of Danubian States, with their recent strife and hatred, their new hopes and ambitions, their conflicting interests and selfish designs, could form a good working confederation in the midst of the wild confusion and fierce passions of the day?

5. *Decline of the Idea of a Danube Confederation.* As the months of 1919 went by these last arguments gained in force, and the partisans of a union with Germany increased in number, while those in favour of a Danube Confederation diminished. Many people who would have preferred a connexion of some sort with their former compatriots of another nationality gradually came to admit that it was out of the question. This was chiefly due to the realization that the other

States had no desire for it. Each of them was eager to solve its own problems. It was thinking only of its own expansion and was little interested in the carcass of the former empire, save for what could be got from it. Both the Czecho-Slovaks and the Yugo-slavs had, in great measure, immediately cut off the territories they had occupied from connexion with Austria. The export of food was rigorously prohibited; that of coal, which was even more essential, was continually interrupted; indeed, at times, traffic almost ceased. This violent rupture of ties and the interference with trade produced grievous hardship, especially in Vienna, which depended on the outside world for existence. In the contested regions of Styria and Carinthia there were intermittent hostilities, accompanied, as was inevitable, by many tales of outrages. From Bohemia came reports of the brutality of the Czech soldiers and officials towards the German population. The new Czecho-Slovak State, full of energy and ambition and controlling, as it did, the coal supply on which Vienna depended, soon excited increasing apprehension and dislike. It kept up a powerful army; Austria had none. The Czechs had also possessed themselves of the Hungarian town of Pressburg (Bratislava) on the Danube, with the express intention of making it some day the chief port of the river trade. In addition, the great future land route from Constantinople to the North Sea should run through Prague and Pressburg (Bratislava), leaving Vienna to one side, which in the future was to be replaced by Prague as the central city of Europe. How could Austria enter into a confederation with a neighbour of this sort? Only in Hungary was there noticeable sentiment in favour of a Danube league, but the Hungarians, too, held on as tight as they could to their own food, and relations between them and the Austrians were none too good.

Thus, through the winter and the spring of 1919, the idea of a Danube Confederation faded and the movement for union with Germany grew stronger, although Germany—while sympathetic—took no active steps to encourage it. Indeed, she could hardly do so until she had ascertained the feelings of the Allies on the subject and had learned on what terms she herself must accept peace. It was no secret that this union was looked on askance by the victorious Powers. France was known to be emphatically opposed. Italy was thought to be

favourable, and at any rate was hostile to a Danube Confederation, which seemed to her too much like a new Austria-Hungary on a larger scale. The small new States, and especially Czecho-Slovakia, regarded any union between Austria and Germany as a menace to themselves. Under the circumstances, the Austrian Government might have attempted to profit by the situation and obtain better terms at the Peace Conference in return for a promise that it would remain independent. Instead, whether wisely or not, it let events take their course.[1]

6. *Critical Condition of the new Austria.* From the first, the existence of the new republic of German Austria was not, and could not be, easy. The difficulties that faced it were appalling, and most of them did not tend to diminish with time. To begin with there was the danger of actual starvation. German Austria is a mountainous country incapable of producing any large quantity of food and is far from being able to satisfy the needs of Vienna alone, even if the peasants at that time had been willing to, which they were not. The rest of the old empire of Austria-Hungary was now practically closed to the unfortunate city which had once been its capital. Wherever a new State had come into existence a barrier of frontier lines had suddenly been erected, and on the other side of the barrier was a nation which was thinking of itself and of its own necessities, hoarding what it possessed and indisposed to let anything go to its neighbours, least of all food. Austria had little to offer in return except depreciated paper money. Yet her people had to be fed somehow or other. A minimum of supplies had to be obtained at whatever cost; a great system of distribution had to be instituted; and prices had to be regulated. The upper classes lived largely from food brought in by the *Schleichhandel*—that is to say, smuggled into the city—because the peasant who would not part with his possessions for the prices fixed by the Government, even though they were higher than what it sold them for, would sometimes, if sufficiently tempted, dispose of them to richer customers. This *Schleichhandel*—a considerable part of which came over the Hungarian frontier, in spite of the efforts of Hungarian authorities to stop it—was often winked at by the Austrian ones. It might be illegal, but after all it

[1] For decision on the question in the Treaty, *v.* pp. 391–2.

did bring in more provisions than would otherwise have come, and this was something to be thankful for, even if the lower classes and the *Volkswehr* highly disapproved of it as aiding only the rich. Meatless days were soon followed by meatless weeks, and at times the authorities could hardly see their way ahead for more than a few days. Conditions became a little better with the spring, when vegetables could be got from the neighbourhood and particularly when the food from America, provided by the Allied Food Administration under the charge of Mr. Hoover, began to arrive regularly and in considerable quantities. But the struggle against famine was never ending and still continues to-day.

The fuel situation was as critical as the food one. Manufactories in Vienna and Wiener Neustadt had come to a standstill. The heating of buildings in the coldest winter days was often the exception rather than the rule. The lighting of the streets was kept down to its lowest limits. Theatres and restaurants were forced to close at early hours, and people were allowed but one light in a room and only in one or two rooms at a time. But, with every restriction of the consumption of coal, the demand continually threatened to overtake the supply, and there were no reserves in store. The vital needs were those of a minimum of railway transportation, and of the manufacture of gas with which most of the cooking at Vienna is done. It was also most important in so large a city to keep the tramways running. All fuel had to be obtained from outside, and much the greater part of it either from Bohemia or from Silesia, passing through Czech territory. One could not be astonished if the Czechs did not always show good-will in regard to this. They needed their coal for their own industries, which they were anxious to bring again into activity, and they were hampered by the decreased production of their mines, owing to labour and other troubles. In Austrian Silesia the situation was complicated by the rival claims of Czechs and Poles for possession—claims which led to endless difficulties and even to hostilities. In German Silesia the situation was confused politically, and it was made worse by a succession of strikes. Under these circumstances, one almost wonders that the Austrians were able to get fuel at all; in truth, they could hardly have done so if it had not been for the powerful support of the Inter-Allied Commission.

The financial situation—bad all the world over—was nowhere worse than in Austria. During the war the national debt had grown to fantastic proportions and the quantity of paper money in circulation was immeasurable. Without a reform of the currency no economic stability could be reached. But, far from being able to reduce the amount of it in circulation, the Government had no resource for paying its bills except the continual printing of more kronen, as its expenses vastly exceeded its income, and most of them it could not cut down, but had to keep on increasing. The people of the capital had to be fed; the unemployed and many others had to be supported, and the wages of the Government employees in the post, telegraph, railways, and everywhere else had to be raised continually as the steady rise of prices made living conditions dearer every day. It was easy enough to say that such a policy must lead to ruin and that the people of German Austria could not live indefinitely at the cost of the State with the aid of the printing press, but for the Government to cease its largesses of all kinds meant immediate revolution, anarchy, and widespread starvation. All it could do was to try to be economical and to make such preparations as it might for a better future.

Under these conditions normal economic life was impossible. Apart from the fact that many of the men returned from the trenches in Austria, as well as elsewhere, had lost their habit of work and were not eager to toil again as of old, the closing of factories had thrown a great number of others out of employment. Cut off as Austria was from outside, without raw materials of her own for industry, or coal to keep the manufactories going, it was impossible to make even a beginning of the former activity. In consequence, during the winter and spring of 1918–19 there were from ninety to one hundred and twenty thousand unemployed in Vienna alone, all of whom had to be supported. There were thousands more at Wiener Neustadt and elsewhere. The officers and officials of the old Government constituted a special class of unemployed. In the administration and in the army of the Habsburgs, the German Austrians had furnished more than their proportionate share. They were now to suffer for this, as thousands of officers and civil officials suddenly found themselves without occupation. They were often men of middle age with families, some

of them highly trained, but they had for years followed one career and were little fitted for any other, even if they had the opportunities, which was not the case. They were not acceptable in the new States, useful as they might sometimes be, for they represented the German, the ancient oppressor, now the foreigner, and as such all they could do was to drift back to German Austria, where there was no room for them. Some of them would have been glad to serve as soldiers, but they were naturally looked on with suspicion by the radical element, who regarded them as reactionaries and minions of the old régime. Their plight was piteous.

7. *Relations to Hungary.* Finally there remained, as there still remains, the ever-present danger of revolution. It was all very well to point out that no change in the form of government would bring more food or coal into the land. This was realized by the extreme radicals themselves and may be taken as the chief reason why they kept so quiet during many trying months. But when a situation gets desperate people want to do something—no matter what—and where there is famine there are sure to be rumours that the rich are hoarding secret stores of provisions, which they should be forced to disgorge. The situation across the border, only a few miles away from Vienna, made matters worse, for revolutionary agitation is contagious. As soon as the Bolshevists got the upper hand in Hungary, emissaries appeared to spread their doctrine and to make people believe that, if Austria were to follow the example of her neighbour, she could be supplied with food. In Vienna there was also much talk of Russian Bolsheviks in the city and of the enormous sums of money they were supposed to have at their disposal. Later this was said of the Hungarian ones, and, in point of fact, when the headquarters of the Bolshevist Hungarian diplomatic agent were raided by Hungarian refugees—probably with the connivance of the Austrian police—more than a hundred million kronen in money and valuables were found. At one time there was even fear of a Hungarian invasion, an invasion which Austria would have found it difficult to oppose, as the *Volkswehr* could hardly be counted upon in such a contingency. On the contrary, some of them would probably have made common cause with it. The radical elements among them tended to predominate from the first—indeed, one particular division was popularly called the

'red guard', for it freely carried the red flag, and its members were known to hold principles akin to Bolshevism. In the early days of the revolution at Budapest a section of them actually joined the new Hungarian 'Red Army', but returned after some weeks, apparently not enthusiastic over their adventure. The *Volkswehr* were not an imposing force, either in equipment or in physique, and they presented a curious contrast to the Vienna police, who still maintained their smartness and efficiency under the direction of their old chief, whom the new Government eagerly retained. Somehow or other the weeks passed. The Government never seemed too sure of its existence for the morrow, but it continued to live. Order was maintained, or rather maintained itself. During the long dreary months of the winter and spring, many rumours were afloat of impending revolution and mob rule, abetted, if not actually brought about, by the *Volkswehr*, but, save for one or two demonstrations that led to bloodshed, there was little real disturbance. All classes submitted to their hard situation with admirable patience.

8. *Austria at the Conference.*[1] Meanwhile the Conference and its Committees at Paris were discussing, among other things, the terms of peace that were to be imposed upon Austria. The whole question is more fully discussed elsewhere, but a few indications of the manner in which the Austrians viewed it may be permitted here. It was in the nature of the situation that, even if the arbiters had been equally well disposed towards both parties, the one which was represented on the spot and could make its voice heard would have a great advantage. The other side could only offer its arguments through the medium of Allied Representatives who happened to be in their midst and who might or might not be well disposed towards them. And, apart from their difficulty in maintaining their claims, the Austrians, like the Germans before them and the Bulgarians after them, suffered from the inevitable disadvantage that, in every contested question, the Powers were naturally inclined to favour their friends rather than their recent enemies.

[1] For the general treatment of Austria at the Conference, *v.* Chapters III, IV, and VII *passim*. For the settlement of the frontier with Italy, *v.* pp. 278–87; with Czecho-Slovakia, pp. 267–77; with Yugo-slavia, pp. 372–3, and with Hungary, pp. 382–8.

The Conference strove to act according to justice, but it was a justice that had to take many elements into consideration. Although the claims of self-determination which we may assume as almost coinciding with those of nationality were to remain the basis of the decisions of the tribunal, it was only when those claims were unfavourable to German Austria that they were certain to be decisive. When they were on the side of the Austrians, other considerations came into account. Strategic requirements, economic necessities, historic rights, were all invoked when need be and often with success. Thus, in the case of the German-speaking districts of Botzen and Meran in the Southern Tyrol, the Italian claim, which was set forth on geographical and strategic grounds, was essentially 'imperialistic', and hardly more justifiable in itself than the former Austrian possession of the Trentino. It was acceded to by the other Powers as a matter of general policy or of previous agreement, though it was regarded by many people as a particularly flagrant case of the violation of the principle of self-determination. The German parts of Bohemia and Moravia, likewise inhabited by a population which had lived there for almost as long as the Czechs had in their portion of the country, and which were bitterly opposed to being incorporated into a Czech State, were nevertheless handed over to it in deference to the historical and geographical unity of Bohemia and as a reward for what the Czechs had done for the Allies in Siberia and elsewhere. The decision in this instance was in glaring contrast to the one in the south, where the fact that Styria and Carinthia had been parts of Austria for many centuries counted for nothing in the drawing of the boundary line between the Austrians and the Slovenes—a line which gave almost all the mixed districts to the Slovenes and provided in the case of the Klagenfurt basin for a couple of plebiscites conducted under circumstances that should strengthen the Slovene chances of success. This was accomplished by stipulating that the district in which they were more likely to win should vote first. If it should go in their favour, then the other, which was closely united to it by economic ties, might perhaps follow suit. This was the only case where the strong Austrian pleas for a plebiscite in all disputed regions met with even a semblance of attention. As there was no thought of listening to them, and it might have

been awkward to refuse under the principle of self-determination, they were simply ignored.

Under these circumstances, one need not be surprised if the Austrians have since regarded the 'Fourteen Points', and especially the principle of self-determination, as a mockery and a sham, which merely served to lure them to their ruin. In this they are not altogether just, for it also helped to protect them against certain extreme claims on the part of the Czechs and the Yugo-slavs, and it brought them, at least in theory, an actual accession of territory.

The German-speaking region of West Hungary during much of its history had been part of Austria, and was economically in closer connexion with Vienna, to which it served as a kitchen garden, than with Budapest. The Austrians asked that it be allotted to them, subject to a fair plebiscite. The Conference agreed to grant most of it and without any plebiscite. The Hungarians, however, have protested vigorously, and they will not yield if they can help themselves, knowing that Austria, by herself, is too weak to compel them. We have here an apple of discord between these two shrunken heirs of the old Dual Empire that may embitter relations between them in the future.

In the question of all others where one would have said that, if any regard were to be paid to the principle of self-determination, the wish of the Austrians could not be denied, they met with inflexible opposition. Before they were even given a chance to express their views it was made clear to them by the German treaty that the Allies did not intend to allow them to join their kin, at least for the present. This decision is open to grave criticism. If the world, under the League of Nations, is to be governed according to the principles of a new freedom, what could be a more crass violation of it than to forbid two portions of the same nationality from forming a union that is desired by both, especially when one of them bids fair to go to ruin without it? This the British and Americans realized, although not welcoming the union in itself. The Italians appear to have preferred it to a Danube Confederation. The strongest opposition came from the French, who, in view of their own terrific losses in wealth and man-power from the war, were aghast at the thought that Germany might emerge defeated, indeed, but with European territory and population

equal or superior to what she had possessed when the conflict began. Against such a Germany, undiminished in permanent strength and nourished by hopes of revenge, the French felt that they had inadequate protection. Small wonder, then, that they were and are strongly opposed to letting German Austria become part of the new German State.

There is another and weaker country to which such a prospect is more menacing still. Czecho-Slovakia includes within her borders three million Germans, most of whom are in unbroken territorial contact with their kinsmen in Germany and Austria. The more desperate the situation of German Austria becomes, the less may be the immediate attraction she will exercise on the Germans in Bohemia, but the greater the danger that this utterly bereft territory will not only turn of itself, but will be allowed to turn in the only direction that seems to promise refuge, namely, Germany. But a greater Germany thus formed will inevitably attract towards it the millions of Germans who, against their will, have just been put under Czech rule, and we may question whether any League of Nations will, in the long run, insist on keeping a large European population under a dominion which is hateful to it. The Government of Czecho-Slovakia is intelligent enough to grasp the immensity of such a peril and to realize that it is not for its interests to crush German Austria beyond a given point. It has therefore of late exhibited a tendency to seek for better relations. By a recent agreement, the Czechs have shown a willingness to connect themselves once more to a certain extent with the people with whom they have so long lived in a common empire, but with whom they have lived in such sharp antagonism. Czecho-Slovakia can help German Austria in many ways, especially by furnishing her with the coal of which she is in sore need. She can also refrain from pressing her too hard in matters of reparation and liquidation. Curiously enough, close relations with Czecho-Slovakia—which at the present time mean Czech ascendancy—are favoured by many Austrians, and not entirely for material reasons, though these are compelling enough. Intensely humiliating as it is to the older type of Austrians to be in a position of dependence on the Czechs whom they so long ruled, a close connexion with them means also a close connexion with the German population of Bohemia. If the two States

were to become as one, the combined German element—say nine and a half million—would be more numerous than the six and a half million Czechs, and about equal to the Czechs and Slovaks put together. Who can tell then what the future would be?

On the occasion of the appearance of the Austrian delegates before the Conference, it was noticeable that Dr. Renner persistently spoke of his country as 'German Austria'. The President of the Conference, M. Clemenceau, has invariably used the term 'Austria', and this is what was put in the Treaty.[1] The difference was not merely one of words but of a fundamental idea. According to the representatives of German Austria (so called), who argued the point with some skill, their State was only one of a number of fragments into which the old Habsburg Empire had broken up. They pointed out that the highest government officials, both at the outbreak of and during the war, came from all sections of the Empire, and they declared that German Austria was no more responsible for the acts of what was formerly Austria-Hungary than were any of the other fragments, such as Czecho-Slovakia, Poland, and Yugo-slavia, whose inhabitants had also taken part in the struggle and had been no more opposed to it than had been the men who now were at the helm in German Austria. All portions of the Habsburg Monarchy should, therefore, be treated equally. While German Austria was ready to bear her fair share of indemnities and other burdens, it would be highly unjust to saddle upon her responsibilities which no more belonged to her than they did to her neighbours. Like them, she was a new independent State which must share in the general suffering from the events that had preceded its existence, but which bore no individual guilt in the matter.

Needless to say, this theory was not at all to the taste of the other portions of the old Habsburg dominions, except Hungary, whose situation resembled that of Austria. The rest maintained that they had been enslaved nationalities, and that their guilty masters could not shed responsibilities in this easy way by merely changing their own name. This was the view adopted by the Allies. The small new Austria was declared to be and was treated as the successor of the old larger one and had to pay the penalty of its succession.

[1] *v.* also Chap. VII, pp. 396–9.

That penalty was grievous, though the Powers recognized that the new State could not possibly bear the whole huge burden incurred by the former empire, and they cut down the reparations, indemnities, and financial obligations imposed upon it to an extent that bitterly disappointed the hungry claimants for them. Even so, we may well doubt whether German Austria can ever carry out the terms that have been dictated to her.

When it came to the question of assets rather than liabilities, both sides tended to shift their position. For instance, to whom belonged the vast properties of the old Habsburg State, including not only fortresses and arsenals, military and railway material, but hospitals, museums, and public buildings of many sorts? Here, the Austrians tended to claim, as far as possible, everything that was situated on their territory, while the Czechs, the Yugo-slavs, etc., asserted that such things were common property to which each was entitled to a fair share. Naturally views varied as to what was a fair share. The principle of liquidation, which was accepted to a certain extent by the Austrians, was one difficult to apply in practice and capable of indefinite extension. It might be made to include every picture in the Vienna Galleries, every fossil in the museums, and a part possession in every government building and in all the confiscated property of the imperial family. Then there were reclamations for past depredations. The Czechs soon began to raise their voices in favour of obtaining back everything which they had lost after the battle of the White Hill in the year 1620 and earlier. The Italians demanded, and ended by helping themselves forcibly to, certain pictures in the Vienna Gallery, which they said were rightfully theirs, and they filed a much larger contingent claim for future use, if need be. Thus, one more of the few resources of the city, the thing most likely to bring strangers to it, has been seriously menaced.

9. *The future Economic Difficulties.* Let us consider the condition of Austria as she has emerged from war and revolution and from the peace of Saint-Germain-en-Laye. Whatever her faults, she has suffered for them and far more severely than has Germany. The disruption of her former empire is complete and irreparable. The people that built it up and governed it, ruling over nationalities that have furnished less than they to the civilization and progress of the world, now

control but a remnant of their former domain. In the rest of it they are now subjects of those they have always looked down upon. Of the ten million German-speaking people of former Austria, about one-third are to-day under foreign rule. The Republic of Austria, as delimited in Paris, consists of what is left of the Tyrol, of Salzkammergut, Upper and Lower Austria, of a part of Carinthia, most of Styria, and, in theory at least, of a part of West Hungary. Her shape is that of a saucepan with the Tyrol forming the long handle. Almost the whole of this territory is mountainous, with much beautiful scenery and extensive forests, but comparatively little fertile soil and slight mineral wealth. It is rich in undeveloped water power, but where is the money coming from for development in these days when there is such a cry for capital from all over the world? Austria will not be one of the first places to get it. Several of the provinces are scarcely capable of raising sufficient food for their own subsistence. All of them together are far from being able to feed the city of Vienna alone (not to speak of Innsbruck, Linz, Grätz, and other towns) with its population of over one and a half million people—that is to say, about a quarter of that of the Republic.

The future of Vienna certainly looks most discouraging from every point of view. A metropolis, the magnificent capital of a powerful empire, a city full of palaces and museums, famous for its University, its art, its music, the gaiety of its life, and the attractiveness of its manufactures, what is to set it going again? The brilliant court, the thousands of salaried officers and officials, the wealthy aristocracy from every part of the country, who have made it their winter home, will be there no more. The capitalists and the managers of large enterprises are many of them ruined; others are likely to emigrate to the new States where their property is situated. In spite of native taste and skill, the local industries will find it very hard to revive, for they will no longer have either their sources of supply or their markets in their own land, and the financial situation is ruinous. For three winters Vienna has been on the verge of starvation, and has had to depend on the charity of her recent enemies. What are her prospects for next year or the year after, or for years to come? How long can she keep on buying food or fuel with a currency worth but an infinitesimal fraction of its former value?

Another thing to be remembered is that, not only are the Austrian country districts incapable of supporting a city of such size, but they do not want to. On the contrary, especially at the present moment, their feelings run in the opposite direction. In a period of disaster, universal disillusionment, suffering, and despair, such as Austria is now passing through, all the selfishnesses—local as well as individual—come to the surface. To-day the control of the Austrian central Government over the provinces is but slight. Each of them is thinking of itself much more than it is of the whole State, and is only disposed to heed such orders from the Government as it chooses to. Least of all, does it care anything about the capital, as such. The dislike of the rural population for the octopus of the modern great city exists in all lands. In the former Austria, it was intensified by the nationalistic hatred of the Slavs towards a centralizing government they regarded as foreign, but, even in German Austria itself, it was and is strong. To the people of the provinces, many of them old-fashioned, conservative, and proud of their local traditions, Vienna is the home of the official, the capitalist, the Jew, and now of the Socialist. If these are suffering—well, it is largely their fault. In the universal dearth of food, each region has tried to keep what it has for itself. Not only export prohibitions, but rules keeping any outsider—even a Viennese who owns an estate in the country—from coming in, have been the order of the day. Cruel and selfish as such an attitude may seem, it is comprehensible. What have the Viennese to give in return for food? Merely fresh quantities of almost worthless paper money, of which the peasant already has more than he knows what to do with. Rather than sell his milk, or his chickens, or his vegetables for such a return, he prefers to add to his stock for the future or to consume them himself.

10. *Political Difficulties.* Politically, too, the provinces feel little attracted towards Vienna. They have been loyal in the past to the Habsburg Dynasty. The Tyrol in particular has been famous for this. But the Empire and the Dynasty are gone. Why should people have any sentimentality about a fragment that calls itself German Austria? The Tyrol to-day consists of little more than one long valley with an absurd stretch of frontiers. It is suffering, itself, from lack of food. What good can it get from further political connexion

with a bankrupt State and a starving capital? If it had been allowed to keep its districts of Botzen and Meran, it might have had substance enough left to support itself and perhaps keep in communion with Austria. Now, the obvious thing is for it to sever a tie which brings no advantage and to join the Fatherland to the north. It is clear that union with it may offer uncertainties, but it also offers hopes, while there seems no hope—nothing but memories—to foster a connexion with Austria. All this the Tyrolese have thought out and have openly discussed, and Austria herself makes no real opposition. The Conference at Paris, to be sure, has forbidden the step, but it cannot forbid Austria from going to pieces. In the Tyrol itself, the district of Vorarlberg is clamouring for a union with Switzerland. This also has been forbidden by the victorious Allied and Associated Powers, who wish to keep their creation intact. They know that if the Tyrol breaks away, the neighbouring province of Salzkammergut, where most of the conditions are similar, will follow suit, and where will the process stop, and what is to happen to Vienna then? But how long can such prohibitions continue under the present desperate circumstances? We may well question whether it will be possible for the League of Nations, or any one else, without an odious abuse of power, to prevent German-speaking Austria from uniting herself, sooner or later—either as a whole or as a series of detached parts—to the main body of the German nation, if there is no other salvation for her? The Powers who have taken part in the Conference of Paris may not be responsible for the existence of German Austria, but they are responsible for the conditions of existence that have been imposed upon her, and particularly for prohibiting her from following what would seem to be her natural destiny. Time alone can show whether such action has been wise and whether any permanent result has been obtained.

In the winter of 1920 two notable results were accomplished which meant much to Austria, the one in the material, the other in the moral, sense. By the plebiscite in Zone A at Klagenfurt in October, Austria definitely and permanently acquired control over the whole of the Klagenfurt basin, with its agricultural supplies and its 150,000 inhabitants. By the vote of the Assembly in December Austria was made a member of the League of Nations. Membership of the League means

recognition, it also implies protection against enemies, and may increase the possibility of reciprocal trade relations.

The world has just witnessed the downfall of a famous and mighty empire, a State which had lived through the vicissitudes of many centuries, which had withstood the attack of the Turk at the height of his power, and which had in the end emerged victorious from its conflicts with the great Napoleon. It has fallen into fragments, and from these fragments have arisen new national States eager to play their part in the future. Even the pitiful remnant, which the victors have labelled as the successor to the old Austria, must some day come to its own, whatever that may be. It too has a right to live its own life and to mould its destinies as best it can.

CHAPTER IX

PART II

THE NEW HUNGARY

1. *Introductory.* It is not possible to do more than indicate with a few strokes the state of the New Hungary, for her situation is still uncertain and the Treaty has not yet come into force. Of all the re-modelled enemy States, she has been the loudest in her outcries against the Treaty, and the most reluctant to accept her new destiny. The reason of this is to be sought in her history. As a cultural and political entity Hungary is older than Austria, and has a thousand years of history behind her. None the less, her policy has changed strikingly and for the worse in the last hundred years. Whereas in her early days Hungary had welcomed alien nationalities within her State, since 1867, or even since 1825, she has, whenever possible, subjected them all (and they comprised about half the population of the Hungarian Kingdom) to a ruthless policy of Magyarization, despite stubborn opposition from Slovak, Serb, and Ruman. Passions so fierce could not be aroused without dangerous consequences. The war inevitably separated these nationalities from the Magyar body-politic, and the operation was accompanied by humiliating incidents. Yet the right way to regard these matters is not to look on them as due to the passions of the moment but as caused by the memory of wrongs, harboured for many years. In the days when the Serbs entered Temesvár and the Rumans Budapest, the Magyars tasted something of the bitterness that others had felt for so long. The attitude engendered on each side by this history may be and is deplorable, but it is the capital fact of the present situation.

The Magyar policy has always been the same since 1867. An able, small, and fanatically Magyar oligarchy has dominated the parliament, the administration, and the State by sheer force of character and achievement. The prestige of a ruling

race, much political insight and parliamentary ability, backed by a coalition between Jewish capitalists and the large Magyar landowners,[1] had enabled the Magyars to impose their severe and denationalizing policy upon the subject races they humiliated and oppressed. Withal, none will deny to the Magyars much political capacity and some administrative efficiency, but a narrow racial policy had brought matters to a crisis. Even before the war the burden of the subject races was becoming intolerable. The Magyar State rested on the two pillars of a restricted franchise and a unified Kingdom. Either universal suffrage or a federalized State would have enabled the different nationalities to realize their aspirations and to overthrow Magyar hegemony. Both proposals were, therefore, anathema. The Magyars claimed to be a 'national State', but their idea of such a State was the oppression of three or four nationalities for the benefit of a fifth. To this conception the Wilsonian ideas of democratic rule and national self-determination were as dangerous as dynamite, and in this case, at any rate, words proved mightier than the sword.[2]

2. *The Collapse of the Old Régime.* Early in 1918 the profoundest student of Hungarian history and politics stated that the dangers to his country had ceased to be racial and had become social and economic.[3] It was a true forecast of subsequent tendencies, for from the early months of 1918 onwards the old era of rigid racial ascendancy was passing away. The Pacifists, the Social Democrats, and the Radicals began to be strong in the towns and were constantly pointing to Count Károlyi, the aristocratic Radical, as the one hope of Hungary. In May 1917 Tisza, the strongest representative of the old régime, was dismissed from the Premiership by the young King Charles (Austrian Emperor). No Ministry that succeeded had any chance of prolonging its life, and many Magyars also now realized that Austria, as distinguished from Hungary, was writhing in the agonies of death. The final crisis arose from two events. On the 16th October 1918, Charles issued a proclamation for 'federalizing' Austria. Andrássy, the ablest of Hungary's 'Elder Statesmen', described this as

[1] It was estimated that about one-fifth of the soil of Hungary was, before the war, in the hand of 3,768 persons.

[2] A curious and characteristic Magyar analysis of the Wilsonian ideas is given by Andrássy, *Diplomatie und Weltkrieg*, Vienna, 1920, pp. 275–7.

[3] Professor Henrik Marczali.

a 'bombshell',[1]—for federalism, which might save Austria, must ruin Hungary. Another shock followed. President Wilson's famous reply of the 18th October made it clear that Hungary would lose her Yugo-slavs and that Austria was to be broken beyond hope of recovery.[2] Many Magyars thought at once of separation, of cutting themselves free from this living corpse. Even Andrássy admits that the idea was 'undeniably popular'.[3] But the 'Elder Statesmen' could not quite go as far as this, though their proposed concessions show their disillusionment and despair. On the 24th October Andrássy proposed three demands as necessary: (1) universal suffrage; (2) a separate peace; (3) co-operation with the Social Democrats. Even the stubborn Tisza submitted. 'What a soul-shattering struggle', writes Andrássy, 'must this inflexible man have undergone before he agreed to this!' A feeble attempt was made by King Charles to put in the Archduke Joseph as a strong man and Count Hadik as a conciliatory Premier. But it failed in a week. Like the repentant Kaiser in Germany, who appointed a prince as his Chancellor, the young King of Hungary sought to appoint an Archduke as *homo regius*, in each case to conciliate the Socialists. When the Archduke failed, Charles fell back on a noble as the only hope of saving the situation (30th October).[4] The day after Károlyi took office Tisza was assassinated.

3. *Károlyi, November 1918–March 1919.* As the 'Elder Statesmen' had already become relics of a vanished past, and the young King soon ceased to trouble him, Károlyi held the fate of Hungary in his hands. He differed from Max of Baden and 'Joseph Habsburg' in that his past career squared with his present position. Though a great landowner he had long advocated emancipating the peasant and breaking up big estates, though a great aristocrat he favoured universal suffrage, though a Magyar he now proposed self-determination for the non-Magyar nationalities of Hungary. To-day the nobles regard him as a traitor and the masses as a dupe. In truth

[1] Andrássy, p. 278. The proclamation was accompanied by a reservation that federalization did not apply to Hungary, but this hardly affected the matter.

[2] *v.* Chap. I, Part III, §§ 27 and 30.

[3] Andrássy, p. 292.

[4] Even Tisza, though opposed to this step on the 7th October, had advised it at the last. *v.* Andrássy, p. 309. Cf. this volume, Chap. I, Part III, §§ 28 and 38.

he was neither, merely a man of generous ideas and very moderate abilities, incapable of directing events or controlling circumstances at a supreme crisis. He is important in history not for what he was but because, for one delirious moment, he embodied the ideas which were triumphant—popular government and democratic co-operation between races. But he embodied ideas alone and was slow and weak in all constructive or practical action.

His first steps destroyed his own power and led to his subsequent unpopularity. On the 1st November the Hungarian Government ordered the Hungarian troops on all fronts to lay down their arms. As a result, thousands of famished soldiers and discontented officers soon filled Budapest and the countryside. Discipline went, and Workmen's and Soldiers' Councils arose. On the 13th November Károlyi's agents negotiated the Hungarian Military Convention with the Allies which has been described elsewhere.[1] On the 16th November he proclaimed the Republic of Hungary. For the moment this had the merit of stabilizing conditions and producing a relative calm, and it left Károlyi to face the other three difficulties—the land-hunger of the peasants, the unrest of the urban masses in Budapest, and the discontent of the demobilized soldiers. In point of fact, he did little for any of these things, and he made only spasmodic attempts to re-organize an efficient force capable of keeping order in the capital or the provinces. The result might have been foreseen. Various incidents caused the Rumanians to advance their demarcation line,[2] and finally led, under circumstances described elsewhere, to the famous uprising of Béla Kun, the Communist Jew who came to regenerate the Hungarian world. Károlyi vanished at once from politics, as 'transient and embarrassed a phantom' as had ever tried to rule in a crisis.

4. *Béla Kun and the Soviet Régime, March–1st August 1919.* After weakness came violence. Béla Kun assumed power with two objects in view: first to retain an undivided Hungary,[3] and second to impose on that undivided Hungary a Communistic régime. Kun was prepared to go all lengths in pro-

[1] Chap. III, Part II, § 1. (Text in App. I, pp. 509–11.)

[2] *v.* Vol. I, pp. 352–4, and this volume, Chap. II, Part I, § 4; Chap. III, Part II, § 2.

[3] For the Smuts Mission, etc., *v.* Vol. I, p. 354, and for the Rumanian attack, Vol. I, pp. 352–7, and this volume, Chap. III, Part II, §§ 2 and 3.

moting the latter. Opponents or reactionaries were seldom executed but were imprisoned in large numbers; the press was gagged and all except Socialists were intimidated. Energetic steps were taken to destroy the capitalistic régime, and to erect a socialistic one. As such they were a complete failure. The endeavours to socialize wealth and to produce manufactures on a communal system resulted in the collection of all the pictures from private galleries in one public hall, and in the establishment of some model factories, which were shown to visitors for propagandist purposes. But, apart from this, the general result was to disorganize industrial life and to cause ruinous losses to all parties. The best testimony to the inadequacy of the system was the fact that the trade unions declared against Kun in May, while the peasants in the provinces, who seem to have conceived a great hatred of the Kun régime, stopped all supplies and practically blockaded the capital. After Kun's fall, Mr. Hoover found in Budapest a great dearth of food, of medicines, and of all kinds of stores. It is certain that Budapest suffered more from Kun than it had from the war.

Communism had its international side. Kun endeavoured to get into touch with Lenin, and first attacked Czecho-Slovakia, undoubtedly in order to break through and to join hands with Bolshevist Russia. As such he had some success, and his negotiations with the Supreme Council [1] gave him considerable reputation. There seems to be no doubt, despite many assertions to the contrary, that his movement had a national, as well as an international, side. There were a number of officers and soldiers who fought for him in the belief that he stood for an undivided and historic Hungary and because he defied the Powers. This fact accounts for some of the success of Kun's movement. On the other hand, a counter-revolutionary government had formed itself at Szegedin and attracted volunteers to its standard, under the protection of the Allies. These forces were armed and drilled in three battalions by Admiral Horthy, and were subsequently of some importance in restoring order in the capital after the fall of Béla Kun. That worthy was now desperate. Either a desire again to join hands with the Bolshevists or the need of food caused him to launch a frantic attack on the Rumanians. This proved an

[1] *v.* Vol. I, pp. 353, 354.

utter failure, and the Rumanians in their counter-attack advanced, and were within fifty miles of Budapest on the 1st August. It is an ironical fact that the Supreme Council had previously stopped a Rumanian advance on the capital,[1] which Kun himself now rendered inevitable.

Kun did not wait for the arrival of the Rumanians but fled to Vienna on the 1st August. On the 2nd a new Government of Social Democrats under Peidl was constituted, which repudiated Bolshevism and announced its respect for private property. But it was not by these means that the reaction could be averted. The Red Terror had already passed, the White Terror was to come. The Reactionaries, embittered by poverty and humiliation, gathered their forces and formed a new party known as 'Christian Nationals'. In the *interim* Budapest was sacked by the Rumanians, who entered the capital in force on the 8th.

5. *The Rumanian Occupation, the anti-Habsburg Manifesto of the Supreme Council, 22nd August 1919.* Budapest suffered very much at the hands of the Rumanians, and an active, almost frantic, hatred of Rumania has since pervaded all Hungary's relations with her.[2] The Supreme Council on the 5th despatched four Inter-Allied generals to Budapest,[3] and refused to accept responsibility for the Rumanian proceedings. Meanwhile, the Archduke 'Joseph Habsburg' and a number of ex-officers expelled the Social-Democratic Government by a *coup d'état* (6th August) and called on the Allies to recognize the *fait accompli.* The Archduke called himself 'Administrator' and appointed Friedrich as Premier. The Inter-Allied Mission is said to have shown him some favour, but after Mr. Hoover's visit to Budapest the Supreme Council took an important decision against him which they expressed incisively as follows:

'It [the Hungarian Government] has at its head a member of the Habsburg family which, through its policy and ambitions, is in great measure responsible for the calamities from which the world is suffering and will still suffer for a long time. A peace negotiated with a Government of this kind cannot be durable . . . and, in addition, the Allied and Associated Governments cannot accord the economic aid of which

[1] Andrássy, p. 348.

[2] For discussion of Rumania's action *v.* Vol. I, pp. 352–7, and this volume, Chap. IV, Part II, §§ 15–16.

[3] General Gorton (Great Britain), General Bandholz (U.S.A.), General Graziani (France), General Mombelli (Italy), sent on the 5th August 1919.

Hungary is so much in need . . . There would be insurmountable difficulties if the elections were to take place under the control of a Habsburg . . . It is therefore in the interest of European peace that the Allied and Associated Governments are obliged to insist upon the present pretender to supreme power in the Hungarian State resigning, and in order that a Government, in which all parties are represented, may be elected, that the Hungarian people should be consulted.

The . . . Powers would be willing to negotiate with any Government which has the confidence of an Assembly elected in this manner.'[1] (Supreme Council, 22nd August 1919.)

6. *Sir George Clerk's Mission, November 1919.* 'Joseph Habsburg', as 'the pretender' called himself, received this decision on the 24th August. He made no resistance to it and retired once again into oblivion. A period of mutual confusion then ensued, but, finally, in the second week of November, Sir George Clerk was despatched as Emissary of the Supreme Council to negotiate with leaders of various Hungarian parties and to arrange for a representative government, which would hold popular elections and be sufficiently stable to conduct negotiations for peace. When Sir George Clerk arrived Friedrich still held power with a more or less reactionary Cabinet. Conferences between various parties took place, during which period Admiral Horthy, now commanding the Hungarian Army, arrived in Budapest on the 14th November. He pressed for a compromise government on the ground that it was necessary to meet the wishes of the Allies, and that without it he could no longer keep order. Sir George Clerk succeeded finally in forming a Ministry headed by Huszar, containing representatives of Christian Nationals, Small Farmers, and also two Social Democrats (26th November 1919). This Government was recognized as a provisional *de facto* one, and an invitation to Paris was then despatched by the Supreme Council.[2] It was pledged to fulfil four conditions: (1) speedy holding of elections; (2) preservation of order; (3) ordinary courts of justice without courts martial; (4) freedom of speech, of elections, etc.

7. *The Elections, January 1920.* The elections for an Assembly which were held in January 1920 resulted in the votes being pretty evenly divided between Christian Nationals and 'Small Farmers'. It is evident that many Socialists and

[1] Text in *The Times* of 25th August 1919.
[2] *v.* Chap. VII, Part III, Hungary, §§ 1 and 2.

Social Democrats abstained from voting. The first result of this action was that the National Assembly elected Admiral Horthy as Governor (1st March) by a large majority. Very serious disturbances began shortly after his admission to office, arrests by the Government of Jews and Socialists taking place in many cases, while mobs and ex-officers committed various excesses. These deplorable incidents have produced a controversy which is still to some degree unsettled.[1] It is, however, important to point out that, with the elections to the National Assembly and the appointment of Horthy as Governor, Hungary passed out of the state of tutelage to the Allied Powers in which she had previously been. The Allied Powers still retained the right of remonstrance or protest but had divested themselves of the power of active interference in the internal affairs of the New Hungary, unless her actions were such as to endanger the Peace Treaty. In her purely international conduct the New Hungary has acted in a technically correct manner in all respects except one, which will be mentioned later. Her army has been kept nearly within the prescribed limits, and she has signed and ratified the Treaty. The Hungarian press, however, has continued to denounce the Peace Treaty, and, so far as public opinion can be gathered from that source, it shows no signs of accepting the Treaty provisions as permanent.

8. *International Safeguards of the Treaty with Hungary.* (*a*) *Anti-Habsburg Declaration of Allied Great Powers, 2nd February 1920.* Under the circumstances, it becomes important to examine the obligations under which the Allied and Associated Powers lie with regard to Hungary. It seems clear that they have definitely pledged themselves to resist the return of a Habsburg to the Hungarian throne. This is necessary for two reasons. First, the return of a Habsburg might reasonably be held to threaten the existence of the 'successor-states' arising out of both Austrian and Hungarian territories. Next, as King of Hungary, Charles did not abdicate: he indeed expressly refused to do so.[2] Apponyi has recently said, 'The crowned King of Hungary lives, the throne has never been

[1] *v.* Hohler, Report of 21st February 1920 on alleged 'White Terror'; Parl. Paper, Misc. No. 9 (1920), Cmd. 673; and contrast Report of British Labour Commission of Inquiry, May 1920.

[2] Cf. Andrássy, p. 328. Apponyi's remark is quoted in *New Republic*, 26th January 1921, p. 250.

vacant.' Károlyi declared a Republic, but the arrangements made by 'Joseph Habsburg' to act as Administrator, and by Horthy to act as Governor, suggest that the throne is not held by them to be vacant and that, in their view, Charles had merely renounced the exercise of royal power till a more fitting season. The Peace Treaty does not itself forbid the revival or restoration of Monarchy. But the Allies have refused to permit a Habsburg to return to the throne. When this subject was under discussion in connexion with the Peace Treaty,[1] the Allied Powers reiterated their declaration of the 22nd August 1919. While disclaiming all interference with the internal affairs of Hungary, they stated that 'they cannot admit that the restoration of the Habsburg Dynasty can be considered merely as a matter interesting the Hungarian Nation, and hereby declare that such a restoration would be at variance with the whole basis of the Peace Settlement, and would be neither recognized nor tolerated by them'.[2] (Declaration by Great Britain, France, and Italy, 2nd February 1920.)

(*b*) *The 'Little Entente', 14th August 1920.* The two Powers of Czecho-Slovakia and Yugo-slavia signed on the 14th August an agreement known as the 'Little Entente', which Rumania subsequently joined. Its articles have been published.[3] It nowhere expressly states that the presence of a Habsburg on the throne of Hungary would be a *casus belli*, but it draws much tighter the bands between the three nations which surround Hungary and have deprived her of the largest part of her ancient kingdom. An anti-Habsburg Convention has also been signed between Italy and Yugo-slavia at the same time as the Treaty of Rapallo. On the 5th February 1921 at Rome Dr. Beneš, the Czecho-Slovak Foreign Secretary, stated that the resolve not to permit the return of the Habsburg was the basis and groundwork of the 'Little Entente'. Hungary had anticipated this through her new Foreign Minister Gratz (4th February), who had stated that the refusal to permit a Habsburg to return constituted an interference with the internal affairs of Hungary. On the 7th February 1921

[1] *v.* Chap. VII, Part III, Hungary, § 3, pp. 417–18.

[2] The United States concurred in the declaration of the 22nd August 1919, but apparently not in that of the 2nd February 1920.

[3] *v.* text in this volume, App. III, p. 519. *v.* also an article on the 'Little Entente' by R. W. Seton-Watson in *New Europe*, 14th October 1920.

Mr. Hohler, British High Commissioner at Budapest, in a published interview expressly stated that the Powers' declaration against the Habsburgs (2nd February 1920) still held good. To this utterance Count Apponyi replied regretting that 'our goodwill had been so badly recompensed', while ex-Premier Friedrich said, 'It only remains to throw ourselves anew into the arms of Germany.' The conflict of view between Hungary and the Powers is evident.

(*c*) *The attempted coup d'état of ex-King Charles, 26th March–5th April 1921.* It must, however, be admitted that the Hungarian Government showed a very proper attitude in respect to the recent attempt of the ex-King Charles. Charles suddenly appeared from Switzerland and presented himself to Horthy at Budapest on Easter Sunday (27th March). The latter requested him to leave, and the ex-King departed to Steinamanger, a small town on the borders of West Hungary. Both Austrian and Hungarian Parliaments passed resolutions condemning the attempt; on the 1st April the Ambassadors' Council at Paris reaffirmed its previous anti-Habsburg declaration of the 2nd February 1920. The 'Little Entente' went further, made military preparations, and demanded the expulsion of Charles before the 7th April by an ultimatum. On the 5th April the ex-King bowed to the storm and recrossed the Hungarian frontier *en route* for Switzerland, thus averting a serious crisis.

9. *Prospects of the New Hungary.* The net result would appear to be that a forcible attempt by Hungary to restore the Habsburgs would be regarded as an attempt to disturb the boundaries, as at present laid down. This is likely to meet with definite and concerted resistance from several different nations, quite apart from the fact that the Hungarian Treaty is also defended by the general territorial guarantee of the League of Nations. No other country is surrounded by so close a network of treaty obligations and, failing a complete reversal of the existing state system, the future of Hungary must depend on the degree to which she accepts the conditions imposed upon her. She occupies at present a position midway between the New Austria and the New Bulgaria, being more able than the first and less willing than the second to carry out her Treaty obligations. The Hungarian case has been stated at infinite length by her apologists, who plead the misery of

her present circumstances.[1] But, in spite of the distress inflicted on her by the Béla Kun régime and the Rumanian occupation, it does not appear that her burdens are insupportable. She has indeed been reduced from a population of nearly twenty-one millions to seven and a half millions, of whom six and a quarter millions are Magyars. She has thus lost over three millions of her own race. The blow is a hard one, but not proportionately as hard as the measure meted out by the Rapallo Treaty to the Slovenes, whom we consider as friends. Perhaps even more serious than loss of territory is the feeling of resentment engendered by the partition of the historic kingdom among nationalities whom the Magyars had hitherto despised. In especial the Rumanian occupation of Budapest and of the country beyond the Theiss, and the treatment of Magyars in the new Rumanian territories, has awakened very bitter feeling. The facts are still, to some extent, in dispute, but the Rumanians have made no effective reply to the long catalogue of incidents, requisitions, etc., produced by the Hungarian Peace Delegation. One serious charge in particular has not been denied. The Rumanians have broken up the Hungarian University of Cluj (Koloszvár) and dispersed the professors and educational staff, an action in flagrant contradiction to the securities to race and language afforded by the Minorities Treaty to which Rumania has subscribed. As regards economic damage no doubt the Rumanian occupation (following on Béla Kun's wild efforts) has caused much temporary distress. But in the more permanent sense the new Hungary does not seem unable to 'live of her own' provided her affairs are well managed.

The arable land left to her is very rich and, even though some of it has been damaged by neglect and much stock has also been surrendered, Hungary's agricultural wealth is to a large extent indestructible.[2] The river transportation

[1] *v.* e.g. Apponyi in *La Revue politique internationale*, January–March 1920. Cf. also Chap. VII, Part III, *passim*. A series of six pamphlets entitled 'East European Problems' gives the official case of Hungary, and the economic difficulties of the New Hungary have been illustrated in an atlas published by F. de Heinrich, the Hungarian Minister of Commerce.

[2] Hungary still retains 36 per cent. of her old population (Census of 1910) and, according to figures given in the 'Case of Hungary', *Balkan Review*, December 1920, pp. 354–67, she retains 43 per cent. of arable land, 35 per cent. of cattle, 44 per cent. of horses, 35 per cent. of railways, 15 per cent. of forests. She has no salt mines left, but retains the valuable coal-

conditions have been altered in her favour, and a Hungarian is now President of the Danube Commission, which has fixed its permanent seat at Budapest. Access to the sea has also been guaranteed. The real trouble from which Hungary is suffering is not military defeat, economic distress, or even political disturbance. The cause lies deep in her history. The Magyars have for long been a ruling race, capable, efficient, and proud. Until 1825 they were tolerant to other nationalities, until the war they were tolerant towards Jews. The war and the peace made the pre-war ruling classes hostile not only to other nationalities and to Jews, but also to Socialists. In fact, Socialists and Jews seem now to have replaced the nationalities as the victims of Magyar misrule. It is to be hoped that this inter-class bitterness is only temporary and that the social gulf may ultimately be bridged, for internal unrest of this kind, if it is to be prolonged, must ultimately destroy the State. It is also serious that the Government seems continually to suggest the necessity of increasing its army on the pretext of employing it in anti-Bolshevist Crusades. The increase of Hungarian military forces is at least as menacing to the 'Little Entente' as it is to the Bolsheviks, especially as the former lie nearer to Hungary. Moreover, the policy which demands an increase of armed force in Hungary is more dangerous than that armed force itself. The future of the New Hungary is therefore dark and clouded, for Hungary cannot really be saved except by herself. The most hopeful sign is the rise to power of the 'Small Farmers' party, a party representing small landowners, and therefore representing Hungary in her best and most historic aspects, as the paradise of sturdy yeomen. Their programme is definitely anti-Habsburg, and, with the growth of political experience, they may be able to form a balance between the two extremes represented by the Red and the White Terrors. The real difficulty seems to be that, while the revolutionaries showed no respect for the past, the reactionaries had and have no plan for the future. The advent of the yeoman-class to direct political power is a new event in Hungarian history, but it conforms to certain ingrained historic and national tendencies. The dangers are now from the side of reaction as Andrássy himself has seen and

mines of Pécs. Cf. opinion of Dr. Mezes, the American expert at the Conference; C. T. Thompson, *The Peace Conference Day by Day*, pp. 274–5.

written.[1] Until law and order are once more fully established, prophecy is dangerous and progress impossible. But two facts seem certain. The old conservative régime in Hungary was shattered in the war beyond hope of redemption. The nationality problems no longer exist in any serious form,[2] and the establishment of universal suffrage has produced an epoch-making change in the historic Hungarian polity. Hungary is to-day and for the first time really 'the Land of the Magyars', but it is, or at least it should be, the land of all the Magyars and not of the privileged few. Given an adequate opportunity this gifted political race ought not to fail to adjust itself to the provisions of the Peace Treaty and to the conditions of the modern world. But Hungary's ultimate reconciliation with the three enlarged national States upon her borders and with Austria does not really depend on herself or upon them, for injuries or wounds on all sides are too recent and too deep. The healing process must be left to the Great Powers, who alone are in a position to mediate between and to reconcile these conflicting aims and ambitions. It is, however, not the Great Powers but the League which is the guardian of the Minorities Treaties, on the upholding and execution of which the ultimate peace of Eastern Europe essentially depends.

[1] Andrássy, pp. 348–9. He has, however, himself now (Feb. 1921) joined the Christian Nationals.

[2] There are in the new Hungary approximately 6¼ million Magyars, 480,000 Germans, 460,000 Jews, 180,000 Slovaks, 50,000 each of Yugo-slavs and Rumans, and 70,000 others. (*v.* Vol. V, Statistical Tables.)

APPENDICES

APPENDIX I

TEXT OF AUSTRO-HUNGARIAN, BULGARIAN, AND TURKISH ARMISTICES[1]

A

PROTOCOL OF THE ARMISTICE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA-HUNGARY

Signed November 3, 1918.

With Appendix.

A.—Military Clauses.

I.—Immediate cessation of hostilities on land, by sea, and in the air.

II. — Complete demobilization of the Austro-Hungarian Army and immediate withdrawal of all units operating on the front from the North Sea to Switzerland.

There shall only be maintained in Austro-Hungarian territory, within the limits indicated below in Par. 3, as Austro-Hungarian military forces, a maximum of 20 Divisions reduced to their pre-war peace effective strength.

Half the total quantity of Divisional artillery, Army Corps artillery, as well as their respective equipment, beginning with all such material which is within the territories to be evacuated by the Austro-Hungarian Army,

A.—Clauses militaires.

I.—Cessation immédiate des hostilités sur terre, sur mer et dans l'air.

II.—Démobilisation totale de l'armée austro-hongroise et retrait immédiat de toutes les unités qui opèrent sur le front de la mer du Nord à la Suisse.

Il ne sera maintenu sur le territoire austro-hongrois, dans les limites ci-dessous indiquées au paragraphe 3, comme forces militaires austro-hongroises, qu'un maximum de 20 divisions réduites à l'effectif du pied de paix d'avant-guerre.

La moitié du matériel total d'artillerie divisionnaire, d'artillerie de corps d'armée, ainsi que l'équipement correspondant, en commençant par tout ce qui se trouve sur les territoires à évacuer par l'armée austro-hongroise,

[1] The English texts are those printed in White Paper Cmd 53. There are some discrepancies or mis-translations which are noted as they occur.

shall be concentrated within localities to be designated by the Allies and the United States of America, for the purpose of being surrendered to them.

III.—Evacuation of all territory invaded by Austria-Hungary since the beginning of the war, and withdrawal of Austro-Hungarian forces, within a space of time to be laid down by the Generals Commanding-in-Chief of the Allied forces on the different fronts, beyond a line fixed as follows :

From Piz Umbrail as far as the North of the Stelvio, it will follow the crest of the Rhætian Alps as far as the sources of the Adige and of the Eisach, passing then by Mounts Reschen and Brenner and on the heights of the Oetz and the Ziller.

The line thence turns south, crossing Mount Toblach as far as present frontier of Carnic Alps. It follows this line as far as Mount Tarvis, thence to watershed of Julian Alps by Col de Predil, Mount Mangart, the Tricorno (Terglou) and watershed Podberdo, Podlaniscan and Idria. From this point the line turns south-east towards the Schneeberg, excluding the whole basin of the Save River and its tributaries ; from Schneeberg it descends the coast in such a way as to include Castua, Mattuglia and Volosca in evacuated territories.

It will follow the administrative limits of present province of Dalmatia, including to the north Lisarica and Tribania, and to the south territory limited by a line from the shore of Cape Planka to the summits of water-

devra être réuni entre des points à fixer par les Alliés et les États-Unis d'Amérique pour leur être livré.

III.—Évacuation de tout territoire envahi par l'Autriche-Hongrie depuis le début de la guerre et retrait des forces austro-hongroises dans un délai à déterminer par les Généraux Commandants en chef des forces alliées sur les différents fronts, au delà d'une ligne fixée comme suit :

Du Piz Umbrail jusqu'au nord du Stelvio, elle suivra la crête des Alpes Rhétiennes jusqu'aux sources de l'Adige et de l'Eisach, passant alors par les monts Reschen et Brenner et sur les hauteurs de l'Oetz et du Ziller.

La ligne ensuite se dirigera vers le sud, traversera le Mont Toblach et rejoindra la frontière actuelle des Alpes Carniques. Elle suivra cette frontière jusqu'au Mont Tarvis, et, après le Mont Tarvis, la ligne de partage des eaux des Alpes Juliennes par le Col Prédil, le Mont Mangart, le Tricorno (Terglou) et la ligne de partage des eaux des Cols de Podberdo, de Podlaniscan et d'Idria. A partir de ce point, la ligne suivra la direction du sud-est vers le Schneeberg, laissant en dehors d'elle tout le bassin de la Save et de ses tributaires ; du Schneeberg, la ligne descendra vers la côte, de manière à inclure Castua, Mattuglia et Volosca dans les territoires évacués.

Elle suivra également les limites administratives actuelles de la province de Dalmatie, en y comprenant, au nord, Lisarica et Tribania, et au sud jusqu'à une ligne partant sur la côte du Cap Planka et suivant vers l'est les

shed eastwards so as to include in evacuated area all the valleys and watercourses flowing towards Sebenico, such as Cicola, Kerka, Butisnica, and their tributaries. It will also include all the islands in the north and west of Dalmatia from Premuda, Selve, Ulbo, Scherda, Maon, Pago and Puntadura islands, in the north, up to Meleda, in the south, embracing Sant' Andrea, Busi, Lissa, Lesina, Tercola, Curzola, Cazza and Lagosta as well as neighbouring rocks and islets and Pelagosa, only excepting the islands of great and small Zirona, Bua, Solta and Brazza.

All territories thus evacuated will be occupied by Allied and American troops.

All military and railway equipment of all kinds (including coal) within these territories to be left *in situ*, and surrendered to the Allies and America according to special orders given by Commander-in-Chief of forces of Associated Powers on different fronts.

No new destruction, pillage or requisition by enemy troops in territories to be evacuated by them and occupied by Associated Powers.

IV.—Allied Armies shall have the right of free movement over all road and rail and waterways in Austro-Hungarian territory which shall be necessary.

Armies of Associated Powers shall occupy such strategic points in Austria-Hungary at such times

sommets des hauteurs formant la ligne de partage des eaux, de manière à comprendre dans les territoires évacués toutes les vallées et cours d'eau descendant vers Sebenico, comme la Cicola, la Kerka, la Butisnica et leurs affluents. Elle enfermera aussi toutes les îles situées au nord et à l'ouest de la Dalmatie depuis Prémuda, Selve, Ulbo, Scherda, Maon, Pago et Puntadura au nord, jusqu'à Meleda au sud, en y comprenant Sant' Andrea, Busi, Lissa, Lesina, Tercola, Curzola, Cazza et Lagosta, ainsi que les rochers et îlots environnants, et Pelagosa, à l'exception seulement des îles Grande et Petite Zirona, Bua, Solta et Brazza.

Tous les territoires ainsi évacués seront occupés par les forces des Alliés et des États-Unis d'Amérique.

Maintien sur place de tout le matériel militaire et de chemin de fer ennemi qui se trouve sur les territoires à évacuer.

Livraison aux Alliés et aux États-Unis de tout ce matériel (approvisionnements de charbon et autres compris) suivant les instructions de détail données par les Généraux Commandants en chef les forces des Puissances associées sur les différents fronts.

Aucune destruction nouvelle, ni pillage, ni réquisition nouvelle par les troupes ennemies dans les territoires à évacuer par l'ennemi et à occuper par les forces des Puissances associées.

IV.—Possibilité pour les Armées des Puissances associées de se mouvoir librement par l'ensemble des routes, chemins de fer et voies fluviales des territoires austro-hongrois nécessaires.

Occupation par les Armées des Puissances associées de tous points stratégiques en Autriche-Hongrie

as they may deem necessary to enable them to conduct military operations or to maintain order.

They shall have right of requisition on payment for troops of Associated Powers wherever they may be.

V.—Complete evacuation of all German troops within 15 days not only from Italian and Balkan fronts but from all Austro-Hungarian territory.

Internment of all German troops which have not left Austria-Hungary before that date.

VI.—Administration of evacuated territories of Austria-Hungary will provisionally be entrusted to local authorities under control of the Allied and associated armies of occupation.

VII.—Immediate repatriation, without reciprocity, of all prisoners of war and interned Allied subjects and of civilian populations evacuated from their homes on conditions to be laid down by Commanders-in-Chief of forces of Allied Powers on various fronts.

VIII.—Sick and wounded who cannot be removed from evacuated territory will be cared for by Austro-Hungarian personnel who will be left on the spot with medical material required.

et à tous moments jugés nécessaires par ces Puissances pour rendre possible toutes opérations militaires ou pour maintenir l'ordre.

Droit de réquisition contre paiement pour les Armées des Puissances associées dans tous les territoires où elles se trouveront.

V.—Complète évacuation, dans un délai de 15 jours, de toutes troupes allemandes, non seulement des fronts d'Italie et des Balkans, mais de tous territoires austro-hongrois.

Internement de toutes troupes allemandes qui n'auraient pas quitté avant ce délai le territoire austro-hongrois.

VI.—Les territoires austro-hongrois évacués seront provisoirement administrés par les autorités locales sous le contrôle des troupes alliées ou associées d'occupation.

VII.—Rapatriement immédiat, sans réciprocité, de tous les prisonniers de guerre, sujets alliés internés et populations civiles évacuées, dans les conditions à fixer par les Généraux Commandants en chef les Armées des Puissances alliées sur les fronts.

VIII.—Les malades et blessés inévacuables seront soignés par du personnel austro-hongrois qui sera laissé sur place avec le matériel nécessaire.

B.—Naval Conditions.

I.—Immediate cessation of all hostilities at sea and definite information to be given as to location and movements of all Austro-Hungarian ships.

Notification to be made to neutrals that free navigation in all territorial waters is given to the naval and mercantile marines

B.—Clauses navales.

I.—Cessation immédiate de toute hostilité sur mer et indications précises de l'emplacement et des mouvements de tous les bâtiments austro-hongrois.

Avis sera donné aux neutres de la liberté concédée à la navigation des marines de guerre et de commerce des Puissances alliées et

of the Allied and Associated Powers, all questions of neutrality being waived.

II.—Surrender to the Allies and United States of America of 15 Austro-Hungarian submarines completed between years 1910 and 1918 and of all German submarines which are in or may hereafter enter Austro-Hungarian territorial waters. All other Austro-Hungarian submarines to be paid off and completely disarmed and to remain under supervision of the Allies.

III.—Surrender to the Allies and United States of America, with their complete armament and equipment, of 3 battleships, 3 light cruisers, 9 destroyers, 12 torpedo-boats, 1 mine-layer, 6 Danube monitors, to be designated by the Allies and United States of America.

All other surface warships (including river craft) are to be concentrated in Austro-Hungarian naval bases to be designated by the Allies and United States of America, and are to be paid off, completely disarmed and placed under supervision of Allies and United States of America.

IV.—Free navigation to all warships and merchant ships of Allied and Associated Powers to be given in the Adriatic, in territorial waters and up the River Danube and its tributaries in Austro-Hungarian territory.

Allies and Associated Powers shall have right to sweep up all minefields and obstructions, and positions of these are to be indicated.

In order to ensure free naviga-

associées dans toutes les eaux territoriales, sans soulever des questions de neutralité.

II.—Livraison aux Alliés et aux États-Unis d'Amérique de 15 sous-marins austro-hongrois achevés de 1910 à 1918 et de tous les sous-marins allemands se trouvant ou pouvant pénétrer dans les eaux territoriales austro-hongroises. Désarmement complet et démobilisation de tous les autres sous-marins austro-hongrois, qui devront rester sous la surveillance des Alliés et des États-Unis d'Amérique.

III.—Livraison aux Alliés et aux États-Unis d'Amérique, avec leur armement et équipement complets, de 3 cuirassés, 3 croiseurs légers, 9 destroyers, 12 torpilleurs, 1 mouilleur de mines, 6 monitors du Danube, à désigner par les Alliés et les États-Unis d'Amérique.

Tous les autres bâtiments de guerre de surface (y compris ceux de rivière) devront être concentrés dans les bases navales austro-hongroises qui seront désignées par les Alliés et les États-Unis d'Amérique et devront être démobilisés et complètement désarmés et placés sous la surveillance des Alliés et des États-Unis d'Amérique.

IV.—Liberté de navigation de tous les bâtiments des marines de guerre et de commerce des Puissances alliées et associées dans l'Adriatique, y compris les eaux territoriales, et sur le Danube et ses affluents en territoire austro-hongrois.

Les Alliés et les Puissances associées auront le droit de draguer tous les champs de mines et de détruire les obstructions dont l'emplacement devra leur être indiqué.

Pour assurer la liberté de navi-

tion on the Danube, Allies and United States of America shall be empowered to occupy or to dismantle all fortifications or defence works.

V.—Existing blockade conditions set up by Allied and Associated Powers are to remain unchanged, and all Austro-Hungarian merchant ships found at sea are to remain liable to capture with the exceptions which may be made by a Commission nominated by Allies and United States.

VI.—All naval aircraft are to be concentrated and immobilized in Austro-Hungarian bases to be designated by Allies and United States of America.

VII.—Evacuation of all the Italian coast, and of all ports occupied by Austria-Hungary outside their national territory, and abandonment of all floating craft, naval materials, equipment and materials for inland navigation of all kinds.

VIII.—Occupation by Allies and United States of America of land and sea fortifications and islands which form defences, and of dockyards and arsenals at Pola.

IX.—All merchant vessels held by Austria-Hungary belonging to Allies and Associated Powers to be returned.

X.—No destruction of ships or of materials to be permitted before evacuation, surrender or restoration.

XI.—All naval and mercantile prisoners of war of Allied and Associated Powers in Austro-Hungarian hands to be returned without reciprocity.

The undersigned plenipotentiaries, duly authorized, signify

gation sur le Danube les Alliés et les États-Unis d'Amérique pourront occuper ou démanteler tous les ouvrages fortifiés et de défense.

V.—Maintien du blocus des Puissances alliées et associées dans les conditions actuelles, les navires austro-hongrois trouvés en mer restent sujets à capture, sauf les exceptions qui seront admises par une Commission qui sera désignée par les Alliés et les États-Unis d'Amérique.

VI.—Groupement et immobilisation dans les bases austro-hongroises désignées par les Alliés et les États-Unis d'Amérique de toutes les forces aériennes navales.

VII.—Évacuation de toute la côte italienne et de tous les ports occupés par l'Autriche-Hongrie en dehors de son territoire national et abandon de tout le matériel flottant, matériel naval, équipement et matériel pour voie navigable de tout ordre.

VIII.—Occupation par les Alliés et les États-Unis d'Amérique des fortifications de terre et de mer, et des îles constituant la défense de Pola, ainsi que des chantiers et de l'Arsenal.

IX.—Restitution de tous les navires de commerce des Puissances alliées et associées détenus par l'Autriche-Hongrie.

X.—Interdiction de toute destruction des navires ou de matériel avant évacuation, livraison ou restitution.

XI.—Restitution, sans réciprocité, de tous les prisonniers de guerre des marines de guerre et de commerce des Puissances alliées et associées au pouvoir des Austro-Hongrois.

Les plénipotentiaires soussignés, dûment autorisés, déclarent d'ap-

their approval of above conditions.

3rd November 1918.

Representatives of Italian Supreme Command.

Ten. Gen. PIETRO BADOGLIO.
Magg. Gen. SCIPIONE SCIPIONI.
Colonn. TULLIO MARCHETTI.
Colonn. PIETRO GAZZERA.
Colonn. PIETRO MARAVIGNA.
Colonn. ALBERTO PARIANI.
Cap. Vasc. FRANCESCO ACCINNI.

prouver les conditions susindiquées.

3 novembre 1918.

Les Représentants du Commandement Suprême de l'Armée austro-hongroise.

Signés :

VICTOR WEBER EDLER VON WEBENAU.
KARL SCHNELLER.
Y. VON LIECHTENSTEIN.
J. V. NYÉKHEGYI.
ZWIERKOWSKI.
VICTOR, FREIHERR VON SEILLER.
KAMILLO RUGGERA.

SUPPLEMENT TO PROTOCOL

Contains details and executive clauses of certain points of the Armistice between the Allied and Associated Powers and Austria-Hungary.

I.—MILITARY CLAUSES.

1.—Hostilities on land, sea and air, will cease on all Austro-Hungarian fronts 24 hours after the signing of the Armistice, *i. e.*, at 3 o'clock on 4th November (Central European time).

From that hour the Italian and Allied troops will not advance beyond the line then reached.

The Austro-Hungarian troops and those of her allies must retire to a distance of at least 3 kilometres (as the crow flies) from the line reached by the Italian troops or by troops of Allied countries. Inhabitants of the 3 kilometre zone included between the two lines (above-mentioned) will be able to obtain necessary supplies from their own army or those of the Allies.

All Austro-Hungarian troops who may be at the rear of the fighting lines reached by the Italian troops, on the cessation of hostilities, must be regarded as prisoners of war.

2.—Regarding the clauses included in Articles II and III concerning artillery equipment, and war material to be either collected in places indicated or left in territories which are to be evacuated, the Italian plenipotentiaries representing all the Allied and Associated Powers, give to the said clauses the following interpretation which will be carried into execution :

(*a*) Any material or part thereof which may be used for the purpose of war must be given up to the Allied and Associated Powers. The Austro-Hungarian Army and the German troops are only authorized to take personal arms and equipment belonging to troops evacuating the

territories mentioned in Article III, besides officers' chargers, the transport train, and horses specially allotted to each unit for transport of food supplies, kitchens, officers' luggage and medical material. This clause applies to the whole army and to all the services.

(*b*) Concerning artillery—it has been arranged that the Austro-Hungarian Army and German troops shall abandon all artillery material and equipment in the territory to be evacuated.

The calculations necessary for obtaining a complete and exact total of the artillery divisions and army corps at the disposal of Austro-Hungary on the cessation of hostilities (half of which must be given up to the Associated Powers) will be made later, in order to arrange, if necessary, for the delivery of other Austro-Hungarian artillery material and for the possible eventual return of material to the Austria-Hungarian Army by the Allied and Associated Armies.

All artillery which does not actually form part of the divisional artillery and army corps must be given up, without exception. It will not, however, be necessary to calculate the amount.

(*c*) On the Italian front the delivery of divisional and army corps artillery will be effected at the following places: Trento, Bolzano, Pieve di Cadore, Stazione per la Carnia, Tolmino, Gorizia and Trieste.

3.—Special Commissions will be selected by the Commanders-in-Chief of Allied and Associated Armies on the various Austro-Hungarian fronts, which will immediately proceed, accompanied by the necessary escorts, to the places they regard as the most suitable from which to control the execution of the provisions established above.

4.—It has been determined that the designations M. Toblach and M. Tarvis indicate the groups of mountains dominating the ridge of Mts. Toblach and the Valley of Tarvis.

5.—The retirement of Austro-Hungarian troops and those of her allies beyond the lines indicated in Article III of the Protocol of Armistice Conditions, will take place within 15 days of the cessation of hostilities, as far as the Italian front is concerned.

On the Italian front, Austro-Hungarian troops and those of her allies must have retired beyond the line: Tonale—Noce—Lavis—Avisio—Pordoi—Livinallongo—Falzarego—Pieve di Cadore—Colle Mauria—Alto Tagliamento—Fella—Raccolana—Selle Nevea—Isonzo by the fifth day, they must also have evacuated the Dalmatian territory indicated above.

Austro-Hungarian troops on land and sea, or those of her allies, not having evacuated the territories indicated within the period of 15 days will be regarded as prisoners of war.

6.—The payment of any requisitions made by the armies of the

Allied and Associated Armies on Austro-Hungarian territory will be carried out according to paragraph 1 of page 227 of 'Servizio in Guerra—Part II, Edizione 1915', actually in force in the Italian Army.

7.—As regards railways and the exercise of the rights confirmed [conferred ?] upon the Associated Powers by Article IV of the Armistice agreement between the Allied Powers and Austria-Hungary, it has been determined that the transport of troops, war material and supplies for Allied and Associated Powers on the Austro-Hungarian railway system, outside territory evacuated in accordance with the terms of the Armistice, and the direction and working of the railways shall be effected by the employees of the Austro-Hungarian railway administration, under the supervision of special Commissioners selected by the Allied Powers, and the Military Italian Headquarters which it will be considered necessary to establish, the Austro-Hungarian authorities will give priority to Allied military trains, and will guarantee their safety.

8.—On territory to be evacuated at the cessation of hostilities, all mines on roads or railway tracts, all minefields and other devices for interrupting communications by road or rail must be rendered inactive and harmless.

9.—Within a period of 8 days from the cessation of hostilities, prisoners and Italian subjects interned in Austria-Hungary must cease all work, except in the case of prisoners and interned who have been employed in agricultural pursuits previous to the day on which the Armistice was signed. In any case they must be ready to leave at once on request of the Commander-in-Chief of the Italian Army.

10.—Austria-Hungary must provide for the protection, safety and supplies (expenses of these to be repaid) of the various Commissions selected by the Allied Governments to take over war material and to exercise general control, whether in the territory to be evacuated or in any other part of Austria-Hungary.

II.—Naval Clauses.

1.—The hour for the cessation of hostilities by sea will be the same as that of the cessation of hostilities by land and air.

Before that time the Austro-Hungarian Government must have furnished the Italian Government, and those of the Associated Powers, with the necessary information concerning the position and movements of the Austro-Hungarian ships, through the Wireless Station at Pola, which will transmit the information to Venice.

2.—The units referred to in Articles II and III, to be surrendered to the Associated Powers, must return to Venice between 8 a.m. and 3 p.m. on 6th November; they will take a pilot on board 14 miles from the coast. An exception is made as regards the Danube monitors, which will be required to proceed to a port indicated by the Commander-in-Chief of the forces of the Associated Powers on the Balkan front, under such conditions as he may determine.

3.—The following ships will proceed to Venice :

Teghethoff.	*Saida.*
Prinz Eugen.	*Novara.*
Ferdinand Max.	*Helgoland.*

Nine destroyers of *Tatra* type (at least 800 tons) of most recent construction.

Twelve torpedo-boats (200-ton type).

Minelayer *Chamaleon.*

Fifteen submarines built between 1910 and 1918, and all German submarines which are, or may eventually be, in Austro-Hungarian waters.

Premeditated damage, or damage occurring on board the ships to be surrendered will be regarded by the Allied Governments as a grave infringement of the present Armistice terms.

The *Lago di Garda* flotilla will be surrendered to the Associated Powers in the Port of Riva.

All ships not to be surrendered to the Associated Powers will be concentrated in the ports of Buccari and Spalato within 48 hours of the cessation of hostilities.

4.—As regards the right of sweeping minefields and destroying barrages, the Austro-Hungarian Government guarantees to deliver the maps of minefields and barrages at Pola, Cattaro and Fiume to the Commander of the Port of Venice, and to the Admiral of the Fleet at Brindisi within 48 hours of the cessation of hostilities, and within 96 hours of the cessation of hostilities, maps of minefields and barrages in the Mediterranean and Italian lakes and rivers, with additional notification of such minefields or barrages laid by order of the German Government as are within their knowledge.

Within the same period of 96 hours a similar communication concerning the Danube and the Black Sea will be delivered to the Commander of the Associated Forces on the Balkan front.

5.—The restitution of merchant ships belonging to the Associated Powers will take place within 96 hours of the cessation of hostilities, in accordance with the indications determined by each Associated Power, which will be transmitted to the Austro-Hungarian Government. The Associated Powers reserve to themselves the constitution of the Commission referred to in Article V, and of informing the Austro-Hungarian Government of its functions, and of the place in which it will meet.

6.—The naval base referred to in Article VI is Spalato.

7.—The evacuation referred to in Article VII will be effected within the period fixed for the retirement of the troops beyond the Armistice lines. There must be no damage to fixed, mobile or floating material in the ports.

Evacuation may be effected *via* the Lagoon canals by means of Austro-Hungarian boats which may be brought in from outside.

8.—The occupation referred to in Article VIII will take place within 48 hours of the cessation of hostilities.

The Austro-Hungarian authorities must guarantee the safety of vessels transporting troops for the occupation of Pola and of islands

and other places as provided for in the terms of the Armistice for the Land Army.

The Austro-Hungarian Government will give directions that the ships belonging to Associated Powers proceeding to Pola should be met 14 miles out by pilots capable of showing them the safest way into port. All damage to the persons or property of the Associated Powers will be regarded as a grave infringement of the present Armistice terms.

The undersigned duly authorized Plenipotentiaries have signified their approval of the above conditions.

3rd November, 1918.

Representatives of the Supreme Command of the Austro-Hungarian Army.

VICTOR WEBER EDLER VON WEBENAU.
KARL SCHNELLER.
Y. VON LIECHTENSTEIN.
J. V. NYÉKHEGYI.
ZWIERKOWSKI.
VICTOR, FREIHERR VON SEILLER.
KAMILLO RUGGERA.

Representatives of the Supreme Command of the Italian Army.

Ten. Gen. PIETRO BADOGLIO.
Magg. Gen. SCIPIONE SCIPIONI.
Colonn. TULLIO MARCHETTI.
Colonn. PIETRO GAZZERA.
Colonn. PIETRO MARAVIGNA.
Colonn. ALBERTO PARIANI.
Cap. Vasc. FRANCESCO ACCINNI.

B

TEXT OF MILITARY CONVENTION BETWEEN THE ALLIES AND HUNGARY

Signed at Belgrade, 18th November, 1918.

MILITARY CONVENTION REGULATING THE CONDITIONS UNDER WHICH THE ARMISTICE, SIGNED BETWEEN THE ALLIES AND AUSTRIA-HUNGARY, IS TO BE APPLIED IN HUNGARY.

1.—The Hungarian Government will withdraw all troops north of a line drawn through the upper valley of the Szamos, Bistritz, Maros-Vásárhely, the river Maros to its junction with the Theiss, Maria-Theresiopel, Baja, Fünfkirchen (these places not being occupied by Hungarian troops), course of the Drave, until it coincides with the frontier of Slavonia-Croatia.

The evacuation to be carried out in 8 days, the Allies to be entitled to occupy the evacuated territory on the conditions laid down by the General Commander-in-Chief of the Allied Armies. Civil Administration will remain in the hands of the Government.

In actual fact only the police and gendarmerie will be retained in the evacuated zone, being indispensable to the maintenance of order, and also such men as are required to ensure the safety of the railways.

2.—Demobilization of Hungarian naval and military forces. An exception will be made in the case of six infantry divisions and two cavalry divisions, required for the maintenance of internal order and in the case of small sections of police mentioned in paragraph 1.

3.—The Allies to have the right of occupying all places and strategic points, which may be permanently fixed by the General Commander-in-Chief of the Allied Armies.

The Allied troops to be allowed to pass through, or to remain in any part of Hungary.

The Allies to have permanent right of use, for military purposes, of all rolling stock and shipping belonging to the State or to private individuals resident in Hungary, also of all draught animals.

4.—The rolling stock and railway staff usually employed in the occupied territory will remain (*see* paragraph 1), and a reserve of 2,000 wagons and 100 locomotives (normal gauge), and 600 wagons and 50 locomotives (narrow gauge), will also be handed over within the month to the General Commander-in-Chief. These will be for the use of the Allied troops, and to compensate for the deficiency of material from Serbia due to the war. Some portion of this materia could be levied from Austria. The figures are approximate.

5.—The ships and crews, usually employed in the service of the occupied territory will remain, in addition to monitors will be surrendered to the Allies immediately at Belgrade [?]. The rest of the Danube flotilla will be assembled in one of the Danube ports, to be appointed later by the General Commander-in-Chief, and will be disarmed there. A levy of 10 passenger vessels, 10 tugs, and 60 lighters will be made on this flotilla as soon as possible for the use of the Allied troops, to compensate for the deficiency of material from Serbia, due to the war. The figures are approximate.

6.—Within 15 days a detachment of 3,000 men from the railway technical troops are to be placed at the disposal of the General Commander-in-Chief supplied with the material necessary to repair the Serbian railways. These figures are approximate.

7.—Within 15 days a detachment of sappers of the Telegraph branch are to be placed at the disposal of the General Commander-in-Chief provided with material necessary for establishing telegraphic and telephone communications with Serbia.

8.—Within one month, 25,000 horses are to be placed at the disposal of the General Commander-in-Chief, together with such transport material as he may deem necessary. These figures are approximate.

9.—Arms and war material to be deposited at places appointed by the General Commander-in-Chief. A portion of this material will be levied for the purpose of supplying units to be placed under the orders of the General Commander-in-Chief.

10.—Immediate liberation of all Allied prisoners of war and interned civilians, who will be collected at places convenient for their despatch by rail; they will there receive directions as to time and place of repatriation, according to the orders issued by the General Commander-in-Chief. Hungarian prisoners of war to be provisionally retained.

11.—A delay of 15 days is granted for the passage of German troops through Hungary and their quartering meanwhile, dating from the signing of the Armistice by General Diaz (4th November, 3 p.m.). Postal and telegraphic communication with Germany will

only be permitted under the military control of the Allies. The Hungarian Government undertakes to allow no military telegraphic communication with Germany.

12.—Hungary will facilitate the supplying of the Allied troops of occupation; requisitions will be allowed on condition that they are not arbitrary, and that they are paid for at current rates.

13.—The situation of all Austro-Hungarian mines in the Danube and the Black Sea must be communicated immediately to the General Commander-in-Chief. Further, the Hungarian Government undertakes to stop the passage of all floating mines sown in the Danube up stream from the Hungarian and Austrian frontier and to remove all those actually in Hungarian waters.

14.—The Hungarian postal service, telegraphs, telephones and railways will be placed under Allied control.

15.—An Allied representative will be attached to the Hungarian Ministry of Supplies in order to safeguard Allied interests.

16.—Hungary is under an obligation to cease all relations with Germany and stringently to forbid the passage of German troops to Roumania.

17.—The Allies shall not interfere with the internal administration of affairs in Hungary.

18.—Hostilities between Hungary and the Allies are at an end.

Two copies made 13th November, 1918, at 11.15 p.m. at Belgrade.

Signed for the Allies by the delegates of the General Commander-in-Chief.

VOIVODE MISHITCH.
GENERAL HENRYS.

Signed for Hungary by the delegate of the Hungarian Government.

BÉLA LINDER.

C

THE ARMISTICE CONVENTION WITH BULGARIA

Signed September 29, 1918.

I.—Immediate evacuation, in conformity with an arrangement to be concluded, of the territories still occupied in Greece and Serbia. There shall be removed from these territories neither cattle, grain, nor stores of any kind. No damage shall be done

I.—Évacuation immédiate conformément à un arrangement à intervenir des territoires encore occupés en Grèce et en Serbie. Il ne sera enlevé de ces territoires ni bétail, ni grain, ni approvisionnement quelconque. Aucun dégât ne sera fait au départ.

on departure. The Bulgarian Administration shall continue to exercise its functions in the parts of Bulgaria at present occupied by the Allies.

II.—Immediate demobilization of all Bulgarian armies, save for the maintenance on a war footing of a group of all arms, comprising three divisions of sixteen battalions each and four regiments of cavalry, which shall be thus disposed: two divisions for the defence of the Eastern frontier of Bulgaria and of the Dobrudja, and the 148th Division for the protection of the railways.

III.—Deposit, at points to be indicated by the High Command of the Armies of the East, of the arms, ammunition, and military vehicles belonging to the demobilized units which shall thereafter be stored by the Bulgarian authorities, under the control of the Allies.

The horses likewise will be handed over to the Allies.

IV.—Restoration to Greece of the material of the IVth Greek Army Corps, which was taken from the Greek army at the time of the occupation of Eastern Macedonia, in so far as it has not been sent to Germany.

V.—The units of the Bulgarian troops at the present time west of the meridian of Uskub, and belonging to the XIth German Army, shall lay down their arms and shall be considered until further notice to be prisoners of war. The officers shall retain their arms.

VI.—Employment by the Allied armies of Bulgarian prisoners of war in the East until the conclusion of peace, without reciprocity as regards Allied prisoners of war. These latter shall be handed over without delay to

L'Administration bulgare continuera à fonctionner dans les parties de Bulgarie actuellement occupées par les Alliés.

II.—Démobilisation immédiate de toutes les armées bulgares, sauf en ce qui concerne le maintien en état de combattre d'un groupe de toutes armes comprenant trois divisions de seize bataillons chacune, quatre régiments de cavalerie qui seront affectés, deux divisions à la défense de la frontière est de la Bulgarie et de la Dobroudja, et la 148e Division pour la garde des voies ferrées.

III.—Dépôt, en des points à désigner par le Haut Commandement des Armées d'Orient, des armes, des munitions, véhicules militaires appartenant aux éléments démobilisés, qui seront ensuite emmagasinés par les soins des autorités bulgares et sous le contrôle des Alliés.

Les chevaux seront également remis aux Alliés.

IV.—Remise à la Grèce du matériel du IVe Corps d'Armée grec pris à l'armée grecque au moment de l'occupation de la Macédoine orientale, en tant qu'il n'a pas été envoyé en Allemagne.

V.—Les éléments de troupes bulgares actuellement à l'ouest du méridien d'Uskub et appartenant à la XIe Armée allemande déposeront les armes et seront considérés jusqu'à nouvel ordre comme prisonniers de guerre; les officiers conserveront leurs armes.

VI.—Emploi jusqu'à la paix par les Armées alliées des prisonniers bulgares en Orient sans réciprocité en ce qui concerne les prisonniers de guerre alliés. Ceux-ci seront remis sans délai aux autorités alliées et les déportés civils seront

the Allied authorities, and deported civilians shall be entirely free to return to their homes.

VII.—Germany and Austria-Hungary shall have a period of four weeks to withdraw their troops and military organizations. Within the same period the diplomatic and consular representatives of the Central Powers, as also their nationals, must leave the territory of the Kingdom. Orders for the cessation of hostilities shall be given by the signatories of the present convention.

(Signed)
General FRANCHET D'ESPEREY.
ANDRÉ LIAPCHEF.
E. T. LOUKOF.

General Headquarters,
September 29, 1918, 10.50 p.m.

complètement libres de rentrer dans leurs foyers.

VII.—L'Allemagne et l'Autriche-Hongrie auront un délai de quatre semaines pour retirer leurs troupes et leurs organes militaires. Dans le même délai, devront quitter le territoire du Royaume les représentants diplomatiques et consulaires des Puissances centrales, ainsi que leurs nationaux. Les ordres pour la cessation des hostilités seront donnés par les signataires de la présente convention.

(Signé)
Général FRANCHET D'ESPEREY.
ANDRÉ LIAPCHEF.
E. T. LOUKOF.

Général Quartier-général,
le 29 septembre 1918,
22 heures 50.

D

THE ARMISTICE CONVENTION WITH TURKEY[1]

Signed October 30, 1918.

I.—Opening of Dardanelles and Bosphorus, and secure access to the Black Sea. Allied occupation of Dardanelles and Bosphorus forts.

II.—Positions of all minefields, torpedo-tubes, and other obstructions in Turkish waters to be indicated, and assistance given to sweep or remove them as may be required.

III.—All available information as to mines in the Black Sea to be communicated.

IV.—All Allied prisoners of war and Armenian interned persons and prisoners to be collected in Constantinople and handed over unconditionally to the Allies.

V.—Immediate demobilization of the Turkish army, except for such troops as are required for the surveillance of the frontiers and for the maintenance of internal order. (Number of effectives and their disposition to be determined later by the Allies after consultation with the Turkish Government.)

VI.—Surrender of all war vessels in Turkish waters or in waters occupied by Turkey; these ships to be interned at such Turkish

[1] The original of this convention was signed in English.

port or ports as may be directed, except such small vessels as are required for police or similar purposes in Turkish territorial waters.

VII.—The Allies to have the right to occupy any strategic points in the event of any situation arising which threatens the security of the Allies.

VIII.—Free use by the Allied ships of all ports and anchorages now in Turkish occupation and denial of their use to the enemy. Similar conditions to apply to Turkish mercantile shipping in Turkish waters for purposes of trade and the demobilization of the army.

IX.—Use of all ship-repair facilities at all Turkish ports and arsenals.

X.—Allied occupation of the Taurus tunnel system.

XI.—Immediate withdrawal of the Turkish troops from North-West Persia to behind the pre-war frontier has already been ordered and will be carried out. Part of Trans-Caucasia has already been ordered to be evacuated by Turkish troops; the remainder is to be evacuated if required by the Allies after they have studied the situation there.

XII.—Wireless telegraphy and cable stations to be controlled by the Allies, Turkish Government messages excepted.

XIII.—Prohibition to destroy any naval, military, or commercial material.

XIV.—Facilities to be given for the purchase of coal and oil fuel, and naval material from Turkish sources, after the requirements of the country have been met. None of the above material to be exported.

XV.—Allied Control Officers to be placed on all railways, including such portions of the Trans-Caucasian Railways as are now under Turkish control, which must be placed at the free and complete disposal of the Allied authorities, due consideration being given to the needs of the population. This clause to include Allied occupation of Batoum. Turkey will raise no objection to the occupation of Baku by the Allies.

XVI.—Surrender of all garrisons in Hedjaz, Assir, Yemen, Syria, and Mesopotamia to the nearest Allied Commander; and the withdrawal of troops from Cicilia, except those necessary to maintain order, as will be determined under Clause V.

XVII.—Surrender of all Turkish officers in Tripolitania and Cyrenaica to the nearest Italian garrison. Turkey guarantees to stop supplies and communication with these officers if they do not obey the order to surrender.

XVIII.—Surrender of all ports occupied in Tripolitania and Cyrenaica, including Misurata, to the nearest Allied garrison.

XIX.—All Germans and Austrians, naval, military, and civilian, to be evacuated within one month from the Turkish dominions: those in remote districts to be evacuated as soon after as may be possible.

XX.—The compliance with such orders as may be conveyed for the disposal of the equipment, arms, and ammunition, including transport, of that portion of the Turkish Army which is demobilized under Clause V.

XXI.—An Allied representative to be attached to the Turkish Ministry of Supplies in order to safeguard Allied interests. This representative is to be furnished with all information necessary for this purpose.

XXII.—Turkish prisoners to be kept at the disposal of the Allied Powers. The release of Turkish civilian prisoners over military age to be considered.

XXIII.—Obligation on the part of Turkey to cease all relations with the Central Powers.

XXIV.—In case of disorder in the six Armenian vilayets, the Allies reserve to themselves the right to occupy any part of them.

XXV.—Hostilities between the Allies and Turkey shall cease from noon, local time, on Thursday, 31st October, 1918.

Signed in duplicate on board His Britannic Majesty's Ship *Agamemnon*, at Port Mudros, Lemnos, the 30th October, 1918.

(Signed) ARTHUR CALTHORPE.
HUSSEIN RAOUF.
RECHAD HIKMET.
SAADULLAH.

APPENDIX II

A. THE AGREEMENT WITH RUMANIA

From a series of Russian diplomatic documents published in the 'Izvestiya' on 4th February, 1918, and summarized by the 'Manchester Guardian's' Petrograd correspondent (8th February).

On the same day [8th August, 1916] the text of an agreement between the Allies and Rumania is prepared, giving satisfaction to all Rumania's claims to the Banat, Transylvania up to the Theiss, and Bukovina up to the Pruth. M. Stürmer, in a memorandum to the Tsar, however, raises the objection that Rumania must not be regarded as on a footing with the Great Powers, and the latter must not be bound to continue the war until all Rumania's territorial claims are realized, since this would cause serious complications over the Constantinople straits. On 12th August the Tsar agrees to all the Rumanian terms. The secret treaty was signed on 17th August, the Salonika advance to take place on 20th August, and the entrance of Rumania on 28th August.

From a Note signed by General Polivanoff, dated 20th November, 1916, forming one of a series of diplomatic documents published by the 'Izvestiya' on 24th November, 1917.

. . . In August, 1916, there was signed a military-political agreement with Italy, giving her territorial extensions (in Bukovina, Banat, and Transylvania) which were obviously out of proportion with Rumania's share in the military operations.

B. THE SECRET TREATY WITH RUMANIA

POLITICAL AGREEMENT WITH RUMANIA, 17TH AUGUST 1916[1]

Political Agreement.

Entre les soussignés :

1. Sir George Barclay, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi du Royaume de Grande-Bretagne et d'Irlande et des Dominions britanniques au delà des Mers, Empereur des Indes, près Sa Majesté le Roi de Roumanie ;

2. Le Comte de Saint-Aulaire, Envoyé extraordinaire et Ministre plénipotentiaire du Président de la République française près Sa Majesté le Roi de Roumanie ;

3. Le Baron Fasciotti, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi d'Italie près Sa Majesté le Roi de Roumanie ; et

4. M. Stanislas Poklevski-Koziell, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté l'Empereur de toutes les Russies près Sa Majesté le Roi de Roumanie ;

spécialement autorisés par leurs Gouvernements respectifs, d'une part ; et M. Jean J. C. Bratianu, Président du Conseil des Ministres du Royaume de Roumanie, au Gouvernement roumain, d'autre part, il a été convenu ce qui suit :

1° La Grande-Bretagne, la France, l'Italie et la Russie garantissent l'intégrité territoriale du Royaume de Roumanie dans l'étendue de ses frontières actuelles.

2° La Roumanie s'engage à déclarer la guerre et à attaquer l'Autriche-Hongrie dans les conditions stipulées par la Convention militaire ; la Roumanie s'engage également à cesser, dès la déclaration de la guerre, toutes relations économiques et échanges commerciaux avec tous les ennemis des Alliés.

3° La Grande-Bretagne, la France, l'Italie et la Russie reconnaissent à la Roumanie le droit d'annexer les territoires de la Monarchie austro-hongroise stipulés et délimités à l'article 4.

4° Les limites des territoires mentionnés à l'article précédent sont fixées comme suit :

La ligne de délimitation commencera sur le Pruth à un point de la frontière actuelle entre la Russie et la Roumanie près de Novoselitza et remontera ce fleuve jusqu'à la frontière de la Galicie au confluent du Pruth et du Cèremos. Ensuite elle suivra la frontière de la Galicie et de la Bukovine et celle de la Galicie et de la Hongrie jusqu'au point Stog coté 1655. De là elle suivra la ligne de séparation des eaux de la Tisza et du Viso, pour atteindre la Tisza au village de Trebusa en amont de l'endroit où elle s'unit au Viso. A partir de ce point elle descendra le thalweg de la Tisza jusqu'à 4 kilom. en aval de son confluent avec le Szamos, en laissant le village de Vasaros-Nameny à la Roumanie. Elle

[1] Text from *Le Temps*. A military Convention was also signed at the same time.

continuera ensuite dans la direction du sud-sud-ouest jusqu'à un point à 6 kilom. à l'est de la ville de Debreczen. De ce point elle atteindra le Crisch à 3 kilom. en aval de la réunion de ces deux affluents (le Crisch blanc et le Crisch rapide). Elle joindra ensuite la Tisza à la hauteur du village Algyö au nord de Szegedin, en passant à l'ouest des villages d'Oroshaza et de Bekessamson, à 3 kilom. duquel elle fera une petite courbe. A partir d'Algyö la ligne descendra le thalweg de la Tisza jusqu'à son confluent avec le Danube, et enfin suivra le thalweg du Danube jusqu'à la frontière actuelle de la Roumanie.

La Roumanie s'engage à ne pas élever de fortifications en face de Belgrade dans une zone à déterminer ultérieurement et à ne tenir dans cette zone que des forces nécessaires au service de police. Le Gouvernement Royal roumain s'engage à indemniser les Serbes de la région du Banat qui, abandonnant leurs propriétés, voudraient émigrer dans l'espace de deux ans à partir de la conclusion de la paix.

5° La Grande-Bretagne, la France, l'Italie et la Russie, d'une part, et la Roumanie, d'autre part, s'engagent à ne pas conclure de paix séparée ou la paix générale que conjointement et simultanément.

La Grande-Bretagne, la France, l'Italie et la Russie, s'engagent également à ce que, au traité de paix, les territoires de la Monarchie austro-hongroise, stipulés à l'article 4, soient annexés à la Couronne de Roumanie.

6° La Roumanie jouira des mêmes droits que ses Alliés pour ce qui a trait aux préliminaires aux négociations de la paix, ainsi qu'à la discussion des questions qui seront soumises aux décisions de la Conférence de la Paix.

7° Les Puissances contractantes s'engagent à garder secrète la présente convention jusqu'à la conclusion de la paix générale.

Fait en cinq exemplaires, à Bucarest, le 4/17 août 1916.

(L.S.) G. Barclay.
(L.S.) Saint-Aulaire.
(L.S.) Fasciotti.
(L.S.) S. Poklevski-Koziell.
(L.S.) Jon. J. C. Bratianu.

C. TEXT OF NOTE FROM THE SUPREME COUNCIL TO THE RUMANIAN GOVERNMENT [1]

Paris, December 3.

The Supreme Council has been obliged to examine anew the question of the relations between the Allies and Rumania which have been compromised by the difficulties brought forward for long months by the Rumanian Government in their reply to all demands of the Peace Conference relating to the observation of the general engagements which bind the Allies together. The point of departure of this situation was the refusal of Rumania to sign the Treaty with Austria and the

[1] *The Times*, 4th December 1919.

Treaty guaranteeing the rights of minorities implied in the first signature.

On the other hand, since the commencement of the month of August, that is to say, since the moment when the Rumanian troops occupied Budapest, the Supreme Council has not ceased to request the Rumanian Government to assume in Hungary an attitude compatible with the common principles of the Allies. With an untiring patience inspired by the respect which the Allies have for each other and the hope that the Rumanian Government would eventually recognize that they cannot evade the reciprocal engagements of the Allies, the Conference has endeavoured to maintain the bonds which unite the Allies to Rumania and to obtain the deference of that Government to the decisions of the Supreme Council. Pressing demands to this effect were addressed to the Government of Bukarest on August 4, 5, 6, 7, 14, 23 and 25, September 5, October 12, and November 3 and 7.

In order to show the importance attached to obtaining the reply of Rumania, the Conference went to the length of sending a special envoy, Sir George Clerk, to Bukarest.

So many patient efforts have only resulted in a reply conciliatory indeed in words, but negative in facts, to the three questions put—the acceptance of the frontiers fixed by the Supreme Council, the signature of the Treaty of Peace with Austria and of the treaty of minorities, and the regularization of the situation in Hungary. The Rumanian Government has adjourned the first two questions and formulated a series of reserves which amounts to a refusal of the satisfaction demanded in the case of the third.

In presence of this attitude the Supreme Council decided to make a final appeal to the wisdom of the Rumanian Government and people, leaving to them the responsibility of the grave consequences which would result from a refusal or from an evasive reply. A term of eight days was fixed to receive the Rumanian reply. Taking note of the singular delay with which this telegram was transmitted to Bukarest, the Conference fixed, as the starting-point of the time allowed, the day on which the Council's telegram was in fact notified to the Rumanian Government, that is to say, Monday, November 24. This last delay expired at midday, December 2.

The Rumanian reply has not been such as the Supreme Council had the right to expect. Pleading the resignation of the Ministry and the recent assemblage of the new Parliament, the reply was limited to a request for a further delay in order that the new Government when constituted may undertake its responsibilities in agreement with the King and the Parliament. If the Supreme Council had adhered to their formal notifications they would, faced with the inconclusive reply from Bukarest, have broken off relations with Rumania, since that Power, in spite of the incessant requests, has agreed to nothing for many months.

Nevertheless, desirous of manifesting in an incontestable manner their moderation and their extreme regret at the prospect of Rumania separating herself from her Allies, the Supreme Council has decided to grant a further and last delay of six days to Rumania. This delay will date from Tuesday, December 2, and will expire on Monday, December 8.

The Council hopes that so kindly an attitude will be appreciated at its due value at Bukarest by the new Government, whose decision will definitely determine the political orientation of Rumania, and will express either the respect or disdain of that Power for the decisions of the Peace Conference.

APPENDIX III

THE 'LITTLE ENTENTE' TREATY

This treaty was signed at Belgrade on the 14th August 1920 between Serb-Croat-Slovene and Czecho-Slovak representatives. It was subsequently announced that Rumania had approved of this treaty, and had (28 Ap. 1921) signed a similar engagement with Czecho-Slovakia, and with Yugo-slavia 7 June 1921.

'1. In case of an unprovoked attack on the part of Hungary against one of the contracting parties the other party pledges itself to come to the assistance of the party attacked, in accordance with the arrangements set out in Part 2 of the Convention.

2. The competent authorities of the two countries will decide together the necessary measures for the execution of this Convention.

3. Neither of the contracting parties may conclude an alliance with a third power without previously informing the other party.

4. The Convention shall be valid for two years, after which each contracting party shall be free to denounce the Convention, which will remain valid for a further six months as from the date of denunciation.

5. The Convention shall be presented to the League of Nations.

6. The Convention shall be ratified and the ratifications exchanged at Belgrade with the least possible delay.' [1]

[1] Ratifications exchanged September 22, 1920.

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A HISTORY OF THE PEACE CONFERENCE OF PARIS

First printed 1921

PRINTED IN ENGLAND
AT THE OXFORD UNIVERSITY PRESS
BY FREDERICK HALL

A HISTORY OF THE PEACE CONFERENCE OF PARIS

LEGISLATIVE ASSEMBLY

EDITED BY

H. W. V. TEMPERLEY

VOL. V

ECONOMIC RECONSTRUCTION AND PROTECTION OF MINORITIES

Published under the auspices of the Institute of International Affairs

LONDON
HENRY FROWDE AND HODDER & STOUGHTON
THE *LANCET* BUILDING
1 & 2 BEDFORD STREET, STRAND, W.C. 2
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EDITORIAL FOREWORD

THE first chapter of this Volume comprises first of all the Reparation and Financial Clauses in the Austrian, Hungarian, and Bulgarian Treaties. The three other parts of this chapter deal with topics common to the German as well as the other treaties, viz. Introduction to the Economic Clauses of the Treaties; Commercial Policy; and the question of Enemy Property, Debts, and Contracts. It will be seen, therefore, that the first chapter forms a study of economic reconstruction in Europe generally.

In view of the importance of Reparation to Germany and also of the question of international communications, which affected the Rhine particularly, these two subjects were actually treated in connexion with the German Treaty in Volume II. In order to obtain a complete survey of the economic basis underlying all the Treaties, it is therefore necessary to read these two chapters in connexion with the first chapter in this Volume. The Reparation question was treated in a practically identical manner in both Austria and Hungary, and in each case they were affected injuriously by a too close imitation of the German model. On the other hand, in the case of Bulgaria the Reparation question was treated on its merits, without any hampering or imitative influences, and the result was certainly an original and practical solution of this most difficult of questions. It is probable that in the future this solution of the problem of Reparations will serve as a model for future Treaties, and in the end, therefore, actually become of more permanent importance than the principles of Reparation applied to Germany which were obviously of a very exceptional order. The solutions attempted at the

Peace Conference of other economic and commercial problems probably affect the States of Central Europe more directly than Germany. For their chief object is to make arrangements for harmony and unity in economic areas in which the divisions introduced by political separatism were a necessary result of the Peace settlement. The whole question of Enemy Property and Debts is clearly also of great importance for the future, and involves the three other Enemy Powers equally with Germany, though special arrangements protect private property of old Austro-Hungarian nationals in ceded areas. How far these solutions will be permanent is not to be decided at this moment, but they will certainly have a deep and abiding influence on all Treaties dealing with private property in the future. In view of the importance of all these problems, not only to the historian and general reader but also to the business man, great pains have been taken to secure the best advice in dealing with them, and the Editor considers it fortunate that he has secured the services of two contributors, who themselves took an active part in actually shaping the Clauses of the Treaties which are described.

The second great problem studied in this Volume is that of the arrangements made for the protection of racial and religious Minorities handed over to new Governments as a consequence of the Peace settlement. This is clearly a problem of the greatest importance for the future because it is on the establishment of such guarantees that the future peace, certainly of Central and Eastern Europe, and probably of the world as a whole, essentially depends. It is therefore of the greatest importance to understand what these Treaties attempt to do and how far they are effective and in what way the League of Nations is concerned with them. In this, as in the preceding, chapter of this Volume the chief stress is laid not on the practical working of the Clauses of the Peace Treaties (about which it would be premature to write), but on the actual meaning of the Clauses and on the ideas inspiring those who

drew them up. In a comparatively short space of time those ideas may possibly be forgotten and will certainly be obscured by subsequent arrangements or alterations. Consequently it is of importance to state now what were the intentions in the first instance.

The second section of this Volume consists of four different Tables and Summaries designed to illustrate various aspects of the Treaties. Table No. 1 (Statistical Tables) gives a summary based on the figures of the Censuses of 1910 of the actual ethnical and statistical details which apply to the Austrian and Hungarian Treaties. In the case of the Bulgarian Treaty no such detail is given because the statistics of the areas actually transferred are much less certain. The statistics actually given are based on the Austrian and Hungarian censuses of 1910 because those were in fact the authorities relied upon at the Conference and were therefore the determining factor in the decisions taken. The next Table shows the execution of the naval Clauses of the Austrian, Hungarian, and Bulgarian Peace Treaties. These Clauses themselves present no principles of special importance which were not already treated in Volume II, Chapter II, Sec. II, in connexion with Germany, and the sole feature of interest is in the way they have been executed. Table 3 deals in some detail with the difficulties affecting the recognition of certain new States and points out that certain new principles have arisen in this connexion as a result of the Peace Conference and of the establishment of the League of Nations. Table 4 gives a complete list of Treaties, Agreements, etc., in force up to the end of March 1921 in so far as they apply to Volumes I–V in this history. It makes evident the lengthy delays which have taken place, and are taking place, in the ratification of many important instruments and agreements, with consequences that are bound to be very serious. The mere table itself is significant and suggests that some more expeditious method will have to be devised in order to avert difficulties in the future. As regards the list of ratifications

the Hungarian Treaty has now come into force on the deposit of the ratification of Japan and of France, and the date of coming into force is 26th July 1921. One important addition to the list of Agreements in force should be made on p. 168. The Protocol of the Court of International Justice signed by all Powers present at the Assembly of the League should be described as in force, for twenty-two States have signed the Protocol. Sweden ratified it so long ago as the 21st December 1920, but no other Power had followed its example even as late as May 1921.[1]

The third section in this Volume gives the text of the Austrian, Hungarian, and Bulgarian Treaties. The fourth section gives a series of Documents which are in some cases of more importance than the actual Treaties themselves. Appendix II, for example, includes very interesting agreements as to contributions, etc., in connexion with the Austrian and Hungarian Treaties. It also reproduces General Smuts' famous Reparation Memorandum of the 31st March 1919, and points out that the actual text of the German Armistice in respect to Reparations appears to be still a matter of dispute between British, German, and French Governments, a fact which does not appear to be usually known and has a very important bearing on the interpretation of the Reparation Clauses in all the Treaties. Appendix III gives a complete list of all the important Yugo-Slav Documents ending with the Treaty of Rapallo. Appendix IV gives not only the text of the Treaties for the Protection of Minorities, but also the highly interesting letter of the 24th June 1919 from Clemenceau to Paderewski, which lays down the principles in an informal and very intelligible fashion. It also gives an extract from the language-law now in force in Czecho-Slovakia which illustrates how these principles are being practically carried out. These Treaties and Documents together will enable the reader to check most of

[1] Admirers of Poland should note with regret that she has not ratified the Austrian, Bulgarian, or Hungarian Treaties.

the statements advanced in the text of Volumes IV and V, and form his own opinions thereon.

Much help has been received from many friends whose services can only be acknowledged in the mass. But the preparation of this Volume, beyond any other, has involved great accuracy in detail for it deals with thirteen distinct Treaties, and with many Agreements and Conventions. This labour implies the consequent consultation of many authorities and the securing of the opinion of experts on important points of fact or in the interpretation of articles of the Treaties. The help thus sought has always been ungrudgingly given and has greatly assisted the Editor. He feels, however, that this place is the appropriate one to mention the name of Miss Lilian Mattingly, who has done invaluable secretarial work for this History, and is responsible for the interesting scheme of arrangement of the Treaties in this Volume. Acknowledgement should once more be made to Mr. T. W. Lamont, whose public-spirited action has made possible publication of these volumes.

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By Lieut.-Colonel the Hon. Sidney Peel, D.S.O., M.P.

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CHAPTER I

ECONOMIC RECONSTRUCTION IN THE TREATIES

PART I

REPARATION AND FINANCIAL CLAUSES IN AUSTRIAN, HUNGARIAN, AND BULGARIAN TREATIES

A. Reparation Clauses in Austrian and Hungarian Treaties

1. *Germany's General Responsibility for Loss and Damage.* The principles on which reparation was to be exacted from the Enemy Powers have already been discussed in relation to Germany.[1] In the main, the discussions which took place at the Conference proceeded on the basis that Germany was the main and responsible debtor. It was broadly laid down that to Germany was due all the loss and damage to which the Allied and Associated Governments and their nationals had been subjected as the consequence of the aggressive war imposed upon them. The bill to be presented to her was to be a summary of all the items, reckoned according to certain categories laid down in the Treaty, which could be imputed to her and her Allies. To the Reparation Commission, whose composition and functions have already been described, was entrusted the duty of assessing the total amount of liability. The subsequent treaties make it clear that the Allies of Germany share in this general liability.

2. *Share of Austria, Hungary, and Bulgaria in this Liability.* Article 177 of the Austrian Treaty says: 'Austria accepts the responsibility of Austria and her Allies for causing the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Austria-Hungary and her Allies.' Article 161 of the Hungarian Treaty is exactly identic in its terms with regard to the responsibility of Hungary.

Article 121 of the Bulgarian Treaty puts the same

[1] *v.* Vol. II, pp. 60–91, 308–18, 340, 343, 351, 389, 395, 397–404, 407–8.

acknowledgment of responsibility in a rather different, and perhaps more practical, form: 'Bulgaria recognizes that, by joining in the war of aggression which Germany and Austria-Hungary waged against the Allied and Associated Powers, she has caused to the latter losses and sacrifices of all kinds, for which she ought to make complete reparation.'

These clauses do not lay down exactly what share of the general responsibility was to be attributed to each of the Allies of Germany. It is true that Article 232 of the German Treaty declares that no claim for reparation can be valid, unless it is for damages not only falling within the specified categories, but also suffered 'during the period of the belligerency of each (claimant) as an Allied or Associated Power against Germany'. There is a similar limitation in Article 178 of the Austrian, and Article 162 of the Hungarian, Treaties. Taken theoretically, these limitations, coupled with the differences in wording of the respective treaties, set up extreme difficulties of interpretation. Innumerable points can be imagined to arise, which were not discussed or determined at the Conference. Many of them are, however, theoretical rather than practical, and will probably never arise.

3. *Three General Questions as to Reparation.* There were three main questions in regard to reparation:

(*a*) How much ought each Enemy Power to pay?

(*b*) How much can each Enemy Power be made to pay and in what form?

(*c*) How will the proceeds be divided by the recipients?

Of these questions the third was no concern of the Enemy Powers, and was therefore not dealt with in the Treaties. By the time the Austrian and Hungarian Treaties were drafted, it had become clear that there would be a wide divergence between the amounts that Germany ought to pay, and the amount that she could pay. If the old Austro-Hungarian Empire had remained in existence, there was a possibility that she might have been able to contribute such a considerable sum, as materially to reduce the financial liability of Germany. But that Empire had been finally shattered and brought to an end by the close of October 1918. At the time of the Conference, Austria-Hungary had disappeared from the ranks of the Allies of Germany. She was represented only by the new Austria and the new Hungary. The Treaties with these countries laid down,

and laid down very properly, that they were the heirs of the old Empire, at any rate so far as responsibility for the consequences of the war was concerned. But, while it was very just and right that the peoples of these two countries should be made to acknowledge their responsibility, it became more and more clear that the sums which they could pay would probably be very limited in amount, and in any case very far below the damages inflicted by the action of the old Empire. A precise answer to the first of the three questions, in the case both of the new Austria and the new Hungary, obviously ceased to be a matter of practical importance. The practical question was how much these countries could be expected to contribute respectively to the general reparation fund.

4. *Misleading Form of Austrian Reparation Chapter, due to imitation of German Treaty.* 'The Allied and Associated Governments recognize that the resources of Austria are not adequate, after taking into account the permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for such loss and damage.

'The Allied and Associated Governments however require, and Austria undertakes, that she will make compensation as hereinafter determined for damage done,' etc.[1]

After reading this article, any one unacquainted with the history of the Conference might have expected to find, on turning over the page, a clear and concise account of the amount to be paid by Austria. But as he reads the rest of Section 1 of the Reparation Chapter, and the Annexes thereto, he will not find this promise fulfilled. He will find a great deal about the Reparation Commission, a great deal about the method of

[1] Art. 178. The phrase goes on 'to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied and Associated Power against Austria by the said aggression by land, by sea and from the air, and in general damage as defined in Annex I hereto'. This and Annex I are practically the same as Art. 232 and Annex I of the German Treaty. But as there was no pre-armistice agreement with Austria the legal question, so crucial for the German Treaty, as to whether pensions were fairly chargeable as damage to civilians, does not seem to arise. (Cf. Vol. I, pp. 385, 415–16, 424–6; Vol. II, pp. 249, 399–404, and Keynes, *Economic Consequences of the Peace*, pp. 48–9, *v.* also App. II *passim*.) This does not, however, affect the question as to how far the Allies were theoretically or morally justified in including 'Pensions' in this category. In practice, however, as will be shown later, the demands work out quite differently.

assessing the claims against Austria, and a great deal about the methods to be adopted for the payment of compensation when it takes place, but he will not find any determination (except in one or two instances to be referred to later) of the amount of compensation to be actually paid. In fact the very next article (179) begins by saying that the 'amount of such damage for which compensation is to be made by Austria shall be determined by . . . the Reparation Commission'. Wherever else the amount of Austrian liability is to be decided, it was not 'hereinafter'.

A great deal has been made by critics of this omission to define exactly the extent of the liability of Austria. These criticisms are not really sound. They are founded partly on misconception, caused by the form and drafting of the reparation chapter, and partly on a lack of appreciation of the essential conditions of the situation. It is remarkable that the Austrian Delegation, who presented their case with very great skill, both financial and diplomatic, devoted a great deal of space to the argument that Austria was in no way responsible for the sins of the Austro-Hungarian Empire, but was practically a newborn and innocent babe; they made, however, very little comment on, and almost no objection to, the reparation clauses as they stand.

As regards the form of the reparation chapter, let it be admitted at once that it could hardly be worse. If good drafting means conveying the exact meaning and intention of the framers, in the fewest possible words, this chapter is very badly drafted. It would be easy to redraft the whole chapter in a very few clauses without altering its effect. The present chapter is cast in the mould of the German Treaty, which is not at all appropriate to the conditions of Austria. But though the form is alarming, there is nothing terrifying in the substance. The chapter is really a lamb masquerading in wolf's clothing.

The reason for this lies in the history of the Conference. As soon as the German chapter on reparation was completed, its authors set to work with commendable speed to frame the Austrian chapter. The German chapter was the outcome of long and exhausting negotiations. It appeared to be perfectly natural to take that chapter as a model, and to extend the powers of the Reparation Commission to Austria, giving it

the duty of forming a section specially constituted to deal with Austria. It was easy to take the view that what was fair to Germany would also be fair to Austria. Time pressed, and the prospect of a repetition of all the long-drawn-out German discussions, if the Austrian Treaty were to be drafted on a new model, was not alluring to tired delegates, already freely accused of undue delays.

Moreover, it must not be forgotten that in the minds of some of the Allies, it was Austria-Hungary, not Germany, who loomed largest. It was the domination of Vienna and Budapest, and not Berlin, under which the people of the new States arising from the old Dual Monarchy had groaned. It was Austria-Hungary who had overrun Serbia, and also fought against Italy. In Italian eyes, in spite of the years of the Triple Alliance, Austria was still the hereditary enemy. The Empire had vanished, like a bursting bubble, but its heirs remained. Vienna was still Vienna. It was difficult to see the new Austria and the new Hungary as they really were. It seemed unreasonable that Austria-Hungary, even though represented by fragments, should receive punishment on a scale different from that prescribed for Germany. As it turned out, it would probably have saved trouble in the end if the Conference had decided to redraft the Austrian reparation clauses entirely at an early date in the negotiations. But it was not done. All the alterations that were made in the substance of the chapter, and they were very numerous, had to be grafted upon the German model. In the end, although the outward frame remained, the substance was very much changed, and became very much more suitable to a country in the position of Austria.

5. *No lump sum fixed ; Austrian capacity to pay.* One main point, however, was not changed, and that was that the actual sum to be paid by Austria was left over to be settled by the Reparation Commission after the 1st May 1921. This is the main point of the criticisms passed upon the chapter. Beyond a doubt it would have been to the benefit of all parties could the liability of Austria have been fixed at a reasonable amount bearing a due relation to the capacity to pay : or at a maximum figure coupled with proper machinery for reducing the amount. It is hardly necessary to point out the advantage to any who wished to enter into relations, financial or commercial, with Austria or her nationals, of a fixed basis for calculating her

liabilities. Uncertainty on such a point is a grave bar to intercourse. The wisdom of such an arrangement was as clear to the Conference as to any of their critics. It was not done, for the reason that it was not possible to do it within any reasonable time.

Take first the capacity of Austria to pay. Any estimate would have to start from a basis of the revenue and trade of that part of the old Austria which now composed the new Austria. But so many allowances would have had to be made that this basis became almost worthless. The capital city of Vienna depended mainly in the past on her position as the financial, commercial, transport, and governmental centre of an Empire. Who could foretell the results for her of the break-up of that Empire, and her descent to the position of a provincial capital? The calculation, to be rightly made, ought to be postponed till the boundaries of the new State had been finally settled, and till the exact results of the financial and economic arrangements could be known. But some of these very points were among the most crucial in the discussion of the Treaty itself. Then, too, allowance would have to be made for the results of the war on the condition and productivity of the people. All the reports that came from Austria, and they were numerous, and from very varying sources, agreed in describing the condition of Vienna and the neighbourhood as nearly desperate, through the lack of the ordinary necessities of life. It was not a question of how much Austria could pay, but how she could possibly obtain the necessary credits, or even charity, to keep her people in existence. But there was no reliable information as to the condition of the rest of the new Austria, or the prospects of development under a new régime. The first year after an unsuccessful war is not the time for exact calculations. It was not surprising that the Conference, with so much else to settle, refused to deal with the capacity of Austria to pay.

Once the factor of capacity was removed, the settling of the amount of reparation became purely arbitrary. After long and patient negotiations, protracted till after reparation had ceased to be a burning question in the various Allied countries, it might have been possible to arrive at a reasonable figure for a maximum, but not within the year 1919. Italian, Yugo-slav, and Rumanian delegates could not agree to figures which

would have satisfied the English or American. People returning to the still smoking ruins of what were once their homes cannot be expected to take a reasonable view of the plight of the aggressor. Too high a maximum would have been a deadly blunder. It was far wiser to postpone the task to cooler times and a specially appointed Commission, and to leave some ray of hope to the unfortunate Austrians.

6. *Disposal of Ships and Cattle.* The only points in which anything absolutely definite is laid down as to reparation, are ships and cattle. As regards ships, the Austrian Government binds itself in Annex III to cede to the Allied and Associated Governments the property in all merchant ships and fishing boats belonging to nationals of the former Austrian Empire, and to deliver to the Reparation Commission all the said ships and boats within two months of the coming into force of the Treaty. Austria is also bound to hand over certain inland navigation vessels. As Austria is now an inland country, it is difficult to suppose that she retains many sea-going vessels in her possession, or that of her nationals. In so far as these vessels belong to old Austro-Hungarians who are not now Austrians or Hungarians, it appears to be left to the Reparation Commission to indicate the measures that the Austrian Government must take to ensure that the ships shall be placed at its disposal.

In Annex IV is laid down the number of cattle, horses, etc., which are to be handed over to the Italian, Serb-Croat-Slovene, and Rumanian Governments respectively, within three months of the coming into force of the Treaty. These cattle were a very hot subject of discussion at the Conference. Many people urged that it was ridiculous to send cows out of Austria, when Vienna was absolutely destitute of milk, with children dying for the lack of it. To this it was replied that some districts in these three countries were actually in as bad a condition as Vienna, owing to the carrying off or slaughter of their cattle during the war: that some of these very cattle were actually now in the country: that in any case parts of Austria which could not, owing to lack of transport, supply Vienna were actually full of cattle, and their being taken away would not affect Vienna or other centres of population one way or the other. As a compromise the number of head originally demanded was very much cut down. None have yet (March 1921) been delivered.

7. *Discretion and Powers of Reparation Commission.* Practically, then, everything is left to the discretion of the Reparation Commission, whose powers, functions, and duties take up great part of the chapter. As the Commission is the same as that set up in the German Treaty, these are merely a repetition of the corresponding clauses, and need not be dealt with *seriatim*. It is important to note that a special section is created for Austria, but its decisions are not final, unless confirmed by the Commission, except when the Commission has definitely delegated authority to it (Article 179). Annex II lays down the composition of this section. America, Great Britain, France, and Italy are each to be represented upon it with two votes. Greece, Poland, Rumania, the Serb-Croat-Slovene State, and Czecho-Slovakia, are to have one delegate to represent them all. He is to be chosen annually from the nationals of each of the five Powers in turn. This delegate will also have the right to sit and vote on the main Commission, when questions relating to Austria, Hungary, or Bulgaria, are under discussion.

As a result of the way in which the Treaty is drafted, it is never expressly laid down that the Reparation Commission is to fix the amount to be paid by Austria, but there can be no doubt that this is implied. It is to consider the claims (Article 179) and give the Austrian Government a just opportunity to be heard. It shall 'concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging by Austria, within thirty years dating from May 1, 1921, that part of the debt which shall have been assigned to her after the Commission has decided whether Germany is in a position to pay the balance of the total amount of claims presented against Germany and her allies and approved by the Commission'.

By Article 233 of the German Treaty, the findings of the Commission as to the total amount of damage are to be notified to the German Government on or before the 1st May 1921. It is plain that the reparation debt of Austria cannot be fixed before that date. The date is an important one, because of the provisions of Article 180 and Annex II, 12 b, of the Austrian Treaty. 'The Reparation Commission shall, after May 1, 1921, from time to time consider the resources and capacity of Austria' (Article 180). 'In periodically estimating Austria's capacity

to pay ' (Annex II, 12 b, par. 1, in evident allusion to Article 180), the Commission is to examine the Austrian system of taxation, so that the sums due for reparation may be a prior charge to the service of any internal loan, and to satisfy themselves that the taxation of Austrian subjects is fully as heavy as that of Allied Nationals. The second paragraph of 12 is a later interpolation, and is very important. It states that ' in fixing the final amount of the obligations to be imposed on Austria ' the Commission shall take into account (1) ' the actual economic and financial position of Austrian territory as delimited by the present Treaty and (2) the diminution of its resources and of its capacity for payment resulting from the clauses of the present Treaty '.

From these clauses taken together no other conclusion can be arrived at than that the amount of reparation for which Austria is to be finally liable is to be fixed by the Commission, after the 1st May 1921, in reference to her actual capacity to pay. It is also to be remarked that this question is not among those mentioned in Annex II, 13, which have to be decided by a unanimous vote. The manner and times of payment will then be decided by the Commission in the rules laid down by the Treaty, which do not differ from those in the German Treaty.

Article 181 lays down that Austria is to pay, *before the 1st May 1921*, a reasonable sum, to be determined by the Commission, ' whether in gold, commodities, ships, securities or otherwise ', but that ' out of this sum the expenses of the Armies of Occupation subsequent to the Armistice of November 3, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers essential to enable Austria to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards the liquidation of the amount due for reparation.'

The expenses of the Armies of Occupation are really negligible, and, as the resources of Austria, realizable within the period named, are below the sums necessary to pay for the supplies of food required to keep her people in existence, not to speak of raw material, this article has no importance in relation to the amount of reparation to be paid. The same general

remark applies to the provisions of Annexes IV and V as to the extent to which Austria will 'devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers', by actual supply of animals, machinery, reconstruction materials, etc., or options on raw material. In all these cases the Commission is to have the decision as to amounts, etc., and is to consider the capacity of Austria to furnish the supplies, and her industrial requirements in the matter of raw materials. Annex VI provides that Austria renounces all rights in submarine cables (1) connecting Italian territory, in favour of Italy, (2) connecting ceded Austrian territory with that of the various Allied and Associated Powers, in favour of the Principal Allied and Associated Powers. The value of all such cables is to be credited to Austria in the reparation account.

It may be questioned whether the final fixing of a definite sum to be paid by Austria would not cancel all other reparation obligations in the Treaty, with the exception of the abandonment of all rights in shipping and submarine cables, the delivery of certain animals, and the obligation to bear the expenses of the Reparation Commission (Article 186). In any case, it would still be in the power of the Commission to fix the method and times of payment.

To sum up, the general effect of Section I of the reparation part may be expressed as follows: the amount of reparation to be paid by Austria will be fixed by the Reparation Commission or by its special Austrian section after the 1st May 1921, having regard to her capacity to pay. If any of her assets can be realized before that date, the proceeds may be applied to providing such amounts of food and raw materials as may be deemed necessary for Austria, and only the balance will go to the reparation fund. The Commission will have wide powers in settling the form and times of payment. It can hardly be maintained that this part of the Treaty bears too hardly upon Austria, if it is interpreted in the spirit which runs through many of the clauses quoted above.

8. *Records and Archives.* Section II of this part (Articles 191–6 with the Annexes thereto) contain a number of interesting provisions for the handing over of records and archives, made necessary by the creation of new and independent States, and for the restoration of various objects of literary, artistic, or

historical interest, to the heirs or successors of their former owners. It would take almost a separate volume to explain the history and significance of the articles, the restoration of which is stipulated in the three annexes of this section. These must be read in detail to be appreciated. Considering how the plunder of an Empire has been collected at Vienna over such a long period of time, the list of articles demanded by the various Allies does not appear anything but moderate and reasonable.

9. *Reparation Clauses in Hungarian Treaty.* The reparation clauses in the Hungarian Treaty are practically identical with those in the Austrian Treaty. The only exception is in Annex IV(6) of Section 1. It was felt that in view of events in Hungary, especially the Rumanian occupation, it was impossible to fix the number of animals to be delivered by Hungary within three months of the coming into force of the Treaty. It was accordingly left to the discretion of the Reparation Commission to decide what those numbers should be, after lists of their claims had been submitted by the various Powers interested.

When the Hungarian Treaty was in process of settlement, it was generally recognized that the Austrian clauses might well have been more clearly and concisely expressed. A good deal of discussion took place as to whether a change was expedient, but in view of the very parallel position of the two countries, it was decided that the same form must be adopted for both. It was even more difficult to fix a definite amount of reparation in the case of Hungary than in the case of Austria. Added to all the other factors of uncertainty, Hungary, though perhaps better situated economically than her neighbour, had suffered from a period of communistic domination under the régime of Béla Kun, and this was followed by the Rumanian occupation. Without expressing any opinion as to the action of the Rumanian Armies, these two events were sufficient in themselves to make any calculations as to Hungarian capacity to pay exceedingly uncertain, and the Conference was well justified in its action.

10. *Reparation and the Liberated Territories.* The reparation parts of the Austrian and Hungarian Treaties do not contain the whole story of the contributions to be paid to the reparation fund by the different parts of the former Austro-Hungarian

Monarchy. To complete the tale, we must refer to certain Agreements now published, viz. the Agreement between the Allied and Associated Powers with regard to the contributions to the cost of liberation of the territories of the former Austro-Hungarian Monarchy, and the Agreement between the Allied and Associated Powers with regard to the Italian reparation payments, both signed at Saint-Germain-en-Laye, 10th September 1919.[1] These have escaped public attention, and were not even mentioned in Parliament in the debates on the ratification of the Austrian Treaty, but they are very interesting and important.

When the Conference assembled, the broad lines of the division of Austria-Hungary had been already laid down. Many important and difficult boundary questions remained for decision. The Conference could give a proper birth-certificate to the new nations of Poland and Czecho-Slovakia, and the new kingdom of the Serbs, Croats, and Slovenes; it could give proper legal title to the expansion of Italy and Rumania at the expense of Austria-Hungary. But it could not alter the general facts of the new distribution of territory. Those new facts were due to the war and the spontaneous action of the people of the territories concerned. The representatives of the new nations, Poland, Czecho-Slovakia (except the Serb-Croat-Slovene State, which appeared for some time as Serbia),[2] and of Italy and Rumania, appeared at the Conference with the full status of Allies. As Allies, they all presumably had claims for reparation, if those claims fell within the required categories and satisfied the other necessary conditions. But the responsibility for the war, though in different degrees, fell upon all the constituent parts of the old Dual Monarchy. The whole Empire had taken part in the war at its beginning and for some time after. Some indeed of those, who were now numbered as Allies, had fought, and fought gallantly, for Austria-Hungary and Germany until the end. It was contrary to the whole foundation of the reparation idea, that all liability should be

[1] *v.* App. III.

[2] Poland and Czecho-Slovakia were recognized on the 18th January at the First Plenary Session of the Conference. The Serb-Croat-Slovene State was recognized by the United States on 5th February, by the Conference implicitly on the acceptance of credentials 1st May, by France (2nd June) and British Empire (6th June) explicitly, and, despite no avowed recognition by Italy, explicitly in the Treaty with Germany signed 28th June 1920.

lifted from the shoulders of certain parts of the Empire because of a conversion which was more or less of the nature of a death-bed repentance. By all the rules of international law, broadly speaking, a successor State is liable for the debts contracted by its predecessor. How far was this responsibility to be affected by the new status of the debtors as allies in conference and by other considerations? The question was a delicate one. It touched very nearly the natural susceptibilities of the States concerned. They could hardly be expected to acquiesce in being treated on the same lines as Austria and Hungary. Such a course would have been inconsistent with the dignity of national sentiment. Italy, for example, maintained that the territories to be ceded to her were in the same position as Alsace-Lorraine in respect of France, a fragment of Italy rescued by her action in the war from a long subjection to the domination of a foreign Power. The Rumanian argument, though not quite on all fours with the Italian, was similar in kind.[1] Serbia pointed to her immense sufferings during the war. All of them firmly believed that it was largely due to their own efforts from within the Empire that the war had been brought to a successful close. Czecho-Slovakia, in particular, insisted that her representatives had long ago given due notice of their intention to separate, that their participation in the war had been forced upon them, and that therefore the full doctrine of succession could not apply.

Moreover, the question was inextricably bound up with the discussion which was simultaneously proceeding as to the distribution of the financial burdens of the late Monarchy among its constituent parts, responsibility for pre-war debt, war debt and currency, and also the division of the property of the joint and separate Governments of the old Austria and Hungary (Austria, 208). Too logical an insistence on the doctrine of succession might commit the new States to an acceptance of full responsibility for the Austrian and Hungarian war-debt. This debt had reached the most alarming proportions. It would clearly be wrong to start the new States on their career with a burden hanging about their necks, so great as to hamper them in every direction, and possibly to force national

[1] This argument does not seem in accordance with President Wilson's addresses in 1918, which form the legal basis of the German Treaty. *Point 8*, dealing with Alsace-Lorraine, draws a clear distinction between this case and others. *v.* Vol. I, p. 434; Vol. II, pp. 389–90.

bankruptcy upon them as the only escape from an intolerable position.

11. *Contributions to be made by Czecho-Slovakia, Yugoslavia, Poland, and Rumania.* To give sufficient weight to all these considerations and others of a like nature, and to arrive at a just and equitable solution was a sufficiently difficult task, but that was not the whole problem. This was not a matter of imposing just terms upon a beaten enemy. There could be no question of attempting by any kind of forcible pressure to coerce into agreement five nations, who were all Allies, and one of whom was numbered among the Principal Allied Powers. Any settlement, agreed to by the delegates as just and reasonable, had also to be in such a form as to be acceptable to the Parliaments and public opinion of their respective countries, very sensitive to any supposed infringements of their sovereign rights or to any supposed slight on their national dignity. It was small wonder that the negotiations were long and difficult, and several times appeared to have arrived at a complete and final deadlock. Nevertheless, a solution was found. The Conference discarded all attempt to proceed on any distinct doctrinal lines, or to settle the principle of the law of succession. They put all theories on one side, and came down to facts and figures. First of all it was conceded that the Italian provinces, without deciding the exact appropriateness of the Alsace-Lorraine parallel, were entitled, on historical and other considerations, to be dealt with separately from the other parts of Austria-Hungary. The objection of the four countries, Poland, Rumania, the Serb-Croat-Slovene and the Czecho-Slovak States, 'States to which territory of the former Austro-Hungarian Monarchy is transferred, and States arising from the dismemberment of that Monarchy,' to pay reparation, was accepted. But they agreed to make a contribution towards the expenses which had been incurred by the Allies in liberating the people of the said territories. The amount of this contribution was fixed at 1,500,000,000 (fifteen hundred million) francs gold, equal to about 60,000,000 English gold sovereigns, with the proviso that Czecho-Slovakia should not in any case pay more than half that amount, but that, if her share came to more than that, calculated on the basis laid down, the remaining States were not to be responsible for the balance. The contribution was to

be divided between the States in the proportion of the contribution to the revenues of Austria-Hungary of the territories affected, during the three years immediately preceding the war, on the basis of certain taxes, viz. those selected by the Reparation Commission as affording the best representation of their capacity to pay, when settling the distribution of the pre-war debt. In order to avoid undue financial pressure on the States during the early years after the war, all payment on account of this contribution, as well as on account of any property and possessions of the former Austro-Hungarian Monarchy, was to be deferred till 1926. In that year bonds representing the total amount of these two liabilities were to be handed over to a body to be designated by the Governments of the four Principal Allied and Associated Powers. The bonds were to be five per cent. bonds, repayable in twenty-five equal annual drawings, beginning on the 1st January 1931. Finally, 'as and when payments on such bonds fall due, the Reparation Commission shall retain, against the sums due to each of the states concerned for reparation, the sums required for interest and amortization.' That is to say, whenever payments were due from any of the four States on account of these bonds, they could make these payments by foregoing the same amount due to them for reparation.

12. *The Italian Contribution.* The Italian contribution is to be on the same lines, but its amount is calculated on a different basis. It is to bear the same proportion to the total sum contributed by the four States, as the revenue of the Italian provinces bears to the total revenues of the rest of the former territories of the Austro-Hungarian Monarchy, calculated on the basis of the same taxes for the same period. The Italian agreement, it should be noted, contains a statement of the reasons which induced Italy to make this arrangement. In Article 1 she declares that she agrees to contribute to the expenses of liberation 'with the object of facilitating an agreement between the States . . . as to the contribution to be made by them towards the cost of liberating the territories . . . and of reparation', in spite of the fact that 'she has made the greatest sacrifices and borne the heaviest financial burdens in the war', and 'that, in addition, the territories ceded to Italy have sacrificed, as a result of the Treaty of Peace with Austria, a large proportion of their wealth, and that they have already

contributed in other ways to the reparation of the damage caused by the war in which they have so cruelly suffered'.

13. *Summary.* On the other hand, in return for these agreements, some concessions were made in the financial clauses. Under Article 208 the successor States had to pay for all property situate within their territories belonging to the former or existing Austrian and Hungarian Governments. Certain exceptions were made, especially all schools and hospitals, and also the forests belonging to the former kingdom of Poland. It was also agreed that the revenues of Bosnia-Herzegovina were not to be included in calculating the proportionate shares of contribution.

There could hardly be a better proof of the mutual goodwill and toleration prevailing among the Allies than the successful termination of these discussions. The subject was one bristling with thorny points and opportunities for difference. It touched in principle the vital interests of all concerned. In the case of those Powers whose claim to reparation could not be a great one compared to others, notably Czecho-Slovakia, the contribution was very substantial. Too much praise cannot be given to the representatives of the five countries, and especially perhaps to those of Italy and Czecho-Slovakia, for the breadth of view and large vision which enabled them to take the unselfish course of sacrificing their more apparent immediate interests for the benefit of the whole community of nations.

B. Financial Clauses in the Austrian and Hungarian Treaties

1. *General.* Under modern conditions, the rearrangement of the financial relations necessitated by the break-up of an Empire would be extremely intricate and difficult, if the dismemberment of the Empire were a matter of mutual consent and carried out with all the advantage of a leisurely constitutional procedure. Even the financial clauses of an Irish Home Rule Bill need much careful preliminary inquiry and thought to settle. But when the dismemberment is the result of a war, and when some of the new States are still inflamed by the passions of conflict, and swayed by resentments and prejudices belonging to the past era, the intricacies and difficulties are redoubled.

Before the war Austria and Hungary were completely separated in matters of revenue and finance. Each contributed in fixed proportions to the joint services of the Monarchy, such as the army and navy, but each had her own separate debt, and her own separate revenues. The administration of Bosnia-Herzegovina was a joint affair, but its expenses were separately shared by each of the two countries. The only financial institution common to both was the Austro-Hungarian Bank, which had the privilege of the note-issue. Each Government was therefore completely responsible for the whole currency in a sense, but actually the Government concerned deposited their bonds as security for the notes in the same proportion as that fixed for the revenue contributions. This dual constitution would have very much simplified the rearrangement if the new States had been carved entirely either out of Austria or out of Hungary; but this was not the case, and it was therefore an added complication.

2. *The Main Points; question of a uniform International Currency.* The chief questions to be settled, or at least to be placed in a fair way of settlement, were the allocation of the debt, both the pre-war and the war debt, as to which very different sets of considerations arose, the currency and the status of the Austro-Hungarian Bank, and various other points regarding the allocation of State property, railways, etc., and contracts relating thereto. A great deal of criticism has been expended on the financial and economic parts of the Treaty, mainly on the ground that they did not provide some system of international currency and international trade, which should have preserved the good points of the Austrian Empire, whilst eliminating its bad ones. Beyond a doubt the various new countries which have arisen from the wreck of the Dual Monarchy are suffering now from the difficulties arising from the interruption of free commerce, and the complications of new currencies. A uniform currency and a free exchange of goods among the various nationalities comprised in the ring were great material advantages. A wise Conference, it is said, would have preserved these advantages, and added further improvements; unfortunately, they missed a unique opportunity of settling the financial and economic relations of a great part of South-Eastern Europe upon sound and permanent foundations.

It may be so. Whatever shortcomings those who framed the twenty-five financial articles of the Treaty possessed, they did not imagine themselves to be the wisest of mankind, and they may, therefore, have let the unique chance pass by of arranging a common currency, irrespective of the new boundaries. Let us examine the question a little more in detail. It is very easy to see one mountain top from another, but if you have actually to travel from one to the other, the distances may be so great and the difficulties of the intervening country so many, that you may never get there with the resources you have at hand, or only in so long a time as to make your journey useless.

Take first *Italia Irredenta*, now redeemed. The Italian Kingdom could hardly be expected to give up its existing financial system to become part of another, nor could it consent to two different currencies prevailing within the limits of its whole territory as now expanded. Therefore the portion of the old Austrian Empire obtained by Italy would have had to be eliminated from the uniform currency scheme.

The new system would therefore apply to Poland,[1] Czecho-Slovakia, Rumania, Yugo-slavia, Austria, and Hungary. Of these, Rumania had her already old-established currency, the *lei*, Serbia had the *dinar*. Neither country, but more particularly Rumania, could have been expected to give up her existing system without a great deal of persuasion. Czecho-Slovakia had already taken steps, some of a very drastic kind, to establish her own currency. So had Yugo-slavia. Both countries set especial store on their own currencies, partly as an expression of their own independence. Poland, with some eight different currencies at the time of the armistice, had her principal difficulties outside the old Empire, and even the most enthusiastic supporter of the theory that 'if the Austrian Empire had not existed, it would have been necessary to invent it', might hesitate before including German and Russian Poland in the new financial ring. In reality Austria and Hungary alone were the only two upon whom the new system

[1] Poland is not mentioned in the preamble, but she is mentioned by name in Arts. 80, 195, 208, 224 (Austria), and is not only 'one of the States to which territory of the former Austro-Hungarian Monarchy is transferred', but, what is more important, 'one of the States arising from the dismemberment of that Monarchy,' Arts. 205–7 (Austria).

could have been imposed within any reasonable time. In both their cases the matter had become immensely complicated by the use of the printing-press since the armistice, resulting in a large issue of notes, for which it was unjust as well as impossible to make the other countries responsible.

It would, to say the least, have taken a very long time to procure the acceptance by so many divergent interests of a reasonable scheme of international currency. But that reasonable scheme had also to be devised. It was not in existence, and could not be in existence till the conditions of the countries to which it was to apply had emerged from the obscurity of war conditions. Meantime, the countries concerned were in existence as independent States, with an actual and pressing need for a currency of some kind. They could not wait for the birth of the ideal scheme. Their conditions were changing hour by hour. What might have been a good scheme in January would have been completely out of date in June. It would have been disastrous for European peace, if the Conference had refused to recognize the facts of the situation, and endeavoured to impose a complete scheme of currency, or indeed any other financial or economic arrangement. They rightly confined themselves to settling those questions, to which an answer was imperatively demanded by the break-up of the Empire, such as the responsibility of the new countries for the already existing notes, to clearing the ground as far as possible, and leaving it free for any future developments, which necessity or policy might lead the new countries to desire.

3. *General considerations.* The great and absorbing preoccupation of a Peace Conference is, or ought to be, to make peace. Until peace is made, the state of war continues; an armistice is not peace; and every day that the state of war continues is an untold misfortune to all concerned, even though fighting has ceased. The urgent necessity is to bind up the severed ties, to set going once more the current of life between countries, which was blocked by the war, and to do it as quickly as possible. It is necessary to insist on this truism, because it is so apt to be forgotten by brilliant and inventive critics. A Conference must aim at the possible, not the ideal. Otherwise it will dissolve in long academic discussions, and lose sight of its practical object. It is fatal for it to be ambitious. If it can make peace quickly, and at the same time do nothing to

prevent future development on sound lines, it has done a very great deal, and as much as can be expected of it. Some people expect too much of a Conference, and bitter disappointment is the inevitable result. In matters financial and economic there is no finality. Boundaries can be fixed, and if they are rightly fixed, can be expected to endure for a considerable period, and to become part of the permanent framework of nations. Even if the boundaries are badly drawn, it often happens that they become accepted. But economic and financial relations cannot be fixed with the same definity and permanence. They are constantly growing or changing. No treaty, which deals with such matters, can do more than mark a certain stage, adjust difficulties which have already arisen, and give a fair opportunity to the future to develop on good lines.

Further, economic and financial facts are very much more stubborn than facts about boundaries. They can seldom be altered to taste, and if ignored in a treaty are very apt to make that treaty null and void. It was argued by the Austrian Delegation that the general effect of the Austrian financial clauses would be to make Austria bankrupt, and this view was supported to some extent by other authorities. The answer was that in the distribution of the liabilities and assets of the Dual Monarchy among its constituent parts, Austria was given the share that was justly hers. If, in the end, she was not in a position to meet her liabilities, the bankruptcy that followed would not be caused by the financial clauses, but by Austria's past history.[1] It was the aim of the Conference to make such an arrangement as should be fair to all the parties concerned, and, if bankruptcy was an inevitable consequence, at least to make that bankruptcy as far as possible an internal and not an external bankruptcy. If Austria were really bankrupt, no treaty could make her otherwise, except by imposing her obligations upon other people, in fact, by imposing them upon the Great Powers, for the new States arising from the Dual Monarchy were clearly unable to bear more than their own fair share without themselves falling into bankruptcy, or at least without being unfairly handicapped in their new start of life as independent powers. It was plain that this alternative was well understood

[1] It might be argued, of course, that it was the duty of the Conference to prevent any State from becoming bankrupt in the interests of general peace.

by the Austrian leaders. Their real contention was that the Great Powers should take over the financial control of Austria. It was natural enough that they should endeavour to shift the burden of responsibility for the financial and economic troubles of Austria to Allied shoulders. As in the case of reparation, so in the case of responsibility for war debt and the like, they argued that the new Austria was an entirely new creation, which could not justly be burdened with the liabilities of its predecessor. The plea was rightly rejected. Nor, even if the Allies had possessed the spare resources necessary for the reconstruction of Austria and the guarantee of her debts, would it have been a wise policy to devote them to this object. The new Austria will have no chance of continuance, unless she can boldly face her own responsibilities; if she is bankrupt, as may well be the case, in the face of her own internal creditors, she must apply the knife boldly, and make the best terms which she can, having regard to the interests of her country as a whole. If she can so do, and meet her external obligations, which ought not to be too great a burden, she may yet be able to emerge from her difficulties with undiminished credit.

4. *Allocation of pre-war debt.* In settling the distribution of liabilities the Conference adhered to the principle, long recognized in international law, that, when a State is divided, each portion so divided shall assume its proportionate share of all debts duly and properly contracted by the whole community before the date of separation. The sanctity of contracts duly made, whether between States or individuals, is the basis of the financial part of the Treaty, but it is recognized that the benefit of such contracts, if made between enemy States or nationals of enemy States, may be transferred to the Allies for purposes of reparation, leaving the enemy States concerned liable to make compensation to those suffering by the transfer. The debts of the Austrian Empire (and the same applies to those of the Kingdom of Hungary, as well as to any joint debts of the whole Dual Monarchy) fall into three main categories: (*a*) those contracted before the outbreak of war on the 28th July 1914, both secured and unsecured, (*b*) those contracted between that date and the 27th October 1918, (*c*) those contracted since the 27th October 1918, by Austria (or Hungary) in the name of the Austrian Empire (or the Hungarian Monarchy), but really to the benefit and for the use of the new Austria (or Hungary).

No doubt was felt as to the debts coming under (*a*). They were the legal obligations of the whole Empire, and as such had to be divided proportionately between the new constituent States. The only exceptions to this rule recognized in the Treaties were the securities deposited by the Government with the Austro-Hungarian Bank as a guarantee for the currency notes issued by that Bank, and any liabilities of the former Austrian Government incurred prior to the 28th July 1914, other than those evidenced by bonds, bills, securities, and currency notes. As to the securities deposited with the Bank, these are dealt with separately: they are not issued to the public, and come under a heading different from ordinary debts. The second exception, though perhaps theoretically unsound, was a practical necessity. If any bills of the former Austrian Government incurred prior to the 28th July 1914 remained unpaid at the end of the war, they must be but a small fraction of the original amount. But for some peculiar circumstances they would long before have been paid off by delivery of some form of war security. The greater part of it must have been actually, if not technically, war debt, and incurred in preparation for war. In any case it was held to be impossible to disentangle the government accounts of five years back, or to take account of any debts less definitely evidenced than by some actual bond, security, or note. It was therefore held reasonable that such debts, if any existed, were to fall upon the new Austria.

5. *Distribution of war debts.* The Conference drew a clear distinction between the debts falling under (*a*) and those falling under (*b*), namely, those coming under the head of war debts. Like all other belligerents, Austria-Hungary had been unable to finance herself in war time by current taxation. Recourse had been had to war loans of various kinds, and inflation of currency. The representatives of the new States claimed that they had been unwilling participants in the war, and that they could not therefore be held responsible for war debt. Perhaps the claim was not equally strong in the case of all parts of the liberated territories, but it was sufficiently based upon evidence to be accepted as a general rule by the Conference. It followed that as the new Austria was the heir of the old Empire, she must be held responsible for the war debt contracted up to the break-up of the Empire. But it was not possible to carry this principle to its logical conclusion. The war debt was of enor-

mous dimensions. To saddle it all upon Austria would have been to condemn her to immediate bankruptcy, and that in its most virulent form, namely, inability to pay her foreign creditors. For the Austrian and Hungarian loans were held not merely by Austrian and Hungarian nationals, but by nationals of Poland, Czecho-Slovakia, Yugo-slavia, Rumania, and Italy. Many of them, perhaps most, had been forced loans, and this was especially the case in regard to the subscriptions of banks, insurance companies, and other institutions. A complete repudiation of these loans would have meant widespread distress and financial confusion throughout the extent of the old Monarchy. Some kind of compromise had evidently to be devised, without deviating from the principle that the new States were not legally responsible. Not all, though by far the greater portion, of the war loans, was held by subjects of the old Monarchy. Some was held in Germany, some even by Allied subjects, through branches of insurance companies and the like, working in Austria before the war, and continuing since that date under enemy control. A distribution of the war debt on the same lines as the pre-war debt would have been unfair to the new States, and would also have saddled them with an impossible financial burden. The distribution of pre-war debt was already, as will be seen, a sufficiently intricate process, and the addition of the war debt might conceivably have broken down the machinery of distribution altogether. It was therefore decided that no responsibility should rest upon Austria for the securities, representing the bonded war debt of the former Austrian Government, legally contracted prior to the 27th October 1918, and existing outside Austria within the limits of the former Austro-Hungarian Monarchy. This left a free hand to each of the new States to deal as she pleased with the holders of bonded war debt within the limits of her own State. If some assumption of responsibility for these war securities was deemed essential for internal financial stability or other reasons, it was for the governments concerned to take such measures as they thought fit, but the holders would have no established rights against their own governments, nor would they have any recourse against Austria. But Austria was to remain solely responsible for any other liabilities of the former Austrian Government 'other than those evidenced by bonds, bills, securities, and currency notes'.

As the Austro-Hungarian Monarchy was definitely broken up on the 27th October 1918, it followed that neither Austria nor Hungary could have legally issued any securities since that date upon any responsibility other than her own. There was therefore no difficulty about any liabilities falling under (*c*).

6. *The Austro-Hungarian Bank, decision to liquidate it.* None of the above regulations applies to those securities of the Austrian and Hungarian Governments, which were specially deposited with the Austro-Hungarian Bank as security against the note issue. These had to be treated separately. They were merely acknowledgments of responsibility for the currency note issues, and were only a part of the general currency question. Both Austria and Hungary had financed themselves during the war openly and unashamedly by the inflation of the currency. The amount of notes in issue by the Austro-Hungarian Bank was multiplied some twenty times. The notes had been used by the Governments not only in the limits of the old Monarchy, but in the territories which they had occupied at various times during the course of the war. The concession of the Bank was due to come to an end in December 1919; its existence was bound up with the old régime, and its continuance was clearly impossible after the break-up. Several of the new States had already taken steps towards a new currency of their own, notably Czecho-Slovakia and Yugo-slavia. They had stamped the Austro-Hungarian notes circulating in their own territory, and had withdrawn many of them from circulation. The *kronen* of Czecho-Slovakia, for instance, had already a different exchange value from those of Austria. But all over the limits of the old Monarchy the monetary confusion was great. It was necessary to lay down a distinct line of policy at once. Currency questions do not stand still. It was not possible to wait for the ratification of peace. The terms of the draft treaty were bound to have a great effect on the policy of the different countries as soon as they were agreed. There was no time for a nice balancing of financial opinions. The broad lines had to be laid down boldly and without any delay.

In effect only two main courses were thinkable. One was to continue the system of a common currency, and a central institution of issue for all the new States. The other was to proceed on national lines and follow the developments which had already taken place. It very soon became obvious, for

reasons already sketched, that the first alternative was Utopian and impracticable. The second was therefore adopted, and was entirely inevitable.

It was decided that the Austro-Hungarian Bank was to be liquidated as from the day succeeding the day of the signature of the Treaty. This liquidation was to be conducted by receivers appointed by the Reparation Commission. Broadly speaking, the notes in issue were to be treated on the same lines as the war debt securities. It was not possible to make any distinction between notes issued before the war and those issued during the war, but there was a clear distinction between those issued before and after the 27th October 1918. Any notes issued since that date could have no general validity, that is to say, they would have no claim to rank against the general assets of the Bank in liquidation, but only against the special securities deposited by the then Austrian and Hungarian Governments. All notes issued on or prior to the 27th October 1918 were regarded as being legally issued, and had therefore an equal claim upon the general assets of the Bank, within certain limitations set out in the Treaty. It followed that the securities on which they were based were solely the liabilities of the new Austria and the new Hungary and of no one else.

It remained to distribute the liability for the notes issued up to the date of the break-up of the Empire. No distinction could be made in respect of their date of issue, but they could be divided according to the locality in which they were held; namely, notes held inside and outside the limits of the former Dual Monarchy as it existed on the 28th July 1914. Those held inside those limits were to be treated like the war debt securities. Each of the new States concerned was left free to deal with the holders as they pleased, but they undertook to stamp, each with the stamp of their own government, all currency notes within their own territory, and replace them within twelve months by a new currency of their own. The stamped notes were to be delivered to the Reparation Commission, and they would then rank against the general assets of the Bank, but the particular Government securities, Austrian and Hungarian in the proper proportion, deposited against them, would be cancelled.

Currency notes held outside the limits of the old Dual Monarchy fell under four heads: (1) those held in the territory

of the successor States, but outside the old limits of the Monarchy, e. g. in Rumania or Serbia proper.

(2) Those held in enemy countries.

(3) Those held in neutral countries.

(4) Those held in Allied countries.

It was held that all these notes must retain the security which they possessed at the time of their issue, that is to say, their share against the general assets of the Austro-Hungarian Bank, and the Austrian and Hungarian Government securities specially deposited. The new Austria and the new Hungary were to be regarded as successors of the old Austria and Hungary in respect of their securities. To simplify the liquidation of the Bank it was laid down that no claims on account of currency notes, wherever held, were to be valid unless presented by the Government of the country in which they were held. It may be remembered in passing that this has the effect of transferring all claims for currency notes from enemy countries to the Allies on account of Reparation.

The general scheme for dealing with the currency notes of the Austro-Hungarian Bank provided for the withdrawal of these notes and the liquidation of the Bank. It relieved Austria and Hungary of all liability in regard to those notes which were in circulation within the limits of the old Austria-Hungary. It safeguarded the rights of neutral and Allied holders, and also of holders in countries invaded by Austria-Hungary, as far as they could properly be safeguarded. And lastly it left the successor States free to make any arrangement they pleased about their own currency, and did nothing to prevent them from coming to some general arrangement, if they wished to do so.

7. *Example of Conference's methods of distributing financial liability.* The Conference was extremely anxious, in laying down the principles of distribution of financial liability between the different parts of the old Empire, to avoid future complications by creating a network of cross-liabilities between States. Further, in view of the patent fact that the nominal amount of liabilities of all kinds, for which the Governments of the old Austria and Hungary had become responsible by the close of the war, was so enormous that they could not be met, it aimed at softening the effects of the inevitable rearrangement of debts, to use no harsher term, by making those debts internal and not external. An illustration will make these points clearer.

Take the case of the pre-war unsecured debt of the Austrian Empire. Any particular issue, belonging to this debt, might fall to be divided between Italy, Poland, Czecho-Slovakia, and Austria, in the proportions (for the sake of the illustration) of 1, 2, 3, and 4. That is to say, if the nominal amount of the debt was 10 million kronen at 4 per cent., due in 1940, Italy's liability would be 1 million *kronen*, Poland 2 million, Czecho-Slovakia 3 million, and Austria 4 million. The simplest plan at the beginning would be to institute a Debt Commission, and for each of the countries concerned to pay in a sufficient sum annually for the service of the Debt, and for the Commission to undertake the payment of coupons, etc., the holders retaining the original securities. But the Conference rejected this method, on the ground that it was better to extinguish the securities of a vanished State altogether, that any failure to pay the required contribution on the part of any government might lead to unnecessary international difficulties, that it would lead to needless exchange operations, and make the contribution more burdensome because it had to be all paid in the first instance to an external debtor, and that it would set up machinery and offices which might be avoided. Another plan was adopted, very much more complicated in the beginning, but much simpler once the preliminary work was done.

In the case given each State would have to ascertain the amount of bonds held within its own issue. We will suppose that the result of this investigation was as follows :

Italy, whose allotted share is 1,000,000 kr., holds within her territory the same amount, 1,000,000 kr.

Poland, whose share is 2,000,000 kr., holds within her territory 1,000,000 kr., leaving a balance of 1,000,000 kr.

Czecho-Slovakia, whose share is 3,000,000 kr., holds within her territory 2,000,000 kr., leaving a balance of 1,000,000 kr.

Austria, whose share is 4,000,000 kr., holds within her territory 4,500,000 kr.

There would thus be left 1,500,000 kr. held by other creditors. Italy would, as a country, have nothing to pay externally ; the holders of the bonds in Italian territory would receive Italian Government bonds in place of the Austrian bonds, and would have recourse against no other Government but the Italian.

Poland and Czecho-Slovakia would deal similarly with the

holders of the bonds in their own territory. They would each hand over to the distributing authority, the Reparation Commission, the equivalent of 1,000,000 kr. in their own bonds, calculated at the same rate of exchange as that used in the conversion of Austro-Hungarian currency notes, if the original bonds were expressed in Austrian paper money, or at a rate laid down in the case of gold bonds. These new bonds would be in the denominations required by the Reparation Commission. Austria would receive the equivalent of 500,000 kr. in Polish and Czecho-Slovak bonds, and holders in Austria of the original issue would receive, therefore, for every 100 kr. of stock 88·90 kr. in Austrian bonds, 5·50 kr. in Polish, and 5·50 kr. in Czecho-Slovak bonds. Other holders of this particular issue, including neutral and Allied holders, would receive for every 100 kr. original stock 50 kr. of Polish and 50 kr. of Czecho-Slovak bonds.

The result is that when all the exchanges have been completed, the original security will have been completely extinguished, Poland and Czecho-Slovakia will each be burdened with an external debt of 1,000,000 kr. to holders in various countries, including Austria. The remaining 8,000,000 kr. will have been definitely converted into internally held obligations of the four countries.

Of course in practice there may be a good deal more complicated work in the first instance than in the illustration given. But once that complicated work and redistribution of securities has taken place, the ground is very much clearer, and there will be much less strain on international relations, than if all the governments were paying annual contributions to a central Caisse. There are too many instances on record of friction arising from such causes to allow such a prospect to be contemplated with equanimity. External bond-holders under the scheme are also treated equitably. Indeed, the only criticism on the scheme is that some bond-holders, especially the internal ones, may come off rather worse than others, and this may lead to some jugglery in the disposition of bonds; but the Conference held that any minor defects of the kind should not weigh against the general advantages of the plan.

8. *Financial machinery; financial clauses of Austrian Treaty.* The Conference aimed at avoiding the creation of international Commissions of a permanent character, but a good

deal of machinery was needed to carry out in detail the principles of financial arrangements laid down in the Treaties. Just as when the main features of a boundary line have been agreed, a Commission of demarcation is appointed to draw the actual line on the spot, so some authority had to be found to carry out the actual details of the apportionment of debt, the cancellation or redistribution of securities, the valuation of property taken over by the new States, to settle other details which could not be dealt with in the Treaties themselves, and to interpret the conundrums which are bound to arise in carrying out the formidable task of the liquidation of an Empire. Three courses were open for the provision of this machinery: to leave it to the League of Nations, to the Reparation Commission, or to a new and specially created authority. It was decided that the Reparation Commission should be charged with these duties. There was a strong feeling that it was unwise to burden the League of Nations at the start with so many functions of a technical character, functions which, moreover, were so closely interwoven with the scheme of reparation. Any new authority created for the purpose would have to cover the same ground as that already laid down to be explored by the Reparation Commission. There would inevitably be a duplication of work, and most probably an overlapping of jurisdictions. It was therefore judged best to make the Reparation Commission the sole authority, and leave to it the creation of the necessary machinery. If at any time the policy with regard to the League of Nations was altered, and it was deemed advisable for that body to take control of the Reparation Commission, its control would automatically extend to the machinery for the liquidation of the Austro-Hungarian Empire. This was the wisest and most economical course to adopt, but it placed a heavy burden upon the Reparation Commission, whose powers and duties were already of a sufficiently alarming magnitude. The Conference had to bear this point in mind, in dealing with the other countries, whose affairs had still to be settled.

No separate account of the Financial Clauses of the Hungarian Treaty is required. These are almost identical in terms with the Austrian, and entirely the same in principle. As the new countries were carved out of the Austro-Hungarian Monarchy as a whole, and did not form two separate groups, one composed of Austrian and one of Hungarian territory, and,

as the currency notes issued by the Austro-Hungarian Bank were common to the whole, it was clearly necessary that general rules should be laid down applying to the whole of the old Monarchy.

The other financial clauses beyond those already described are on the same lines as those laid down for Germany. They are mostly concerned with questions arising from reparation. An analysis of each clause will be found in the following section.

C. Analysis of the Financial Clauses of the Austrian and Hungarian Treaties

1. *Costs of Reparation, etc.*

Austria 197. Costs of reparation are to be a first charge upon the assets and revenues of Austria, subject to such exceptions as the Reparation Commission may make. The exception is a very important one, in view of the economic condition of Austria.

The clause also forbids the export of gold without the consent of the Allied and Associated Powers, signified through the Reparation Commission.

Austria 198 defines the cost of the Armies of Occupation within the boundaries of Austria as defined by the present Treaty after the Armistice of the 3rd November 1918, to be borne by Austria. The terms are nearly the same as those used in the German Treaty, except that there is a more exact definition of the currency to be used.

In the Hungarian Treaty these stipulations apply to military operations carried out after the 3rd November 1918, to such extent as the Reparation Commission may decide, and that body has further power to decide all questions relating thereto. (Articles 181 and 183.) This was rendered necessary by the operations due to Béla Kun's Bolshevist régime and the Rumanian occupation.

Austria 199 is similar to the corresponding article in the German Treaty. It confirms the handing over of material under the Armistice, and lays down that any part of such material having in the judgment of the Reparation Commission a non-military value shall be credited to Austria against the Reparation liability.

Austria 200 makes first the cost of Armies of occupation, secondly of Reparation, and thirdly any other costs arising under the Treaty or the Armistice, prior charges on the revenue of Austria, with the very important exception that such priority does not apply to payments for 'food and raw material for Austria', and such other payments 'as may be judged by the Principal Allied and Associated Powers to be essential to enable Austria to meet her obligations in respect of reparation'.

Austria 201 safeguards the right of the Allies to dispose of Austrian assets within their jurisdiction at the time of the coming into force of the Treaty.

Austria 202 safeguards any pre-war charges or mortgages lawfully created in favour of the Allied and Associated Powers or their nationals by the former Austrian Government or any national of the former Austrian Empire on assets in their ownership at that date, except when a variation is specifically provided by the Treaty.

Austria 203 deals with the Austrian pre-war Government debt, (1) that specifically secured on railways, salt-mines, or other property, (2) that without any specific security.

2. *Secured Debt.* Each of the new States is to assume such a portion of the debt as, in the opinion of the Reparation Commission, represents the amount of the specific security transferred to the State in question. Supposing a railway on which any particular Austrian debt was secured lay wholly within the new Czecho-Slovakia, that State would take over the whole debt in its original form. But supposing the railway was situate in two of the new States, the Reparation Commission would value each portion, and distribute the liability in the like proportion, each particular portion remaining specifically pledged for the portion of the debt assumed by each State. The country within which the portion of the railway was situate would deduct the value of the liability from the amount which it would be liable to pay to the former or existing Austrian Government for the State property taken over.

Payments due by the former Austrian Government in connection with the purchase of railways, salt-mines, etc., are to be regarded as secured debts for the purpose of this Article (203).

If the old debt was expressed in terms of Austro-Hungarian paper currency, the debt of the State assuming the responsi-

bility is to be converted into the new currency, at the same rate as the original conversion of Austro-Hungarian paper currency, unless the Reparation Commission decides that this rate was below the true value at the time. Any foreign exchange options in the old bonds are to be retained in the new bonds.

3. *Unsecured Debt.* The Reparation Commission is charged with the duty of dividing the unsecured pre-war debt of the former Austrian Government between the two countries. For this purpose it is to choose such revenues, as in its opinion best represent the financial capacity of the respective territories, calculate their average annual total for the three financial years 1912, 1913, and 1914, and distribute the unsecured bonded debt in the like proportion.

It was decided that the debt of Bosnia-Herzegovina was to be regarded as a local debt under Article 204, and therefore the revenues of those territories were not to be included in the calculations.

This division was not to apply to the bonds deposited with the Austro-Hungarian Bank as security for the note-issue, nor to any unbonded debt incurred by the Austrian Government prior to the 28th July 1914, which was to be regarded as the sole liability of the new Austria.

The Annex to this Article lays down in detail the plan for the conversion and distribution of the securities representing the new debt, especially in relation to the currency in which they are to be expressed. An explanation of the principles has already been given.

Austria 204 lays down similar provisions for the distribution of the public debts of local areas, which may be divided between two or more of the new States by the Treaty, and also that the public debt of Bosnia-Herzegovina is to be regarded as the debt of a local area.

Austria 205 deals with the War Debt of the Austrian Empire.

Within two months of the coming into force of the Treaty, each of the new States is to stamp with its own stamp all securities representing the bonded war debt of the former Austrian Government existing within their own territory, withdraw them, and replace them by its own certificates. But the issue of these certificates does not imply any obligation on the part of the issuing Government unless they so desire.

The Government of the new Austria is to be responsible for

those war securities existing within their own territory, for those in the beneficial possession of Governments or nationals of States other than those which have taken over portions of former Austro-Hungarian territory, and any other war-time liabilities of the former Austrian Government other than those evidenced by bonds, bills, securities, and currency notes, but not for any other.

Austria 206 deals with the currency notes issued by the Austro-Hungarian Bank, the securities deposited against them by the former Austrian and Hungarian Governments, the liquidation of the Austro-Hungarian Bank, and the issue of new currency notes by the successor States. The principles of the arrangements have already been described, but further details are here given. Each successor State is (1) to stamp all Austro-Hungarian bank-notes existing within its own territory within two months of the coming into force of the Treaty, (2) replace them in twelve months by its own or a new currency, (3) and (4) hand over the stamped notes or any which have been withdrawn previously to the Reparation Commission within fourteen months. The Governments shall also hand over (5 and Annex) all records of the conversions, and receive in return certificates showing the number of notes converted within and without the limits of the former Austro-Hungarian Monarchy. These certificates will entitle the holders to claim any share which may be due for currency-notes in the assets of the Bank when liquidated. After the liquidation of the Bank the currency notes handed over will be destroyed.

The Austro-Hungarian Bank (6) will be liquidated as from the day following the signature of the Treaty by (7) receivers appointed by the Reparation Commission, in accordance with the Statute of the Bank, and the regulations laid down in the Treaty. In case of any doubt, the Reparation Commission is to be the final arbiter.

The currency notes will rank in various ways in the liquidation of the Bank according to their date of issue or place of stamping or collection, but none will rank unless presented through the Government of the country in which it is held.

Notes issued after the 27th October 1918 will rank (8) against securities issued by the Austrian and Hungarian Governments at any time, and deposited as security for the notes with the Bank, that is to say against those Austrian

and Hungarian securities for which the Governments of the new Austria and Hungary are to remain responsible, but they will have no claims against the other assets of the bank.

All currency notes issued before the 27th October 1918 (9) will rank equally, so far as they have any claim at all under this Article, against the general assets of the Bank, other than the specially deposited Government securities.

All Government securities held by the Bank (10) on account of the currency notes, shall be cancelled in so far as they represent notes issued prior to the 27th October 1918, converted and withdrawn within the limits of the former Austro-Hungarian Monarchy, and handed in to the Reparation Commission by the Governments of the successor States. In so far as they represent (11) notes issued before the 27th October 1918, which on the 15th June 1919 were outside the limits of the former Austro-Hungarian Monarchy, and have been presented to the liquidators by the Governments of the successor States, or by other Governments, they will be retained in force as liabilities of the new Austria and Hungary. Any balance of such securities deposited before the 27th October 1918 representing notes which do not comply with the above conditions shall be cancelled, (12) and none of these notes shall have any claim on any Government securities, or on any other of the assets of the bank.

The Government of the new Austria and the new Hungary will be solely responsible (13) for the Government securities remaining in force, and no holders of any currency notes of the Austro-Hungarian Bank (14) shall have any recourse against either Austria or Hungary or any other State for any loss which they may suffer as the result of the liquidation of the bank.

Austria 207 completes the freedom of each of the successor States in regard to the currency, by laying down that they may each deal as they please with the petty or token coinage existing within their territories, but that no State shall have any recourse under any circumstances, against any other State, either on its own behalf, or that of its nationals, in respect of such coinage.

Austria 208 is of great importance. It settles the divisions of the assets of the Government of the late Austrian Empire. It goes upon the general principle that such assets are directly available for the reparation fund when they are situate outside

the new Austria; outside the former Empire this would naturally be the case.

Each of the successor States is to acquire any such property or assets existing within its own borders, including any joint property of the Monarchy, Crown property, or property belonging to members of the former Royal Family. The assets so taken over are to be valued by the Reparation Commission, and placed to the credit of Austria for reparation, and debited to the States acquiring the property. The States will pay for them in the manner prescribed in the separate agreements already described (pp. 14–16). But the value of any contribution in land, money, or material, made by a local autonomous body towards the cost of such property, is to be deducted.

Certain kinds of property are, however, to be taken over without payment by the successor States, namely:

(*a*) Property of provinces, communes, and other local autonomous institutions.

(*b*) Schools and hospitals.

(*c*) Forests belonging to the former Kingdom of Poland.

(*d*) All buildings on property situate within the respective territories, whose principal value is their historic interest, and associations, formerly belonging to the Kingdoms of Bohemia, Poland, or Croatia-Slavonia-Dalmatia, Bosnia-Herzegovina, the Republics of Venice or Ragusa, or the Episcopal Principalities of Trient and Bressanone (with the approval of the Reparation Commission).

Real property of the Austro-Hungarian Monarchy or Bosnia-Herzegovina which was purchased from the Turks in accordance with Articles of the Convention of the 26th February 1909 is not an exception, and its value is to be assessed by the Reparation Commission, and the proper proportionate share credited to Austria and Hungary respectively on account of reparation.

Austria 209. Austria renounces all rights conferred by treaties or agreements, to representation for herself or her nationals on any international commissions, State Banks, or other international financial or economic organizations operating in any Allied or Enemy States or their dependencies or in Russia.

Austria 210. (1) Austria agrees to hand over the gold deposited with the Austro-Hungarian Bank in the name of the Council of Administration of the Ottoman Public Debt, as

security for the first issue of Turkish Government currency notes.

(2) She renounces any benefits accruing under the treaties of Bucharest or Brest-Litovsk, and agrees to hand over any money, securities, goods, etc., received by her under those treaties.

(3) All gold, etc., received as above will be dealt with by the Principal Allied and Associated Powers in a manner to be determined by them.

(4) Austria confirms Articles 259 (5) and 261 of the German Treaty.

Austria 211 gives power to the Reparation Commission to demand within a year that Austria should possess herself of and transfer to that body, on account of reparation, any rights or interests of her nationals in any public utility undertaking or concession in Russia, Turkey, Germany, Hungary, Bulgaria, or any former territory of those countries. She shall be responsible for the indemnification of her nationals so dispossessed.

Austria 212. Austria agrees not to hinder any acquisition of the kind referred to in Article 211 by the German, Turkish, Bulgarian, or Hungarian Governments.

Austria 213. Austria transfers to the Allies all claims of any Austrian Government upon the Governments of Germany, Hungary, Bulgaria, or Turkey, for payments or reparation, particularly any arising from undertakings during the war period.

The value of such claims will be assessed by the Reparation Commission, and credited to Austria on account of reparation.

Austria 214 provides that any obligation under the present Treaty expressed in gold kronen shall be payable at the option of the creditors in pounds sterling in London, gold dollars of the U.S.A. in New York, gold francs in Paris, or gold lire in Rome.

The gold coins mentioned are to be the same in respect of weight and fineness as they legally were on the 1st January 1914.

Austria 215 recognizes that many questions of financial adjustment, especially in respect of banks, insurance, land, and mortgage companies, and similar institutions, may arise in consequence of the partition of the Empire, and the resettlement of public debts and currency provided by these articles;

in case the Governments concerned cannot settle them equitably by agreement, as they are invited to do, either party may appeal to the Reparation Commission to appoint an arbitrator, whose decision shall be final.

Austria 216. The Government of Austria is relieved of all liability in respect of pensions, civil or military, granted to former Austrians, who have since become nationals of other States.

D. Concessions regarding Finance and Reparation made to Austria by the Supreme Council, 17th March 1921

The following decisions were taken by the Supreme Council after the visit of the Austrian Delegates, headed by Dr. Mayr, to London. They were summarized in the Press on the 17th March and were more fully explained in the House of Commons as follows:

'Mr. Chamberlain: The following statement was made to the Austrian Delegation this morning on behalf of the Allies.

Statement to the Austrian Ministers.

'"1. On the understanding that the Austrian Government desire the application to Austria of the International Credits Scheme, as approved by the League of Nations, and are prepared to place, as provided under Clause 7 of that scheme, the administration of the assigned assets in the hands of the Financial Committee of the League of Nations.

'2. The Governments of Great Britain, France, Italy and Japan have decided to release for a period of years, to be determined later, their liens under the Treaty of St. Germain in respect of claims against the Austrian Government for the cost of Armies of Occupation, for Relief Credit Bonds, and reparations, provided other interested Governments will agree to similar postponement.

'3. The four Allied Governments are taking, through their representatives on the Reparation Commission, the steps necessary to obtain the release of these liens on the part of the other Powers represented on the Reparation Commission and are communicating in the same sense with the Governments who participated in relief loans to Austria, but are not represented on the Commission.

'4. The Financial Committee of the League of Nations will hold a meeting within the next fortnight in order to present to bankers for examination the proposals made by the Austrian Ministers with regard to the amount of the loans required, the character of the securities available, and the services which the Financial Committee are in a position to offer in the matter.

'5. The plan may be briefly summarised as follows :

'The four Allied Powers are prepared to postpone payments (as enumerated in Article 2) which they are entitled to demand under the Treaty of St. Germain, and also the payment of capital and interest on the advances which they have made to Austria since the Armistice in order to avert starvation in that country. The whole of the assets of Austria are at present pledged as security for these payments. It is now proposed that the charges in respect of them against the Austrian assets shall be formally released, and that no specific charge or security shall be substituted, although the debt of the Austrian Government, while suspended for a definite period of years, will remain, and the respective priorities will not be affected. The Financial Committee of the League of Nations would take steps immediately to determine the gold value of the advances which it could, under the Ter Meulen scheme, approve against the security of such assets which the Austrian Government would then be free to pledge, such as the Customs Revenues, tobacco monopoly, etc. The assets would be administered under the control of the Financial Committee, and the Ter Meulen Bonds issued against these assets would be held by the leaders as collateral for their advances. By the utilisation of this machinery additional protection will be afforded both to the lender and the borrower, and some of the principal obstacles in the way of the participation of private capital would be removed.

'The four Allied Powers, in consultation with the other Powers concerned, will consider the possibility of placing under one trusteeship, the suspended interests of the Powers and the interests of those who participate in credits provided under the present proposal.

'It is hoped that in addition to facilitating external borrowing the release of their liens and the suspension of their claims by the Allied Powers will assist the Austrian Government to hasten the date at which it will be in a position to arrive at a balanced Budget, and by means of internal borrowings, to reduce the amount of outstanding paper currency.

'6. The four Allied Governments will use their good offices at the conference shortly to be held at Porto Rose, to bring about an improvement in the economic conditions, which, at present, adversely affect the countries of Central and South-Eastern Europe.

'7. The Allied Governments will also take such steps as are in their power to assure to Austria a continued and increased supply of coal.''' (*Hansard Deb.*, vol. 139, pp. 1266–8, 17th March 1921.)

It is of course too early to predict the effect of these concessions, but they are certainly to the benefit of Austria.

E. Reparation and Finance in the Bulgarian Treaty

1. *Bulgarian Reparation Clauses*

1. *Introductory.* Bulgaria is a small country, but her geographical position and the character of her people made her a very important factor in the war. When she threw in her lot with the Central Powers, she completed the chain from east to west, and was able to do a great deal more damage to the Allied cause than was warranted by her actual resources and power. Practically her whole population is agricultural. Her exports before the war consisted mainly of cereals, tobacco, attar of roses, cattle, sheep, and horses. During the latter part of the war a number of industrial and other companies were floated in Sofia. Currency inflation had produced a great deal of nominal wealth in the country. A Stock Exchange was started, and a boom was engineered, which produced a fictitious appearance of great industrial activity, and caused some erroneous ideas to prevail as to Bulgaria's capacity to pay for the damage she had done, and these were specially prevalent among her neighbours, who had suffered most by her action, notably the Serbs, Greeks, and Rumanians. There is a certain amount of coal in Bulgaria, and there may be other mining possibilities, but for all practical purposes her exports must consist almost entirely of agricultural products. She had suffered from the European War less in proportion than almost any other belligerent actively engaged, but that war following immediately upon the two Balkan Wars had much exhausted her resources, both in men and material. War spoils, temporarily enjoyed, are not a permanent addition to wealth, and it was impossible to suppose that her real wealth was greater than immediately before the Balkan Wars. In those years her exports had averaged some seven million pounds sterling, running up to some ten millions. After making all due allowances for the increase in prices of agricultural goods, for cessation of import of war material and luxuries, for the service of already existing foreign debt, and for other necessary factors, it was clear that Bulgaria could never pay amounts approximating to the damage done by her action. 'The Allied and Associated Powers recognize', says Article 121, 'that the resources of Bulgaria are not sufficient to enable her to make complete reparation.'

In settling the terms of the Treaty, the most important consideration in the mind of the Conference was the future maintenance of peace in the Balkans. For this purpose it was necessary that Bulgaria should pay damages, and stiff damages, for her action in the war. Her recent history proves conclusively that it was essential to teach her a stern lesson as to the penalties inevitable upon aggression. But at the same time the burden had to be adjusted so as not to make it crushing, and the machinery of payment had to be so arranged as to avoid all opportunities for friction among neighbours, whose national animosities are quick to burst into flame, to whom war had become almost a normal condition, and for whom indeed, in days not very remote, peace had been only an informal kind of war.

It was important, too, that the terms of the treaty should be simple and unambiguous. In spite of their Stock Exchange operations, the Bulgarians have not attained to a very high standard of civilization. Anything like the intricacies of the reparation clauses of the German and Austrian Treaties was out of the question. As the conditions of the country are simple, there was no need for elaborate calculations. The moral effect of the reparation clauses, it was thought, would be greatly enhanced if the results of defeat were stated at once in plain figures that no peasant farmer could mistake. Eleven short clauses make up the whole reparation chapter. They are plain and straightforward, and can easily be comprehended.

2. *A fixed sum to be paid by Bulgaria; Reparation Commission.* The two main points are the fixing of the sum to be paid by Bulgaria, and the setting up of a special Inter-Allied Commission for Bulgaria, to superintend its payment, and to deal with other questions arising out of reparation.

After a good deal of discussion, the sum to be paid was fixed at 2,250,000,000 francs gold (about 90 million pounds sterling). This sum was to be paid in half-yearly payments over thirty-eight years; the first two half-yearly payments were to amount to 2 per cent. per annum on the capital sum, and during the remaining years, from the 1st January 1921, 5 per cent. per annum, and a sufficient sinking fund to extinguish the whole debt in thirty-seven years. Immediate payments to reduce the capital sum due might be made at

any time by the Bulgarian Government, and all those payments might take the form of cash, or chattels, properties, rights, concessions, ships, bonds, securities, shares, or currency, approved and valued by the Reparation Commission. If the fixed sum should prove to be beyond the capacity of Bulgaria to pay, the Reparation Commission has power to reduce the amount by a simple majority vote on the proposition of the Inter-Allied Commission. The proposition that a majority, and not a unanimous vote is required, is very important. It might well have happened that one of the particular enemies of Bulgaria, represented on the Commission, should have obstinately blocked any reduction of the sum fixed, no matter how clearly it was shown that the sum was too large. The Commission have the same powers to order a postponement of any particular payment, as to order a reduction (Art. 122).

It is to be noted that the payment of this amount does not increase the financial liabilities of Bulgaria so largely as it appears to do. By Article 261 of the German Treaty, and the corresponding articles in the other treaties, any claims by those countries for payments for war material, etc. against Bulgaria, were transferred to the Allies.[1] At the time of the Armistice, considerable payments were claimed by Germany, especially for the supply of war material to Bulgaria. In Article 124, the Allied and Associated Powers agree 'not to require from Bulgaria any payment in respect of claims so transferred, as they have taken these claims into account in fixing the amount to be paid by Bulgaria under Article 121'. Many of these claims were disputed by Bulgaria, but none-the-less this concession is a very considerable one, and settles what would have been a very vexed and complicated matter in a satisfactory manner.

Article 121 also gives power to the Reparation Commission to issue gold bonds based upon the payments to be made by Bulgaria, should it desire to do so. These bonds can only be

[1] For Germany 261, *v.* Vol. III, p. 241. Bulgaria 145: 'Bulgaria undertakes to transfer to the Reparation Commission any claims which she or Bulgarian nationals who acted on her behalf may have to payment or reparation by Germany, Austria, Hungary or Turkey, or their nationals, particularly any claims which may arise now or hereafter in the fulfilment of undertakings made between Bulgaria and those Powers during the war.

Any sums which the Reparation Commission may recover in respect of such claims shall be transferred to the credit of Bulgaria on account of the sums due for reparation.' Compare Austria 213, Hungary 196.

issued on terms, which would not alter the conditions laid down for the half-yearly payments. They will be the direct obligations of the Bulgarian Government, which undertakes to supply the necessary bonds as directed by the Reparation Commission, but their service will be conducted by the Inter-Allied Commission, out of the funds provided by the half-yearly payments before-mentioned. The bonds, of course, are to be free from all Bulgarian taxes and charges of any kind.

26. *The Bulgarian Reparation Commission, Powers and Discretion.* The constitution of the special Inter-Allied Commission, its duties, functions, and powers, are contained in Article 130 and the Annex. The duties of the Reparation Commission, created by the other treaties, are of a very onerous character, and cover a great deal of ground. Reparation questions themselves are of a far-reaching character, and a great many points had to be left for future solution, besides those of mere interpretation. That is not all. Throughout the treaties, great need was felt of some central international authority to which questions could be referred for arbitration or decision. This was particularly the case in the financial articles of the Austrian and Hungarian treaties, by which the Reparation Commission, or its Austrian and Hungarian sections, is entrusted with a number of duties, arising from the business of the liquidation of an Empire, and having no connexion at all with the idea of reparation. It is not necessary to mention more than the division of the pre-war debt of the Dual Monarchy between the successor States, as one instance. And the imposition of such duties upon the Reparation Commission is not confined to the financial articles. There was no little danger that too great burdens would be placed upon the back of the Commission.

It was therefore decided that, whilst any sums received from Bulgaria should be paid into the General Reparation Fund, the Reparation Commission itself should have as little as possible to do with Bulgaria herself. Only when the interests of the Allies upon it are affected as a whole, is the Commission to have direct authority, as for instance in the case already mentioned of a proposed reduction of the capital sum, or of any postponements of payments. The duties of the Reparation Commission are to be performed by an Inter-Allied Commission of three members appointed respectively by Great Britain, France, and Italy. In the original draft, a fourth member

was to be appointed by the United States of America, but this was withdrawn at the last moment by the request of the Americans. No member of the Commission will be responsible to any one but his own Government. Bulgaria will be represented by a Commissioner, who will take part in the sittings when invited to do so by the Commission but will not have the right to vote.

Bulgaria undertakes on her side, within six months of the coming into force of the Treaty, to provide the necessary authority for enabling the Commission to carry out its duties within that country. Those duties are in part immediate, and in part dependent upon certain contingencies.

The Commission will settle its own rules and procedure, and may appoint its own agents and employees. But it has to elect a Chairman annually from its members, and decisions are to be taken by a majority vote. Abstention from voting is to be treated as a vote against the proposal under discussion, but each member can appoint a deputy to act for him. Bulgaria pays all costs and expenses, which are a first charge on all moneys received by the Commission. Bulgaria undertakes to supply the Commission with all necessary information and records, and also to give the Commission or its agents full powers of visiting and inspecting any places, public works, or undertakings.

The Bulgarian Government agrees to provide the Commission each half-year with funds sufficient for it to make the payments required for reparation or other purposes under the Treaty. If this undertaking is duly carried out, the Commission has nothing to do but pay over the amounts to the Reparation Commission, unless an issue of Bulgarian bonds has been made, in which case it carries out the service of the debt.

But in case of default by Bulgaria, the Commission has to play a much more important rôle. It is laid down that in the law relating to the working of the Commission, there shall be prescribed a list of the taxes and revenues estimated to be sufficient to produce the required amounts. This list, which is to include all revenues from mines, public utility companies, or any monopolies for the manufacture or sale of any articles in Bulgaria, may be altered from time to time, with the unanimous consent of the Commission, and, if the revenues assigned prove insufficient for the purpose, they are to be supplemented.

In case of default by Bulgaria, in the performance of these obligations, 'the Commission shall be entitled to assume to the extent and for the period fixed by it the full control and management of and to undertake the collection of such taxes and sources of revenue'[1] and to apply the proceeds to the satisfaction of the reparation obligations of Bulgaria, subject to the priorities laid down in the Treaty.

There is another case in which the responsibilities of the Commission might be enlarged, apart from default by Bulgaria. 'By agreement with the Bulgarian Government, the Commission shall have power to assume the control and management and the collection of any taxes, even if no default has occurred.'[1]

The four Articles 125–8 deal with reparation by way of restitution. They deal with the restoration of objects other than livestock and securities, archives and records, and with livestock actually carried off by the Bulgarian Armies as spoil, and compensation for the destruction of coal-mines in Serbian territory. Great care was taken in framing those articles to avoid direct collision between the Bulgarians and their neighbours. Cattle-lifting in particular has always been a fruitful source of quarrel in the Balkans, and the Conference were most anxious to prevent the just restitution of stolen animals from degenerating into a sort of licensed plunder, only too likely in the border districts. The Inter-Allied Commission was entrusted with the delicate task of supervising these restitutions.

By Article 125 it is laid down that Greece, Rumania, and the Serb-Croat-Slovene State shall within four months of the coming into force of the Treaty deliver lists to the Commission of the articles which they can prove to have been carried off from the invaded territories, and which can be found and identified in Bulgarian territory. It is left to the Commission to procure their actual restitution, and the Bulgarian Government undertakes to facilitate the process by all means in their power.

By Article 126 Bulgaria undertakes to restore to these three countries any records or archives or any articles of historic, archæological, or artistic interest taken away during the war. In case of dispute the matter is to be decided by an arbitrator appointed by the Inter-Allied Commission.

[1] Annex after Art. 131.

Article 127 deals with livestock. Bulgaria undertakes to deliver to each of the three countries within six months of the coming into force of the Treaty certain numbers (laid down in the Article) of bulls, milch cows, draught oxen, horses, mares, mules, and sheep. No attempt is to be made to procure the restoration of particular animals stolen, a process which might lead to bitter and interminable disputes. But the animals are to be assembled at places agreed by the respective Governments, and there they are to be inspected by the agents of the Inter-Allied Commission to insure that they are of the proper standard and condition. The value of these animals is not to be credited to Bulgaria on account of reparation, but in order to redress any further loss which the three countries may have suffered in livestock during the war, the Inter-Allied Commission is empowered to grant to each of the three countries within two years such quantities of livestock as they may consider themselves justified in granting. The value of any animals so delivered will be credited to Bulgaria as reparation payment.

Article 128 deals with coal. By way of compensation for the damage done to the Serbian coal-mines by the Bulgarian Armies, Bulgaria undertakes to deliver to the Serb-Croat-Slovene State 50,000 tons of coal a year for five years. These deliveries are to be free on rail at the frontier. They are, however, to be subject to the approval of the Inter-Allied Commission. The Commission is only to assent to the delivery of the coal, if it is satisfied that Bulgaria is able to make it without damage to the economic life of the country. The value of any coal so delivered will not be reckoned as part of the 2,250,000,000 francs.

27. *General Considerations on Reparation; Debts.* It will be apparent to any one who studies the scheme above outlined, that the Conference was anxious, at once to impose a just penalty on Bulgaria for her action during the war, and also to give all possible assistance to enable her to carry her burdens, without assuming a direct control of her finances. Some of the Bulgarian revenues, notably the tobacco, are already mortgaged on account of her pre-war foreign debt. The question was discussed, whether it was desirable to make the Inter-Allied Commission a Debt Commission as well as a Reparation Commission, and to give it powers to supervise and control the service of these debts. It was decided to leave these loans

in the position in which they stood before the war. There is no comparison between the powers conferred upon the Inter-Allied Commission in the first instance and those of the Ottoman Public Debt Commission or the Greek Financial Commission. Its position is much more comparable to that of the Egyptian Caisse de la Dette, as it at present exists. In case of default by Bulgaria, the powers of the Commission become very much more extended. Even so, the Commission would only possess a limited control. By Article 135 of the Treaty, the service of the pre-war obligations of Bulgaria ranks prior to the reparation charges. But there is nothing in the scheme to prevent the development of the Commission so as to include the supervision of the foreign pre-war debt, with or without default upon those debts. Moreover, as has been pointed out, it is expressly laid down that, by agreement with the Bulgarian Government, the Commission may assume the management and control of taxes other than those expressly assigned. If the Commission works well, and in harmony with the Bulgarian Government, it may well prove to the advantage of Bulgaria to surrender a large part of her financial independence for a period of years. Such a surrender might conceivably lighten the task of Bulgarian statesmen in rebuilding the resources of their country after the exhaustion of so many years of unsuccessful war. The international Financial Commission in Greece during the last twenty years has not been one of the least factors contributing to the rehabilitation of that country since the disastrous Turkish War. It is a precedent which Bulgaria may well study with advantage. The case of Greece is very analogous to that of Bulgaria at the present time, even if there are no lessons to be learnt from the history of the Turkish Empire and of Egypt. A prosperous and contented Bulgaria is most necessary for continued peace in the Balkans, and is well worth some sacrifice of national pride for a period. But the Conference had no wish to force any such arrangement upon Bulgaria. Under the Treaty she has full liberty to take her own independent course, if she can thereby carry out the obligations which she has incurred. The Treaty merely provides that if she wishes to call in the expert assistance and advice of the representatives of the three Principal Allied Powers for the solution of her financial difficulties, the door is open for her to do so.

It is from this point of view that the composition of the Commission is important. No representatives of the neighbouring States are included. It is a commonplace that national passions run high in the Balkans. If the policy of the Conference had been purely punitive, the representatives of Greece, the Serb-Croat-Slovene State, and Rumania might well have found seats upon the Commission. It may not be difficult to conceive a time in which the statesmen of one or all of these countries could perceive that their ultimate advantage lay in a contented and prosperous Bulgaria, and not in one drained and bled to the last drop of her resources. But it would be quixotic to expect that they would all take that view, when they are still smarting under the wounds inflicted upon them by Bulgarian Armies, more mindful of racial animosities than of international law. A Serb, for example, with the spectacle of his own ruined coal-mines fresh in his mind, could not easily take a calm view of the economic necessities of Bulgaria. The details of restitution are far less likely to prove causes of friction, if managed by the representatives of countries without a direct interest in the matter. The delegations of these Powers fought hard at the Conference for representation on the Inter-Allied Commission, but, in the interests of future peace, the Conference stood firmly by the Treaty arrangement.

E 2. Financial Clauses in Bulgarian Treaty

28. *Pre-war Obligations, etc.*

The financial clauses (Part VIII, Articles 132–46) are in the main supplementary to the scheme of Reparation. They deal also with the transfer of any public pre-war debt, necessitated by the new boundaries of Bulgaria, and the priorities of such obligation in relation to reparation charges.

Articles 132, 135, and 138 define the relations between the obligations incurred by Bulgaria under the Treaty, and previous to the war. The rights created and all securities specifically assigned in connexion with loans contracted or guaranteed by the Bulgarian Government before 1st August 1914 remains unaffected. Subject to this, the order of priority is as follows:

1. The cost of any military occupation of Bulgaria after

the Armistice of 29th September 1918. This cost is defined in the usual terms in Article 133.

2. The service of such part of the external pre-war Ottoman Public Debt as may be attributed to Bulgaria in respect of the cession to her of any territory formerly part of the Ottoman Empire.

Article 134, without going into details, lays down the obligation of Bulgaria to contribute to the service of the pre-war Ottoman Public Debt on account of territory ceded by Turkey under the Treaty of Constantinople, 1913, during the time that it remained under Bulgarian sovereignty, and on account of that or any other Ottoman territory finally confirmed to Bulgaria. The sums are to be settled by the Commission to be appointed to deal with the subject.

29. *Costs of Reparation, etc.*

The Inter-Allied Commission has power by a unanimous vote (Article 132) to place some other charge in front of any charges made by the present Treaty. For example, if Bulgaria wished to raise a loan for some essential purpose, e.g. provision of necessary food or raw material, the Commission would be empowered to make this a prior charge to any treaty financial obligations upon the assets and revenues of Bulgaria. No mention is made of any other debts or loans contracted by Bulgaria in the list of priorities. These may have particular priorities among themselves, but these are no concern of the Treaty. Both pre-war unsecured debt and war-debt come under this head. The Treaty takes no account of the pre-war unsecured debt, except in so far as a portion of it is dealt with in Article 141. Similarly war-debt is left untouched, except in so far as it has already been dealt with in Article 124 (Reparation Part), relating to war claims against Bulgaria by Germany, Austria, Hungary, or Turkey. Bulgaria loses territory as the result of the war, and therefore some provision had to be made for the assumption by the States acquiring such territory of a proportion of the pre-war obligations attaching to that territory. Obviously those States could not be expected to assume responsibility for any war-time debts of Bulgaria, and no elaborate provisions were necessary, as in the case of the old Austro-Hungarian Monarchy.

Article 141 lays down the procedure to be adopted for the purpose of assessing these contributions. Any Power acquiring

Bulgarian territory under the Treaty is to pay a contribution towards the charge for the Bulgarian Public Debt as it stood on 11th October 1915. The Inter-Allied Commission is to fix the amount of this Debt, excluding from the calculation such part of the debt contracted after the 1st August 1914 as was, in their judgment, employed in war preparations. The amount for which each State acquiring territory is to assume responsibility will be also fixed by the Inter-Allied Commission 'having regard to the ratio between the revenues of the ceded territory and the total revenues of Bulgaria for the average of the three complete financial years next before the Balkan War of 1912'.

In addition to this contribution, the successor State will also pay for any property and possessions of the Bulgarian Government (including the Crown) which may be situated within it. The value of such property will be fixed by the Reparation Commission (not the Inter-Allied Commission, presumably because the value affects the General Reparation Fund) and credited to Bulgaria as a part payment of her reparation obligation. (Article 142.)

Article 136 is the usual one about the surrender and valuation of war material.

Article 137 is also common form.

Article 139 deals with a point of some interest and intricacy. Bulgaria in July 1914 was in process of contracting a loan of considerable amount with a German group of bankers. Included in this group were bankers of several other countries. Part of the object of the loan was to pay off certain Treasury Bills long overdue, which were held in Paris and elsewhere. The outbreak of war interrupted the realization of the loan, and the Conference had no exact information available to show whether the loan had or had not been realized in time to make it a pre-war specifically secured debt. It was, however, certain that the French holders of Bulgarian Treasury Bills had not been paid off in accordance with their rights. The article is designed to give the Reparation Commission, into whose hands the rights of enemy subjects under the loan contracts would naturally pass, the necessary powers for dealing with the loan, after consultation with the Inter-Allied Commission, subject always to the rights of any allied or neutral participants, and of the French Treasury-Bond holders.

Article 140 is common form.

By Article 143 Bulgaria renounces any benefits accruing to her by the Treaties of Bucharest and Brest-Litovsk, 1918, and agrees to return to Rumania or to the Principal Allied and Associated Powers whatever monetary instruments, specie, securities, or goods she may have received under those treaties.

Article 144 is common form.

Article 145 transfers to the Reparation Commission any claims which Bulgaria may have against the other enemy powers for payment or reparation, particularly any claims arising in fulfilment of undertakings made during the war.

This is the complement of Article 124 in the Reparation Part, referring particularly to the claims and counter-claims for war material and services rendered as between Germany and Bulgaria. It is laid down that any sums received by the Reparation Commission on account of Bulgarian claims shall be credited to Bulgaria on Reparation account.

Finally Article 146 provides that any monetary obligations arising out of the Treaty shall be understood to be expressed in terms of gold, and, unless some other arrangement is arrived at, shall be payable in pounds sterling, gold dollars, gold francs, or gold *lire*, at the option of the creditor, such coins to be of the weight and fineness of gold as enacted by law on the 1st January 1914.

CHAPTER I

ECONOMIC RECONSTRUCTION IN THE TREATIES

PART II

INTRODUCTION TO THE ECONOMIC CLAUSES OF THE TREATIES

1. *The 'Economic Clauses' of the Treaties of Peace distinguished from others of an economic character.* The Treaty of Peace with Germany contains four 'Parts' that are sometimes included under the term 'economic provisions'. These Parts are headed, in the Treaty itself, Reparation, Financial, Economic, and Ports, Waterways, and Railways respectively. Each Part was prepared by a separate Commission of the Peace Conference on which each of the Great Powers at least was, generally speaking, represented by different delegates. The work of the Reparation Commission raised large questions both of policy and of politics in the consideration and settlement of which the Supreme Council took a much larger share than in the case of the other Commissions; and the discussions which, since the Treaty was published, have taken place regarding its 'economic' provisions have related for the most part to the Reparation Clauses. The Financial Clauses are largely of a technical character. The Ports and Waterways Clauses are also highly technical, but they are based on a principle of first-class importance for the resettlement of Europe and also for future international relations generally—the principle namely of *freedom of transit.* This principle, in the development of which the British Delegation took a prominent part, was applied to the benefit both of the new land-locked Allied States and of certain enemy countries for which necessary access to the sea was cut off by the Territorial settlement.[1] From the point of view of opening the channels of international commerce by the removal

[1] *v.* Vol. II, Chap. I, part V, International Communications.

of needless barriers, an interesting contrast might be drawn between the principle of freedom of transit and the German formula of 'freedom of the seas'.

The Parts of the Treaty devoted to Reparation, Finance, and Ports and Waterways are, however, dealt with elsewhere, and the object of the foregoing remarks is merely to make clear the distinction between these Parts and the Part containing the Economic Clauses properly so-called.

2. *The Programme of the Economic Commission.* As already indicated, the Economic Clauses were drawn up by a special Commission, the programme for which was prepared by an Economic Drafting Commission, appointed by the Council of Ten on the 27th January 1919. This Drafting Commission comprised one representative of each of the five Great Powers and met under the Presidency of Monsieur Clémentel, the French Minister of Commerce, who afterwards presided over the Economic Commission.[1] The programme prepared by the Drafting Commission was as follows:

I. TRANSITORY MEASURES.

To consider what economic measures, if any, should be taken in common during the period of reconstruction following the war, with a view to ensuring:

(*a*) The due supply of materials and other commodities necessary for the restoration of the devastated areas;

(*b*) The economic restoration of the countries which have suffered most from the war;

(*c*) The supply of neutral and ex-enemy countries without detriment to the supply of the needs of the Allied and Associated Countries.

II. PERMANENT COMMERCIAL RELATIONS.

To consider what common measures are possible and desirable with a view to the removal of Economic barriers, and the establishment on an equitable basis of the principle of Equality of Trade Conditions in International Commerce.

Under this heading will arise such questions (among others) as Customs regulations, duties and restrictions; the treatment of shipping, including Port facilities and dues; unfair methods of competition, including false trade descriptions and indications of origin, 'dumping,' &c.; and the exceptions and reservations, transitory or otherwise, which may be found necessary to meet special circumstances.

[1] The other members were Mr. Bernard M. Baruch (U.S.A.), Sir H. Llewellyn Smith (British Empire), M. S. Crespi (Italy), and M. Fukui (Japan), who took the place of M. Tatsumi, the original nominee, before the first meeting.

III. CONTRACTS AND CLAIMS.

To consider:

(1) What provision should be made with regard to pre-war contracts, agreements or commercial obligations to which subjects or citizens of belligerent States were parties;

(2) Whether claims should be admitted on either side for damage or injury arising out of the requisition, liquidation, sequestration or sale of enemy property or businesses, or the treatment or use of patents, trade marks, trade descriptions, or designs or copyrights, or regulations relating to trading with the enemy: and, if so, on what basis.

IV. EX-ENEMY ALIENS.

To consider what common action, if any, should be taken by the Allied and Associated Governments to prohibit or regulate the carrying on, either individually or through companies, of certain businesses and occupations by ex-enemy aliens during the period immediately following the war.

V. ABROGATION OR REVIVAL OF ECONOMIC TREATIES.

To consider what Treaties and Conventions of an economic character to which enemy States were parties should be revived or abrogated respectively.

(Under this heading will be considered, among others, the Conventions relating to Industrial Property, Copyright, Posts and Telegraphs, etc.)

The Programme was accepted without change by the Council of Ten, who, however, ordered that the matters comprised under the first heading should be referred to the Supreme Economic Council, and that the Economic Commission, the appointment of which they ordered, should deal with the remainder. The work of the Supreme Economic Council is outside the scope of this Chapter, and it is sufficient here to say that, though manned to some extent by the same people as were engaged not only in the general work of the Peace Conference proper but also in the work of the Economic Commission, the Council operated outside of and separate from the Conference and its work had no important influence on that of the Economic Commission.[1]

3. *Organization of the Economic Commission.* The Economic Commission (as constituted by the Council of Ten) consisted of two representatives of each of the five Great Powers and one representative of each of the following countries: Belgium, Brazil, China, Poland, Portugal, Rumania, and Serbia. The

[1] *v.* Vol. I, Chap. VIII, part II, for work of Supreme Economic Council.

intention was that these should represent the interests of the whole of the 'Powers with limited interests', but this arrangement was not regarded by these Powers as entirely satisfactory, and the Council of Ten conceded that the delegates of any of the Powers not regularly represented on the Commission might nevertheless attend its meetings when matters in which they were specially interested were under discussion. The Commission set up eight sub-committees of its members to deal with the different sections of its work, viz. Commercial Relations (under an American chairman), Shipping (British chairman), Treaties (Italian chairman), Treatment of ex-Enemy Aliens (Italian chairman), Private Property and Debts[1] (French chairman), Contracts (British chairman), Unfair Competition (British chairman), and Industrial Property (British chairman).[2] The Sub-Committees reported to the Commission, which in turn reported to the Supreme Council. The Chairman of the Commission itself was drawn from the French Delegation. The French Government also supplied the Secretary-General, who had the co-operation of Secretaries from the United States, British, Italian, and Japanese Delegations.

4. *Analysis of the work of the Commission.* The work of the Commission falls into two divisions according as it relates to the past or future. On the one hand the Commission had to make provision for the settlement of outstanding transactions, the completion of which was interrupted by the wartime prohibition of trading between parties who became enemies. A kindred but distinct problem arose from the measures taken in various belligerent countries for dealing with the property and business of enemies. Such property, or the proceeds of it, had been held in suspense during the war, and a decision as to its ultimate disposal had to be made. Thirdly, Germany's Treaties of Peace with Russia and Rumania, the treaties she made with her Allies during the war, and the concessions she

[1] The subject of Debts (which did not appear in the original programme) was added by arrangement with the Financial Commission, to whom it was originally allotted; and Members of that Commission attended the meetings of the Sub-Committee when the subject was under discussion.

[2] *v.* for more detailed lists, Vol. I, App. VI. The Chairman of the Shipping Sub-Committee is there given as M. Bouisson (France), but he could not attend, and the actual chairman was Mr. C. Hipwood, of the British Delegation. The arrangements stated in the text were those for dealing with the German Treaty. Some rearrangements were made for the purpose of the Treaties with other enemy powers with which some of the Allies were not at war.

wrung by military power from invaded countries had all to be abrogated.

On the other hand, consideration had to be given to the state of affairs which would arise (apart from all the pending individual transactions referred to above) when, with the ratification of the Peace Treaty, the war measures prohibiting enemy trading terminated, and economic intercourse with Germany came to be resumed. Before the war, this intercourse was regulated by a complicated network of treaties and conventions. These included such matters as treatment of foreign goods, ships, and persons, through communications (by railway, river, road, by post, telegraph or telephone), prevention of disease, sea fisheries, patents and trademarks, and so forth. Other treaties existed of a character more remotely economic, such as those dealing with civil procedure, the protection of minors, and the establishment of an international concert pitch. Some of these treaties were bilateral, and others multilateral. The question of the effect of war on treaties was one on which international lawyers were divided, but whatever the true doctrine, the Peace Treaty had to make provision by which it should be known, when intercourse with Germany recommenced, whether any particular one of these treaties, multilateral or bilateral, was alive or dead.

Similarly in the special realm of commercial intercourse, it was necessary to determine precisely what Customs tariff should be applied to goods entering Germany, when trade was resumed, and to secure that Allied goods, ships, and individuals in Germany and German ports should receive fair and uniform treatment and be protected from revengeful discrimination.

In that division of the Commission's work dealing with the past, no special question arose as to the duration of the Treaty provisions. The problem was to devise practical schemes for settling a mass of concrete individual cases which actually existed as a direct consequence of the war; and with the settlement of the last of these cases the relevant clauses of the Treaty would be spent. In formulating the future commercial régime, however, the same consideration did not apply, and one of the most difficult problems was to determine the period during which each of the provisions should operate and the conditions (if any) on which it might be thereafter prolonged. The effect of the clauses as finally settled is to impose on the

late enemy Powers unilaterally for the few years immediately following the conclusion of peace, obligations most of which may later on, when normal conditions and relations are restored, be continued on a reciprocal basis in commercial treaties of the usual type; or may find a place in a general convention for equality of trade conditions should it prove possible to secure general agreement on such an instrument under the auspices of the League of Nations.

In this connexion it should be recorded that the Economic Commission, or at least certain members of it, had some discussion as to the possibility of securing assent at the Peace Conference to a general convention on Equality of Trade Conditions, drafts of which were prepared in the American and British Delegations. The pressure of work involved in completing the Peace Treaty led to the idea being dropped, particularly as the uncertainty of the economic outlook in many of the belligerent countries naturally rendered the representatives of those countries unwilling to enter at that time into such an engagement. Just as the principle of freedom of transit may be expected to be generally adopted at the Barcelona international Conference which the Peace Conference agreed to hold under the auspices of the League of Nations, so it may be hoped that the discussions of equality of trade conditions which took place among the representatives of the nations at the Peace Conference may lead to practical results at a later date through the same procedure.

Speaking generally, the work of the Economic Commission did not involve questions of policy in which popular interest was strong, but its task was nevertheless no light one. Not only had agreement to be secured on the broad principles involved, but these principles had to be embodied in detailed, complicated, and often highly technical codes of regulations. The difficulty of the work and its arduous character will be realized when it is stated that the eight Sub-Committees of the Commission held nearly one hundred meetings in the six weeks of March and April during which the clauses of the Treaty with Germany were drafted.

On a very few points alternative recommendations had to be put forward for the decision of the Supreme Council. Otherwise the Commission was able to submit unanimous recommendations, and these were in every case accepted by the Council.

5. *General Background of the Economic Clauses* (*Sections III to VIII*). The problems and intentions which lay behind Sections I and II of the Economic Clauses have been to some extent indicated above, and are dealt with also by another hand in the following chapter. It may be of interest to draw attention here a little more in detail to the nature of the conditions which Sections III to VIII (also dealt with later) were framed to meet. These Sections include the provisions for the settlement of pre-war debts, the disposal of enemy property, the regulation of pre-war contracts, various legal questions connected with prescriptions and periods of limitation, and the subject of industrial property.

6. *The Difficulty of the Questions at issue.* The task of the Economic Commission in settling these provisions was one of unprecedented extent and complexity. The pre-war position of Germany as a great manufacturing country with an immense volume of foreign trade; the fact that the countries ranged against her in the war were, owing either to their neighbourhood or to their own interests in international trade, linked with Germany by innumerable commercial ties; the world-wide ramifications of German enterprise and the 'economic penetration' which she had effected in the countries that became her enemies; the internationalization of capital and finance, and the interdependence of the nations in matters of credit and exchange; all these factors, if they did not lead on the outbreak of war to the financial and commercial *débâcle* anticipated by some observers, at least meant that the rupture of economic relations which resulted from the outbreak of hostilities was in its far-reaching and fundamental character altogether unparalleled. The range of the 'economic penetration', which for reasons both military, economic, and political had to be countered by measures of control, sequestration, and liquidation of enemy interests in Allied countries, shows the difficulty of the problems the Economic Commission had to solve in settling the final disposal of these interests.

The extent and complexity of the commercial relations between Germany and the countries at war with her (in conjunction with the suddenness with which the war began) meant a correspondingly vast number and variety of interrupted transactions. The continued performance of contracts became impossible, and these contracts might be of any kind

from simple agreements for the delivery of materials or goods, or an ordinary covenant like the lease of a piece of land, up to complicated arrangements say between associated businesses or companies in the two countries. It was no longer possible to pay debts and other moneys due, whether these were simple settlements for services rendered or goods delivered, or periodical payments like rents, interest on mortgages, interest on securities, premiums on insurance policies, or special transactions like the repayment of the capital of Government securities. The amounts claimed from German debtors by creditors in the United Kingdom, for instance, are in the neighbourhood of £50,000,000.

The settlement of such debts involved various questions (such as rate of interest) which naturally arose through payment having been deferred for a period never contemplated when the original transaction took place. The profound disturbance of the international exchanges caused by the war and the widespread depreciation of currency necessitated the inclusion of highly important provisions as to the currency in which, and the rate of exchange at which, settlement should be effected.

7. *Difficulties due to diversity of countries concerned.* The difficulties of all the problems dealt with would have been great enough if only one or two countries on each side had been involved. They were enormously increased by the number of Allied States that had to be considered, and by the fact that these came into the war at widely different dates. In the case of the original participants in the war, the normal tides of commerce were flowing freely when the interruption came that suspended the payment of debts and stopped the operation of contracts. As time went on the volume, character, and direction of international trade all changed as the result of the war, with the result that those countries which entered the conflict later did so under conditions which differed from those of the original participants. For example, commerce between Germany and such countries may have been going on for some time previous with the possibility of war in view, and subject to all kinds of provisos and safeguards in contracts and transactions which were naturally not thought of before August 1914. Each country had reason for looking at the problems of the Economic Commission from its own special point of view, and the differences in the respective laws and

constitutions of the several States and in the war measures taken in each added to the complexity.

The laws of certain countries whereby debts cease to be recoverable after a specific term of years not greatly exceeding the duration of the war, might have enabled repudiation contrary to the principle of enforcing the payment of all pre-war debts. Similarly protection had to be given to persons for whom the war made it physically or legally impossible to fulfil obligations which accrued in an enemy country during the course of hostilities. Where measures of execution had been taken owing to the non-fulfilment of formalities, or judgments been given by German Courts in cases where the defendant was prevented by the war from making his defence, the question of compensation or of restoring the parties to the positions they occupied before the judgment, had to be considered.

8. *Difficulties arising from Territorial Changes.* Besides the special provisions necessary in respect of transactions in invaded or occupied territory, another complicating factor arose from the territorial changes brought about by the Treaty. During the war, the inhabitants of territory transferred by the Treaty had been, as regards the Allies, in the position of enemies, unable to pay or receive their debts or to participate in the execution of contracts; and if they possessed interests in Allied countries, these may have been the subject of the war measures applied therein to enemy interests. On their transfer to an Allied State and their acquisition of Allied nationality, were they to continue to be treated as enemies for the purpose of the debt settlement schemes? If treated as Allies, were the contracts they had freely made with other inhabitants of the enemy country to be annulled like the contracts of the Allied nationals with enemies? If, after the Armistice, but before the ratification of the Peace Treaty, they had come under Allied laws which, by forbidding trade with the enemy, had prevented them settling debts or completing contracts with those who had hitherto been their fellow-countrymen, how was this fresh complication to be dealt with?

Economic problems other than those mentioned above (debts, liquidations, contracts, etc.) arose from territorial changes. For example, care had to be taken to preserve the rights of persons in separated territories who were previously included in schemes of social and state insurance like those

in force in Germany; and provision had also to be made for securing not only that the industrial property rights of persons in ceded territories continued to be respected in the country from which they were separated, but that the similar rights of persons remaining in that country were respected in the separated territory.

The difficulties connected with territorial transfers, which arose in the German Treaty in connexion mainly with Alsace-Lorraine and Poland, assumed their extreme form in the Austrian and Hungarian settlements, where the original territory was subdivided into a number of States.

This subject of separated territories was by far the most important point in which the Austrian and later treaties required important supplement as compared with the Economic Clauses of the German Treaty. The latter were, for the most part, drafted with the other countries in view, and needed, on the whole, but little modification otherwise to adapt them to the circumstances of those countries.

In the case of Bulgaria certain additional new subjects of importance came into the discussions. Originating in the historical connexion of Bulgarian territory with the Turkish Empire, the Capitulations existed, at least nominally, in Bulgaria; and from the same origin sprang the importance of the question of concessions, the special problem being the disposal of concessions in transferred territory. The settlement was the occasion of considerable discussion, involving as it did the much debated question of State Succession, a question additionally complicated in the case of Bulgarian concessions by the changes of territory which had taken place during the Balkan wars.

CHAPTER I

ECONOMIC RECONSTRUCTION IN THE TREATIES

PART III

COMMERCIAL POLICY IN GERMAN, AUSTRIAN, HUNGARIAN, AND BULGARIAN TREATIES

1. *The Pre-Armistice Agreement.* The third of the 'Fourteen Points', enunciated by President Wilson on the 8th January 1918, was 'The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.' By some of the President's political opponents this was held to look toward a general reduction of tariff duties by international agreement. But before the end of October 1918, the President explained his proposal:

> 'I, of course, meant to suggest no restriction upon the free determination of any nation of its own economic policy, but only that whatever tariff any nation might deem necessary for its own economic service, be that tariff high or low, it should apply equally to all foreign nations; in other words, that there should be no discriminations against some nations that did not apply to others. This leaves every nation free to determine for itself its own internal policies and limits only its right to compound these policies of hostile discriminations between one nation and another. Weapons of economic discipline and punishment should be left to the joint action of all nations for the purpose of punishing those who will not submit to a general program of justice and equality.'[1]

Here, as in other utterances, President Wilson linked together his proposal to do away with discriminatory tariffs and his other proposal that the economic weapon be entrusted solely to the League of Nations. His opposition to discriminatory tariffs, it is clear, was prompted not so much by their possible interference with generally beneficial trade relations, or even by their unequal treatment of the traders of different

[1] President Wilson to Senator Simmons, October 1918; also a letter of similar purport to Senator Hitchcock, 22nd October 1918. Cf. legal analysis in Vol. II, pp. 318–26, 405–8.

States, as by their coercive uses and effects. The passing of discriminatory tariffs was to be like the reduction of national armaments.

In this way President Wilson rested his proposal on the solidest ground he could find. Modern discriminatory or differential tariffs are either (1) mere *bargaining* tariffs, designed to be used in securing tariff concessions from other States, or (2) instruments for establishing or perpetuating groupings of states on the basis of relatively free economic interchange and resulting economic interdependence—modified customs unions, in fact. The problems they create in the sphere of international relations are more largely political than economic.

Differential tariffs, as well as similar discriminations in other imposts on foreign trade, such as duties on shipping, are very old devices. In particular they have from the beginning been associated with the building up of colonial empires. But in the last thirty years they have acquired, especially in continental Europe, a new significance. There is a new emphasis on their bargaining aspects and a new realization of their possible uses in achieving ends over and beyond, and possibly quite apart from, the protection of national industries.

Despite the fact that the most systematic and consistent development of differential tariffs has been in France, their new significance is closely connected with the rise of German industry and trade to a position of first-class importance. In earlier years the treaties which, in 1834, created the Zollverein, and the commercial treaty of 1860, between France and Great Britain, granting reciprocal favours and guaranteeing most-favoured-nation treatment, had each in turn been followed by the general reconstruction of European commercial systems. But in more recent years the Caprivi treaties of 1891–4 and the German tariff act of 1902, with the conventional tariffs which followed it, have been the pivotal points around which European tariffs have been re-organized.

Particularly significant was the frank recognition in Germany of the meaning and intent of the adoption of the bargaining tariff.[1] Tariffs were seen to be national weapons, to be used in self-defence, in securing favourable concessions,

[1] See, for example, W. Lotz, *Die Ideen der deutschen Handelspolitik* (1892); *Schriften des Vereins für Sozialpolitik*, Bde. 98, 155 (1902, 1916); Percy Ashley, *Modern Tariff History* (1910), Part I, Chap. viii.

and even in dictating the commercial policies of other States. Tariffs, in short, were international matters, to be arranged by international bickering. Each State dealt with its adversaries one at a time, so that by careful strategy and by picking the order in which its opponents should be encountered, a strong and skilful State could impose its will upon them. Practice was of necessity less complete than theory, but went far enough to confirm it. The Russo-German commercial treaty of 1904 is an example. The initial Russian proposals were more extreme and possibly less defensible than the German. But the Russian negotiators had to yield on the more important points, largely because of the simple fact that to Russia, with fewer alternative outlets, the German market was more important than was the Russian market to Germany.

It would be unfair to attribute to Germany a major portion of the blame for a system which, after all, is a product of slow and fairly continuous growth. Germany merely saw its possibilities more clearly than other States did. It is a system, too, which propagates itself from State to State. A bargaining tariff is the best weapon of defence against the bargaining tariffs of other States, and defensive weapons are prone to be used for offence. Only the strongest States, like Great Britain and the United States, can afford to stay outside such a system. Its evils, it must be confessed, are more largely political than economic. The schedules of a bargaining tariff are no more likely to be worse than they are to be better than those of an autonomous tariff.

They may, for bargaining purposes, be made more complicated, more minutely subdivided, but they are less likely to retain, when the bargaining process is completed, those purely retaliatory provisions—clumsy attempts perhaps at bargaining—which disfigure some autonomous tariffs. In fact, on purely economic grounds there is a fairly good case for tariffs made by international agreement as against tariffs made by autonomous national action. But the bargaining system gives the strong State advantages at the expense of the weaker; it leads to the projection of a State's power across its national frontiers so as to influence or dictate the policies of other States; it fosters a world view in which the normal relations of international trade are perversely interpreted in terms of commercial belligerency.

Differential tariffs, however, are by no means the whole of the problem. The international economic relations of the world are governed by a complex network of commercial treaties held together and made at all consistent and tolerable only by most-favoured-nation clauses. The proposals of the 'Fourteen Points', if put completely into effect, would substitute for this mass of uneven and unstable arrangements between pairs of States something like a general or multilateral commercial treaty, providing for most-favoured-nation treatment in respect of some matters and for national treatment in respect of others. Such a convention might properly include not merely tariffs, but the treatment of shipping, consular privileges, and the other ordinary amenities of commercial intercourse—in short such matters as are usually covered in bilateral commercial treaties. This general treaty might also include one such amenity—the abolition of 'unfair methods of competition'—which already is provided for in principle in the (multilateral) Industrial Property Convention, and more fully covered as between a considerable number of States by the Madrid Convention.

2. *The Paris Economic Conference, 14th–17th June 1916.* Very different in spirit and in purpose from the stipulations of the 'Fourteen Points' were the resolutions of the Economic Conference of the Allies, held at Paris on the 14th–17th June 1916.[1] These resolutions were signed by representatives of France, Belgium, Italy, Japan, Portugal, Russia, and Serbia and, within a month, were approved by the British Government. They looked toward an economic alliance of the Allies based in large part upon joint measures of discrimination against the trade of the enemy Powers. For the period of reconstruction following the war they proposed to grant priorities in respect of supplies to the Allied countries and especially to the invaded regions, to refuse most-favoured-nation treatment to the enemy countries, to prohibit or restrict importations from those countries, and to exclude enemy subjects from industrial and professional activities in Allied territories. As a permanent policy, the Allies were to take steps to free themselves of any economic dependence on enemy countries, and, without undertaking to grant reciprocal reductions in tariffs, they were to

[1] Recommendations of the Economic Conference of the Allies, cd. 8271, 1916; *v.* Text in Vol. V, App. I.

'adopt measures for facilitating their mutual trade relations'.

Short-sighted, impracticable, and running counter to the permanent economic interests of the Allies themselves as this programme was, it found its only possible justification in the fact that if it could be put into effect it might contribute toward a state of preparedness for another war. In many quarters it was not taken seriously. It was interpreted as an aimless release of war passions, as a gesture of intimidation, or, at the most, as an attempt to organize the economic advantages of the Allies so that they could be bargained with to best advantage when peace came to be made. The two most important of the British negotiators have since described it as purely a war-measure.[1]

After the United States came into the war, and especially after the enunciation of the 'Fourteen Points', the 'Paris Resolutions' seemed to be receding into a fast-dimming background, even though attempts were made to effect new inter-Allied agreements on some of the matters they covered. But to forget them was to under-estimate their significance. They were probably a fairly accurate expression of French policy, or at least of the policy of the French Ministry of Commerce, and had influential supporters in other countries. They were revived in the French proposals at the Peace Conference. They must be taken into account, along with the 'Fourteen Points', in evaluating the factors that bore upon the framing of the commercial clauses of the Treaties.

[1] Mr. Asquith, at Paisley, 5th February 1920 (*Paisley Policy*, pp. 126–7):

'The majority of you know perfectly well what the Paris Resolutions were. They were a reply to a declaration of economic war by the Central Powers, Germany and Austria, made at Vienna a few months previously, in which we were threatened, not only with military warfare, but with economic and financial warfare, which was to continue after the military operations were over. The Paris Resolutions were purely defensive, a declaration of policy directed against that contingency, and that contingency only, and they expressly preserved to each country that it should have complete freedom to use its own fiscal discretion and act within the limits of its own fiscal system. There is nothing whatever in the Paris Resolutions which has any application to the circumstances as they now exist, because, as you know, Germany and Austria are impotent to wage anything in the nature of an economic war against us, and there is nothing in them which is inconsistent, or would bind us to do anything which is inconsistent, with Free Trade.

So also Mr. Walter Runciman (*The Times*, 29th March 1920):

'I was determined that the economic threat and challenge of Mittel-Europa should be met wholly and promptly. . . . All served their purpose, and were out of date when the emergency, political or otherwise, for which they were contrived had passed away. Mittel-Europa had disappeared.'

3. *The League of Nations and Equality of Trade Conditions.* (*a*) *The German View.* The Observations of the German delegation on the conditions of peace urged that, on the strength of the preliminary agreement, Germany was entitled to demand 'that the economic provisions of the treaty shall be drawn with full regard to the perfect equality of Germany's rights with those of the other nations'.[1] But, as the German delegates themselves recognized, the question was merely one aspect of the larger question of Germany's immediate admission to the League of Nations. President Wilson's proposal for equality of trade conditions related specifically to 'the nations consenting to the peace and associating themselves for its maintenance'. And apart from this, Germany's case was distinctly weakened, her opportunity to get some measure of moral advantage out of the situation thrown away, by the failure of her delegates to give to equality of trade conditions any large meaning beyond what was indicated by Germany's own immediate interests.[2] Cessation of economic warfare, equality of rights for alien traders, and freedom of transit trade, were their principal proposals. In other respects individual States were to be free to determine their own commercial policies and to enter into special agreements with other States. But, to escape from the one-sided obligations imposed on her by the Treaty, Germany was willing to grant to the Allied Powers reciprocal most-favoured-nation treatment for a restricted number of years. Careful study of these German counter-proposals must lead to the reluctant conclusion that they gave lip-service only to the ideal of equality of trade conditions. Back of them there was a clearly indicated solicitude for the principles which had dominated German commercial policy before the war. Here, as elsewhere, the German Reply falls woefully short of rising to the real opportunities the situation afforded.

(*b*) *The American View.* In the first drafts of the American proposals for a League of Nations,[3] attributed to President Wilson

[1] *v.* Vol. II, pp. 319, 405–6.

[2] See *Comments by the German Delegation on the Conditions of Peace*, Second Part, Sections I and V (*International Conciliation*, no. 143, pp. 25–8, 79–83); cf. also our legal discussion on this point, Vol. II, pp. 318–22, 405–6, and chapter on International Communications, Vol. II, pp. 99–100, 102–4.

[3] *Hearings on Treaty of Peace with Germany before Senate Committee on Interstate Commerce*, 6th Congress, 1st session, Doct. no. 106, pp. 1165, 1171.

himself, there are no provisions for equality of trade conditions. A little later, however, a tentative formulation of possible proposals was prepared by some of the technical advisers attached to the American Commission.[1] This tentative draft serves to indicate not merely the possible scope of such provisions, but also the very serious difficulties that stood, and still stand, in their way.

In these proposals colonial as well as national tariffs and trade regulations were brought under the general rule that preferences and discriminations should be forbidden. In export and import prohibitions and duties, port dues, traffic rates, and similar matters equal (i. e. most-favoured-nation) treatment was to be required; national treatment was to be accorded to vessels (except that national rights in the coasting trade were reserved); tariffs and other imposts on trade were not to discriminate as between the places of its original or intermediate origin or of its intermediate or ultimate destination. Direct or indirect bounties on exports were to be prohibited. States engaged in international trade were not in respect thereof to have any of the immunities or obligations of sovereignty. To prevent infringement of national independence through financial pressure, it was proposed that no State should assign any part of its revenues to any other State or its citizens.[2] There was to be reciprocal protection of legitimate international trade as well as protection against the use of unfair methods in international trade. The contracting powers were to be bound by the provisions of the Washington Convention of the 2nd June 1911 for the Protection of Industrial Property. Finally, an International Trade Commission was to be set up under the League of Nations.

The immediate realization of all parts of so revolutionary a programme as this would have been impossible. It would have outlawed not only the differential tariff systems of European and South American States, and of Japan, but also the imperial preference tariffs of the British Dominions, and the colonial tariff systems of France, Italy, Portugal, and the United States. The American advisers proposed, therefore, that existing discriminations should not be affected by these

[1] *Senate Committee Hearings*, p. 1209.

[2] Suggested by a provision of the Anglo-Russian Convention of 31st August 1907, regarding Tibet.

provisions, and that the British Dominions should be permitted, by way of exception, to make preferential arrangements among themselves and with Great Britain. Furthermore, room was made for possible customs unions, whether in Europe or in the American continents.

(*c*) *French Proposals.* These suggestions are important because they represent an attempt to give concrete meaning to the phrase, equality of trade conditions. That there are other important aspects of the problem is suggested by certain proposals submitted by the French delegates to the Economic Commission. These included engagements to prohibit unfair competition in international trade, to take measures against dumping, and to levy neither export nor import duties on raw materials. The purpose of this last proposal, important as it was radical, was 'to put an end, so far as possible, to international rivalries in the search for raw materials, to suppress many of the causes of the economic conflicts that endanger the world's peace, and to offset the natural inequalities arising from the geographical distribution of resources'.

(*d*) *Clause as revised in the Covenant.* There is no evidence that the suggestions of the American advisers were ever seriously urged or even seriously discussed. But in the subsequent revision of President Wilson's project for the Covenant of the League of Nations, presented by the American delegates to the Commission of the League of Nations, there is a new clause:

> 'It is further covenanted and agreed by the Contracting Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.' [1]

This, it is clear, went further than the clauses suggested by the American advisers in that it covered relations with States outside the League. In another draft of the Covenant, in which British suggestions had been incorporated, it was replaced by this clause of more modest purpose:

> 'The High Contracting Parties will agree upon provisions intended to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.' [2]

[1] *Senate Committee Hearings*, p. 262.
[2] Ibid., p. 1230.

In the Covenant as finally agreed to and embodied in the treaty this clause is further weakened. It reads:

'Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind.'[1]

The special concession to the needs of the devastated areas prompted by a French proposal has no permanent importance. The significant difference between the clause as it stands and as it was in its last previous form (and as it appeared in the first report of the Commission on the League of Nations to the Plenary Conference) is that it gives no definite assurance of joint agreements by the members of the League, though there was an understanding that an endeavour would be made to reach a general arrangement through the League of Nations. Left to individual national interpretation and action 'equitable treatment' may be construed to be something very different from 'equality of treatment'.

To this must be added, however, the provision for the 'open door' in regions administered by Mandatories. Where, as in Central Africa, it is proposed to make the Mandatory directly responsible for the administration of the territory, the Mandatory 'will also secure equal opportunities for the trade and commerce of other Members of the League'. In the earlier drafts of the Covenant the 'open door' was stipulated for all regions that were to be put under the Mandate system. Its restriction to the more backward of such regions came when the distinction was made between administrative and merely tutelary Mandatories.

(*e*) *Summary of Progress made.* The positive contribution of the Treaty to progress toward greater 'equality of trade conditions' is small. The explanation of the failure to give a more effective expression to the third of the 'Fourteen Points' is to be found in two sets of circumstances.

In the first place, agreement upon any specific programme that would have had much real significance would have been exceedingly difficult, or would have been purchased at the

[1] Germany, 23; also in other Treaties.

expense of compromises on other matters that seemed, rightly or wrongly, to have more immediate importance. Preliminary conversations among the members of the technical staffs attached to the different delegations went far enough to show very clearly that proposals like, for example, those suggested by the American technical advisers would meet with small favour, even though they legalized all existing discriminatory arrangements and were aimed only against new ones.

For one thing, the opinion dominant in France was expressed more accurately by the Resolutions of the Paris Economic Conference than by President Wilson's stipulation. The war had strengthened the hold of neo-mercantilism on French policy. France's denunciation in 1918 of her most-favoured-nation agreements was a significant gesture.[1] For a score of years, at least, these clauses had been increasingly unpopular. Especially irksome was the corner-stone of the whole system—the most-favoured-nation clause of the Treaty of Frankfurt, which bound France and Germany reciprocally, but only with respect to favours either of them might grant to Great Britain, Belgium, the Netherlands, Switzerland, Austria, or Russia. In France it was firmly believed that this clause, limited as it was, had worked to her disadvantage, although at the time its inclusion in the Treaty of Frankfurt had been regarded as a notable victory for the French negotiators.

France did not stand alone in her after-the-war commercial policy. The Italian attitude, for example, was similar. And for men everywhere the problems of national commercial policy had been coloured by the war. It was inevitable that many statesmen should think, in terms of national or imperial self-sufficiency, of the control of raw materials, of economic preparedness for war, of the advantages that the traders of one nation or another might get at the start in the renewal of the competition for foreign markets—of national control for national ends, in short, rather than of 'the removal of economic barriers'. It is quite probable that Great Britain and the United States could have come to an agreement on some important fundamentals. But even as

[1] The French law of 29th July 1919, by empowering the Government to negotiate commercial treaties that fix customs duties intermediate between the legal maximum and minimum tariffs, is intended to pave the way to greater 'flexibility', that is, to greater differentiation in the French tariffs.

between those two States there were found to be difficulties over and beyond the obvious ones associated with Imperial Preference, the Philippine tariff, and certain minor British and American trade discriminations. For example, the proposals for universal guarantees of freedom of transit, which the British delegation had especially at heart, were such as the United States might have had some difficulty in accepting.[1]

In the second place, it was impracticable to include in the Treaty specific international agreements for equality of trade conditions because, in this as in other matters, the difficult and time-consuming task of determining the new principles that should govern the relations of the Allied States, one with another, had to yield to the greater urgency of determining the necessary conditions of peace. The necessities of the case had much to do with restricting the Treaties, aside from the Covenant of the League of Nations, very largely to the obligations imposed upon the defeated States and to the necessary administrative arrangements. It is not altogether clear, however, just why a British proposal—which met with much favour—that an international commercial conference to deal with these matters be convened by the League of Nations was not incorporated in the Treaties.

But despite these difficulties the general principle of equality of trade conditions was finally given new and fairly explicit recognition. With reference to the commercial clauses of the Treaty the following explanation was made to the German delegation.

'The principles which the Allied and Associated Powers desire to bring into application when the world returns to normal conditions are those which President Wilson has enunciated on various occasions in his speeches and which are embodied in Article 23 (*e*) of the Covenant of the League of Nations. . . . After the necessary period of transition is over, and when a reformed Germany is admitted to membership of the League of Nations, the Allied and Associated Powers will be able to co-operate with her in arriving at a more permanent arrangement for the establishment of an equitable treatment for the commerce of all nations.'[2]

[1] *v.* Vol. II, pp. 105–6. On one point (transit) there was unanimous agreement: inland States must have free access to the sea. Vol. II, pp. 109, 383, 409.

[2] Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace, Part X, 1. Misc., No. 4 (1919), pp. 42–3, Cmd. 258. Cf. Vol. II, pp. 320–2.

4. *The Economic Drafting Commission.* There was some uncertainty at first with respect to the precise scope of the economic relations with the ex-enemy Powers that should be dealt with in the Treaties. It was clear, however, that the problems involved were complex and many-sided. To some, in view of these difficulties, it seemed wise to make short shrift of the matter by merely legalizing the pre-war status. But this was out of the question. There were too many new problems and too many new interests. Commercial treaties with the enemy powers had been disrupted by the war. Something, if only a new point of departure, had to take their place.

In their preliminary arrangements for the Conference the representatives of the Great Powers did not venture to arrange a definite programme for dealing with these topics. Instead, the matter was referred to an Economic Drafting Commission.[1] The plan finally recommended followed, in the main, the British proposals, which were based upon a careful review of the problems of which disposition had to be made. The American proposals were similar to the British, but looked toward a simpler and more general treatment of these problems and, consequently, toward a simpler organization for dealing with them. The French proposals covered much of the same ground, but in addition made room for such matters as were covered in the Resolutions of the Paris Economic Conference.

The Economic Drafting Commission did not presume to attempt to forestall discussion of any important proposal. Its task was merely to plan a working organization to draft the economic clauses of the Treaties. It happened, however, that it grouped some of the more important French proposals together, as relating primarily to a transitional period following immediately upon the coming into force of the Treaties. When the report of the Drafting Commission came before the Council of Ten this group of problems was taken out of the hands of the Economic Commission and referred to the Supreme Economic Council, which had been set up to deal with current questions of finance, food, blockade control, shipping, and raw materials (*v.* Vol. I, pp. 296–303). While not precluding further discussion of inter-Allied policy with respect to the

[1] This commission was created at the second meeting of the Plenary Conference. There was some delay before the Economic Commission, for which the report of the Drafting Commission provided, was finally set at work.

proposed transitional arrangements, this action took them out of the Treaties.

Back of the proposals for a special régime for the transitional period there was a warrantable feeling of the injustice of permitting Germany's industries to gain a fresh advantage in foreign markets at the expense of the industries her armies had destroyed. Doubtless there was a tendency to under-estimate the extent to which German industries, likewise, had been stripped for the benefit of the German armies, and to over-estimate the strength of Germany's economic position, as well as to forget the intimate connexion between Germany's ability to export goods and her ability to make reparation payments.

But, quite apart from the wisdom of the proposed transitional régime, it would have encountered insuperable practical difficulties. Special restrictions upon Germany's foreign trade, coupled with priorities for the needs of the industries of the devastated regions, would have made it necessary to continue not only the machinery of inter-Allied economic co-operation, but also an effective national control of trade in each Allied country. And that was quite out of the range of possibilities.

5. *Customs Regulations, Duties, and Restrictions.* The economic clauses, as formulated by the Economic Commission and finally incorporated in the Treaties, provide that the ex-enemy Powers guarantee most-favoured-nation treatment to the Allied and Associated Powers [1] (although that phrase is not used) for a period of five years in the case of Germany, and of three years in the case of Austria, Hungary, and Bulgaria. There are no assurances of reciprocity. These guarantees cover export and import prohibitions, duties, and regulations, and privileges granted to transit trade. To these must be added the undertaking to base no discriminations in the treatment of exports or imports or in transportation charges upon the frontiers which goods cross, upon the vessels in which they are carried, upon routes, places of trans-shipment, places of original, intermediate, or ultimate departure or destination, or upon the ports through which they enter.[2] There must also be taken into account the provisions for freedom of transit

[1] Germany 264–7; Austria 217–20; Hungary 200–3; Bulgaria 147–50.
[2] Germany 323, 325, 326; Austria 286, 288–9; Hungary 270, 272–3; Bulgaria 214, 216.

trade, drafted by the Commission on Ports, Waterways, and Railways.[1]

There was very little difference of opinion with respect to the propriety of requirements like these. French, Italian, British, and American proposals all contained draft clauses of similar general purport, covering the treatment of exports and imports. It is likely, however, that the grounds on which these requirements commended themselves to different delegates were not alike. To some they were important because they protected their own countries against hostile discrimination or possible economic pressure. To others they were a temporary safeguard against unknown and vaguely-imagined possibilities of new and dangerous political and economic alliances. And some approved them because they were (apart from the lack of reciprocity) reasonable in themselves, not calculated to delay Germany's economic recovery or to lessen her capacity to make reparation payments, and because, furthermore, to hold Germany down for a while to a non-discriminatory tariff might have a wholesome effect on the general European tariff situation and might afford an important precedent when the members of the League of Nations came to make provisions to secure general and reciprocal 'equality of trade conditions'.

Such difficulties as arose centred around the conditions on which this special régime should terminate. It was suggested that the obligations imposed by these clauses should terminate at the end of five years except as towards such States as should concede reciprocal treatment. But even this savoured too much of the Treaty of Frankfurt to be generally acceptable. It was also proposed that the obligation of most-favoured-nation treatment should continue for at least five years, and for a longer period unless the Council of the League of Nations should otherwise order. But, as finally agreed to, the obligation ceases at the end of five years unless the Council of the League continues it.[2] The requirement of a unanimous vote in the

[1] Germany 321, 379; Austria 284, 331; Hungary 268, 314; Bulgaria 212, 248.

[2] Germany 280. The provisions relating to transit trade, however, like other clauses in Part XII (Ports, Waterways, and Railways) establishing a temporary non-reciprocal régime, lapse at the end of five years unless reciprocity is accorded or unless the five-year period is prolonged by the Council of the League of Nations. Germany 378; Austria 330; Hungary 313; Bulgaria 247. In the last three cases the provisions cease in three years.

Council obviously makes the precise form of this arrangement important.

6. *Exceptional Arrangements for the Ceded Territories.* It would have been injurious to the interests not only of Alsace-Lorraine, but of Germany as well, if the new frontier had meant from the beginning a new tariff barrier. That there must be special transitional arrangements was recognized by all. The first suggestion was that products originating in Alsace-Lorraine should be exempt from German customs duties for ten years, or more. But any such period was too long. The corresponding obligation imposed upon France by the Treaty of Frankfurt was for only twenty-two months, with a sliding scale, so that during the last twelve months of the period imports from Alsace-Lorraine were subject to at first a fourth and then a half of the French customs duties applicable to similar products originating in other parts of Germany.[1] The conditions, however, were vastly different. Not only was the general economic condition of Europe in 1871 much sounder than in 1919, but the industries of Alsace-Lorraine were smaller, less specialized, and therefore less dependent on particular markets. The growth of the Alsatian textile industry is a case in point. The fine muslins and cotton prints of the Mulhouse mills have been sold largely in the German domestic market, only a small part being exported. The producers of Alsace-Lorraine were especially interested in keeping the German market open for a while for such goods as neither the French nor the export market could absorb. These included textiles, metallurgical products, leather and hides, and wines and spirits. The interests of the iron ore of Lorraine were adequately safeguarded by the needs of the German smelting industry. The French, in fact, would have been content if only a selected list of products had been exempted from the German customs dues. But the clause as it stands covers all goods originating in Alsace-Lorraine (in quantities not greater than the average sent annually in 1911–13), and holds for a period of five years.[2] Reciprocal treatment of imports from Germany, which might likewise

[1] Treaty of Frankfurt, Article 9, and supplementary convention signed at Berlin, 12th October 1871. The Germans had proposed a six-year period.

[2] Germany 68, 268 (a).

have been to the economic advantage of Alsace-Lorraine, was not provided for in the Treaty. Protectionist feeling in France made it impossible; moreover, when in 1871 the French had tried to secure a reciprocal arrangement, Bismarck had set himself against it, and had yielded only with respect to certain French raw and partly finished materials, essential to the industries of Alsace-Lorraine.[1]

This exception for Alsace-Lorraine produced other exceptions as a matter of course. In the case of Luxemburg, which ceased to be a part of the German customs union on the 1st January 1919, the Allied and Associated Powers reserved the right to require Germany to agree to an arrangement like that made for Alsace-Lorraine.[2] For the Polish territories which were formerly parts of Germany the period during which Germany cannot erect a tariff frontier is fixed at three years.[3] But Poland, in return, not only guarantees freedom of transit between East Prussia and the rest of Germany, but also agrees to permit the free exportation of coal from Upper Silesia (in case that region should be transferred to her) for a period of fifteen years.[4] The power reserved by the Allied and Associated Powers to institute a special customs régime on the German territory occupied by their troops if necessary 'to safeguard the economic interests of the population',[5] merely provides, it is to be hoped, for a very remote contingency. This right lapses at the end of five years unless continued by the Council of the League of Nations, although the period of occupancy is fifteen years.

7. *Austrian, Hungarian, and Bulgarian Treaties.* In the Austrian and Hungarian treaties the solution of this problem is simpler. Austria is permitted to make arrangements for a special customs régime with Hungary or with the Czecho-Slovak State, but only for a period of not more than five years.[6] On economic grounds there is no reason why this

[1] Thiers, *Notes et Souvenirs*, p. 220; May, *Traité de Frankfurt*, Chap. XIII.

[2] Germany 268 (c). Luxemburg may also share in the other economic rights stipulated in favour of the Allied and Associated Powers. (Art. 41.)

[3] Germany 268 (b).

[4] Germany 89, 90. Cf. similar agreements: Austria 224; Hungary 207, with Czecho-Slovakia and Poland for supply of coal, food, raw materials, etc.

[5] Germany 270.

[6] Austria 222. Cf. Hungary 205; no similar provision appears in the Bulgarian Treaty. The celebrated project of the economic Danubian Confederation, so much feared by Italy, was of course in the minds of many at this time.

provision for a modified customs union within the former Austro-Hungarian Empire should have had any time limit put upon it. The purpose of the limit is quite obviously political. It is not improbable that this clause will have to be revised.

8. *Limitations on Changes in Tariffs.* With the promise that the trade of the Allied and Associated Powers should not be discriminated against, it was the dominant opinion at Paris that Germany should have a free hand to raise or lower her own customs duties. Any other attitude would have been inconsistent with the demands made of her for reparation payments. Her tariff may be used as the means not only of raising revenues in gold or foreign currencies, but also of curtailing unnecessary consumption by curtailing unnecessary imports, of stimulating her industries that produce for export by lessening the cost of imported raw materials—in short, of securing that excess of exports over imports upon which her ability to meet her reparation obligations fundamentally depends. After six months from the coming into force of the Treaty a large freedom is given to her. But for three years she cannot raise the duties on certain commodities above the lowest (i. e. most-favoured-nation) duties in effect before the war.

The list comprises the *conventional* duties covered by the first section (farm and garden products) of the German tariff of 1902, together with wine, vegetable oils, artificial silk, and washed or scoured wool.[1]

The problem back of this clause is more largely political than economic. Before the war, and even in some measure during the war, the German market had been an important outlet for the fruits and vegetables of Italy. These products, together with wine and vegetable oils, had occupied an important place in the negotiations leading up to the commercial treaty of 1904 between Italy and Germany. With that treaty abrogated and with her own bargaining power limited by Germany's obligation to give her no favours which were not given also to the other Allied and Associated States, Italy feared that Germany might find in this situation an opportunity to exert

[1] Germany 269. As against Austria the list is specifically limited to fruits, fresh vegetables, olive oil, eggs, pigs and pork products, and live poultry. Austria 228; Hungary 206. No such article in Bulgarian Treaty.

economic pressure, or that at least there would be serious domestic political dissatisfaction if these interests were not safeguarded. The other commodities—artificial silk and cleaned or scoured wool—are important Belgian exports to Germany. The possible net effect of this three-year restriction on Germany's customs revenues is exceedingly small. But it lessens, in some measure, her ability to restrict unnecessary imports.

9. *Shipping.* In the economic clauses of the Treaty the vessels of the Allied and Associated Powers are assured most-favoured-nation treatment with respect to sea-fishing, the coasting trade, and towage, even in German territorial waters.[1] The waterways clauses do not appear to be in any way inconsistent with this, and so Germany is not prohibited from reserving her maritime coasting trade.[2] Most-favoured-nation treatment is probably all that the Allied and Associated Powers were really entitled to ask. Great Britain alone among the Great Powers opens her coasting trade to foreign vessels, and in the Economic Commission, at least, the British delegates declared themselves opposed to asking national treatment in Germany's coasting trade.

10. *Economic Rights of Aliens.* A sub-committee of the Economic Commission discussed the question of what joint action, if any, should be taken by the Allied and Associated Powers in restricting the right of ex-enemy aliens to engage in trade or the professions within their territories.[3] The decision was quickly reached that the matter should be left to the discretion of each State. But a corresponding freedom of action is not conceded to the ex-enemy Powers.[4] They must give the nationals of the Allied and Associated Powers most-favoured-nation treatment with respect to the exercise of occupations, trade, or industry, and national treatment with respect to taxation. Furthermore, they must not impose restrictions

[1] Germany 271. Cf. Bulgaria 152, but only for five years. *v.* Bulgaria 160. Austria and Hungary have now no coasts.

[2] Germany 327. Compare Austria 290, Hungary 274, Bulgaria 218. There has been some dispute about this, but the above appears to be the better opinion.

[3] Cf. the resolutions of the Paris Economic Conference, App. I.

[4] Germany 276–8, 280; Austria 228–30, 232; Hungary 211–13, 215. *v.* also Germany 298, protection in the future of Allied property restored to its owners in Germany. Germany 306, treatment of German industrial property in the future in Allied Countries. These complete the provisions of the economic clauses dealing with the future treatment of persons and property in Germany and the Allied countries respectively.

upon the nationals of the Allied and Associated Powers which are not imposed on their own nationals, except for restrictions which existed before the war. This last provision has the effect, among others, of tying the hands of Germany and Austria with respect to the control of immigration and of land-ownership by aliens. If it were less skilfully drafted it might prove an embarrassing precedent for the United States and to the British Dominions. It should be noted, however, that this group of clauses continues in force after five years for only such additional period, not exceeding five years, as may be determined by the Council of the League of Nations.

11. *Unfair Competition.* The ex-enemy Powers agree to suppress by seizure the exportation, importation, manufacture, or sale of goods with false indications of origin.[1] They also agree, on condition of reciprocity, to respect the laws and decisions of any Allied or Associated State relating to the regional appellations of wines and spirits.[2] The first of these two obligations accords with the Madrid Convention, to which most of the European Allied States were already adherents. The second gives to French wines and spirits a protection which had been needed. Austria, Hungary, and Bulgaria are to adhere to the Berne Convention for the protection of copyrights.[3]

In interesting contrast with these clauses, all of which establish what are virtually reciprocal rights, is a clause in the Economic Treaty of Bucharest (1918),[4] in which the Central Powers openly stipulated that as a basis of being accorded certain rights by Rumania, their goods need not carry indications of origin, but need only be marked in such a way as to distinguish them from Rumanian goods.

12. *Commercial Treaties.* The clauses fixing the status of multilateral and bilateral conventions and treaties are carefully phrased so as to avoid any implication that a particular doctrine is adopted with respect to the termination or non-termination of commercial treaties by the fact of war. One or two rather sweeping formulæ were suggested for adoption as

[1] Germany 274, Austria 226, Hungary 210, Bulgaria 154.

[2] Germany 275, Austria 227, Hungary 210, Bulgaria 155.

[3] Austria 239, Hungary 222, Bulgaria 166. Germany is a party to this convention, as are all the more important Allied and Associated Powers with the exception of the United States.

[4] Art. A. *V.* 1*a.* of the German text as published in the *Norddeutsche Allgemeine Zeitung,* 15th May 1918.

declaratory of general principles. But the American delegates were unable to accept any of the proffered formulæ, and held that it was both unnecessary and unwise to do more than deal with the specific problems in hand. This view, shared by the representatives of other States—Italy and Brazil, for example—prevailed.

Most of the multilateral conventions to which Germany or Austria, together with one or more of the Allied and Associated Powers, were parties will remain in effect as between them.[1] Some special interest attaches to this because the international bureaux already established by general treaties are to be placed under the direction of the League of Nations if the parties to such treaties consent.[2]

In some cases conditions are attached to the maintenance of relations with the ex-enemy Powers under these conventions. Thus, for the Postal and the Telegraphic Conventions, there is the reasonable stipulation that the new States are to be admitted. With respect to the Railway and the Radio-Telegraphic Conventions, however, the ex-enemy Powers agree to be bound by whatever revised conventions may be concluded within five years, even if they should refuse to participate in drafting them or to subscribe to them.[3] They must, moreover, be bound in the meanwhile by provisional radio-telegraphic regulations communicated to them by the Allied and Associated Powers. This last provision was held by some of the technical experts at Paris to be necessary by reason of the important changes during the war in the usages and practices of wireless communication. Some believed it wise to establish at once a new inter-Allied radio agreement, replacing the Convention of 1912, but the majority of opinion was otherwise. The immediate importance of the subject is largely military, especially as relates to the maintenance of communications between western and eastern Europe, but it is possible that commercial considerations were not without some influence on the discussions.

The agreed list of the enumerated multilateral conventions that are alone to be maintained (Germany 282, etc.) marked

[1] Germany 282–7, Austria 234–40, Hungary 217–23, Bulgaria 162–7.

[2] Art. 24 of German, Austrian, Hungarian and Bulgarian Treaties. All new international bureaux and commissions are also to be placed under the League.

[3] Germany 284, 366; Austria 236, 318; Hungary 219, 296; Bulgaria 164, 237.

the passing of the Brussels Sugar Convention of 1902. This had expired by limitation on the 31st August 1918, and it had been virtually ineffective since its renewal in 1912, and in large measure since its previous renewal in 1907. Despite its failure, attributable for the most part to special conditions which influenced the attitude of Great Britain and of Russia, it retains its historic significance as the first attempt to control customs duties and export bounties by a general international agreement looking toward greater equality of trade conditions.

The fixing of the status of bilateral treaties was a difficult problem. Many of them, at least, had been abrogated by the war. It was impracticable to incorporate in the peace treaties special and separate arrangements between the ex-enemy Powers and the different Allied and Associated Powers. Of course, the general clauses of the treaties cover much of the ground which the pre-war commercial treaties had covered. But it was represented that there remained important national interests which were not adequately safeguarded. The solution reached was to give to each Allied or Associated Power the option of reviving or not, as it pleased, its former treaties with ex-enemy Powers, so far as these were not inconsistent with the Treaties of Peace.[1] This one-sided arrangement is of necessity only temporary. The treaties affected either expire by limitation within a relatively few years, or may be denounced by either contracting party upon due notice.

The abrogation of all treaties concluded during the war between any two of the ex-enemy Powers is, like the abrogation of the treaties of Brest-Litovsk and Bucharest, an easily explainable provision.[2] The abrogation of pre-war treaties between those Powers and Russia is, in principle, not so easily justified, but is of little or no practical consequence. By other clauses the Allied and Associated Powers gain, without reciprocity, all rights and advantages granted in pre-war treaties between ex-enemy Powers, or even in treaties or other arrangements concluded between one of those Powers and a non-belligerent State during the war.[3] The advantages likely

[1] Germany 289, Austria 241, Hungary 224, Bulgaria 168.

[2] Germany 290, 292; Austria 242, 244; Hungary 225, 227; Bulgaria 169, 171.

[3] Germany 291, 294; Austria 243, 246; Hungary 226, 229; Bulgaria 170, 173.

to be gained in this way are trifling. The principle involved is not easy to defend.

13. *The Commercial Relations of the New States.* The treaties shift and multiply political boundaries, especially in Eastern Europe. In this way they create new economic barriers. All the economic considerations that justify the exceptional customs régime which Germany concedes to Alsace-Lorraine, Poland, and Luxemburg, hold with equal force with respect to the commercial relations of the new States among themselves and with their neighbours. Neither the new States nor Europe as a whole are economically strong enough to incur without serious shock the lessening of economic productivity that comes from blocking the established channels of trade. The old system of economic interchange and interdependence in Eastern Europe was in part artificial, having grown up within high tariff barriers, but it cannot be suddenly broken up without serious disturbance and loss. This is true in especially marked degree of commercial relations within the former Austro-Hungarian Empire and between Poland and Russia.

Doubtless these difficulties would not have disappeared at once even if complete freedom had been given to the new States to form customs unions or to enter into other special economic arrangements. The new States themselves are likely to express their new national independence by attempts to assert and secure economic independence as well. But the pressure of economic interest and necessity would have been in the other direction, and in the end it must have prevailed.

So far as the territories of the former Austro-Hungarian Empire are concerned, the problem is partially taken care of by the provision which permits, though for five years only, Austria, Hungary, and the Czecho-Slovak State to enter into special customs arrangements.[1] Poland cannot give exceptional tariff concessions to 'any State with which, since August 1914, the Allies have been at war', nor to the Czecho-Slovak State, if that State enters into special customs arrangements with Austria.[2] This provision may have an unfortunate effect upon

[1] Austria 222, Hungary 205.

[2] Polish Minorities Treaty, 28th June 1919: 'Article 15. Poland undertakes to make no treaty, convention or arrangement, and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other states that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

the economic life of Galicia, or of Polish territories that were formerly Prussian. But Poland is left free, it would seem, to enter into special customs arrangements with Russia or with States whose territories were formerly part of Russia.[1]

In these provisions the importance of the problem is recognized. Probably they go as far toward a solution of the problem as was humanly possible under all the conditions that existed at Paris. For in these matters, as elsewhere, purely political considerations, or at least political interests, seemed to point in another direction. A British draft of a convention regulating the commercial relations of the new States, it is proper to say, would, if adopted, have given them a considerably larger degree of commercial freedom. But the clauses as they stand merely afford what is admittedly a temporary and tentative solution. A more permanent arrangement will have to be arrived at under the League of Nations after the political problems of Eastern Europe have been more definitely settled.

14. *General Observations.* Taken as a whole, and apart from any general background, the commercial clauses of the treaties give an impression not so much of unnecessary harshness as of unnecessary and meticulous concern for the interests of the Powers that framed them. This impression is largely a cumulative effect, resulting from the heaping together of a mass of stipulations, many of which are of small importance in themselves. This was in part an inevitable outcome of the way in which the treaties were framed. The different topics to be treated were parcelled out among a large number of commissions and sub-commissions, each responsible for drafting only a very small part of the treaties, each desiring to cover its own subject in a thorough manner, and each unable, in the nature of the case, to get a broad view of the treaties, or even of their economic clauses as a whole.

There were other difficulties that were even more fundamental. The whole situation was unprecedented, and, in a manner, anomalous. The representatives of a large group

[1] Poland also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which she may grant during the same period of five years to any State with which since August 1914 the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the Treaty of Peace to be concluded with Austria.' For special customs arrangements *v.* Austria 222, Hungary 205.

of States were jointly determining the conditions on which peace should be made with a group of enemy States, and were dealing with those States one at a time. It was inevitable that there should be no definite focussing of responsibility. Large and general interests were always in danger of being subordinated to small and special ones. And in practice it is hard to recognize any one special interest without recognizing others. The effect produced upon the attitude of men, who had lived for four years under the shadow of imminent national disaster, must be recognized with sympathy and understanding. Safety, economic as well as military, had to be secured at whatever cost.

But there is another, and on the whole, a sounder interpretation of these commercial clauses. Their possible effect in delaying the economic recovery of Europe is exceedingly small. For the most part they merely establish a temporary and probational régime. They are one-sided, because the task was to establish the immediate conditions of peace and not to determine the economic relations and obligations of the victorious Powers. For the same reason they are largely negative, inhibitory, rather than constructive. They are like a temporary framework set up to hold things in place until an enduring structure can be erected. It is clear that some of them cannot last; certain provisions are even now in need of revision. But in such stipulations as those for non-discriminatory treatment of the trade of the Allied and Associated States and for freedom of transit they create standards and establish precedents which may have a potent influence when the general structure of commercial relations is determined, and especially when the League of Nations secures 'equitable treatment' for the commerce of all of its members.

CHAPTER I

ECONOMIC RECONSTRUCTION IN THE TREATIES

PART IV

ENEMY PROPERTY, DEBTS, AND CONTRACTS

THE endeavour of the present paper will be to make a plain statement of Sections III to VII of Part X of the Treaty with Germany and the corresponding sections of the other treaties, the object of which is to lay down rules for a settlement of the contractual relations and property rights of individuals upset by five years of separation and by Governmental measures taken during the war in the different belligerent countries. The aim is almost entirely to settle the past, not to provide for the future.[1] Elaborate provision is made in regard to the settlement of pre-war debts, the treatment of private property in an enemy country, with a special section relating to industrial property, and to pre-war contracts between persons who became enemies. The provisions are generally similar in all the Treaties, with the addition, in the Austrian, Hungarian, and Bulgarian, of special stipulations regarding the relations between these countries and other portions of the old Dual Monarchy or of Bulgaria detached from them. The clauses will therefore be discussed in the first instance upon the basis of the German Treaty, and the modifications introduced in the later instruments will then be indicated.

[1] Exceptions to this rule are to be found in the provisions contained in Article 298 (see p. 90 below) for the protection in the future of Allied property restored to its owners in Germany, and in Article 306 (see p. 100 below) regarding the treatment of German industrial property in the future in Allied countries. Reference should perhaps be made here to para. 18 of Annex II to the Reparations Clauses, which states that the measures which the Allies have the right to take, in case of voluntary default by Germany in her reparation obligations, include economic and financial prohibitions and reprisals. The British Government have announced that they do not intend to invoke this paragraph for the purpose of interfering with German property within their control, whether bank balances or goods in British bottoms or sent to this country for sale; the announcement does not, however, cover industrial property. (*Board of Trade Journal*, 21st October 1920, p. 479.)

A. *The Liquidation of German Property.*

It is necessary for a proper understanding of the scheme of this portion of the Peace Treaty to bear in mind that (in spite of occasional departures, some of them important) it is essentially reciprocal in structure. Into this symmetrical structure, however, has been introduced the application of an entirely different principle—namely, that the property of German nationals under Allied control might be applied to the fulfilment by Germany of pecuniary obligations defined by the Treaty. The effect of this principle runs through the greater part of the Treaty provisions now under view, and was at the bottom of most of the objections to them raised by the German delegation. It is disastrous to the economic hold of Germany in those Allied countries where the liquidation of German business interests had not been undertaken during the war, but the effect of its application in England from this point of view may be overrated. From the point of view of the development of international practice in regard to private property, it is, of course, of great moment.

The provision in the Treaty permitting the retention and liquidation of German property in Allied territory is in one sense a continuation into peace, though with primarily a different object, of the measures taken in the United Kingdom —and in differing ways and degrees in other Allied countries— during the war. Under the British trading with the enemy legislation, German property in this country had been placed under control, and German businesses and interests of a commercial character disposed of. This was done on grounds of national security during the war, to meet public sentiment, and to eliminate German economic penetration. The result was that by the end of the war a large sum of money was held by the custodian of enemy property.[1] This sum, and the hitherto unliquidated private property of Germans here, were available as a pledge for the payment of German liabilities to British nationals. The Treaty provisions prescribe the conditions under which they may be so used.

[1] Over thirty millions sterling. The proceeds of liquidation of British property in Germany during the war amounted, at the pre-war rate of exchange, to a sum approaching twenty millions; this is of course without taking account of claims for further compensation. The balance of private debts amounts probably to a further sum of thirty millions or more due from Germany.

It is well to see what exactly these provisions are:

(i) The property, rights, and interests of German nationals in the United Kingdom (or other Allied or Associated country) may be retained and liquidated by the British (or other) Government (Article 297 (*b*)).

(ii) Such property may be charged with the payment of private debts due from German to British nationals, and of claims in respect of damage or injury to the property of British nationals in Germany arising from exceptional war measures taken by the German Government against enemy property (Article 297 (*e*) and Annex, para. 4).

(iii) Any surplus not so used may be charged with the payment of claims in connexion with British property in the countries of Germany's Allies (Annex, para. 4).

(iv) Any surplus of proceeds of liquidated property not used for these purposes is to be credited to Germany in the reparation account (Article 243).

(v) Germany undertakes to compensate her nationals for the loss of their property, whether liquidated during or after the war (Article 297 (*i*)).

It is to be noted that the retention and liquidation of all or any German property is left at the discretion of each Allied or Associated Government, and that only any surplus of proceeds of what is actually retained and liquidated has to be reckoned in the Reparation Account. So far also as Germany meets her obligation to pay in cash the balances against her in the Clearing Offices, no liquidation will be needed for the purpose of meeting the pre-war debts due from German nationals. Claims in respect of British property, firstly in Germany, and secondly in the countries of her Allies, will remain.

It will be observed that the property of German nationals is only to be taken in return for compensation to the individual sufferer. The arrangement was regarded by the framers of the Treaty as the most practicable means whereby the German Government could apply the property abroad of its nationals to meet—so far as they could not be met by other means—what were recognized as national obligations. The German delegation at the Peace Conference raised strong objection to the method prescribed, as contrary to the principle of the inviolability of private property. They accepted, however, the principle that such property should be applied to discharge the

pecuniary obligations of their country, and suggested that means to this end should be concerted between them and the Allies. Thus in the German Observations upon the draft Treaty there occurs the following statement:

'The German Peace Delegation is conscious of the fact that under the pressure of the burden arising from the Peace Treaty on the whole future of German economic life, German property in foreign countries cannot be maintained to its previous extent. On the contrary, Germany, in order to meet her pecuniary obligations, will have to sacrifice this property abroad in wide measure. She is prepared to do so.'

The Powers in their Reply stated their position as follows:

'It is the clear duty of Germany to meet her admitted obligation as fully and as promptly as possible and to that end to make use of all available means. The foreign investments of German nationals constitute a class of assets which are readily available. To these investments the Treaty simply requires Germany to make prompt resort.

'It is true that, as a general principle, a country should endeavour to avoid making use of the property of a part of its nationals to meet State obligations; but conditions may arise when such a course becomes necessary. In the present war Allied Powers themselves have found it necessary to take over foreign investments of their nationals to meet foreign obligations and have given their own domestic obligations to the nationals who have been thus called upon to take a share, by this use of their private property, in meeting the obligations of the State.

'The time has arrived when Germany must do what she has forced her opponents to do. . . .

'The method of using this property laid down by the Treaty cannot be considered, either in principle or in the method of its application, as a measure of confiscation. Private German interests will only be injured by the measures contemplated so far as Germany may decide that they shall be, since all the proceeds of German property will be carried to the credit of Germany, who is required to compensate her own nationals, and will go to reduce her debt to the Allied and Associated Powers.'[1]

A word should perhaps be added with regard to the second charge established on German property to meet claims arising out of the treatment by her associates in the war of Allied property in their territories. This provision is based upon the solidarity of the Central Powers in the prosecution of the war from the economic as well as the strictly military point of view, and if there should be any considerable surplus available for

[1] *v.* also Vol. II, pp. 327–32 for fuller quotations.

the purpose, may result in Germany paying some compensation for the pillaging operations of her Turkish and Bulgarian satellites. It corresponds so far to the responsibility imposed upon her by the Reparation Clauses for the damage done by her associates in the course of military operations.

B. *Private Property, Rights, and Interests in an Enemy Country.*

Section IV of the Economic Clauses was prepared upon the basis of a joint Franco-British draft, which itself combined proposals originally submitted separately by the British and the French delegations. The clauses consist of two Articles, described as laying down the principles upon which the question of private property, rights, and interests in an enemy country should be settled, and an Annex containing detailed provisions for their application.[1] As they emerged from protracted discussion, however, the Articles enter into a considerable elaboration of detail upon certain points, and some important general provisions are to be sought in the Annex. Section IV.

All the legal measures of control, administration, or liquidation (defined in detail in paragraphs 1 and 3 of the Annex) taken during the war against Allied property in Germany and against German property in the Allied countries are confirmed. Art. 297 (*d*).

As an exception to this provision, however, such measures taken by German authorities in invaded or occupied territory at any time, or any taken in Germany after the Armistice, are declared void. Annex (1).

Except where they have already been liquidated, *Allied property, rights, and interests in Germany* which have been interfered with by the German authorities are to be restored to their owners. Art. 297 (*a*).

A special provision is, however, added permitting an Allied national to claim through his Government the restitution of any particular property even though it has been sold or liquidated, and in that case the German Government has to recover and return it if this is possible; if not, Art. 297 (*f*).

[1] An agreement between the United Kingdom and Germany for the settlement of certain matters arising under Article 297 was signed at the end of 1920, and is to some extent already in force pending ratification (Treaty series, No. 1, 1921, Cmd. 1111). This arrangement provides machinery for carrying out certain of the provisions of the Article and also contains certain ameliorations in minor matters to the benefit of Germany.

agreement may be made to secure the former owner other advantages in its place. Rights under paragraph (*f*) are by the succeeding paragraph confined to nationals of Allied Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the Armistice.[1]

Art. 297 (*g*).

Art. 298.

Article 298 obliges Germany to maintain Allied property restored in the same legal position as was enjoyed by German property before the war; not to subject it to measures in derogation of property rights except in so far as the same measures are applied also to German property, and, in the event of any such measures being taken, to pay adequate compensation.

Art. 297 (*h*).

Art. 297 (*e*).

The proceeds of liquidations are to be credited through the Clearing Offices considered below, or paid direct to the owners where the Clearing Office scheme is not adopted. Further, Allied nationals are entitled to compensation for damage or injury inflicted upon their property in German territory by any of the war measures referred to above, and their claims are to be adjudicated upon by the Mixed Arbitral Tribunal also described later.

Annex (4).

A provision is also introduced for the assessment and satisfaction of claims arising out of acts of the German authorities between the 31st July 1914 and the entry of the Allied or Associated Power in question into the war. Thus opportunity was given to the United States of America to claim redress, so far as this can be expressed in a pecuniary form, for her injury in the *Lusitania* and other outrages.

Art. 78.

In accordance with the special Section of the Treaty relating to Alsace-Lorraine, the property, rights, and interests of persons acquiring French nationality by reason of the restoration of these provinces to France are to be regulated by the stipulations referred to above.

Art. 297 (*b*).

Art. 297 (*b*) and (*c*).

The treatment of *German property in Allied countries* has already been discussed generally. The Allied Powers reserve the right to retain and liquidate all property, rights, and interests within their territories belonging at the coming into force of the Treaty to German nationals. The liquidation is to be carried out and the price or amount of compensation fixed

[1] The benefit of paragraph (*f*) does not in consequence extend to British nationals.

in accordance with the law of the Allied State concerned. Germany undertakes to compensate her nationals. The proceeds are to be credited, through the Clearing Offices, against the proceeds of British property liquidated in Germany. Art. 297 (*i*). Art. 297 (*h*).

These provisions apply to property in territories ceded to the Allied Powers by the Treaty, including the German colonies placed under a mandate. The right to liquidate is given to Poland and Czecho-Slovakia (both of whom acquire territory from Germany), but the proceeds of sales effected anywhere in these countries must be paid direct to the owner of the property, and an appeal is given to the Mixed Arbitral Tribunal in regard to the price. Art. 297 (*b*). Art. 121. Art. 297 (*h*).

France has undertaken not to liquidate the property in Alsace-Lorraine of German nationals receiving permission to remain there, though no similar limitation appears to be placed upon the powers of Belgium in the small portions of territory ceded to her. The property of inhabitants of ceded territory who under the Treaty acquire *ipso facto* Allied nationality is not, however, subject to retention or liquidation in any Allied State. Art. 53. Art. 297 (*b*).

The German property in each Allied State may be charged with the following obligations, and its proceeds may be applied by the Allied State concerned to meet them: firstly with claims in respect of the property of the nationals of that State in Germany, and debts owing to them by German nationals, and the claims above referred to arising between the 31st July 1914 and the entry of the Allied State into the war; secondly, with claims in regard to property in the territory of other enemy States. Any surplus of proceeds may be retained for the purpose of reparation, and is to be credited to Germany in the Reparation Account. Art. 297 (*e*) and (*h*) and Annex (4). Art. 243.

C. *The Pre-War Rate of Exchange.*

Elaborate provision is made by the Treaty for the settlement of pre-war debts between Allied nationals and enemy nationals. For the most part this is a matter of machinery operating for the common convenience. There is one provision, however, relating primarily to the settlement of debts which, though equal and reciprocal in character, is in its effect very onerous for the ex-enemy countries, owing to the heavy

depreciation in the value of the mark; this is the stipulation for payment in all cases in the Allied currency at the pre-war rate of exchange.

Germany: Art. 296 (*d*).

In whatever currency debts may be payable under the original contract, they are now to be paid or credited in the currency of the Allied or Associated State concerned. If they were payable in some other currency they are to be converted into the Allied currency—unless a fixed rate of exchange is specified in the contract—at the average rate of the month immediately preceding the entry of that country into the war. This stipulation applies, of course, to debts due to German nationals as well as to debts due from them.

Art. 296, para. following (4). Art. 297, Annex (14).

In the case of new States, which had no currency of their own before the war, the currency and rate of exchange are to be determined by the Reparation Commission. The proceeds of liquidation are to be accounted for in the same currency and at the same rate as debts. An Allied or Associated Power not adopting the Clearing Office scheme may, however, give notice to Germany that these provisions concerning currency and exchange are not to be applied as between Germany and that Power.

The relation between the mark and other currencies being stable before the war, debts then contracted were expressed indifferently as payable in sterling or other Allied currency or in marks, according to convenience. Debts originally payable in sterling are unaffected by the Treaty. In the absence of a special stipulation in the Treaty, a debt originally payable in marks would be satisfied by the payment of the stipulated number of marks, though the international value of the mark might be at the time of payment one-tenth or one-twentieth of its pre-war value. The Treaty stipulation has the effect of placing debts due in marks and debts due in sterling (or other Allied currency) upon the same footing, and the Allied national is left in the same position as if the mark had not depreciated, neither losing nor gaining.

The German creditor, so far as the Treaty goes, stands to gain, since the debts originally due to him in marks are turned into sterling at the pre-war rate, while the German debtor has (in whichever currency the debt was originally expressed) to find enough marks to buy sterling at the present rate of exchange. Germany, however, is in general a debtor country, and the

mark debts of her nationals are likely greatly to exceed the mark debts due to them, so that on the whole the provision means a loss for the country. This loss is in fact being borne by the German Government, which (having undertaken responsibility for the debts of German nationals under the Clearing Office scheme described below) is collecting the mark debts due by its subjects in the original number of marks and paying the mark debts due to them in the same way, while as between the Allied and the German Governments the debts are credited as provided in the Treaty.

D. *The Clearing Office System*

Section III of the Economic Part contains what is commonly known as the 'clearing office scheme' for the settlement of outstanding private debts between Germany and the Allied countries. The scheme, which had been carefully elaborated in England some time previously by an expert committee, was accepted at the Conference without great modification. Its general effect is to do away with the settlement of debts by communication between the individuals concerned, and to substitute a system under which each Government deals with its own nationals, and accepts responsibility towards the other Government for the debts due by them. This system was originally favoured largely on account of the feeling against resumption of commercial intercourse, but beyond this it has certain obvious and very real advantages to creditors, freeing them from the trouble and risk of direct collection and securing in place of the liability of individual debtors a guarantee by the debtor's Government (backed up in the case of Allied creditors by the charge on ex-enemy property in the Allied country). **Germany: Section III.**

It was proposed that this system should be applied between all the Allied and Associated States and Germany. At the instance of the representative of the United States, however —whose citizens were in a somewhat different position in this matter from those of the European Allies, owing to the date and circumstances of America's entry into the war—it was left at the option of each Allied or Associated Power to adopt the scheme or to leave pre-war debts due to and by its nationals to be settled directly in the ordinary way. **Art. 296 (*e*).**

The Clearing Office scheme has in fact been adopted under the German Treaty by the British Empire (with the exception

of South Africa and Egypt), France, Italy, Belgium, Greece, Siam, Haiti, Panama, and Liberia.[1]

Art. 296 (1) and (2). The Clearing Office system operates separately as between each Allied State adopting it and Germany. It applies to debts payable before the war, and also to debts which have become payable during the war if they arise out of transactions of which the execution was wholly or partly suspended on account of its declaration. The parties on both sides must be nationals of the States concerned, and must be resident within the territory of their respective States at the coming into force of the Treaty of Peace. Allied States adopting the scheme may, however, agree between themselves that each shall include in its scheme the nationals of the other resident within its territories.[2] Alsace-Lorraine comes within the scheme with the substitution of the date of the Armistice for the outbreak of war, and the pre-Armistice rate for the pre-war rate of exchange. To the debts above referred to are added interest and capital repayments accrued due before or during the war to nationals of one Power, without restriction of residence, on Government securities issued by the other.

Art. 296 (f).

Art. 51.

Art. 296 (3) and (4).

The Allied Power and the ex-enemy Power are to set up clearing offices through which the pecuniary obligations indicated are to be settled, and are to prohibit payment or acceptance of payment and (except by permission) all communications between the parties with regard to the settlement of their obligations, otherwise than through the clearing offices.[3]

Art. 296 (a).

[1] The British Clearing Office (which besides acting as the office for the United Kingdom centralizes the work of the local offices throughout the Empire) began operations immediately upon the coming into force of the Treaty, the German office was opened in the latter part of April 1920, the French, Belgian, and Italian offices shortly after. The chief Allied offices have kept in touch with one another's operations by means of periodical conferences of their Controllers.

[2] Agreements to this effect are being made between the British Empire and France, Belgium, Italy, Greece, and Siam.

[3] In the case of Austria arrangements have been made between the British and French and the Austrian Governments modifying the operation of the Clearing Office scheme in certain respects. Under the British arrangement voluntary settlement of pre-war debts due by Austrians to British nationals may be effected outside the Clearing Office with the consent in each case of the Austrian and British Offices, and Austrian assets in this country may be released from the charge established under the Treaty for use in effecting such settlements. The proportion borne by the amount of the assets to be released in any particular case to the total amount of the debt removed by that settlement from the operation of the Clearing Offices must not, however, be such as to reduce the dividend which will be available for creditors claiming through the Clearing Office from the distribution amongst

Each Power accepts responsibility towards the other for paying the debts due by its nationals, except where the debtor was insolvent before the war or was a company whose business had been liquidated under emergency legislation during the war. This guarantee does not apply, however, to debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice. Art. 296 (*b*).

The Annex to Section III gives directions in detail for the operation of the clearing offices. Creditors in each country must give notice to the office established there of debts due to them. The debts declared are to be notified by the creditor office to the debtor office, which has three months within which to object to them. On admission the debts are to be credited to the creditor office, with interest at the rate prescribed by the Annex from the outbreak of war or the later date of falling due. On payment by that office to the creditors a deduction may be made for risks and expenses. The debtor office similarly is left to collect the amounts due from the nationals of its State. In case of a difference between the clearing offices or the individual debtor and creditor, the dispute is to be referred to arbitration or adjudicated upon by the Mixed Arbitral Tribunal. The balance between the clearing offices is to be struck monthly; any balance against Germany is to be paid in cash,[1] while any balance due from the Allied Power is to be retained pending payment of the sums due by Germany on account of the war. Annex.

E. *Contracts, Prescriptions, Judgments*

The main object of the provisions relating to pre-war *contracts* between enemies is to get rid of the possible conflict Germany: Section V.

them of Austrian assets in the United Kingdom. The obligation of the Austrian Government to pay monthly the balance against them in the Clearing Office is modified so that they are only required to pay each half-year such sums as they collect from Austrian debtors, with, however, a minimum half-yearly payment. A similar agreement may be made with Hungary. The Clearing Office scheme has not been adopted by the British Empire in the case of Bulgaria. (*v.* for above *Board of Trade Journal*, 14th October 1920, p. 446.)

[1] The Allied Offices have agreed that a balance in Germany's favour in any month may be set off against the next balance against her.

The German Office paid the balances due from it for the months up to the close of 1920, amounting in the case of the British Empire to nearly £10,000,000 sterling. Towards the end of the year, however, it gave notice that exchange difficulties made necessary the postponement of further payments. Payments were afterwards resumed, and arrangements are under discussion by which the

of laws in Allied countries on the one hand and Germany on the other as to the effect of the war upon contracts. The Treaty stipulations conform closely to the legal position under English law.

Art. 299 (*a*) & Annex (1). Contracts concluded between persons between whom trading became unlawful at any time as a result of the laws or regulations of one of the belligerents, are declared dissolved as from that date, except in respect of any pecuniary obligation arising out of a previous part fulfilment of the contract. Certain classes of contracts, such as those relating to leases and mortgages, mining concessions, contracts with the State or local authorities, are excepted. Detailed provisions are laid down for the regulation of insurance contracts, based upon the conclusions of an inter-Allied Conference on insurance questions held in Paris in 1917.

Annex (2).

Annex (8) to (24).

A difficulty arises in declaring dissolved contracts which it might be in the public interest to keep alive and which the courts of some Allied countries would maintain in the absence of contrary stipulations in the Treaty. This is met by excepting from dissolution any contract of which the execution is required in the general interest by the Allied State concerned.[1] Where, however, the execution of such a contract would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice, compensation is payable under award of the Mixed Arbitral Tribunal referred to later.

Art. 299 (*b*).

A further difficulty was felt by certain Allied delegations in adhering to provisions which might deprive their citizens of private rights which they possessed under contractual obligations, and it is stipulated that, having regard to the provisions of the constitution and law of the United States of America, Brazil, and Japan, the rules of the Treaty shall not apply to contracts between their nationals and Germans.

Art. 299 (*c*).

Art. 299 (*d*). Contracts between Allied nationals and inhabitants of territories transferred from Germany who acquire Allied nationality under the Treaty, or inhabitants of Allied territory which was in enemy occupation, are also excluded from the scope of

balance would be met by the payment of fixed monthly instalments to be continued over a couple of years or so until the total balance had been paid.

[1] The United Kingdom have not taken advantage of this stipulation, except for the purpose of clearing up a doubt in regard to the proprietary interests of shareholders and the constitution of companies (*Board of Trade Journal*, 29th July 1920, p. 146).

Article 299 and the Annex. They were left to be dealt with, if necessary, in inter-Allied agreements.

In the case of Alsace-Lorraine it is laid down elsewhere in the Treaty that contracts made before the Armistice between persons resident in Alsace-Lorraine, on the one hand, and Germans in territory remaining German, on the other, shall remain in force, subject to a right of cancellation (with compensation if necessary) by the French Government in the general interest. Art. 75.

Prescriptions and Judgments. The period of the war is to be ignored in reckoning periods of prescription and the limitation of right of legal action, whether on negotiable instruments or other contracts or obligations between persons separated by the war. Where measures of execution have been taken in Germany owing to failure of an Allied national to perform any act during the war, restoration or compensation may be claimed. Similarly compensation may be claimed by an Allied national against whom judgment has been given during the war by a German court, where he was unable to make his defence. Arts. 300–3.

Judgments of Allied Courts, in all cases which under the Treaty they are competent to decide, are to be recognized in Germany as final and enforced without the necessity for having them declared executory.

F. *The Mixed Arbitral Tribunals*

The sections of the Treaty under consideration aim where possible at avoiding disputes between individuals, and are intended to eliminate conflict between the laws of ex-enemy countries and Allied countries. There remained the possibility of a conflict of jurisdiction between ex-enemy and Allied Courts in regard to contracts generally and touching questions which under the Treaty clauses are left for judicial decision. It was also felt desirable to avoid the necessity for Allied nationals to go into the German and other ex-enemy Courts in the early period after the close of the war in connexion with the settlement of engagements entered into before the war. Provision was accordingly made for a new judicial tribunal, independent of both countries, to be established between the ex-enemy country and each Allied country. To this court it was originally intended to refer all the matters above referred to, but difficulties arose in ousting the jurisdiction of Allied Courts, which some delegations in particular felt to be contrary Germany: Section VI. Art. 304.

to their constitution. The new tribunal was therefore not charged with the decision of matters falling within the competence of the Allied Courts.

The decision of disputes under the Clearing Office scheme, the assessment of compensation to Allied nationals whose property in Germany has been damaged by exceptional war measures, and the settlement of questions under the contracts provisions of the Treaty are entrusted to these Mixed Arbitral Tribunals. To them is also given the decision of all other questions relating to contracts, concluded before the coming into force of the Treaty between Allied and German nationals, which would otherwise fall within the jurisdiction of the German courts.

A separate Tribunal is to be set up between each Allied Power and Germany, consisting of one Allied and one German member, with a neutral president appointed by agreement between the Governments.[1] It is to act by a majority and without appeal, and its decisions are to be binding upon the nationals of both Powers.

The operation of these Tribunals will be an interesting experiment, which may afford useful lessons for the future, and in particular guidance as to the form which any provision for the settlement of disputes should take, such as might be necessary under a convention for ensuring equality of trade conditions.

G. *Industrial Property*

Germany: Section VII.

Industrial, literary, and artistic property—that is, rights under patents, registered designs and trade marks, and copyright—falls generally within the scope of the provisions affecting property, rights, and interests which have already been discussed. The special position occupied by this class of property,

[1] The Anglo-German Tribunal (which includes in its scope the whole of the British Empire) is composed of a King's Counsel as British member and a German judge, Senatspräsident of the Hanseatic Oberlandsgericht, with a Swiss jurist as President; the headquarters of the Tribunal (as of the Japanese and certain other Tribunals) were opened in November 1920 in London, and the Tribunal will sit in England or on the Continent according to convenience. The French Tribunal sits in three divisions, and its headquarters, with those of the Tribunals for other French-speaking Allies, are situated in Paris. It is proposed that the Tribunals between the British Empire and Austria, Hungary, and Bulgaria shall also have their headquarters in London, and shall have a common neutral President and a common British member.

however, and the elaborate system of national legislation and international arrangements by which it is established and maintained, rendered it necessary to lay down special rules for repairing the links broken by the war and enabling the international system to get into working order again. These special provisions are based in part upon the conclusions of a conference of technical delegates of several of the Allied Powers called at the end of 1916, as a result of the Paris Economic Conference of that year.

Previously existing rights in industrial property are re-established in the territories of the High Contracting Parties in favour of the persons who were entitled to them at the outbreak of war, and rights which had been applied for and would have been acquired but for the war are to be recognized as from the coming into force of the Treaty. Where obligations upon which the acquisition or retention of rights depended have not been carried out, the rights if lapsed are revived and a period of a year is given within which the obligations may be met. The period of the war is not to count in connexion with requirements as to working patents or using trade marks or designs, nor is failure to work or use to be a ground for revocation for two years after the coming into force of the Treaty of Peace. Under the industrial property conventions a certain priority may be claimed in respect of an application in one country for an invention, trade mark, or design which has first been made the subject of an application in another country; such rights of priority, the exercise of which was prevented by the war, are extended for a period of six months from its close, subject to the continued right of any other person to exercise conflicting rights *bonâ fide* acquired by him during the war. Art. 306. Art. 307. Art. 308.

These provisions apply among the Allies themselves as well as between them and Germany. As between the Allied countries on the one hand and Germany on the other, persons who have infringed industrial property rights during the war are protected in respect of their past proceedings. Art. 309.

Pre-war licences between Allied and German nationals for the use of industrial property rights are declared cancelled from the declaration of war. The former holder may, however, claim the issue of a new licence in place of the old, if one has not already been issued to him under Allied war legislation. Art. 310.

Art. 306. Notwithstanding the provisions above outlined, power of control is retained by the Allied Powers over industrial property rights granted by them which are in German ownership, and any transfer, whether made during or after the war, which would remove such property rights from their control may be treated as void. No claim arising out of measures taken by them against such property during the war is to be admitted, and all acts done by virtue of such measures are maintained in full effect. Further, each Allied Power reserves the right to impose limitations upon German industrial property rights for national defence, or in the public interest, or for assuring fair treatment of the industrial property of its own nationals in Germany, or for securing the due fulfilment of all the obligations undertaken by Germany in the Treaty of Peace. The limitations may take the form of the grant of licences, of working, of preserving control over the exploitation of the rights, or any other form. Reasonable indemnities or royalties are to be paid, and these will be dealt with in the same way as the Treaty provides for other sums due to German nationals. The measures contemplated may be taken, where necessary for national defence or in the public interest, even against industrial property acquired in the future.[1]

Art. 311. A stipulation is added assuring the maintenance of industrial property rights existing in territories transferred from Germany, and the continued enjoyment by the inhabitants of the rights in Germany which they previously possessed there.

[1] *v.* also note on p. 85. In the United Kingdom Orders have been made by the Board of Trade under the Treaty of Peace Order in Council, 1919, and Section 5 (1) of the Trading with the Enemy (Amendment) Act, 1914, setting out the limitations, conditions, and restrictions imposed on Industrial Property dealt with in this Article. German patents are restored to their owners subject to licences granted during the war under the Emergency Legislation, and dealings in regard to such patents are permitted between British and German nationals. The Board of Trade may, however, grant a compulsory licence under any such patent in the public interest if the patentee shall refuse to grant to the applicant a licence upon reasonable terms. They may also expropriate any restored patent on terms to be settled by a special tribunal, where this course is in their opinion necessary for the national defence or in the public interest, or for securing the due fulfilment of the obligations undertaken by Germany under the Treaty of Peace. Royalties or other monies due to a German national are to be retained for the purposes for which German property in the United Kingdom is charged, except in the case of voluntary dealings, in which case 25 per cent. of the monies are to be paid to the German national concerned. It will be observed that the power to take measures against German industrial property acquired after the coming into force of the Treaty is not exercised in these Orders.

H. *Austria and Hungary*

In preparing economic provisions for the Treaty of Peace with Germany the Allies had to consider relations with a country which remained a homogeneous whole. Some special stipulations were indeed made concerning the portions of the German Empire split off and attached to other States. These provisions related mainly to Alsace-Lorraine, and, so far as they are relevant to the subject, are referred to above (*v.* also in K and L below). The break-up of the Austro-Hungarian Monarchy, however, brought prominently forward a three-fold problem; besides the relations between the Allied countries and the two small States of Austria and Hungary upon which devolved the responsibilities of the former Dual Monarchy, there were the relations between the Allied countries and the territories which had broken away to join the Allies, and between the latter districts and Austria and Hungary.

The general provisions of the German Treaty had been framed with Austria and Hungary in mind, and were included almost without change in the later Treaties, of which the States receiving territory detached from Austria-Hungary were signatories as Allies. The 'enemy property' clauses are so worded as to make clear which provisions are applicable to the whole area of the Dual Monarchy and which to the reduced Austria and Hungary only. The exceptional war measures taken against enemy property during the war are confirmed throughout, but the property of persons acquiring Allied nationality *ipso facto* under the provisions of the Treaty is excepted from retention and liquidation after peace in Allied countries. The two ex-enemy States remain responsible for the damage to Allied property by the war measures of the Austrian and Hungarian Governments throughout the former Austrian Empire and Hungarian Monarchy respectively, and the property of their nationals in Allied countries may be charged with this liability, but not of course with private debts due from the inhabitants of the transferred territories. In the Hungarian Treaty a modification is introduced to secure compensation for damage to Allied property under the Béla Kun régime.

Austria: Art. 249. Hungary: Art. 282.

Hungary: Art. 282, II.

Relations between the other Allied countries and the transferred territories are not, except as above indicated, dealt with in the economic sections of the Treaties of Peace. They are

to some extent provided for in the so-called *Minorities Treaties*, concluded in virtue of the clauses in the Peace Treaties under which amongst other things each of the cessionary States 'accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations'. These Treaties with Poland, Czecho-Slovakia, Yugo-slavia, and Rumania were made at the same time as one or other of the Peace Treaties here dealt with; that with Greece has since been signed in conjunction with the Turkish Peace Treaty. Apart from these instruments, outstanding matters were left to be dealt with by separate bilateral agreements between the States concerned.

Germany: Arts. 86, 93. Austria: Arts. 51, 57, 60. Hungary: Arts. 44, 47. Bulgaria: Art. 46.

There remains the question of the relations between Austria and Hungary and the transferred territories, and of the latter amongst themselves. The separation of territories which until the time of the Armistice had been in close administrative, social, and economic relationship as contiguous parts of the same State, under the conditions prevailing in Austria-Hungary, inevitably raises a host of delicate and intricate problems which are not suited for settlement by hard and fast rules laid down from a distance, but can only be solved by the patient common effort of the peoples concerned. A beginning was made at the Peace Conference in the direction of such co-operation with the preparation at the suggestion of the Italian delegation, by agreement of the Allied delegations concerned, of a convention between the cessionary States relating to a number of matters of immediate though secondary importance.[1] The Treaties of Peace with Austria and Hungary contain certain definite provisions upon other matters, based sometimes upon the special clauses in the German Treaty relating to Alsace-Lorraine, and anticipate future discussion and settlement of outstanding questions between the States immediately affected. Besides the clauses inserted in the Economic Part of the Treaty and referred to below, one or two provisions are to be found in the section relating to the terri-

[1] Negotiations were continued between the States particularly concerned, and resulted in a Treaty between Italy, Poland, Czecho-Slovakia, Rumania, and the Serbo-Croat-Slovene State signed on behalf of the three first-named on 10th August 1920 at Sèvres. This is usually called the 'New States' Treaty.

tories transferred to Italy, and limited to those territories. (Austria, Arts. 37, 43, 45; Hungary, Arts. 39, 40.)

Practical importance attaches to a clause (Austria, Art. 224) by which the Czecho-Slovak State and Poland are bound by carefully framed conditions not to restrict supplies of coal to Austria, and provision is made for the later conclusion of an agreement for the supply of coal and raw materials reciprocally. This clause, together with one on similar lines in the Hungarian Treaty (Art. 207), is placed within the care of the Reparation Commission. It was based upon a provision in the German Treaty ensuring to Germany the continuance of supplies from Upper Silesian mines in the event of the territory falling to Poland as the result of the plebiscite (Art. 90) (*v infra*, p. 109).

Section VIII of the Economic Part of the Austrian Treaty lays down rules with regard to the relations between former Austrian subjects acquiring Allied nationality (called 'nationals of the former Austrian Empire') and those remaining Austrian nationals, corresponding to the earlier provisions concerning matters between persons already Allied nationals and Austrians. A similar section is included in the Hungarian Treaty. Under these rules the property of Austrian nationals in transferred territory may not be liquidated, but, like the property in Austria of nationals of the former Austrian Empire, is to be returned to its owners (*v. infra*, K). The clearing office scheme may not be applied to debts between persons in the transferred territories and in Austria, but these are to be paid directly in the currency of the Allied State concerned at the pre-armistice rate of exchange; in the case of Poland and Czecho-Slovakia the currency and rate of exchange are to be fixed by the Reparation Commission. Contracts which were in force on the 1st November 1918 are maintained, with certain exceptions. Provision is made for the division of social insurance reserves (cf. Art. 312 of the German Treaty) and of the property of associations or public corporations operating in territory divided by the Treaty; for industrial property matters and as to the continued operation of insurance companies throughout the area of the former Dual Monarchy.

Austria: Arts. 266–7. Hungary: Arts. 249–50.

Austria: Art. 271. Hungary: Art. 254.

Austria: Art. 268. Hungary: Art. 251.

Austria: Arts. 273 & 275; 264 & 274; & 272. Hungary: Arts. 256 & 258; 247 & 257; & 255.

Finally it is laid down that the questions concerning the nationals of the former Austrian Empire, as well as Austrian nationals, their rights, privileges, and property, not dealt with

Austria: Art. 265. Hungary: Art. 248.

in the Treaty of Peace or the other agreement referred to above, shall form the subject of special conventions between the States concerned, including Austria, for the purpose of which a conference of these States is to be called.[1]

I, J. *Bulgaria*

The provisions of the Treaty of Peace with Bulgaria relating to the matters here in question follow generally those of the Austrian Treaty. Having regard, however, to the treatment accorded to Allied property in Bulgaria during the war, the measures she had taken in this respect are declared void, and Allied nationals are entitled to the restoration of their property. On the other hand, Bulgarians are given the right to compensation for any illegal treatment of their property in the neighbouring countries.

Bulgaria: Art. 177 (*d*).

Art. 177 (*d*).

Stipulations are added to protect the interests of Allied nationals under concessions. These may be extended for a period to be fixed by the Mixed Arbitral Tribunal, in compensation for any period of dispossession or abnormal conditions of working during the war. Pre-war claims of Allied nationals previously put forward through diplomatic or consular channels may now be submitted to the Tribunal. Foreign companies owning property in Bulgaria, and now or hereafter controlled by Allied nationals, are to be permitted to transfer their interests to another company of Bulgarian or Allied nationality.

Art. 182.

Art. 179.

Art. 186.

K. *Liquidation of Ex-Enemy Property in Transferred Territories*

It will be apparent from Section H of this Part that, so far at any rate as the economic terms of peace are concerned (framed as they were subject to the limitations imposed by political conditions), there is no sufficient foundation for the criticism so often made that attention was not paid at the Peace Conference to the position of extraordinary difficulty and weakness to which the break-up of the former Austro-Hungarian Monarchy had reduced the new Austria, which remained with its centre at Vienna after the secession in 1918

[1] This Conference met in the early part of 1921 at Rome.

of the greater part of the former Austrian Empire. This position was shared, though to a lesser extent, by Hungary.

It may be of interest, however, to trace a little more in detail the steps by which the Conference was led to the inclusion in the Treaties of two provisions of great importance to Austria and Hungary, the one relating to the treatment of Austrian and Hungarian private property in the territories which had seceded from the Austrian Empire or the Kingdom of Hungary, and the other relating to the supply of coal to Austria and Hungary during the years of their reconstruction.

The question of the treatment of ex-enemy property in transferred territories arose first in connexion with the German Treaty which, as originally presented to the German Delegation, gave Poland the same rights of retention and disposition, in the transferred territories, of property belonging to persons remaining German nationals, and its proceeds, as were accorded to the Allied Powers generally in respect of German property in their territories. These general rights have been discussed above in Section A of the present Part.

In Alsace-Lorraine also German property could be retained and liquidated under the general provisions, except in the case of persons who, although not acquiring French nationality under the Treaty, were given permission by the French Government to remain in the country. The provision remained unaltered so far as regards Alsace-Lorraine. In the case of the States which had arisen as a result of the war, however, it was felt on reconsideration that there was not sufficient justification for giving them the right of disposition of German property in order to meet German obligations to their nationals. On the one hand the nationals of these States of Poland and Czecho-Slovakia, having (except in the case of the inhabitants of Russian Poland), been enemy nationals during the war, their property would not as a rule have been subjected to damage by exceptional war measures in Germany, while, on the other hand, the greater part of the property of German nationals within their territories would be in those portions which had been actually German territory. It was considered that these States should be permitted to liquidate enemy property in order to remove German economic penetration within their borders, but the draft Treaty was altered in such a way as to require them to hand over to the German owners

the proceeds of any liquidations effected. (Art. 297 (*h*)). In order to safeguard the interests of owners, an appeal was given to the Mixed Arbitral Tribunal to be established between each State and Germany in regard to the sale of the property, and the Tribunal was empowered, on being satisfied that the conditions of the sale or measures taken by the Allied Government concerned outside its general laws were unfairly prejudicial to the price obtained, to award equitable compensation to be paid by that Government to the owner.

The Economic portion of the draft Treaty with Austria in its original form was presented to the Austrian Delegation on the 2nd June, before the reconsideration of the position of transferred territories, above referred to, had taken place, and applied to the transferred territories the general provisions in regard to the liquidation of Austrian property. When the modification of the German Treaty was decided upon, it was intended to make a similar modification in the Austrian Treaty with reference to the whole of Czecho-Slovakia and Poland, and also to the former Austrian territories transferred to Italy, Serbia, and Rumania. It was then strongly urged, however, that the possibility of economic recovery by Austria must depend largely upon the retention by Vienna of its interests in the territories of the former Dual Monarchy which had, until the time of the Armistice, come within the financial orbit of that city ; and that Austria, in the condition to which she was reduced, would not be able to employ these interests in such a way as seriously to jeopardize the economic independence of the new Allied States, while it was to the general advantage that the economic connexions between the territories of the former Monarchy should be maintained so far as possible. The Treaty provision was accordingly modified further to provide that the property, rights, and interests of Austrian nationals and companies controlled by them, situated in the territories which had formed part of the former Austro-Hungarian Monarchy, should not be subject to retention or liquidation. (Art. 267.) There is no reason to question the wisdom of this provision, but it was a complete departure from the theoretical basis upon which the relations between Austria and the States receiving the transferred territories had hitherto been regulated by the Treaty. This basis was that, while the continuance of economic relations should be encouraged, it should not be forced upon

these States—and the change was resented by the smaller Allied Powers affected.[1]

This step having been taken, it was found necessary to add other restrictive provisions in order to ensure that it should be given complete effect. Complaints were made that in certain of the transferred territories Austrian property was already being interfered with during the Armistice period, contrary to the provisions which would come into force with the Treaty of Peace. It was, therefore, laid down that the Austrian property should be restored to its owners, freed from any measure of retention or liquidation or from any other measure of transfer, compulsory liquidation or sequestration taken since 3rd November 1918 in the condition in which it was before the application of the measure in question.

These provisions were included in the draft Hungarian Treaty before that document was presented to the Hungarian

[1] *Original Article on liquidation of Austrian nationals' property in new States. Art. 49 of Part X. Economic Clauses of Draft Treaty of 2nd June 1919.*

'Each of the Allied and Associated Governments reserves the right to retain and liquidate in accordance with Art. 32 and the Annex to Section IV, the property, rights and interests which Austrian nationals or companies controlled by them possessed on the 1st November 1918 in the territories of the former Austro-Hungarian Monarchy transferred to it by the present Treaty.

Austria will compensate Austrian nationals who may have been dispossessed by the aforesaid liquidations.

The proceeds of these liquidations shall be applied in accordance with the provisions of Sections III and IV.

Those Austrian nationals who, without acquiring the nationality of an Allied or Associated Power to whom territory is transferred in accordance with the present Treaty, shall receive permission to reside in the territories in question, shall not be subjected to the provisions of the present Article.'

Article as included in the Treaty of 10th September.

Art. 267. 'Notwithstanding the provisions of Art. 249 and the Annex to Section IV the property, rights and interests of Austrian nationals or companies controlled by them situated in the territories which formed part of the former Austro-Hungarian Monarchy shall not be subject to retention or liquidation in accordance with these provisions.

Such property, rights and interests shall be restored to their owners freed from any measure of this kind, or from any other measure of transfer, compulsory administration or sequestration, taken since November 3, 1918, until the coming into force of the present Treaty, in the condition in which they were before the application of the measures in question.

The property, rights and interests here referred to do not include property which is the subject of Art. 208, Part IX (Financial Clauses).

Nothing in this Article shall affect the provisions laid down in Part VIII (Reparation), Section I, Annex III, as to property of Austrian nationals in ships and boats.'

Delegation. In the case of Bulgaria, however, where the special conditions of Austria and Hungary did not arise, the German form of the stipulation was retained, with the addition of a provision for payment of compensation to the Bulgarian proprietor for any damage caused by illegal measures taken against his property in a new State or one to which Bulgarian territory has been transferred (Art. 177 (*d*) and (*i*)).

L. *The Supply of Coal, etc. to Ex-Enemy Countries.*

The return to Austrian nationals of their economic interests in the transferred territories afforded some opportunity for the continuance by Vienna of its function as a financial centre. It was necessary, however, if the economic reconstruction of Austria were to be possible, that she should be in a position to re-establish the industrial activities within her borders, and so provide employment for her people. For this purpose Austria must secure supplies of coal, for which she was entirely dependent upon sources in what were now foreign countries. The complete failure of imports of coal during the months of 1919, due, it is true, in large measure to the break-down of transport, but also attributable in part to a lack of interest by the new States in satisfying Austria's needs, had led to pitiable results in the industrial as well as in the domestic life of the country. Great efforts were being made by the representatives of the Communications Section of the Supreme Economic Council to secure improvement in the transport conditions, but it was evident that if Austria were to have a fair chance in the early years of the peace, she must be given some guarantee of reasonable supplies. These considerations impelled the Peace Conference to place a further restriction upon the liberty of action of the new States in respect to Austria, and later to Hungary.

The question of supplies of coal from transferred territories had arisen at a somewhat earlier stage in connexion with the Treaty of Peace with Germany. It had been strongly urged by the German Delegation in their Observations upon the terms of peace presented to them that the separation of Upper Silesia from Germany—added to the loss of the coal-fields of Alsace-Lorraine and the Saar, and the obligations in regard to the supply of coal to France, Belgium, and Italy imposed under the reparation clauses—would render Germany's coal

position an impossible one. In order to meet this point, the Allies added to the Treaty a new clause (Art. 90), under which Poland undertook to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia that might be transferred to her. These products were to be free from all export duties or other charges or restrictions on exportation, and Poland was to secure that they should be available for sale to purchasers in Germany on terms as favourable as to purchasers in Poland or any other country.

The new clause added to the Austrian Treaty was based upon this provision. The question of coal supplies, however, was at this time a very thorny one, and, although there was general agreement amongst the Allies as to the necessity of securing supplies of coal for Austria, it was only after considerable discussion that agreement was reached among the representatives of the principal Allied Powers in favour of inserting a provision in the Treaty, and on the exact terms of the clause. The Czecho-Slovak Delegation, while expressing their readiness to come to an agreement with Austria as to the supply of coal under reasonable conditions, protested against the insertion of a compulsory provision in the Treaty of Peace.

The clause finally adopted (Art. 224) begins with an undertaking by the Czecho-Slovak State and Poland with regard to the products of coal-mines in their territories similar to that accepted by Poland in the case of the mines of Upper Silesia, with the exception that these States are not bound for the full fifteen years to allow free export, but only to give Austria the same treatment in connexion with export duties and restrictions as any other country. The Article goes on to anticipate special agreements between the two new States and Austria as to the supply of coal and raw materials reciprocally, and lays down that, pending the conclusion of such agreements, but for not more than three years, no export duties or other restrictions of any kind shall be imposed on the export to Austria of coal and lignite up to a reasonable quantity to be fixed, failing agreement, by the Reparation Commission. In return, Austria is to furnish to the Czecho-Slovak State and Poland supplies of raw materials in accordance with the decisions of the Commission.

Owing to the delay in the coming into force of the Treaty

of Peace, this provision did not have binding effect during the year following its adoption by the Supreme Council in August 1919, and during this period Austria was dependent upon the measures which it was possible to take outside the Treaty, through the European Coal Commission established by the Supreme Council, which set up a sub-commission in Mährisch-Ostrau, the Silesian Plebiscite Commission, and the Reparation Commission. At the same time the clause laid down clearly the responsibility of the new States in regard to coal supplies to Austria, and was no doubt valuable as a basis for the interim measures.

The need of Hungary for coal was also very real, although not so pressing as that of Austria, and a similar provision, providing for the conclusion of special agreements and for the establishment by the Reparation Commission of interim arrangements during a period of five years, was included in the draft Treaty presented to the Hungarians. The Hungarian clause, however, did not contain an obligation for Czecho-Slovakia and Poland to give most-favoured-nation treatment to Hungary in respect of the export of coal for the longer period of fifteen years. The Hungarian Delegation in their observations urged that the principle applied by the clause in the case of coal should be extended to other commodities of which Hungary, within her new confines, would require to obtain supplies from her neighbours. The need of Hungary for these other commodities, such as salt, mineral oils, etc., did not fall in the same class of urgency as her need of coal, and the Peace Conference did not feel able to impose additional servitudes upon the Allied States in respect of these commodities. It was considered, however, that something might be done to meet the Hungarian needs by the inclusion of a provision in the Treaty for encouraging mutual arrangements in regard to the exchange of products between the States which had acquired territories of the former Dual Monarchy. Such a clause would indeed be in harmony with a number of provisions in the Austrian and Hungarian Treaties which anticipated further agreements between the States concerned in matters affecting the transferred territories. The sixth paragraph of Article 207 of the Treaty with Hungary accordingly lays down that in order to permit mutual assistance between Poland, Rumania, the Serb-Croat-Slovene State, Czecho-Slovakia, Hungary, and Austria in regard to products hitherto

exchanged between the territories of these States which are indispensable to their industry or trade, negotiations should be undertaken on the initiative of any one State with a view to the conclusion with any other of separate conventions. The paragraph provides for an appeal to the good offices of the Reparation Commission by any State which has requested such a convention without succeeding in concluding it.

As between Hungary and Austria, a further clause (Art. 208) provides that special agreements shall be made in regard to the supply of food-stuffs, raw materials, and manufactured articles reciprocally, and makes interim provision for the supply of foodstuffs from Hungary to Austria in return for raw materials and manufactured articles, in accordance with the decisions of the Reparation Commission.

CHAPTER II

THE TREATIES FOR THE PROTECTION OF MINORITIES[1]

Introductory. Among the achievements of the Conference a not unimportant place must be assigned to a series of separate Treaties which were attached to, but distinct from, the main Treaties of Peace with Germany and the other enemy States. The parties to them were, on the one side, the Principal Allied and Associated Powers, viz. America, the British Empire, France, Italy, Japan; on the other side, Poland, Czecho-Slovakia, the Serb-Croat-Slovene State, Rumania, and Greece. These treaties provide for the protection of racial, linguistic, or religious minorities included within the boundaries of the specified States; they also contain provisions embodying certain general principles affecting commerce and intercourse, and were so drafted as to include a formal confirmation of the recognition of Poland and Czecho-Slovakia as sovereign States. Almost identical are certain provisions which have been introduced into the Treaties of Peace with Austria, Hungary, Bulgaria, and Turkey. It is the object of this chapter to explain the origin and the purpose of these documents.

A. Historical Precedents.

1. *Precedents in the nineteenth century.* In drawing up these treaties the Conference was not entering on any new path. It was deliberately pursuing a course of policy which had been consecrated by the established procedure of the last hundred years, and the statesmen of Paris were consciously and avowedly continuing the work which had been done by their predecessors, who represented the concert of the Great Powers of Europe in previous conferences. It is just because of this that their work is likely to have a permanence and an

[1] For Statistical Tables illustrating number of minorities involved under the Treaties, *v.* Table VI, p. 155.

importance greater than would have attached to it had they been embarking on a new and untried experiment.[1]

As a result of the gradual dissolution of the Turkish Empire, there had during the nineteenth century been established in Europe five new States—Greece, Serbia, Rumania, Bulgaria, and Montenegro. In each case the recognition of these States had been the subject of consultation between the Great Powers of Europe, and had been accompanied by certain conditions, the object of which was to insure religious freedom, and to prevent the newly established State from interfering unduly with the freedom of commercial intercourse; these conditions were incorporated in treaties, to which some or all of the Great Powers were parties. It was on the occasion of the establishment of the Kingdom of Greece—the first of the new States formed out of the Turkish Empire—that the precedents began. In the protocol of the 3rd February 1830 between Great Britain, France, and Russia, the Powers to whom the establishment of the Kingdom was due, and by whom its maintenance was guaranteed, after special provisions for the protection of the Catholic religion, the following paragraph was added:

'The Plenipotentiaries of the three Allied Courts being desirous moreover of giving to Greece a new proof of the benevolent anxiety of their Sovereigns respecting it, and of preserving that country from the calamities which the rivalry of the religions therein professed might excite, agreed that all the subjects of the new State, whatever may be their religion, shall be admissible to all public employments, functions and honours, and be treated on the footing of a perfect equality, without regard to difference of creed, in all their relations, religious, civil, or political.'

Again in 1863, when a change of dynasty took place, and when the Ionian Islands were ceded to Greece, the new arrangements were embodied in a separate Treaty between Great Britain, France, Russia, and Denmark, in which this principle was re-affirmed:

'The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the Protocol, (of the 3rd February 1830) shall be likewise in force in the Ionian Islands.'

[1] See *Notes on the Diplomatic History of the Jewish Question*, by Lucien Wolf, published by the Jewish Historical Society of England, University College, Gower Street, W.C. 1, 1919, which contains a large amount of information. The text of the earlier Treaties will be found in the volumes of *British and Foreign State Papers*. See also *The European Concert in the Eastern Question*, by T. E. Holland (Clarendon Press, Oxford, 1885).

Again, when Thessaly was ceded to Greece by Turkey in 1881, this was done not simply by a separate Treaty between Turkey and Greece; the transference was effected by a Treaty to which Great Britain, Austria, France, Germany, Italy, and Russia—all the Great Powers of Europe—were parties, and in this Treaty there were included a series of articles carefully safeguarding the civil and political rights of the inhabitants:

'ARTICLE III. The lives, property, honour, religion and customs of those of the inhabitants of the localities ceded to Greece who shall remain under the Hellenic administration will be scrupulously respected. They will enjoy exactly the same civil and political rights as subjects of Hellenic origin.

ARTICLE VIII. Freedom of religion and of public worship is secured to Mussulmans in the territories ceded to Greece.

No interference shall take place with the autonomy or hierarchical organisation of Mussulman religious bodies now existing, or which may hereafter be formed; nor with the management of the funds and real property belonging to them.

No obstacle shall be placed in the way of the relations of these bodies with their spiritual heads in matters of religion.

The local courts of the Chéri shall continue to exercise their jurisdiction in matters purely religious.'

The principles which had been observed in the case of Greece were maintained when the time came to establish Moldavia and Wallachia as autonomous principalities, and when eventually Rumania, Serbia, Montenegro, and Bulgaria received recognition as sovereign and independent States. The Protocol of the Conference of Constantinople of 1856, dealing with Moldavia and Wallachia, contains the following clauses:

'ARTICLE XIII. All religions and those who profess them shall enjoy equal liberty and equal protection in the two principalities.

ARTICLE XVI. All Moldavians and all Wallachians will without exception be admissible to public employment.

ARTICLE XVIII. All classes of the population without any distinction of birth or religion shall enjoy equality of civil rights, and in particular the right of property in all its forms; but the exercise of political rights shall be suspended for those inhabitants who are placed under foreign protection.'

In the constitution of the principalities agreed on by the Convention of Paris of the 10th August 1858, Article 46 runs as follows:

'Moldavians and Wallachians shall be equal before the law in matters of taxation and equally admissible to public employments in both principalities.

Their individual liberty shall be guaranteed. No one shall be detained, arrested, or prosecuted except in accordance with law.

No one shall be deprived of his property except in accordance with law or on the ground of public interest and after receiving an indemnity.

Moldavians and Wallachians of all Christian rites shall equally enjoy political rights. The enjoyment of these rights can be extended to other religions by legislative enactment.

All privileges, commerce or monopolies enjoyed by certain classes shall be abolished; there shall be undertaken without delay a revision of the law which regulates the relations of the owners of the soil with the cultivators with a view to ameliorating the condition of the peasants.'

The whole matter was considered fully at the Congress of Berlin; the recognition of the independence of Serbia and Rumania was made conditional on the acceptance of this principle, as will be seen by the following Articles:

'ARTICLE XLIII. The High Contracting Parties recognise the independence of Rumania, subject to the conditions set forth in the two following Articles.

ARTICLE XLIV. In Rumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Rumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions or to their relations with their spiritual chiefs.

The subjects and citizens of all the Powers, traders or others, shall be treated in Rumania, without distinction of creed, on a footing of perfect equality.

ARTICLE XLVIII. No transit duties shall be levied in Rumania on goods passing through the Principality.'

Identical provisions were inserted applying to Serbia and Montenegro, which were recognized as sovereign States, and to Bulgaria, which became an autonomous principality.

2. *Application to the Turkish Empire.* Both at the Congress of Paris of 1856 and at the Congress of Berlin of 1878, the application of these principles to the Turkish Empire itself was not neglected. But naturally the particular form was different. So long as the position of Turkey as an existent sovereign State was recognized, it was impossible to expect the Sultan to bind himself by an international engagement as did those States which were being created by the Great Powers. The

provision was therefore put in the form of a declaration of intention by the Sultan. In 1856 it was definitely expressed that the communication of the intentions of the Sultan did not give the Powers the right to interfere either collectively or separately in the relations of the Sultan to his subjects, nor in the internal administration of the Empire. In the Treaty of Berlin the form is slightly different, and is as follows :

'The Sublime Porte having expressed the intention to maintain the principle of religious liberty and give it the widest scope, the contracting parties take note of this spontaneous declaration.'

While, therefore, in neither case does the Sultan enter into a formal international convention on the matter, the actual contents of the declaration made by the Ottoman Government are much wider than are the obligations imposed on the Christian States.[1]

Summing up, we may say then that by this time it had become a recognized principle of European international custom that in Eastern Europe the establishment of new States was a matter of general interest, which required the formal recognition of the Great Powers, who, in fact, though not in law, were, acting as the Concert of Europe, the final court and authority for dealing with all matters of general European concern. It was also established that at least in the East of Europe such recognition should only be given on certain conditions. In fact, the right was assumed of imposing upon these States certain principles of government which had come to hold the position of fundamental principles to which all civilized States conformed.

It is perhaps equally necessary to note that this action was confined to the East of Europe ; the territorial changes which culminated in the formation of the Kingdom of Italy were not made the subject of a European Conference, still less were those by which the German Empire was built up, and in neither of these two cases was the suggestion even made that conditions should be attached to the recognition of the *fait accompli*.[2] This distinction between the East and the West of Europe, based as it is on a real difference between the characters of the peoples

[1] T. E. Holland, *The European Concert in the Eastern Question*, pp. 246, 330.

[2] Cf. § 20, pp. 142–3.

and the political situation, is of great importance, and was, as we shall see, followed at Paris.[1]

3. *Religious Equality in East Europe.* The whole development of the principle of religious equality in the East of Europe presents many points of interest. In the earlier times the practice had arisen of placing the protection of the Christian subjects of the Sultan under a single Power; France was the guardian of the Catholics, Russia of the Orthodox. By the Treaties of Paris and Berlin there had been substituted for the special prerogative of a single Power the guarantee of all the Great Powers, and at the same time the rights which had been secured only to the members of certain Christian confessions, were extended to all religious bodies; in practice this meant that the Mussulmans who were transferred to a Christian State were to enjoy, even to a higher extent, the rights secured to the Christians who remained under the rule of the Sultan, and similar privileges were accorded to the Jews.

So far as equality between Christian denominations goes, it does not appear that any difficulty had arisen in the carrying out of these Treaties. We have no record of complaints being lodged on this score. In Greece, in Serbia, and in Montenegro, the wider extension seems also to have been accepted; the Mussulmans in Thessaly and in Bosnia and Herzegovina appear to have been satisfied with the treatment accorded to them. In one case, and in one alone, had representations been made to the Great Powers that the purposes of the Treaty had not been effective. The position of the Jews in Rumania had since 1878 continued to be a constant source of trouble and annoyance. The complete equality, which it had been hoped to secure for the Jews, had not been attained, and we must also note the fact that in practice, owing to the political differences between the Powers, no common action had been taken to remedy the grievances which still continued. In this, as in other matters, the Concert of Europe had not shown itself an

[1] An exception is to be found in the Treaty by which Holland and Belgium were united in 1814. This exception is an interesting one because here we have a case in which the Allies took upon themselves the responsibility of uniting what is now the Kingdom of Belgium with another country which had a different language and religion. Here then we get what, as we shall see, were the essential points considered at Paris: first, the immediate responsibility of the Allies; secondly, the existence of special local conditions likely to produce serious friction and difficulty unless special guarantees were provided.

effective instrument, and it was clear that some substitute for it was necessary.

4. *The Position after the Treaty of Bucharest, 1913.* After the Balkan Wars of 1912, further important changes were made in the territorial status of the Balkans, and in particular both Serbia and Greece received large accessions of territory. On this occasion, however, no steps were taken similar to those adopted at the Congress of Berlin, to secure the principles of religious equality in the government of these districts. The reason is obvious. The wars by which these changes were affected had been carried on entirely by the States immediately concerned, and the Great Powers had had no part in them at all. Moreover, the conditions of peace were arranged at a Conference attended only by the Balkan States themselves; there was no general instrument to which the Great Powers were a party, confirming or recognizing these changes; neither at the Conference of London nor at the Conference of Bucharest, where these matters were discussed, did representatives of the Great Powers sit at the Conference table.

The matter was indeed discussed at the Conference of Bucharest;[1] a note from the United States Government was communicated to the Conference, in which it stated that it would regard with satisfaction a provision granting full civil and religious liberty to the inhabitants of all territory which might be subjected to the sovereignty of any of the five Powers, or which might be transferred from the jurisdiction of one of the Powers to that of another, if it could be introduced into any Treaty concluded. It was unanimously agreed that the note should be inserted in the Protocols of the Conference, but that the inclusion of any such clause in the Treaty would be superfluous, because the principle of religious equality was universally recognized.

On a later occasion the question was raised again both by the Greeks and by the Bulgarians, and the Bulgarians proposed to insert in the Treaty a clause by which all the States should recognize in the territories newly acquired the autonomy of religious communities and of liberty of the schools. The American note applied to all religions. This proposal, however, was limited to Christians, and would therefore have excluded

[1] *Le Traité de Paix de Bucarest du 28 Juillet (10 Août), 1913,* précédé des Protocoles de la Conférence. Bucarest: Imprimerie de l'Etat, 1913.

the Jews from the advantages contemplated. It was rejected because the Serbians stated that this was a matter which was regulated by the constitution of the Serbian Kingdom. Nothing, in fact, was done, except that by an exchange of notes all the States undertook to grant certain special privileges to the Kutzo-Vlachs.[1] In the Treaty of Peace between Serbia and Turkey, signed at Constantinople, a series of long and detailed articles were inserted securing to the Mussulmans who would be transferred to Serbian sovereignty the fullest religious freedom as well as the continuance of their religious institutions and the use of the mosques. 'No impediment shall be placed on communications between Mussulman societies or individuals and their spiritual leaders,' and in general, the Serbian Government promised to its new subjects the same civilian and political rights as belonged to their Serbian subjects of other religions; 'they shall enjoy the greatest liberty in the practice of their religion, and their customs shall be respected'.

It may be said that on this occasion the Balkan States were in fact taking a further step in establishing their claim to full equality with the Western Powers. The supervision exercised over them by the Great Powers had for the moment apparently ceased. They had made war by themselves, and they made their own peace. None the less the provisions of the Congress of Berlin remained in force, and the question necessarily arises whether the Treaties by which territory was transferred from Turkey to Serbia and Greece completed the matter. It might be maintained that the arrangements had not full and complete validity until express adhesion to them had been given by those Powers who had signed the Treaty of Berlin. Some such recognition was desirable; nay, indeed, it was essential, unless the whole principle by which the devolution of the Balkans had been watched over for a hundred years was to be given up. We have important evidence that this view was taken at least by the British Government. We have two letters addressed to the Jewish Committee:

Foreign Office, October 29th, 1913.

GENTLEMEN,—I am directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of October 18th, and to observe in reply that the Articles of the Treaty of Berlin, to which you refer, are in no way abrogated by the territorial changes in the Near East, and remain

[1] See on this point the article on Greece in Volume VI of this work.

as binding as they have been hitherto as regards all territories covered by those Articles at the time when the Treaty was signed.

His Majesty's Government will, however, consult with the other Powers as to the policy of reaffirming in some way the provisions of the Treaty of Berlin for the protection of the religious and other liberties of minorities in the territories referred to, when the question of giving formal recognition by the Powers to the recent territorial changes in the Balkan Peninsula is raised.

I am, Gentlemen,
Your most obedient, humble servant,
EYRE A. CROWE.

Foreign Office, July 28th, 1914.

GENTLEMEN,—I am directed by Secretary Sir E. Grey to inform you that he has given his careful consideration to your letter of the 14th instant on the subject of the rights of native Jews in Rumania.

I am to observe, in reply, that questions arising under the Convention of Paris of 1858 and the Treaty of Berlin being, as you rightly point out, matters of European concern, it is for the signatory Powers of those instruments to deal collectively with any infractions, or alleged infractions, of their terms by particular States.

I am, however, to add that Sir E. Grey will bear in mind the arguments and suggestions contained in your letter when the moment arrives for His Majesty's Government definitely to recognize the recent annexations of territories by the Balkan States.

I am, etc.,
EYRE A. CROWE.

B. THE PROBLEM BEFORE THE CONFERENCE.

5. *Obligations of the Great Powers to protect racial minorities.* It would clearly have been impossible for the Conference not to follow these precedents. All the motives which influenced their predecessors applied now with even greater force. A redistribution of territory was taking place, far larger than any which had been dealt with on previous occasions. The whole of the east and south-east of Europe was being rearranged; not only were the Turkish dominions being further reduced, but the Austro-Hungarian Empire had ceased to exist, and the populations, which had for so long enjoyed the protection of the Monarchy, were being distributed among smaller, less powerful, less well-established communities. Two new States were being created, Poland and Czecho-Slovakia, and to others very great additions of territory were being awarded. For all this the Great Powers who had won the war were responsible; the settlement was theirs, and on them would ultimately rest the obligation to maintain it. It was by them, and not by the

States themselves concerned, that the independence or accession of territory had been secured. Moreover, in the very nature of things, it was inevitable that in every case there would be assigned to these States a considerable population alien in language, race, and religion. These people would be placed under the rule of those from whom they were estranged by long generations of bitter enmity, and in some cases of internecine warfare. Some guarantee, some security must be provided that they should not be subjected to injustice, that they should not be deprived of their political rights, nor exposed to legal disabilities and social persecution. This was not only in accordance with the general principles of justice and humanity, by which the Peace was to be governed, but also was required by the most urgent reasons of political expediency. Nothing would be so likely to produce war in the future as justifiable discontent among the transferred populations.

The obligation was in fact imposed upon the five Great Powers by the principles of the Peace. So far as possible it had been agreed that the population of each district should itself be consulted as to its future allegiance, but so soon as the problem of the new frontiers was considered, it became obvious that it would be physically impossible to abide strictly in every case by the popular wish, or to make the frontiers coincide with ethnographic lines. No power on earth could disentangle the Germans and Poles in Posen and West Prussia, Poles and Ruthenians in Galicia, Magyars and Rumanians in Transylvania, Serbs and Rumanians in the Banat. In some districts languages, races, religions were so closely intermingled, that the population of a single village might be divided between three classes; in others, enclaves of Germans or Magyars were necessarily separated from their countrymen; it was essential to do all that was possible to free them from apprehensions as to their future treatment. It was indeed suggested that in the future this would not be necessary; every one of the States concerned would, as was pointed out, in the future have a democratic constitution, and all eagerly professed that they were ready of their own free will to adhere to the principles of civil and religious equality. It was urged, therefore, that it was not necessary to impose on them as obligations that which they were willing of their own free will to concede. The objection could not be accepted. In the modern world it is not

always an autocratic Government which is the greatest enemy of justice and equality; even in a democratic State popular passion may claim for itself legal forms, and the tyranny of racial antagonism may become the worst form of oppression.

6. *The Position of the Jews.* But even if the claims from the other races might be overlooked, for they chiefly belonged to enemy States and there were not at the moment many to support the demands of Germans or Magyars or Bulgarians, and even if the almost unknown peoples, such as the White Russians and Ruthenians, might have been disregarded, there was one race which had ardent, persistent, and influential friends. The Jews of Western Europe and America had never ceased to award their sympathy to the sufferings of their co-religionists in Russia and in the other Eastern States; for many years the Jewish societies of Great Britain and the United States had been in correspondence with the Foreign Offices and Chancelleries of Europe, striving to bring about a better state of things. It was therefore inevitable that at this great assembly of the nations they also should be represented. There were present in Paris Delegates from the more important of these societies, who had been sent to watch over the interests of their race, and to secure that the principles which had been recognized in earlier Conferences should not be forgotten in this. In particular, there were two States in which, owing to the mass of Jews, they were specially interested—Poland and Rumania. Owing to causes which have their roots in a remote past, it had come about that an appreciable fraction of the population of those territories which would be assigned to Poland was of Jewish race and faith, and the number of Jews in Poland had been during recent years largely increased by the deportation and expulsion of Jews from other portions of the Russian Empire; it has been calculated that 14 per cent. of the inhabitants of Poland would be Jews. In the old days, as was recalled with much justice and much insistence by the Poles themselves, the Jews had been attracted to Poland by the spirit of religious toleration which existed there. Unfortunately, during recent years there had been evidence of strong animosity towards the Jews. The spirit of anti-semitism had found its way from Germany and Russia into Poland, and was fostered by the rising nationalism among the Poles themselves. Many of them looked with suspicion and dislike upon

the presence within their borders of an alien population—a population which in some towns formed even as many as half the inhabitants. They lived an isolated life, they used their own language, Yiddish—a corrupt form of German mixed with Hebrew, but written in Hebrew characters. By their religion, their dress, their customs, they were separated from the rest of the population. In Rumania it was represented with much force that the engagements which had been made to secure the equality of the Jewish population had not been kept; in consequence a large number of people were existing in a condition of civil and political inferiority; they were in fact not enabled to attain the position of citizenship; they were excluded from a large number of occupations, so that it was made very difficult for them to earn their livelihood, and they had not even those safeguards which were enjoyed by aliens of other nationalities who could look to the protection of their own Government. It was, therefore, clearly incumbent upon the Conference to give to the unfortunate members of this race securities, the necessity for which was evident.

7. *The Appointment of a Minorities Committee.* It might have been expected that from the beginning the Conference would have considered the matter. Unfortunately months elapsed before anything was done. This seems to have been due to the general want of foresight and supervision which characterized the arrangement of business, especially with regard to everything which did not immediately concern the future of Germany. It was nobody's business to provide a preliminary survey of the ground or to sketch out the problems that would have to be dealt with.[1]

It was first brought before the notice of the Supreme Council at the end of April by the American and British Delegations. The Americans drew attention to the necessity for securing religious equality in Poland, with special reference to the position of the Jews. At the same time a memorandum was put forward by the Economic Section of the British Delegation, in which it was pointed out that while the Treaty of Peace with Germany provided for all the obligations which it was necessary to impose on Germany, Austria, etc., in relation to

[1] The necessity of some provision was recognized and repeatedly referred to by the various territorial commissions, but they held that they had no authority to make proposals.

the new States or the ceded territories, and while in some cases it also provided to some extent for the obligations, for instance, of Poland towards Germany, it was necessarily silent as to those of the new States towards the Allies. It was suggested, therefore, that before the Treaties were signed it would be only prudent to impose by separate instruments on the new States and ceded territories, such obligations towards the Allies and also towards the enemy States as might be thought essential. If this opportunity were lost, it might never recur. The Allies, by whose efforts and sacrifices the new States had been created and the new territorial arrangements brought about, had an undoubted right and duty to see that the general interests, and their own special interests, were not prejudiced by this, and they had also a moral obligation to secure to the transferred populations rights which they formerly enjoyed, as, for instance, under the German insurance laws. To take a particular case, it was clearly desirable to require the new States to adhere to such general conventions as the Postal and Telegraph Conventions or the Industrial Property and Copyright Conventions. It seemed also desirable to require them to accept a clause by which they would be bound to adhere to any general Convention regarding the international régime of transit, waterways, ports, and railways, which might be concluded within the next five years, and also to require a stipulation that pending the conclusion of any general Convention, they would not differentiate against the commerce of the Allied and Associated States.

Clearly the whole matter was one of considerable difficulty, and it was therefore referred to a small Committee, consisting at first of a representative of the United States, France, and Great Britain—a Committee to which at a later date representatives of Italy [1] and Japan were added. The original intention seems to have been that there should at once be drafted a clause or clauses securing the essential rights of citizenship to the Jews, and dealing with the other matters, which would be included in the first draft Treaty to be presented to Germany. It was, in fact, by this instrument that for the first time the Polish State received Treaty recognition by the other States of Europe. If any condition of this recognition

[1] The committee was formed at the time when the Italians were absent from the Congress.

was to be required, this was the occasion for it; after the Treaty with Germany had been signed it would be too late. Recognition would have been granted, the western frontiers been determined, some territories assigned, and to impose conditions as to its internal Government after this had been done, would have been a most dangerous precedent.[1] It would have implied a right inherent in the Conference to interfere with the internal affairs of what would then have become a fully sovereign independent State. A very short consideration, however, showed that it would be quite impossible within the very few days available to draft the necessary clauses. Under these circumstances an ingenious device was adopted. The Council of Four approved the insertion in the Treaty with Germany of the following clause (93):

'Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of the inhabitants of Poland who differ from the majority of the population in race, language or religion.

Poland further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.'

This method of procedure was open to the obvious criticism that by it the Poles were asked to give their signature to a blank cheque. They bound themselves to accept any conditions which the Allied and Associated Powers might require. The difficulty, however, was really one of appearance rather than of reality, because the actual draft of the clauses would be prepared and would be communicated to the Polish Government in ample time before the final signature of the Peace; all that was intended was to procure the few weeks which were necessary to come to an agreement, both among the Principal Allied and Associated Powers and also between them and the Polish Government itself.

8. *The Minorities Treaties for Poland and Czecho-Slovakia.* The necessary extension of time having been secured, the Committee was enabled to proceed with its work. Its first and immediate duty was to draft the Treaty with Poland; this, and this alone, had to be ready before the signature of the German Treaty, for it was Poland which alone received any

[1] *v.* p. 133 n.

appreciable amount of territory from Germany. It is for this reason that the Treaty with Poland became the occasion on which the principles at issue were discussed. It was from the beginning intended that the Treaties for the different States concerned should be as nearly as possible identical; the Polish Treaty was the pattern to which the others afterwards conformed.

The proceedings of the Committee have not been published, but much information as to the points which came up for discussion can be gleaned both from contemporary discussions in the press and from subsequent works, although in this perhaps to a less extent than in the work of other similar Committees.[1] A detailed consideration of the text of the Treaty is reserved for a later section. It is sufficient here to note that the work was done expeditiously, so that the draft Treaty was ready for submission to the Council of Four on the 14th May, and a few days later it was communicated both to the Polish Delegation and to the Polish Government. The Committee was enabled to pass on to the consideration of other similar Treaties, and this led to a very considerable extension of the scope of its work.

The Committee was originally appointed with instructions to deal with 'Poland and other new States to be created by the Treaties of Peace'. There was in fact only one other new State—Czecho-Slovakia—and in accordance with this a draft Treaty with Czecho-Slovakia on the same lines as that with Poland was in fact taken into consideration at an early stage; this, however, would be signed on the occasion of the signature of the Austrian and not of the German Treaty for the reason already explained, that the territories included in the new State would be almost entirely part of the former territories of the Austro-Hungarian Monarchy.

9. *The 'Four' extend the Treaties to Rumania and the Serb-Croat-Slovene State.* Poland and Czecho-Slovakia were the only two newly established States.[2] It was, however, deter-

[1] A reference to the original draft of the Austrian Treaty as presented on June 2 is interesting because the text of the chapter on the protection of minorities contained in it represents one of the earlier drafts which was provisionally put forward for the Polish Treaty; a comparison of this with the final text will throw some light on the history of the articles.

[2] The question has been asked why no similar Treaty was drafted for Finland, a new State the sovereignty and independence of which had been recognized by the Conference. The answer is presumably that, inasmuch as all the territory owned by or claimed by Finland had previously been Russian, the matter did not arise out of any of the Treaties of Peace. The time to

mined at the beginning of May by the Council of Four, on the recommendation of the Committee, that a very important extension should be given to its work, and that the principles applied to the two new States should be extended to those States in the south-east of Europe which, in consequence of the war, received important accessions of territory. These were Serbia, Rumania, and Greece.

The justification for this action is to be found in the facts related in the first section of this article; no new principle was being established; the Conference was merely following in the footsteps of its predecessors. If the principle were once recognized, then there could be no doubt as to the necessity of using it on this occasion.

Let us consider, for example, the case of Serbia. The growth of this State during the last ten years had been very remarkable, and had been so extensive as in fact to change, if not its identity, at any rate its whole character. It was much as if the ancient Monarchy of Scotland had suddenly been enlarged so as to include both England and Ireland, for the incorporated territories were very much larger than the original Kingdom of Serbia itself. In 1912 Serbia was a small land-locked State with a population of some three millions, all of whom, with the exception of a small body of Rumanians in the Timok, were identical in nationality, language, and religion. As a result of the Balkan Wars she had come into possession of a considerable extent of territory on the Albanian frontier, including districts in which the population was almost entirely Albanian, and, in addition, had acquired Macedonia, a country which had been for generations the site of the most acute racial conflicts, where Greeks, Serbs, and Bulgarians were inextricably intermingled. But as a result of the late war, even greater acquisitions had been made. The whole of Bosnia and Herzegovina, with its large Mohammedan population, Croatia, Dalmatia, and parts of Slovenia, were united with the old kingdom, and the total population of the State would be increased to over 12 millions.

deal with it would be when the final determination as to Finnish frontiers was made and this could not be done until there was a recognized government in Russia with whom a Treaty could be concluded. It cannot be too often insisted upon that the work of the Conference was to agree on Treaties of Peace with the former belligerent Powers and that they had not and did not claim general jurisdiction with regard to other matters not directly arising out of this.

Let us add that the very name had been changed from Serbia to the Kingdom of the Serbs, Croats, and Slovenes, and it was in fact at one time a question whether the change in the character of the State had not been so great that there had been a breach in its identity. However this may be, every consideration seemed to show that it was just and desirable to signalize these great acquisitions of territory by asking the Government to accept formal obligations of a kind similar to those which were imposed upon Poland and Czecho-Slovakia. Serbia, therefore, was to be asked to sign an undertaking, and the drafting of a special Treaty was begun.

The acquisition of territory by Rumania, though not relatively quite equal to that of Serbia, was very impressive; the population was being almost doubled. Equally important is it to note that the frontiers had been so drawn that the new districts would include more than a million who were Magyar both in speech and in sympathy, and also the isolated German community of the Saxons of Siebenbürgen. Could it be suggested by any one who knew anything of the previous relations of the two races, who had had experience of the calculated injustice to which the Rumanians had been subjected when under the lordship of the Magyar, that the Great Powers should take the responsibility of decreeing this incorporation, and not at the same time see to it that, as might otherwise well happen, similar injustice should not take place in the future? And again, quite apart from the Jewish population of old Rumania, it had to be remembered that nearly half the population of the Bukovina, which was being assigned to Rumania, was Jewish.

As a result of this decision, there were inserted in the draft Treaties with Austria and Hungary clauses binding not only Czecho-Slovakia, but also the Serb-Croat-Slovene State and Rumania, identical in wording with Article 93 of the German Treaty. The Committee then addressed a communication to M. Brătianu, inviting him to assist them in their work by giving them information as to the views of the Rumanian Government, and the proposals which they had under consideration for giving autonomy in matters of local administration to the Magyar, Szekler, German, or other minorities to be incorporated with Rumania.

10. *Opposition by the Smaller Powers at the Plenary Session,*

31st May. This action of the Supreme Council aroused very serious opposition, and formed the basis of a demonstration against the claims of the greater Powers to impose their will upon the smaller States. Something in the nature of an organized opposition to the Supreme Council, a movement towards which there had already on other occasions been some tendency, was formed, an opposition in which M. Brătianu, the Rumanian Prime Minister, took the lead. It found expression at a special Plenary Session of the Conference, which began on the 29th May[1] for the purpose of considering the text of the Austrian Treaty. The press were excluded and the proceedings regarded as confidential, but it appears that apart from technical criticism of individual clauses in the draft Treaties, the main point which was put forward was that the States concerned were ready to accept any general regulations which were accepted equally by all States belonging to the League of Nations, but were not prepared to admit interference by foreign Governments which was confined only to certain States, an interference which, it was suggested, infringed the cardinal principle of State sovereignty. It was pointed out that a clause imposing general recognition of religious toleration, as a part of the draft of the League of Nations, on all Members of the League, had in fact been rejected, and the question could be asked why an obligation which the Great Powers refused to undertake themselves should be imposed upon others. The answer to these questions and to this criticism will be found in the first section of this article. The Supreme Council did not claim to be laying down general principles to be applied to all States, whether large or small, whether old-established or in the course of creation. They had to deal purely with certain positive urgent difficulties which in fact were also local. It was they who by their successes in the war had brought about the conditions under which the transference of populations was being made, and they in fact were taking upon themselves the responsibility of determining the frontiers. By doing so they obviously had clear and definite responsibility towards the populations concerned, a responsibility from which they could not free themselves. The League of Nations would be called in, not in virtue of any general authority which it had to secure good government or any

[1] It was adjourned till the 31st, when the Minorities Treaties were fully considered.

general principles of government in all States constituting the League, but merely to guard and guarantee certain specific rights arising out of definite treaties. For these reasons the request to remit or modify the demand was refused.

11. *President Wilson's Speech, 31st May.* The position was clearly explained in an important speech by President Wilson: [1]

'Mr. President, I should be very sorry to see this meeting adjourn with permanent impressions such as it is possible have been created by some of the remarks that our friends have made. I should be very sorry to have the impression lodged in your minds that the great powers desire to assume or play any arbitrary rôle in these great matters, or assume, because of any pride of authority, to exercise an undue influence in these matters, and therefore I want to call your attention to one aspect of these questions which has not been dwelt upon.

We are trying to make a peaceful settlement, that is to say, to eliminate those elements of disturbance, so far as possible, which may interfere with the peace of the world, and we are trying to make an equitable distribution of territories according to the race, the ethnographical character of the people inhabiting those territories.

And back of that lies this fundamentally important fact that when the decisions are made, the allied and associated powers guarantee to maintain them. It is perfectly evident, upon a moment's reflection, that the chief burden of their maintenance will fall upon the greater powers. The chief burden of the war fell upon the greater powers, and if it had not been for their action, their military action, we would not be here to settle these questions. And, therefore, we must not close our eyes to the fact that in the last analysis the military and naval strength of the great powers will be the final guarantee of the peace of the world.

In those circumstances is it unreasonable and unjust that not as dictators but as friends the great powers should say to their associates: "We cannot afford to guarantee territorial settlements which we do not believe to be right, and we cannot agree to leave elements of disturbance unremoved, which we believe will disturb the peace of the world"?

Take the rights of minorities. Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities. And, therefore, if the great powers are to guarantee the peace of the world in any sense is it unjust that they should be satisfied that the proper and necessary guarantee has been given?

I beg our friends from Rumania and from Serbia to remember that while Rumania and Serbia are ancient sovereignties the settlements of this conference are adding greatly to their territories. You cannot in one part of our transactions treat Serbia alone and in all of the other parts treat the kingdom of the Serbs, the Croats and the Slovenes as

[1] This version of President Wilson's speech at the Plenary Session was issued from the White House, 11th October 1920, being the shorthand notes of the President's stenographer on 31st May 1919.

a different entity, for they are seeking the recognition of this conference as a single entity, and if this conference is going to recognize these various powers as new sovereignties within definite territories, the chief guarantors are entitled to be satisfied that the territorial settlements are of a character to be permanent, and that the guarantees given are of a character to insure the peace of the world.

It is not, therefore, the interventions of those who would interfere, but the action of those who would help. I beg that our friends will take that view of it, because I see no escape from that view of it.

How can a power like the United States, for example—for I can speak for no other—after signing this treaty, if it contains elements which they do not believe will be permanent, go three thousand miles away across the sea and report to its people that it has made a settlement of the peace of the world ? It cannot do so. And yet there underlies all of these transactions the expectation on the part, for example, of Rumania, and of Czecho-Slovakia, and of Serbia, that if any covenants of this settlement are not observed, the United States will send her armies and her navies to see that they are observed.

In those circumstances, is it unreasonable that the United States should insist upon being satisfied that the settlements are correct ? Observe, Mr. Bratiano—and I speak of his suggestions with the utmost respect—suggested that we could not, so to say, invade the sovereignty of Rumania, an ancient sovereignty, and make certain prescriptions with regard to the rights of minorities. But I beg him to observe that he is overlooking the fact that he is asking the sanction of the allied and associated powers for great additions of territory which come to Rumania by the common victory of arms, and that, therefore, we are entitled to say : " If we agree to these additions of territory we have the right to insist upon certain guaranties of peace."

I beg my friend Mr. Kramar and my friend Mr. Trumbic and my friend Mr. Bratiano to believe that if we should feel that it is best to leave the words which they have wished to omit in the treaty, it is not because we want to insist upon unreasonable conditions, but that we want the treaty to accord to us the right of judgment as to whether those are things which we can afford to guarantee.

Therefore, the impressions with which we should disperse ought to be these, that we are all friends—of course that goes without saying—but that we must all be associates in a common effort, and there can be no frank and earnest association in the common effort unless there is a common agreement as to what the rights and settlements are.

Now if the agreement is a separate agreement among groups of us, that does not meet the object. If you should adopt the language suggested by the Czechoslovakian delegation and the Serbian delegation —the Jugoslovak [?] delegation—that it should be left to negotiations between the principal allied and associated powers and their several delegates, that would mean that after this whole conference is adjourned, groups of them would determine what is to be the basis of the peace of the world. It seems to me that that would be a most dangerous idea to entertain, and, therefore, I beg that we may part with a sense, not of interference with each other, but of hearty and friendly co-operation

upon the only possible basis of guaranty. Where the great force lies there must be the sanction of peace.

I sometimes wish, in hearing an argument like this, that I were the representative of a small power, so that what I said might be robbed of any mistaken significance, but I think you will agree with me that the United States has never shown any temper of aggression anywhere, and it lies in the heart of the people of the United States, as I am sure it lies in the hearts of the peoples of the other great powers, to form a common partnership of right, and to do service to our associates, and no kind of dis-service.'

12. *The final decision.* The result of this meeting was to clear the air. The Supreme Council were now formally committed; they could not recede from the position they had taken up; the principle of the Treaties was to be applied not only to the new States—Poland and Czecho-Slovakia—but to the older Balkan States. The next thing to be done was to press on with the Polish Treaty in order to have it ready for signature at the same time as the German Treaty. It had, as we have already seen, been communicated to the Polish Delegation, and during the month of June negotiations on the matter took place between M. Paderewski, the Supreme Council, and the Committee. It is understood that while the main principle was rigidly adhered to, considerable and not unimportant modifications were, at the suggestion of the Polish Delegation, made in some of the clauses, and the others were subjected to a very careful revision in the Committee. In the final result the Treaty as thus amended was officially communicated to M. Paderewski with an intimation that it would be signed at the same time as the German Treaty. This communication took the form of a letter addressed to him by M. Clemenceau in the name of the Supreme Council, which contains a very valuable and full statement as to the motives and principles by which the Supreme Council had been actuated.[1] In consequence of this, notwithstanding the fact that the protests which M. Paderewski had made at an earlier stage were strongly supported from Warsaw, the Treaty was signed on the 28th June at Versailles.

C. The Polish Minorities Treaty[1]

13. *The Preamble.* At this stage it will be convenient, before passing on to the other treaties, to consider for a moment the actual text of the Polish Treaty which, as has already

[1] The text of the letter and of the Treaty will be found in Appendix IV.

been explained, is the type to which all the others were to conform. As soon as we do so we notice that the result of the work of the Committee was to give the Treaty a wider importance and a larger scope than probably had been originally anticipated. Instead of consisting merely of some two or three clauses securing certain rights to the Jews, it becomes a formal recognition and confirmation of the establishment of the Polish State. There had been some danger that this act, which was in truth a landmark in European history, might in the press of business be passed over; this would have been regrettable; it is always well that facts of permanent political importance should receive suitable and dignified expression. The Preamble of the Treaty therefore rehearses briefly the manner in which Poland has come into existence; it lays stress on the fact that the restoration of the Polish nation is due to the success of the arms of the Allied and Associated Powers, refers to the fact that the Russian Government had already assented to the re-establishment of an independent Polish State, and to the clause of the Treaty of Versailles by which it is agreed that the boundaries of Poland not already determined shall be fixed by the Principal Allied and Associated Powers. While recalling that Poland had already been recognized as a sovereign and independent State, it confirms this recognition within the limits so determined. Poland, on the other hand, expresses her desire 'to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to the inhabitants of the territory over which she has assumed sovereignty'. It will be seen then that though this undertaking is not, as was the case at Berlin, expressly made a condition for the recognition of independence, this recognition is in fact made a counterpart to certain engagements by Poland. In this way the general responsibility of the Great Powers for the results of their own action in setting up Poland as a State is placed on record.[1]

14. *Clauses dealing with principles of government.* Turning now to the contents of the Treaty, we find that it is divided into two parts, the first dealing with certain principles of government, the second with commercial and kindred matters.

[1] The first recognition of Poland had been the invitation to take part in the Conference, 18th January 1919, but see Note on recognition of States, pp. 158, 162.

The provisions of the first part again may be grouped into four sections. Of these the first, which is confined to Article 2, deals with the inhabitants of Poland, whether citizens or not, and simply secures to them full and complete protection of life and liberty without distinction of birth, nationality, language, race, or religion. Much more important is the second section contained in Articles 3–6, which secures to all *bonâ fide* inhabitants of the allotted districts that they shall not be excluded from Polish nationality and citizenship; whatever their race, language, or religion may be, they are not to be treated as aliens in the land of their birth. The Allies are granting to the Polish nation sovereignty over the territory which they inhabit. But this is not to be an exclusive sovereignty. The new nation is not, as was the old Polish nation, to be the domination of a certain portion of the inhabitants ruling over the others; all are to be taken into partnership. It is to be made impossible for the Poles to refuse to the Germans or Ruthenians or Jews resident in their country, who had formerly been Austrian, German, or Russian subjects, full rights of citizenship.

One exception to this, and one only, is allowed. In accordance with the Treaty of Peace with Germany, those Germans who had only settled in Polish provinces during recent years as part of the colonization scheme carried out by the Prussian Government, cannot claim Polish citizenship as a right. No one who knows the history of this matter will be inclined to dispute the justice of this decision.

Having determined who shall enjoy Polish nationality, the Treaty in Articles 7–8 proceeds to lay down fundamental principles that no distinction shall be made in civil rights among them because of any distinction of race, language, or religion. The right to the use of their own language is guaranteed, and also the right to maintain institutions, whether charitable, religious, or social, schools, or other educational establishments, and to exercise their religion freely therein.

It may be noted, however, that this presumably would not prevent the State interfering if such private associations were demonstrably used for purposes inconsistent with public security or order, but before proceedings were taken against them, evidence of such misuse would clearly have to be required. It does not give *carte blanche* to a hostile element of the State

to conduct without interference a campaign against the Government or integrity of the country.

The next Article (9) is that to which the greatest objection has been taken. It goes considerably farther, for, not content with giving certain freedom to the population concerned, it throws an opposite obligation upon the State. This obligation is of two kinds, though both are limited to those districts in which there is a considerable portion of Polish nationals, of non-Polish speech, or belonging to racial, religious, or linguistic minorities. The Government is required in these cases to ensure that in primary schools the instruction shall be given to such children through the medium of their own language. This of course is intended to meet the grave abuse which in fact prevailed in districts such as Prussian Poland or large parts of Transylvania, where children of tender years when sent to school had received all their instruction in a language which was not that of their own homes. The obligation, it will be noticed, is confined to primary schools, that is, to schools for younger children. It might be presumed that those who had passed on to a place of secondary, university, or higher technical education, would have acquired such proficiency in the language of the State to which they belong, that they could receive instruction in it. A special case of high importance in Poland was that of Yiddish, the half German jargon spoken by the Jews.

The next clause runs as follows :

> 'In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.'

The object of this is clearly to provide for cases such as are common enough in Polish towns, where a large portion of the population, sometimes even a majority, are Jews. Without this the Polish Government or the Polish local authorities would be able in practice to deprive the Jews of the possibility of being treated in a public hospital or other institution established from public funds for private convenience. The clause is necessarily worded rather vaguely ; it may be taken to mean that in cases such as this, either there shall be

special hospitals for Jews provided out of public funds, or that in the ordinary hospitals there shall be provision for the supply of food in accordance with Jewish usage. In the same way provision would have to be made to prevent ignorant peasantry, such as that to be found in Galicia or White Russia, from being deprived, because of their ignorance of the Polish language, for instance, of the advantage of hospitals and other public institutions.

15. *Clauses dealing with the Jews.* So far the clauses are, as we shall see later, practically identical with similar provisions in the other Treaties. But in the Polish and in the others also, certain provisions have been inserted, the necessity for which arose out of some peculiar local conditions. In the Polish Treaty these special provisions are confined to the Jews and are only two in number. One of them provides against legislative or administrative action which would force upon the Jews a violation of their Sabbath, or place before them the alternative either of violating the Sabbath or giving up their rights as citizens. It must be remembered that a large majority of the Polish Jews observe their religious customs very strictly. The other specially confers on the Jewish community the right, subject to the general control of the State, to appoint educational committees which will provide for the distribution of public funds allocated to Jewish schools and for the organization and management of these schools. This is the one point in which some concession has been made to the demand urgently pressed for the official recognition of the Jews as a community or corporation.

As is well known, there were considerable differences among the representatives of the Jews as to the objects which they desired to secure. On the whole it may be said that the English Jews tended to confine their efforts to securing to their co-religionists the widest personal liberty and full opportunities for the use of their own religion and the maintenance of their own customs. There was, however, a party which went farther than this and aimed at getting official recognition of what they called Jewish nationality. They seem to have hoped that the Conference would give official recognition to the Jews in Poland and in other States as an organized corporation, with definite political rights, and there are indications that if this had been secured, they might then have pressed for representation of this Jewish Nationality on the League of Nations. It need not be said

that any suggestion of this kind was ruled out from the beginning. M. Clemenceau's letter specially points out that the clauses of the Treaty 'do not constitute any recognition of the Jews as a separate political community within the Polish State'.

The recognition of 'national rights' of the Jews in Poland would have been completely inconsistent with the territorial sovereignty of the State, which is the basis of our whole modern political system. It is in accordance with this that, for instance, the educational control of the schools assigned to the Jews is given not to one general Committee supervising the Jewish education for the whole of Poland, but to 'Committees' which are clearly intended to be mere local bodies. The view taken by the British Delegation throughout, and supported by the Plenipotentiaries, was that if there was to be a Jewish Nationality, it could only be by giving the Jews a local habitation and enabling them to found in Palestine a Jewish State. Any Jew, however, who was a national of a Jewish State would naturally *ipso facto* cease to be a Polish citizen.

16. *Charge that these clauses are British in origin.* Criticism has been made that the educational clauses as a whole, and especially those giving particular rights to the Jews, seem to show a tendency to impose on other nations a form of administration which is peculiarly of English origin. This criticism is not unwarranted. It is true that these clauses appear to be based upon English precedents. They are clearly influenced by the English system which allows public money to be paid to schools, the control and administration of which is, under Government supervision, to a large extent under the management either of a particular religious denomination or a semi-private corporation. It may indeed be said that we have an attempt to solve the Jewish difficulty in Poland on lines similar to those which have been adopted in this country for dealing with the education of Roman Catholics. Jewish schools would be in a position not unlike that now held by schools in England which are founded and managed by a Roman Catholic Religious Order, but which none the less receive their portion of Government grants. And again, the languages of German or Ruthenian speaking districts would be dealt with in the same way as Welsh is. This system is one very different from that which exists in most continental States, where the modern

democratic system is used to impose, both on all parts of the country and on all classes and sections within the country, a uniformity which is repudiated by English thought.

It is a system which has succeeded in this country. Under it the members of different religious denominations are educated and brought up under the influence and in the atmosphere of their own Church or community, but the large liberty which they enjoy has, as experience shows, strengthened and not weakened their attachment and loyalty to the nation of which they form part. A Welshman is not the less an Englishman because of the full recognition which is given in Wales to his own language. It was the hope that the very serious difficulties with which Poland and the other new States were confronted might be solved by adopting a similar system. Whether the hope was justified only time will show. It would be very unwise to underestimate the obstacles. If this system has succeeded in our own country it is owing to two reasons; first the presence of a very strong Government with traditions of over 1,000 years and the inherited political experience of a nation long accustomed to self-administration. Secondly—a point the importance of which is not always sufficiently recognized—national frontiers which are unalterable, so that the very possibility of the secession of any part of the United Kingdom is excluded. Can a similar system be applied to a new country which is not an island and which has no clearly defined frontiers? To expect this is no doubt to throw a difficult task on the people and on the Government.

17. *The Guarantees and the League of Nations.* The last Article in this section of the Treaty deals with the guarantees. Here we have a great innovation, for in it the Powers who sign the Treaty transfer to the League of Nations the responsibility for maintaining it. The object will best be appreciated by recalling the difficulties experienced under the older system; in the first place a certain number of States received the right to supervise and interfere in the domestic legislation of other States, and secondly this system was ineffective because the right could not in practice be exercised without incurring the danger of war, not only against the State concerned, but even between the Great Powers themselves. It was hoped to remedy this by calling in the League of Nations. To quote the words of M. Clemenceau's letter:

'Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.'

In truth there is no article in all the treaties drafted at Paris in which the necessity for a new system of dealing with international obligations or the conception of the League of Nations is so frankly and fully accepted.

The whole wording of the paragraphs requires and deserves very careful study and will doubtless in the future be the subject of much discussion.

Attention may be directed to the following points:

In the first place provision is made for a modification of the provisions; this can be effected by a majority of the Council of the League of Nations. This point alone constitutes a great advance on the earlier system. If experience shows that any one of the provisions of the Treaty is unsuitable or dangerous to the security of the Polish State, a definite means is provided by which it could be amended and the signatory Powers explicitly agree to accept any such modification. Under the older system any one State by withholding its consent could check the necessary development to which Treaty obligations, as other forms of law, should be subject.

Again, if any dispute arises as to law or fact between the Polish Government and any one of the other signatory Powers, it is agreed that this shall be referred to the permanent Court of International Justice. The importance of this will best be illustrated by the history of the Jewish question in Rumania. A serious dispute and difference of opinion arose as to the question whether or not the Rumanian Government had carried out its legal obligations under the Treaty of Berlin. A strong *prima facie* case could be made against the Rumanians, but under the older system there was no means of getting an impartial, judicial decision as to the interpretation of the Treaty and the question whether Rumanian legislation and government action was or was not in accordance with it. The

result was that a disagreeable cause of friction was allowed to remain and continued for over 30 years. Under the newer system, if any similar complaint is made as to the action of the Polish Government, it will be removed from the political sphere; it will be adjudicated on by a competent tribunal of lawyers and the League of Nations itself will become responsible for carrying out its decision. This is a very important step in the establishment of the reign of law in connexion with international differences, and it may be hoped that to a large extent political considerations will be eliminated from the discussion of the case, while an effective means of requiring compliance will be afforded. The older system left an alien population no resource but to look for protection to their own kindred outside; but nothing would have been so destructive to the future prosperity of Europe as for instance to give to Germany a pretext for interference in Polish affairs, or the Magyars in Rumanian affairs; it was far safer frankly to offer these alien populations the public guarantee of the League of Nations, and it may be suggested that it left their sovereignty an independence much less compromised.

18. *The League of Nations.* In this way then full use is made of the League of Nations, but it will also be seen that great discretion has been observed in the rights granted to the League, and that the powers assigned to it are very strictly limited. In particular everything has been avoided which might seem to assign to the League the right to make a general inquiry into or assume supervision over the internal institutions either of these or of any other States. As is well known there are many who would have desired that it should have received some such power. There is a school of thought which seemed to look to it to be in a general way a guarantee of good government in all the States of which it was composed. No such authority is however given to the League by the Covenant and any suggestion of this kind is equally absent from these Treaties. The League is called in not as an authority with the general responsibility for insuring the principles of free or constitutional Government or guaranteeing liberties of any kind, but solely and entirely as the guarantor of certain clauses in Treaties which have been made between certain sovereign States. It is only a particular case in which the League can be used to prevent differences arising between

States owing to disputes as to the execution or interpretation of a Treaty. This point is one of great importance. It is scarcely necessary to point out how dangerous a precedent would be established had the other view been adopted. It is in accordance with this principle also that the Council of the League is not qualified under the Treaties to act on complaints as to misgovernment addressed to it directly from any particular portion of the population in one of the States concerned. The Council can only be seized of the question if it is brought before it either by one of the States which are parties to the Treaty, or by some other State which is itself a member of the Council. Again, it will be noted that the right of intervention is given to the League only so far as concerns the racial, linguistic, or religious minorities; if, for instance, there is general misgovernment by which all the citizens of one of these States suffer, although this would be a violation of the second article of each of the Treaties, this is withdrawn from the cognizance of the League.

19. *Criticism of these clauses.* The objection was raised at the time in Poland and in other quarters that it was difficult to justify procedure by which the Polish State, a friendly and allied Power, was subjected to an invidious control of its internal affairs, from which Germany herself was exempted. A moment's consideration will show that it would have been completely contrary to the whole principles by which these Treaties can be justified had similar obligations been imposed upon Germany. These guarantees could only be imposed either when a completely new State was created and territories assigned to it by the act of the Allies, or when very extensive territories were, as a result of the war, assigned to an already existing State. Even in this case they could also only be justified if local circumstances were of such a nature as to make it probable that safeguards of this kind were requisite. In the case of Germany, both these conditions were absent. No new territory was being assigned to Germany and, with very small exceptions, Germany, as delimited by the Treaty of Versailles, would be a State from which had been taken away all those districts in which the danger of oppression of an alien population might have been present. The Danes of Slesvig, the pro-French of Alsace-Lorraine, the Poles of Posen and West Prussia, had ceased to be German; the only population for which in any

way a claim might have been made would have been the Serbs of Lusatia. But considering that they had been incorporated in Prussia and Saxony for over 150 years, it might well appear unwise to have recourse to special legislation for their benefit. The ultimate truth is this. If the principle of these Treaties had been applied to Germany, it would have been very difficult eventually to refuse a demand that it should be applied universally to all established States, but to do this would have been, as we have seen, a quite unprecedented innovation. No one with any knowledge of the condition of opinion on this matter can believe that such a proposal would have had any chance of acceptance or that it would have been wise to press it. This principle, if once adopted, could have been interpreted in such a way as to bring the negroes in the Southern States of America under the protection of the League; it could have been applied to the Basques of Spain, to the Welsh and to the Irish.

It was not the duty of the Peace Conference to take into consideration the general government of the whole world; they had quite enough to do to deal with the particular practical problems which inevitably came before them as a result of the war and the responsibility for which could not be avoided.

20. *Summary of general tendencies.* It might appear to be a diversion from this rule that similar clauses were inserted in the Treaty of Peace with Austria, with Hungary, and with Bulgaria, for in the case of these States, just as in the case of Germany, what had happened as a result of the war was not the assignment of an alien population, but that they were deprived of the alien populations which had formerly existed in them. On the other hand, as regards Austria and Hungary, the view may be taken that in fact they were new States, which were for the first time receiving recognition from the assembled Powers of Europe, and that therefore it would not be contrary to principle to impose upon them obligations similar to those required from other new States. With regard to Bulgaria it must also be pointed out that she was only being placed in the same position as Serbia and Rumania. It would indeed have been very invidious to have exempted Bulgaria alone of all the Balkan States from obligations which were assumed by the others. And she was in fact already bound by the older obligations. In truth if any other State had been required to sign

a similar Treaty, it would have been not Germany but Italy, for to Italy there was assigned a considerable alien population,[1] a quarter of a million Germans and 480,000 Yugo-slavs.

To sum up: the principle on which the Treaty is based is not that there is any right to impose upon an existing State any principle of government, however admirable, nor does it lay down as a general principle that it is incumbent upon any State to admit to the full rights of citizenship all inhabitants of its territories or determine the principles on which nationalization shall be allowed. It is much more limited. What the Great Powers do is in the act of assigning new territories to an already existing State, or constituting a new State, to lay down conditions on which they transfer the territories to such State. These conditions are that all *bonâ fide* inhabitants of the territories in question shall receive full rights of citizenship and that in the future no distinction shall be made between citizens in consequence of difference of race, religion, or language. In short—the Poles in taking over the sovereignty of the country assigned to them could not make laws by which the Germans, the Jews, the Ruthenians, who were already living there, should be regarded as aliens outside the community; they were to be an integral part of the Polish nation.

21. *Formal and technical clauses.* The second part of the Treaty requires little explanation. It deals largely with formal and technical matters, which had no political purpose, but formed an essential part of the general system of international co-operation which had arisen during the last two generations, as for instance, the different postal, railway, and telegraphic conventions. It was clearly necessary for general convenience that the newly-established Government which was taking over so large a part of the former territories of Russia, Germany, and Austria-Hungary, should at the earliest possible moment come in to the general system. In addition to this we have provisions by which Poland undertakes not to make any

[1] Although no suggestion was made that Italy should enter into a binding agreement, the Italian Government volunteered a declaration of their intentions. The following passage referring to this is included in the reply of the Allies to Austria:

'It results from the very clear declarations made by the President of the Council of Italian Ministers to the Parliament at Rome, that the Italian Government proposes to adopt a broadly liberal policy towards its new subjects of German race, in what concerns their language, culture, and economic interests' (Reply of Allied and Associated Powers, 2nd September 1919).

discrimination against the commerce of any of the Allied and Associated Powers, but it is expressly added that all conditions accorded to the Allied and Associated States shall belong equally to all States which become members of the League of Nations. Thirdly we have a series of provisions which have obviously been drawn up in order to facilitate the work which it was assumed that the League of Nations would do in bringing about general conventions on matters such as freedom of communications and transit, or a general commercial agreement for all States which would be included in the League of Nations. It will be remembered that similar clauses had been inserted in the Treaty with Germany, and there was no reason why Poland should not in this matter undertake not to place any impediment in this very important work which it was hoped that the League of Nations would undertake. As has been pointed out in a previous chapter of this work,[1] the Commission on Ports, Waterways, and Railways had decided to begin their work by laying down general principles relating to freedom of transit. It was not possible, for the reasons explained, to complete this very important scheme; all that could be done was therefore to see to it that the way should be prepared for its completion at a later stage, and the provisions in this Treaty with Poland were an essential part of this preparation. In a general way it may be said that the attitude with regard to economic provisions is similar to that with regard to communications.

D. Czecho-Slovak, Yugo-Slav and Rumanian Treaties

We can now pass on more briefly to give an account of the other Treaties.[2]

22. *The Treaty with Czecho-Slovakia.* No difficulty seems to have occurred with this, and the Czecho-Slovak Government appears throughout to have refrained from associating itself with the protests made by the other States. The Treaty was therefore signed in due course on the 10th September 1919, on the occasion of the signature of the Austrian Treaty.

The contents are with few exceptions identical with those of the Polish Treaty. It will be noted, however, that the

[1] Vol. II, p. 96.

[2] Texts of above are in App. IV. The Greek Minorities Treaty is reserved for treatment in Vol. VI (Text is in Cmd. 960, Treaty ser. 1920, no. 13).

preamble in which the Principal Allied and Associated Powers confirm their recognition of the new State as a sovereign and independent member of the family of nations, gives an interesting indication as to its origin. This puts in the foreground what may be called its historical origin. It refers to the fact that 'the union which formerly existed between the old Kingdom of Bohemia, the Markgraviate of Moravia, and the Duchy of Silesia, on the one hand, and the other territories of the former Austro-Hungarian Monarchy on the other has definitely ceased to exist'. Here alone do we get a formal recognition of the composite historic origin of the Austrian Empire. It was the Act of 1526 by which the old Kingdom of Bohemia had placed itself under the rule of the Habsburgs. What happened in 1918 was that this union was dissolved.

On the other hand, counter-balancing this, we have it stated that the peoples of Bohemia, Moravia, and parts of Silesia, as well as the peoples of Slovakia, have decided of their own free will to unite, and have in fact united in a permanent union. The old historic structure having broken down, a new State is thereupon formed on the basis of free expression of the popular will.

The text of the Treaty is in most points identical with that of the Polish Treaty. It differs in two points only. First of all the special clauses regarding the Jews were omitted; this was doubtless due to the fact that the Jews form a very small part of the population of Bohemia and Moravia, and the particular reasons which made it necessary to secure specific protection for them did not exist here. On the other hand, there was inserted a special section dealing with the Ruthenians of the Carpathians. This small population was separated by the mountains from the other peoples of kindred origin and language; owing to geographical reasons it was therefore not possible to incorporate them in any State of their own nationality. It was determined that they should be assigned to Czecho-Slovakia, but at the same time that they should be given full local autonomy. This, as explained in the three clauses of the Treaty, was to consist in assigning to them a local Diet for the management of educational, religious, and other local matters. By the fact that these clauses were inserted in this Treaty, the maintenance of this autonomy becomes an international obligation for the preservation of

which the Principal Allied and Associated Powers become responsible, and the guarantee is placed under the guardianship of the League of Nations.

In the case of Czecho-Slovakia, by far the most important alien population was of course the German. They number some three millions and in view of the very pronounced animosity which has for long existed between Czech and German, it is in regard to them that the most serious difficulties may be apprehended. In view of this, it is perhaps remarkable that no special provisions have been inserted in the Treaty providing for the equitable treatment of the Germans. It may be presumed that the reason for this omission is to be found partly in the fact that the general provisions, if honestly and properly applied, will secure to the German minority all essential rights,[1] and secondly, the problem presented by this population is so fundamental, the proper solution of it is so essential to the continued security and prosperity of the new State, that it might be wiser to throw, as far as possible, full responsibility upon the Government itself.

23. The Treaty with the Serb-Croat-Slovene State. The Treaty with Yugo-Slavia, and also that with Rumania, presented on the other hand serious difficulties which were the subject of prolonged and at times acute controversy. The two countries agreed in this, that while they might be willing to sign some such Treaty as regards the newly-acquired territories, they would certainly not do so as to their older territory, for this, they protested, would be an infringement of their rights and status as sovereign and independent communities. In particular they took exception to the introductory words of the preamble, which read as follows :

'Whereas since the commencement of the year 1913 extensive territories have been added to the Kingdom of Serbia. . . .'

(It is presumed that originally a similar clause was included in the Rumanian Treaty.) M. Pašić, on behalf of the Serb-Croat-Slovene State, maintained that the annexation of the districts won in the Balkan Wars had been fully completed before the outbreak of the European War and that, therefore, it was beyond the competence of the Conference to deal in any

[1] It must be noted that the educational privileges are not, as in Poland, limited to the Primary Schools ; the Germans therefore have the right to their own places of higher education.

way with these districts. As against this, the point was made that these annexations had never received the final and formal recognition of the European Powers; the conditions on which such recognition would have been given would doubtless have been considered by the Powers had not the European War intervened; it was still open to them to deal with this matter.

Stress was also laid on the point that the new State, which inherited all the obligations of the former Kingdom of Serbia, was still bound by the Treaty of Berlin; it was obviously very undesirable to maintain two systems side by side; it was also equally undesirable to leave this old treaty obligation standing while, at the same time, disregarding it. It was an essential point in the whole new scheme of international relations which was to be built up by the League of Nations that treaty obligations having once been made should be scrupulously adhered to. This was the correlative of the establishment of a League of Nations, for in the future all treaties were to be deposited and registered with the League of Nations and the existence of the League would provide the machinery, the want of which in the past had been so acutely felt, for modifying provisions which had become inconvenient. For this reason there was inserted in the Treaty a clause by which the Principal Allied and Associated Powers definitely discharged Serbia from her older obligations.[1] But this renunciation made it all the more essential that the new obligations which were substituted for the old should apply not only to the newly acquired territories, but to the whole of older Serbia.

24. *The Macedonian Question.*[2] Regarded not from the point of view of form and legality, but of practical expediency, there were very urgent reasons why the Conference should not give way upon this matter. It was generally agreed that the old Kingdom of Serbia had fully carried out both in the letter and the spirit the obligations undertaken under the Treaty of Berlin and no complaints had been received on this score. It was, however, notorious that the territories acquired in 1913, which included Macedonia and districts

[1] 'The Principal Allied and Associated Powers, taking into consideration the obligations contracted under the present Treaty by the Serb-Croat-Slovene State, declare that the Serb-Croat-Slovene State is definitely discharged from the obligations undertaken in Article 35 of the Treaty of Berlin of July 13, 1878.' [This should be compared with Articles 9 and 12.] (See Appendix IV.)

[2] *v.* also Vol. IV, Chap. VII, § 2, p. 433.

inhabited by Albanians, had a population of so composite a character that here above all some kind of safeguard seemed desirable in the interests of Serbia herself, and certainly for the general pacification of the Balkans. In the Treaty of Constantinople, by which Macedonia had been handed over by Turkey to Serbia, there were clauses securing to the Mussulman population fullest freedom for the continued use of their religion; but on the other hand, nothing was said about the Christians, and unfortunately in the past the feeling between the different Christian races inhabiting Macedonia had been much more bitter than that between the Christians and the Mussulmans. There was in fact no district in Europe with regard to which it was so essential that a guarantee should be given as to the treatment of the population; if no special clauses were inserted, the least that could be done was to give to the people the same protection as was being awarded to the Germans and Ruthenians in Poland. It was impossible for the Conference to recede from the position they had taken up; the Serb-Croat-Slovene Delegation were at this time also not prepared to surrender their point, and in consequence when the time came for the signature of the Austrian Treaty, they refused to append their signature. It was, however, eventually signed on the 5th December 1919.

The text of the Treaty as finally signed calls for no special comment. The clauses about the Jews are omitted, but in place of them there is inserted a special article dealing with the Mohammedans, an article which was also reproduced in the Greek Treaty. It may be noted that this goes much less into details and is much less stringent than the similar clauses which were placed in the Treaty of Constantinople between Serbia and Turkey.

25. *The Treaty with Rumania.* The history of the Rumanian Treaty is very similar to that of the Serb-Croat-Slovene Treaty. The Rumanians also refused at first to sign and a prolonged controversy ensued. For other reasons the relations between Rumania and the Peace Conference were in the autumn of 1919 very strained and the discussion as to the Minorities Treaty was involved in the general settlement, the stages of which are explained in Vol. IV, Chapters II and IV, pt. II. Like the Yugo-slav Treaty it was eventually signed on the 5th December 1919.

As a result of these discussions considerable modifications were made in the text of the Treaty. It is noticeable first of all that the clause freeing the Rumanians from the obligations entered into at the Congress of Berlin was at the request of the Rumanian Government eliminated.[1] The attitude of the Rumanians on this point is not easy to understand. They seem to have regarded the whole system with such dislike that they repudiated any reference to it and they carried this attitude to such a degree that they would not accept even a formal discharge from their obligations; they preferred to act as if they did not exist.

In addition to this, special clauses relating to the Jews, similar to those in the Polish Treaty, were cut out, but as a substitute for them there was incorporated a clause:

> 'Rumania undertakes to recognise as Rumanian nationals *ipso facto* and without the requirement of any formality, Jews inhabiting any Rumanian territory, who do not possess another nationality.'

By this the problem of the treatment of the Rumanian Jews, which has for forty years occupied their co-religionists in other countries, has, it may be hoped, been finally and definitely settled. Special clauses were introduced into the Treaty securing to the isolated communities of the Szeklers and the Germans of Transylvania local autonomy in matters of education and religion.

[1] A careful perusal of the published text of the Treaty shows traces of this; in the English version the word 'and' has been left at the end of the second paragraph of the preamble, showing that there were other clauses, which have now disappeared.

TABLES AND SUMMARIES

I. STATISTICAL TABLES

TABLE I. DISMEMBERMENT OF AUSTRIA.
" II. DISMEMBERMENT OF HUNGARY.
" III. YUGO-SLAVIA.
" IV. RUMANIA.
" V. CZECHO-SLOVAKIA.
" VI. POPULATIONS AFFECTED BY MINORITIES TREATIES.

TABLE I. DISMEMBERMENT OF AUSTRIA

THE statistical tables which are appended are based upon the official census returns for 1910. Various adjustments have been made. In the case of the Hungarian figures the numbers of Magyars and Germans who are in reality Jews have been estimated and deducted from the numbers of Magyars, &c., officially recorded in the census; at the same time the numbers under rubric Jews are inserted in their correct place in the table as one of the peoples of Hungary. The values are given in round numbers for two reasons: the new frontiers are not known with precision, while the changes in population since 1910, both those due to natural causes and those consequential upon warfare, render the 1910 values somewhat inaccurate.

(Census of 1910. Population in thousands.)

To:	*Germans.*	*Czechs.*	*Yugo-slavs.**	*Italians.*	*Poles.*	*Ruthenes.*	*Jews.*
Austria	..	..	80	..	..	..	..
Czecho-Slovakia	3,486						
Yugo-slavia	72		408	7	..	..	..
Italy	229		480	365	..	..	..
Poland (W. Galicia)	..		..	..	2,360	70	232
Rumania†	168		..	..	36	305	273
Unassigned, but taken from Austria (E. Galicia)	..	..	..	..	1,441	3,138	640

* Slovenes mainly in Carniola, and Croats in Dalmatia.
† i.e. Bukovina.

NOTE.—Area of New Austria excluding West Hungary (Table II), 86,000 sq. km.

TABLE II. DISMEMBERMENT OF HUNGARY

This is based upon the details of the Hungarian Census for 1910. The new boundaries were marked upon a large-scale map and the villages which have fallen into the new areas were tabulated and the totals embodied in the table. At the same time an attempt has been made to disentangle the Jews from the mass of 'nationalities' where they are recorded mainly as Magyars and Germans by using the religious statistics; the results tabulated incorporate the figures obtained by a much more detailed study which involved the consideration of the four censuses taken since 1880.

The values tabulated are expressed in round numbers and indicate, on broad lines, that the principle of nationality has been effectively applied to the cases of the Slovaks, Yugo-slavs, and Rumanians, but not to that of the Magyars. It was absolutely impossible to apply it to the Germans except in Western Hungary. The Magyars in Hungary are but two-thirds of the Magyar total, they could not expect to include the Szeklers of Transylvania, but in other districts there is no doubt that a frontier drawn somewhat differently would have left the Magyars largely under one political allegiance. It is probable that the numbers of Magyars indicated in the table as inhabitants of Czecho-Slovakia are in excess of the facts now (1921) as the Census is ten years old and the urban Magyars—officials in many cases—will have left their former homes, but the new boundary of Hungary in the north and east is well within the territory inhabited by Magyars and Magyars only.

			Population in Thousands.								
Shares of the New States.	*Area in square km.*	*Per cent. of total population.*	*Total.*	*Magyars.*	*Germans.*	*Jews.*	*Slovaks.*	*Rumanians.*	*Ruthenes.*	*Yugo-slavs.*	*Others.*
Hungary . .	91,100	36	7,540	6,250	480	460	180	50	—	50	70
(Budapest) .	—	(4)	(880)	(583)	(48)	(204)	(20)	(3)	—	(7)	(15)
Austria* . .	4,100	2	330	25	235	20	—	—	—	50	—
Czecho-Slovakia	61,600	17	3,560	955	120	270	1,720	10	430	5	50
Yugo-slavia .	62,800	20	4,200	560	460	40	60	70	10	2,850	150
Rumania . .	101,900	25	5,210	1,550	520	138	10	2,820	20	50	102
Fiume . .	54	—	50	5	2	2	—	—	—	15	26
	321,554	—	20,890	9,345	1,817	930	1,970	2,950	460	3,020	398

* i.e. West Hungary.

TABLE III. YUGO-SLAVIA

Germans, Yugo-slavs and Italians assigned to Italy, under Treaty of London, Wilson line, &c., Treaty of Rapallo

1. *Treaty of London*

	Italians.	*Yugo-slavs.*	*Germans.*
(*a*) Trentino	360,994		13,916
Central Tyrol	16,510		215,345
	377,504		229,261
(*b*) Carinthia . . . . Stated to be negligible.			
Trieste	118,959	59,319	
Gorizia } Gradisca }	90,119	154,750	
Istria (including Lussin & Cherso) .	147,417	223,318	
Western Carniola		40,000	
	356,495	477,387	
(*c*) Northern Dalmatia (including all islands except Arbe, Veglia and Brazza)	13,859	274,184	
To Italy	370,354	751,571	

2. (a) *Wilson line as in Memoranda of 14th and 23rd April 1919*

This is obtained by making the following deductions from the Treaty of London line:

	Italians.	*Yugo-slavs.*
Northern Dalmatia and islands	13,859	274,184
Carniola		40,000
Cherso	2,296	5,714
Lussin	7,588	4,370
Albona	2,396	14,305
Volosca, Castelnuovo	953	47,870
	27,092	386,443

	Italians.	*Yugo-slavs.*
Giving to Italy under the Wilson line	343,262	365,128

NOTE.—Fiume was to be internationalized.

(b) *Wilson line as modified in 9th December 1919 Memorandum*

	Italians.	*Yugo-slavs.*
	343,262	365,128
To Italy: Add Albona		40,000
Parts of Volosca		
Lissa	92	9,943
and Lussin	7,588	4,370
	350,942	419,441
NOTE.—City of Fiume to form part of the independent buffer-state of Fiume	40,000	200,000

3. *14th January 1920 Revised Proposals*

These represent the Treaty of London line less Cherso, Northern Dalmatia and islands, but including Lissa and Lagosta as well as the contiguous strip to Fiume.

	Italians.	*Yugo-slavs.*
Istria, Gorizia, Carniola, &c. (less Cherso)	354,299	471,673
Add Lissa	92	9,943
Lagosta and Pelagosa	—	1,384
Strip contiguous to Fiume	—	1,000
To Italy	354,391	484,000

NOTE.—Fiume to be independent under the League—contiguous strips ceded to Italy.

4. *Rapallo Treaty, 12th November 1920*

	Italians.	*Yugo-slavs.*
Istria, &c.	354,381	484,000
Add Zara	11,000	6,000
	365,381	490,000
Deduct Lissa	92	9,943
Strip contiguous to Fiume	—	1,000
To Italy	365,289	479,057

5. *Free State of Fiume. Census of 1910.*

City of Fiume:		These were made up as follows:	
Population	49,806	Magyars	6,493
Deduct Garrison	(1,314)	Germans . .	2,315
	48,492	Slovaks . .	192
		Rumans . .	137
		Serbs and Croats .	13,351
		Others (i.e. Italians)	27,318
			49,806

Strip contiguous to Fiume.

Yugo-slavs	1,000

NOTE.—Šušak, the suburb of Fiume, is ceded to Yugo-slavia. Its population (1910) was: Italians, 1,500; Yugo-slavs, 11,000.

Summary of Results. (*Census of 1910.*)

	Italians.	*Yugo-slavs.*	*Germans.*
(1) *Treaty of London:*			
(*a*) Trentino, Tyrol, &c. . .	377,504		
(*b*) Istria, &c.. . . .	356,495	477,387	
(*c*) Dalmatia, including islands	13,859	274,184	
	370,354	751,571	229,261
(2) *Wilson line:*			
(*a*) 14th and 23rd April 1919 . .	343,262	365,028	
(*b*) As modified 9th Dec. Memorandum	350,942	419,441	
(3) *14th Jan. 1920 Revised Proposals* . .	354,391	484,000	
(4) *Rapallo Treaty*	365,289	479,057	
(5) *Free State of Fiume and contiguous strip*	27,318	1,000	

6. *Territory and populations claimed by and assigned to Yugo-slavia in Hungary (excluding Croatia-Slavonia) and in Austria (east of road from Klagenfurt to Laibach).* (*Census of 1910.*)

(Population in thousands.)

(1)	(2) *Surface.* (sq. km.)	(3) *Total population.*	(4) *Slavs.*	(5) *Others.*	(6) *Magyars.*	(7) *Germans.*	(8) *Rumans.*	(9) *Total non-Yugo-sla*
HUNGARY: *								
Claimed	37,893	2,592	608	172	893	631	288	1,984
Assigned	21,000	1,680	567	225*	484	337	70	1,113
AUSTRIA: †								
Claimed	8,014	615	451			150		
Assigned	6,095	490	408			72		

* Excluding Croatia-Slavonia. Item no. 5 (others) includes about 60,000 Slavs not recognized as such in 1910 census.

† To the east of the road from Klagenfurt to Laibach.

7. *Total Population of Yugo-slav State.* (*Census of 1910.*)

(Population in thousands.)

Kingdom of Serbia	4,550
Croatia-Slavonia	2,622
Bosnia, &c.	1,898
Dalmatia	950
Parts of Hungary	1,680
Slovenia	1,500
Montenegro	435 *
	13,635

* Figure of 1920.

TABLE IV. RUMANIA

Territory and Populations claimed by and assigned to. (*Census of 1910.*)

1. *Rumanian Acquisitions in 1913.*

(Population in nearest thousands.)

	Surface. sq. km.	*Population.*	*Rumans.*	*Others.*
Rumania in 1912	131,353	7,234	6,934	300
Acquired by Treaty of Bucharest, 1913	7,630	273	6	267
	138,983	7,507	6,940	567

2. *Claimed and Acquired under Austrian and Hungarian and Bessarabian Treaties, 1919–20.*

(Population in thousands.)

District.	*Surface.* sq. km.	*Total population.*	*Rumans.*	*Ruthenes.*	*Germans.*	*Poles.*	*Magyars.*	*Others.*	*Total non-Rumans.*
Bukovina:									
Claimed / Assigned	8,796	794	273	305	168	36	10	1	521
Transylvania and adjacent counties:									
Claimed	93,222	4,956	2,336		318	—	2,121	179	2,620
Assigned	84,000	4,294	2,310	20	294	—	1,475	195	1,984
Banat:									
Claimed	28,522	1,582	592		387	—	242	358	990
Assigned	19,000	922	516		226	—	75	105	406
Bessarabia (Census of 1912):						*Poles & Russians,*			
Claimed / Assigned	44,000	2,583	1,710	285	62	138 *Bulgars,* 52	—	94 *Jews,* 242	873
Total:									
Claimed	174,540	9,917	4,911	610	935		2,373	1088	5,006
Assigned	155,796	8,593	4,809	610	750		1,560 *	864	3,784

* Including Jews (cp. Table II).

3. *Summary.*

	Surface. sq. km.	*Total population.*	*Rumans.*	*Non-Rumans.*
Total acquired previous to 1914 .	138,983	7,507	6,941	567
Total in 1920 . . .	295,371	16,101	11,750	4,351

TABLE V. CZECHO-SLOVAKIA

1. *Populations assigned to.* (*Census of 1910.*)

(Population in nearest thousands.)

	Czechs.	*Slovaks.*	*Germans.*	*Magyars.*	*Ruthenes.*	*Poles.*	*Total.*	*Religious statistics.*	
Bohemia, Moravia, Silesia *	6,135†		3,486		1	157	9907	11,713 R.C. 591 Uniat	Cath. 12,305
Slovakia		1,897	198	901	111	9	3116	587 Luth. 344 Calv.	Prot. 931
Ruthenia		4	62	169	319		572	362	Jews.
Hlubčice‡ (Leobschütz) (Silesia)	6		34			1	41	39	*Others.*
	6,141	1,901	3,781	1,071	432	167	13,636		

Note. Populations, not specifically mentioned, included in general total.

2. *Summary.*

	Territories. (sq. km.)	*Population.*
Claimed . . .	148,983	14,191,338
Assigned . . .	140,576	13,636,390 ‖

* Includes Vitovar, Valčice, Ratibor, and Teschen and Zips areas assigned to Czecho-Slovakia.
† No distinction between Czechs and Slovaks, Jews not separated as in Table II.
‡ Inclusion dependent on future plebiscite in Upper Silesia (based on *Manuel statistique de la Rép. Tchècoslovaque*, i, p. 95, 1920).
‖ Includes Hlubčice and Teschen.

TABLE VI. POPULATIONS AFFECTED BY MINORITIES TREATIES.

(*Census of 1910.*)

(Population in thousands.)

	Total population.	*Germans.*	*Magyars.*	*Jews.*	*Rumanians.*	*Yugoslavs.*	*Ruthenes*
Poland . . .	(boundaries undefined)			70*			3,138 *
Serb-Croat-Slovene State † .	13,535	532	560	40	70		10
Rumania	16,101	789	1,560	138		50	610
Czecho-Slovakia . .	13,636	3,781	1,071	?	10	5	432
	43,272	5,102	3,191	248	80	55	4,190

* In military occupation of Poland but not assigned to her (i. e. East Galicia only).
† There are some 600,000 Mussulmans in Bosnia, &c., and probably 150,000 in Montenegro.

II. EXECUTION OF NAVAL AND SHIPPING CLAUSES OF AUSTRIAN, HUNGARIAN, AND BULGARIAN TREATIES

A. DISPOSAL OF AUSTRO-HUNGARIAN NAVY AND COMMERCIAL FLEET

(For general principles of Naval Clauses in Treaties, *v.* Volume II, pp. 141–58.)

1. *Austro-Hungarian Navy.* (Austria, Arts. 136–43, this Vol., pp. 212–3; Hungary, Arts. 120–7, this Vol., pp. 212–3.)

15 Battleships surrendered	to be broken up:	Great Britain 6, Italy 4, France 3; 2 converted into pontoons.
2 Cruisers "	" "	Great Britain 2.
9 Light Cruisers	" "	Great Britain 6.
" "	for incorporation:	Italy 2, France 1.
19 Destroyers	to be broken up:	Italy 8, France 2.
"	for incorporation:	Italy 7, France 1, Greece 1.
51 Torpedo-Boats (High Sea)	to be broken up:	Great Britain 20, Italy 1.
	for police duties:	Yugo-slavia 12, Rumania 7, Greece 6, Portugal 5.[1]
37 Torpedo-Boats		
10 Torpedo-Gunboats		
5 Mining Vessels	surrendered to be broken up.	
3 Mine Dépôt Ships		
2 Submarine Dépôt Ships		
1 Salvage-Tug surrendered	for incorporation:	Italy 1.
10 Monitors "	" "	Yugo-slavia 4, Rumania 3, Danube Commission 3.[2]

Remaining to Austria and to Hungary.

8 Patrol-Boats for police duties: Austria 4, Hungary 4.
(*v.* Answer to Sir W. Howell Davies, House of Commons, 21st April 1921.)

2. *Distribution of Austro-Hungarian Commercial Fleet.* (*v.* Austria, Part VIII, Annex III, this Vol., pp. 227–8; *v.* Hungary, Part VIII, Annex III, this Vol., pp. 227–8.)

Total tonnage of ex-Austrian and ex-Hungarian vessels over 2,000 tons gross, about 700,000 tons. 'The whole of this tonnage is under Italian management, with the exception of about 61,000 tons, which is under the temporary management of France. Up to the present the Reparation Commission have only allotted 21 ex-Austrian vessels of 104,449 tons for final ownership, the whole of this amount being allotted to Italy.' (*v.* Answer to Sir W. Howell Davies, House of Commons, 14th April 1921.)

B. DISPOSAL OF BULGARIAN NAVY AND COMMERCIAL FLEET

(1) *Bulgarian Navy.* (*v.* Bulgaria, Arts. 83–8, this Vol., pp. 322–3.)

Left to Bulgaria	4 Torpedo-Boats (3 damaged) to be used for police purposes and armament limited to one light gun.
" "	6 Motor-Boats (4 damaged).

[1] Two in bad condition. [2] To be converted into pontoons.

Otherwise disposed of 1 gunboat, sold for benefit of Allied and Associated Powers.
" " 1 Submarine, allocated to Great Britain and to be sold for her benefit.

(2) *Bulgarian Commercial Fleet.*

No treaty provision for distribution among Allied and Associated Powers. (*v.* Answer to Sir W. Howell Davies, House of Commons, 28th April 1921.)

III. RECOGNITION OF NEW STATES SINCE 1913

A. NOTE ON RECOGNITION OF CERTAIN STATES (POLAND, SERB-CROAT-SLOVENE STATE, CZECHO-SLOVAKIA)

1. *Recognising Authorities.* The doctrine of recognition of states has always been somewhat disputed, but it has usually been admitted that recognition of a new state by an important state is bound ultimately to involve recognition by the general family of nations. But, at present, both the Supreme Council and the League of Nations possess great authority for the purpose of recognising states, and yet sometimes conflict with one another in their use of it. E.g. Esthonia and Latvia were refused admission to the League by the Assembly on the 17th December 1920, but received recognition *de jure* from the Supreme Council on the 26th January 1921. Albania was admitted to the League on the 17th December 1920, but so far (end March 1921) she has not been recognised *de jure* by the Supreme Council or by any important state.

No attempt can be made here to solve these difficulties, but a short description will be given of the circumstances attending the recognition of Poland, the Serb-Croat-Slovene State and Czecho-Slovakia, which raise some new and important points.

2. *Three Conditions necessary to the Existence of a State.* According to doctrines generally accepted in international law 'statehood itself is independent of recognition'.[1] The existence of the state itself is a question of fact, but recognition is necessary to admit a state into the common family of nations, for international law cannot take notice of an unrecognised state. The conditions necessary for the existence of a state have been much disputed, but on three there is universal agreement among international lawyers. A state must have (*a*) a definite territory, (*b*) a population inhabiting this territory, and (*c*) a sovereignty exercised on this territory, both internally in the sense of being imposed on the inhabitants of the territory by legal measures, and externally in that it is not interfered with and rendered impossible in fact, or irregular in law, by the sovereignty of another state.

During the late war certain utterances were made by the Allied (or Enemy) Powers with a view to creating or assisting the formation of a state by propaganda, and these utterances have been, inaccurately,

[1] *v.* Oppenheim, *International Law*, 1905, Vol. I, p. 110; *v.* also Hall, *International Law* (7th edition), 1917, pp. 85–8; T. J. Lawrence, *Principles of International Law* (1898), pp. 84–90; and A. S. Hershey, Article in *American Journal International Law*, October 1920, who gives full reference to American authorities.

termed recognition. In fact recognition only becomes operative when the above-named three conditions are fulfilled.

3. *Poland.* A case might be made out to show that Poland had received recognition before the war had ended, because public utterances were made before the end of the war by the Powers, whether Central or Allied, of her right to independence.[1] It would appear, however, that her internal conditions were unstable. On the 5th November 1916 the independence of Russian Poland had been declared by Germany and Austria-Hungary. But the Polish Regency Council, which ruled Russian Poland, was certainly under German or Austro-Hungarian control until the 11th November 1918, and, after that date, a period of something like anarchy ensued, which was certainly not ended until the 30th December 1918. Consequently, Poland did not, in fact, fulfil the conditions of a state until that date, or perhaps until some days later. It might reasonably be held that the formal admission of Poland's plenipotentiaries to the Peace Conference (18th January 1919)[2] was the earliest date at which such recognition really came into force. Some authorities even place that date as late as the signature of the German treaty (28th June 1919). The Polish boundaries are not even yet everywhere defined.

4. *Serb-Croat-Slovene State.* This case presents more difficulty because Serbia was already a sovereign independent state, and the question arises as to when the new state, remodelled and including the three races, came into existence. It could hardly be said that a substantial part of both Croat and Slovene territory was under the control of the Serb-Croat-Slovene Government until the petitions and representatives of these areas reached Belgrade, and the Regent signified his assent to union by decree (1st December 1918), confirmed by Act of Serbian Skupshtina in conjunction with a national representative convention (16th December 1918), and till a combined national and representative ministry was appointed.[3] Much of the Slovene and Croat territory was, by that time, liberated. The Great Powers, however, refused to admit Serb-Croat-Slovene plenipotentiaries to the Peace Conference (18th January 1919), recognising them as purely Serbian representatives. The United States recognised the Serb-Croat-Slovene State on the 5th February. On the 1st May credentials for the German treaty were verified, and these were accepted in the name of the Serb-Croat-Slovene State, not of Serbia. This was done in the absence of Italy, but on the 2nd and 6th June respectively Great Britain and France publicly recognised the new state, and the recognition of Italy and all other signatory Powers of the treaty with Germany must date from the signature of that treaty (28th June 1919), which mentions the Serb-Croat-Slovene State by name in the Preamble and in certain articles thereof. In practice, however, recognition would appear to have been really accorded on the 1st May.

In this case, owing to the opposition of Italy, the recognition of a new state was deferred beyond the time at which it had, in fact,

[1] *v.* References and Quotations, Vol. I, pp. 181, 183–4, 199.

[2] Most international lawyers would think this enough, for the form of recognition does not matter. 'Any act is sufficient which indicates intention', *v.* T. J. Lawrence, *International Law* (1898), p. 98.

[3] For the special case of Montenegro, *v.* Vol. IV, pp. 201–4.

fulfilled the three necessary conditions required. The time at which these were fulfilled was evidently on the 1st or 16th December 1918.

5. *Czecho-Slovakia.* This case presents almost as great a difficulty as that of Poland. For though at different times various Powers recognised the existence of a Czecho-Slovak army, of a provisional government and even of a nation, and recognised them also as belligerents, these actions do not necessarily involve, at least in international law, the recognition of the Czecho-Slovak State. That depended on the legal situation in 1914 and on its alteration by events up to and during 1918. It is quite impossible to contend that the Kingdom of Bohemia, the Markgraviate of Moravia, etc., were separate states in 1914, though the Austrian and Czecho-Slovak Governments have both made such contentions. Even less is it possible to contend thus with regard to the Slovak area of Hungary. These different regions were not under a single administrative head and possessed no proper and single sovereignty. It is true that there was mutiny among Czech regiments, and insurrection among Czech subjects, but neither movement achieved the liberation of Czech, and still less of Slovak, territory at any time previous to the end of October 1918. On the 9th October Zahradnik, a Czech Deputy, announced that the Czech members had definitely left the Parliament of Vienna. This utterance shows that, up till then, they were not independent but a part of that Parliament. Outside Czecho-Slovakia in Paris a Czecho-Slovak National Council was formed, consisting of distinguished Czecho-Slovak exiles, and ultimately Czecho-Slovak volunteers were formed into three armies in France, Italy and Siberia. Recognition by the Allied Powers of the control of the Czecho-Slovak National Council over its army, or declarations of sympathy with Czecho-Slovak national aspirations, did little more than indicate that a Czecho-Slovak state might arise in the future, though they helped to create conditions favourable to that end.

The utterances of the Allied Powers would, themselves, show this. M. Pichon, on behalf of the French Republic, in a letter of the 29th June 1918, recognised 'publicly and officially the (Czecho-Slovak) National Council as the governing organism of the general interests and as the *just basis of the future Czecho-Slovak Government*'. Mr. Balfour, on the 9th August 1918, wrote: 'Great Britain regards the Czecho-Slovaks as an allied nation . . . recognises the unity of the three Czecho-Slovak armies as an allied and belligerent army . . . recognises the rights of the Czecho-Slovak National Council, as the supreme organ of the Czecho-Slovak national interests, and *as the present trustee of the future Czecho-Slovak government*.'[1] On the 2nd September 1918 (published 3rd) President Wilson went further: 'the Czecho-Slovaks *having in the prosecution of their struggle for independence in the present war confided* the supreme political authority to the Czecho-Slovak National Council, the Government of the United States recognises *that a state of belligerency exists between the Czecho-Slovaks thus organised and the German and Austro-Hungarian Empires*'.

It has been claimed for all these utterances, and more particularly for the last, that they constituted a recognition of an independent Czecho-Slovak state. It is, however, obvious from the italicised

[1] Published 11th August 1918.

passages that they did nothing of the sort, and that they all struck a futurist note, recognising only the efforts of armies and the existence of an embryonic government striving to achieve independence. For it was true even on the 3rd September 1918 that the independence of Czecho-Slovakia depended on the victory of the Allies.

On the 15th October 1918 M. Pichon struck a new and important note at the moment at which the Czecho-Slovak National Council of Paris issued its decree of independence. He published a statement that he 'unreservedly recognises . . . the new government and adds an expression of his profound satisfaction'.[1] A similar utterance was made by Baron Sonnino on the 24th October 1918. These utterances are definite, and the verbal recognition is practically complete, but the condition of statehood and of national independence remained to be achieved. There had not been a *de facto* liberation of the territory and population of the Czecho-Slovak State.[1]

It does not appear that this liberation had already taken place. On the 1st November all Hungarian troops were ordered to lay down their arms; on the 3rd November Austria-Hungary signed an armistice with the Powers. It was not till the 5th November 1918 that the Czech deputies from the National Council of Paris arrived at Prague, or that the first session of the National Committee took place, which was in fact the first appearance of a provisional government and assembly sitting in the capital of the areas liberated and in direct connexion with the National Council of Paris. It would appear therefore that this liberation of territory could not have taken effect till the 28th of October, and perhaps not until the 5th November.

As regards recognition therefore it seems safe to contend that all the utterances of the Powers, previous to the 28th of October or the 5th November, were in truth anticipations of the fact of statehood and not a recognition of a *fait accompli*. It cannot be contended that any of these utterances coincided with the actual fact of liberation. It might, however, be held that some of them [particularly the utterances of Mr. Balfour (9th August), President Wilson (3rd September), M. Pichon (15th October) and Baron Sonnino (24th October)] came into force as a recognition of the Czecho-Slovak State at the moment that the actual liberation was accomplished (28th of October or 5th November). If that hypothesis be not adopted, full, final, and complete recognition was accorded on the 18th January 1919 by admission of Czecho-Slovak Plenipotentiaries to the Plenary Session of the Peace Conference.[2]

April 6, 1921.

[1] In response to a note of M. Beneš, Secretary of the Czecho-Slovak National Council, M. Pichon quotes three incidents subsequent to President Wilson's utterance of the 3rd September 1918: (i) constitution of a National Council in agreement with chiefs left behind in Czecho-Slovakia, i.e. of a provisional government; (ii) announcement of Deputy Staněk in Parliament of Vienna that the Czech Parliamentary Club had summoned the National Council at Paris to represent the Czecho-Slovak nation at the Peace Conference; (iii) utterance of Zahradnik (9th October 1918) above quoted. These three incidents show that, in fact, M. Beneš conceived the situation as altered in favour of the independence of Czecho-Slovakia by events subsequent to the 3rd September 1918.

[2] On 15th April 1921 the Reparation Commission stated the date of Czecho-Slovakia's belligerency (and consequently their opinion of the date of her independence) as 28th October 1918 (cp. Vol. IV, p. 113, for events in Prague on that day).

B. LIST OF RECOGNITION OF NEW STATES, ADMISSION TO LEAGUE, TERRITORIAL CHANGES, ETC. RECOGNISED TO END OF MARCH 1921 [1]

Abbreviations used: U.S.A. (United States); G.B. (Great Britain); Fr. (France); It. (Italy); S.C. (Supreme Council); L. of N. (League of Nations).

	DATES
Albania ..	Resolution Ambassadors' Conference 29 July 1913 (independence); admitted L. of N. 17 Dec. '20.
Austria (new Govt. and territorial changes)	Austrian Treaty 10 Sept. '19, admitted L. of N. 16 Dec. '20.
Belgium (new status)	German Treaty 28 June '19.
Bessarabia (transferred to Rumania)	Bessarabian Treaty 28 Oct. '20 (U.S.A. not a party).
Bulgaria (new Govt. and terrl. changes)	Bulgarian Treaty 27 Nov. '19; admitted L. of N. 16 Dec. '20.
Costa Rica (not admitted Peace Conf.)	Admitted L. of N. 16 Dec. '20.
Czecho-Slovakia	S.C. (Plenary Session of Conf. 18 Jan. '19).
Danzig (Free City of)	German Treaty 28 June '19, S.C. Act 27 Oct. '20, accepted by Danzig 9 Nov. '20.
Dodecanese (Terrl. changes) ..	Turkish Treaty 10 Aug. '20 (Cession to Italy; Greco-Italian Treaty cedes De. to Greece 10 Aug. '20).
Esthonia	*de facto* G.B. 3 May '18; commercial agreement 20 July '20: not admitted L. of N. 16 Dec. '20; *de jure* S.C. 26 Jan. '21.
Finland	*de jure* G.B. 5 May '19; admitted L. of N. 16 Dec. '20.
Fiume (Free State)	Rapallo Treaty (It. and S.C.S. State), 12 Nov. '20; G.B. 14 Feb. '21.
Hungary (new Govt. and terrl. changes)	Hungarian Treaty 4 June '20. 'Certain frontiers' (transfer of terry. from P.A. and A. Powers) and 'New States' Treaties 10 Aug. '20.
Latvia	*de facto* G.B. 11 Nov. '18; not admitted L. of N. 16 Dec. '20; *de jure* S.C. 26 Jan. '21.
Liechtenstein	Not admitted L. of N. 17 Dec. '20.
Lithuania	Not admitted L. of N. 16 Dec. '20.
Luxemburg (new status) ..	German Treaty 28 June '19; admitted L. of N. 16 Dec. '20.
Memel	German Treaty 28 June '19 (status not defined).
Montenegro (new status) ..	26 Nov. '18 Podgorica Assy. deposes King Nicholas and sends petn. for union to Serb Regent, who issues decree 1 Dec. confirmed by Act of Assembly 16 Dec. '18; G.B. cancels exequaturs of Montenegrin consuls in view of union 17 Mar. '21.

[1] Recognition of New States and territorial changes, etc., in Asia and Africa reserved for Vol. VI.

Poland	S.C. (18 Jan. '19) admission to Plenary session of conference; *de jure* G.B. 28 Feb. '19; German Treaty 28 June '19.
Russia—Soviet	*de facto* G.B. Commercial agrt. 16 Mar. '21.
Saar Territory	German Treaty 28 June '19.
Serb-Croat-Slovene State ..	U.S.A. 5 Feb. '19; S.C. (in absence of Italy) verification of credentials 1 May '19; G. B. 2 June '19; Fr. 6 June '19; It. (in German Treaty 28 June '19).
Schleswig (transfer of territory from P.A. and A. Powers to Denmark)	Slesvig Treaty (5 July '20), U.S.A. not a party.
Ukraine	Not admitted L. of N. 17 Dec. '20.
West Indies (Danish)	U.S.A. note of cession by Denmark 7 May '17.

IV. LIST OF TREATIES, AGREEMENTS, ETC.

CONCLUDED BY ALLIED AND ASSOCIATED POWERS, ETC. WITH RATIFICATIONS

A 1. TREATIES, ETC., IN FORCE. (Dates are those of coming into force.)

(*a*) Covenant of League (10 Jan. 1920).

The Three Main Treaties.

(*b*) German (10 Jan. 1920). (*c*) Austrian (16 July 1920). (*d*) Bulgarian (9 Aug. 1920).

Three Treaties connected with Three Main Treaties.

(*e*) Slesvig (15 Dec. 1920). (*f*) 'Little Entente' (22 Sept. 1920). (*g*) Rapallo (2 Feb. 1921).

The Four Minorities Treaties.

(*h*) Poland (10 Jan. 1920). (*i*) Czecho-Slovakia (end of 1920). (*k*) Serb-Croat-Slovene (end of 1920). (*l*) Rumania (end of 1920).

A 2. AGREEMENTS, ETC., IN FORCE. (Dates are those of coming into force.)

(*a*) *General* (i) Convention for Aerial Navigation.
(ii) Six Draft Conventions and Recommendations *re* International Labour.
(iii) Conventions *re* Control of Arms, Liquor, etc.

(*b*) *Germany* (i) Military Occupation of Rhine (10 Jan. 1920).
(ii) Settlement of matters arising out of Art. 297 (31 Dec. 1920).

(*c*) *Austria* (i) Agreement as to Italian Reparation Payments (16 July 1920).
(ii) Declaration modifying above (16 July 1920).
(iii) Agreement *re* cost of Liberation of territory of old Austro-Hungarian Monarchy (16 July 1920).
(iv) Declaration modifying above (16 July 1920).

(*d*) *Poland and Czecho-Slovakia.* Teschen Agreement (28 July 1920).

(*e*) *Greece and Bulgaria.* Convention dealing with reciprocal emigration (9 Aug. 1920).

Ratification. Dates usually those of British ratification and of deposit or exchange of ratifications.

B 1. TREATIES SIGNED BUT NOT IN FORCE. (Dates are those of signature.)

(*a*) *Germany*. Assistance to France in event of unprovoked aggression by Germany (28 June 1919).

(*b*) *Hungary*. Treaty of Peace (4 June 1920).

(*c*) *Rumania*. Bessarabian Treaty (28 Oct. 1920).

(*d*) (*e*) *East European States*.

(*d*) Certain Frontiers' Treaty } 10 Aug. 1920.
(*e*) New States' Treaty

A 1. TREATIES IN FORCE.

(*a*) Covenant of League of Nations

Signed by all signatories of German Treaty (*v.* next page) except China, which signed and ratified the Covenant as contained in the Austrian Treaty and thus became a member of the League on 16 July 1920. As the United States and the Hedjaz and Ecuador have not ratified any Treaty they are not therefore members of the League. Germany is not a member.

The following States were invited to accede and acceded to the Covenant:[1]

Argentine Republic	18 July 1919 (withdrew 4 Dec. 1920.).
Chile	4 Nov. 1919.
Columbia	16 Feb. 1920.
Denmark	8 March 1920.
Netherlands	9 March 1920.
Norway	5 March 1920.
Paraguay	26 Dec. 1919.
Persia	21 Nov. 1919.
San Salvador	10 March 1920.
Spain	10 Jan. 1920.
Sweden	9 March 1920.
Switzerland	8 March 1920.
Venezuela	3 March 1920.

The Covenant came into Force 10 Jan. 1920.

(For text, *v.* Vol. III, pp. 111–23.)

The following States have subsequently been admitted as members of the League:

Albania	17 Dec. 1920.
Austria	16 Dec. 1920.
Bulgaria	16 Dec. 1920.
Costa Rica	16 Dec. 1920.
Finland	16 Dec. 1920.
Luxemburg	16 Dec. 1920.

[1] List given in *League of Nations Official Journal*, July–Aug. 1920, p. 300.

A 1. THE THREE MAIN TREATIES IN FORCE

Signatory Powers.	(b) GERMANY. Signed at Versailles 28 June 1919. Date and deposit of ratification.	(c) AUSTRIA.* Signed at St. Germain-en-Laye 10 Sept. 1919. Date and deposit of ratification.	(d) BULGARIA. Signed at Neuilly on Seine 27 Nov. 1919. Date and deposit of ratification.
United States	Not ratified	Not ratified	Not ratified
British Empire: Great Britain, Canada, Australia, Union of S. Africa, New Zealand, India	10 Jan. 1920	16 July 1920	9 Aug. 1920
France	10 Jan. 1920	16 July 1920	9 Aug. 1920
Italy	10 Jan. 1920	16 July 1920	9 Aug. 1920
Japan	10 Jan. 1920	14 Oct. 1920	Not yet (March 21) ratified
Belgium	10 Jan. 1920	24 July 1920	9 Aug. 1920
China	Not signed or ratified	16 July 1920	Not yet (March 21) ratified
Cuba	8 March 1920	16 Aug. 1920	Not yet (March 21) ratified
Greece	30 March 1920	16 Aug. 1920	4 Sept. 1920
Hedjaz	Not ratified	Not ratified	Not ratified
Poland	10 Jan. 1920	Feb. 1921.	Not yet (March 21) ratified
Portugal	8 April 1920		
Rumania	14 Sept. 1920	(Acceded 9 Dec. 1919) 4 Sept. 1920	(Acceded 9 Dec. 1919) 4 Sept. 1920
Serb-Croat-Slovene	10 Feb. 1920	(Acceded 5 Dec. 1919) 16 July 1920	(Acceded 5 Dec. 1919) 16 Aug. 1920
Siam	10 Jan. 1920	16 July 1920	9 Aug. 1920
Czecho-Slovakia	10 Jan. 1920	16 July 1920	(Ratified by Chamber 30 Jan. 1921)
	AND GERMANY 10 Jan. 1920 CAME INTO FORCE 10 Jan. 1920 (Text *v.* Vol. III, pp. 112–336)	AND AUSTRIA 16 July 1920 CAME INTO FORCE 16 July 1920 (Text *v.* Vol. V, pp. 170 sqq.)	AND BULGARIA 9 Aug. 1920 CAME INTO FORCE 9 Aug. 1920 (Text *v.* Vol. V. pp. 305 sqq.)
	British Ratification 8 Oct. 1919. Protocol also signed 28 June 1919	*British ratification* 30 April 1920	*British ratification* 30 April 1920
	Following States also deposited ratifications for German Treaty at dates indicated: Bolivia, Brazil, Guatemala (10 Jan. 1920); Haiti (30 June 1920); Honduras (3 Nov. 1920); Liberia (30 June 1920) (with reservations as to Sec. 3, Part 10, and annex thereto *re* Debts); Nicaragua (3 Nov. 1920); Panama (25 Nov. 1920); Peru and Uruguay (10 Jan. 1920); Ecuador signed but did not ratify Treaty. * *Following States also signed Austrian Treaty*: Panama and Nicaragua (also ratified).	*Following instruments were all signed* 10 Sept. 1919. IN FORCE 16 July 1920. (i) Protocol. (ii) Declaration. (iii) Special Declaration *re* Prohibition of trade with Hungary. (iv) Protocol of Signature. (v) Reservation by Allies of rights on consequence of non-execution, etc., of Armistice.	*Following instruments were all signed* 27 Nov. 1919. IN FORCE 9 Aug. 1920. (i) Protocol. (ii) Reservation by Allies of rights belonging to them in consequence of non-execution or incomplete execution of Armistice clauses.

RATIFICATION. The following applies to German, Austrian, Bulgarian, and Hungarian Treaties. 'A first *procès-verbal* of ratifications will be drawn up as soon as the Treaty has been ratified by Germany (*or* Austria *or* Bulgaria *or* Hungary) on the one hand and three of the Principal Allied and Associated Powers on the other hand. From the date of this *procès-verbal* the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.'

A 1. THREE TREATIES CONNECTED WITH THE THREE MAIN TREATIES

	(*e*) SLESVIG TREATY BETWEEN DENMARK, GERMANY, AND PRINCIPAL ALLIED POWERS. Signed at Paris 5 July 1920.	(*f*) LITTLE ENTENTE BETWEEN CZECHO-SLOVAKIA AND SERB - CROAT - SLOVENE STATE. Signed at Belgrade 14 Aug. 1920.	(*g*) RAPALLO TREATY BETWEEN ITALY AND SERB-CROAT-SLOVENE STATE. Signed at Rapallo 12 Nov. 1920.
Signatory Powers.	Date and deposit of Ratifications.		
British Empire: Great Britain, Canada, Australia, Union of S. Africa, New Zealand, India	15 Dec. 1920	Ratifications exchanged 22 Sept. 1920	Ratifications exchanged 2 Feb. 1921
France	15 Dec. 1920	IN FORCE 22 Sept. 1920	
Italy	15 Dec. 1920	On 16 Sept. 1920. Take Ionescu stated that 'with Rumania there is as yet only an Entente', but signed agreement with Czecho-Slovakia 23 Ap. 1921 and S.C.S. State 7 June 1921.	CAME INTO FORCE 2 Feb. 1921
Japan	15 Dec. 1920		
AND GERMANY	15 Dec. 1920		
AND DENMARK AND ICELAND	15 Dec. 1920		
CAME INTO FORCE	15 Dec. 1920		
	(Text not published)	(Text *v.* Vol. IV, p. 519)	(Text *v.* Vol. V, App. IV.)
	British ratification 15 Dec. 1920. *Ratification.* Details not published, stated to be in force.	*Ratification.* Ratification is provided for in Treaty.	*Ratification* not provided for in Treaty. Recognized without reserve by British Government 14 Feb. 1921 (1921, Misc. no. 12, Cmd. 1238). Anti-Habsburg Convention also signed.

A 1. TREATIES IN FORCE. THE FOUR MINORITIES TREATIES[1]

Signatory Powers.	Treaty between Principal Allied and Associated Powers and (h) Poland. Signed at Versailles 28 June 1919. Date and deposit of Ratification.	Minorities Treaties between Principal Allied and Associated Powers (all signed at St. Germain-en-Laye 10 Sept. 1919). and (i) Czecho-Slovakia. Date and deposit of Ratification.	and (k) Serb-Croat-Slovene State. Date and deposit of Ratification.	and (l) Rumania. Date and deposit of Ratification.
United States	Not ratified	Not ratified	Not ratified	Not ratified
British Empire: Great Britain, Canada, Australia, Union of S. Africa, New Zealand, India	10 Jan. 1920	16 Aug. 1920	16 Aug. 1920	12 Jan. 1921
France	10 Jan. 1920			
Italy	10 Jan. 1920	15 Dec. 1920	15 Dec. 1920	3 March 1921
Japan	10 Jan. 1920	14 Oct. 1920	14 Oct. 1920	14 Oct. 1920
and Poland	10 Jan. 1920	and Czecho-Slovakia 16 July 1920	and S.-C.-S. State by accession 5 Dec. 1919	and Rumania ratified
	came into force 10 Jan. 1920 British ratification 8 Oct. 1919	came into force end of 1920 British ratification 15 July 1920	came into force end of 1920 British ratification 15 July 1920	came into force end of 1920 British ratification 15 Dec. 1920

(Note.—It seems clear that these treaties did not come into force on 16 July 1920 at the time of the coming into force of the Austrian Treaty, but they were evidently in force by the end of 1920.)

Ratification. 'To be ratified'; 'to come into force at the same time as the Treaty of Peace with Germany.'

The *Ratification* applies to all three Treaties. 'It (the present Treaty) shall come into force at the same time as the Treaty of Peace with Austria.' . . . 'The deposit of ratifications shall be made at Paris. . . . A *procès-verbal* of the deposit of ratifications will be drawn up. The French Government will transmit to all the Signatory Powers a certified copy of the *procès-verbal* of the deposit of ratifications.'

[1] The texts of all these four Treaties are to be found as follows: Poland, Vol. V, App. IV; Czecho-Slovakia, Vol. V, App. IV; Serb-Croat-Slovene, Vol. V, App. IV; Rumania, Vol. V, App. IV. The Minorities Treaty with Greece is not yet in force (for Text, v. Cmd. 960, Treaty Ser. 1920, No. 13).

A 2. AGREEMENTS, ETC., IN FORCE

(a) General

(i) *Convention for the Regulation of Aerial Navigation.*
Signed 13 Oct. 1919.

This Convention represents a text agreed to by all the Powers signing the German Treaty (*q.v.*), including the United States, but not including Haiti, Hedjaz, Honduras, Liberia, Nicaragua, who have not signed. Peru acceded 22 Jan. 1920.

(Text in Cmd. 670 (revised from Cmd. 266), Air Ministry 1920.)

Ratification required by Signatory Powers.

Ratified by Great Britain 11 April 1921.

(ii) *Six Draft Conventions and Six Recommendations adopted by International Labour Conference at Genoa.* 15 June–10 July 1920.

Ratification. Each member of the League that ratifies is to bring them into operation not later than 1 July 1921.

Ratified by Greece 19 Nov. 1920.

(Text in Cmd. 627. League of Nations, 1920.)

(iii) *Conventions* re *Control of Trade in Arms, revising Act of Berlin* 1885, *Convention and Protocol on Liquor Traffic.*

(Arms, etc., ratified by Greece 24 Aug. 1920 and Siam 30 March 1921; Liquor, etc., by British Empire and Belgium 31 July 1920. v. also Vol. VI.)

(b) Germany

(i) *Military Occupation of Rhine.*
Signed at Versailles 28 June 1919.

Signatory Powers.	Date and deposit of ratifications.
United States	Did not ratify
British Empire: Great Britain, Canada, Australia, Union of S. Africa, New Zealand, India	10 Jan. 1920
France	10 Jan. 1920
Belgium	10 Jan. 1920
AND GERMANY	10 Jan. 1920
CAME INTO FORCE	10 Jan. 1920

(Text *v.* Vol. III, pp. 331–4.)

(ii) *Settlement of matters arising under Art. 297 of Peace Treaty of Versailles (Property Rights and Interests) with protocol defining same.*
Signed at London 31 Dec. 1920.

Ratification. Needs ratification, but all provisions (except Art. 11) to be applied administratively before ratification.

(Text in Cmd. 1111. Treaty, Ser. No. 1, 1921.)

(c) Austria

(i) *Agreement with regard to Italian Reparation Payments* (signed by Powers signing Austrian Treaty, together with accessions on dates there indicated).
(ii) *Declaration modifying above* (signed as before).
(iii) *Agreement with regard to Cost of Liberation of Territory of old Austro-Hungarian Monarchy* (signed as before).
(iv) *Declaration modifying above* (not signed by Poland or Nicaragua. Rumania acceded (9 Dec. 1919), but the Serb-Croat-Slovene State did not).

(Texts of (i), (ii), (iii), and (iv), Vol. V, App. II.
CAME INTO FORCE 16 July 1920.

(d) Poland and Czecho-Slovakia

Teschen Agreement and Award.

(This agreement superseded the Resolution signed by the Five Principal Allied and Associated Powers in regard to the plebiscite in the Duchy of Teschen and the areas of Zips and Orava, at Paris 27 Sept. 1919, and followed on the Declaration (16 July 1920) by the two Governments concerned that they would accept the frontiers

of the above territories as determined by the above Principal Allied and Associated Powers. This decision was signed at Paris on the 28 July 1920 by Great Britain, France, Italy, and Japan, and on the same day representatives of Poland and Czecho-Slovakia signified their acceptance in writing. This agreement is apparently IN FORCE. It has been ratified by Czecho-Slovakia 28 Jan. 1921.

NOTE.—This agreement is embodied in the Certain Frontiers' Treaty (signed 10 Aug. 1920) which has not yet (January 1921) been signed by Poland.

(*e*) CONVENTION BETWEEN GREECE AND BULGARIA

deals with reciprocal emigration; to be ratified and to 'enter into force at the same time as the said Treaty (of Neuilly) shall enter into force as between Greece and Bulgaria'. CAME INTO FORCE 9 Aug. 1920.

(For text *v.* Cmd. 589, Misc. No. 3, 1920.)

B 1. TREATIES SIGNED BUT NOT IN FORCE[1]

(*a*) GERMANY. ASSISTANCE TO FRANCE IN THE EVENT OF UNPROVOKED AGGRESSION BY GERMANY.

Signed at Versailles 28 June 1919.

(i) TREATY BETWEEN FRANCE AND GREAT BRITAIN.
(ii) TREATY BETWEEN FRANCE AND UNITED STATES.

Ratifications. Great Britain ratified this Treaty 8 Oct. 1919 and France 8 Nov. 1919, ratifications being exchanged 20 Nov. 1919. But Treaty (i) only comes into force when the United States ratified (ii), which it has declined to do. Hence the Treaties are not in force, *v.* Vol. III, p. 338 n.

(Text of both Treaties in Vol. III, pp. 337–40.)

(*b*) HUNGARY.

Signed at Trianon 4 June 1920.

Signatory Powers.	Date and deposit of Ratification.
United States	
Great Britain	
Canada	
Australia	
Union of S. Africa	
New Zealand	
India	
France	
Italy	(Ratified Dec. 1920)
Japan	
Belgium	
China	
Cuba	
Greece	
Nicaragua	
Panama	
Poland	
Portugal	
Rumania	(4 Sept. 1920)
Serb-Croat-Slovene State	
Siam	
Czecho-Slovakia	(Ratified by Chamber 28 Jan. 1921)
AND HUNGARY	Deposit ratification 6 Dec. 1920

Great Britain's ratification: 12 May 1921.
Also signed 4 June 1920:
(i) *Protocol.*
(ii) *Declaration.* Hungary to supply all possible information respecting vessels sunk or damaged by her naval forces.

Ratification. Conditions as in German, Austrian, and Bulgar Treaties, *q.v.*

(Text of Treaty, Vol. V, pp. 170 sqq.)

[1] Turkish Treaty and related Treaties and Agreements reserved for Vol. VI.

(c) Bessarabian Treaty. Signed at Paris 28 Oct. 1920.		(d) Treaty relative to certain Frontiers. Signed at Sèvres, 10 Aug. 1920.	(e) New States Treaty. Signed at Sèvres, 10 Aug. 1920.
Signatory Powers.	Deposit of Ratification.		
United States Great Britain Canada Australia Union of S. Africa New Zealand India France Italy Japan (signed 30 Oct. 1920) and Rumania	Did not sign (1 Jan. 1921)	Did not ratify States as before and Rumania (acceded 28 Oct. 1920) Serb-Croat-Slovene State (acceded 20 Dec. 1920) Czecho-Slovakia (ratified 1 Feb. 1921) Poland (not yet signed—March 1921)	*Signatory Powers* Between Italy Rumania acceded 28 Oct. 1920 Serb-Croat-Slovene State (not yet signed—March 21) Czecho-Slovakia Poland
Ratification. No details, but reported as coming into force with Rumanian Minorities Treaty (*q.v.*), but only for those who have ratified.		*Ratification.* Stated to be necessary by three of the Principal and all the other signatory Powers. Treaty to come into force at the same time as the Austrian (in force 16 July 1920) and Hungarian Treaties are in force.	*Ratification.* Stated to require ratification and to come into force for each signatory Power from date of deposit of ratification.

TEXTS OF AUSTRIAN, HUNGARIAN AND BULGARIAN TREATIES

SCHEME OF ARRANGEMENT

Articles 1–26 and Annex (League of Nations) of the Austrian and Hungarian Treaties are identical with those of the German Treaty, which will be found in Volume III, pp. 111–23. The same applies to Labour Clauses (Arts. 332–72, Austria ; Arts. 315–55, Hungary ; *v.* Vol. III, pp. 314–27).

Except the Frontiers of Austria and Hungary (Austria, Arts. 27–35; Hungary, Arts. 27–35), which are given in large type and in full, in view of the importance of not misunderstanding them, the following arrangement has been adopted :

When the only difference is a change of names, e.g.

for Austria	read Hungary
,, Austrian	,, Hungarian
,, Austrian Empire	,, Kingdom of Hungary

the number of the equivalent Hungarian article is placed in brackets after the Austrian, e.g.

ARTICLE 193. (*H. 177.*)

Passages which are in heavy type occur in the Austrian but **not** in the Hungarian Treaty.

Passages which are bracketed and placed in italics occur in the Hungarian but **not** in the Austrian Treaty.

In the case of a wide divergence the whole Hungarian article is printed in italics underneath the Austrian.

The following examples will show the method pursued :

AUSTRIA	HUNGARY
ART. 213. Austria undertakes to transfer to the Allied and Associated Powers all claims in favour of the former or existing Austrian Governments to payment or reparation by the Governments of Germany, Hungary, Bulgaria or Turkey, and in particular all claims which may arise now or hereafter in the fulfilment of undertakings made after July 28, 1914, until the coming into force of the present Treaty. The value of such claims shall be assessed by the Reparation Commission, and shall be transferred to the Reparation Commission for the credit of Austria on account of the sums due for reparation.	ART. 196. Hungary undertakes to transfer to the Allied and Associated Powers any claims to payment or reparation by Germany, Austria, Bulgaria or Turkey in favour of the former or existing Hungarian Governments, and in particular any claims which may arise now or hereafter in the fulfilment of undertakings made from July 28, 1914, to the coming into force of the present Treaty. The value of such claims shall be assessed by the Reparation Commission, and shall be transferred to the Reparation Commission for the credit of Hungary on account of the sums due for reparation.

ARTICLE 213. (*H. 196.*)

Austria undertakes to transfer to the Allied and Associated Powers **all** (*H. any*) claims **in favour of the former or existing Austrian Governments** to payment or reparation by **the Governments of** Germany, **Hungary** (*H. Austria*), Bulgaria or Turkey, (*H. in favour of the former or existing Hungarian Governments,*) and in particular **all** (*H. any*) claims which may **arise** now or hereafter in the fulfilment of undertakings made **after** (*H. from*) July 28, 1914, **until** (*H. to*) the coming into force of the present Treaty.

The value of such claims shall be assessed by the Reparation Commission, and shall be transferred to the Reparation Commission for the credit of Austria on account of the sums due for reparation.

THE AUSTRIAN TREATY[1]

Signed at Saint-Germain-en-Laye, September 10, 1919.

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[1] Treaty Series, No. 11, 1919. [Cmd. 400.]

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Signed at Saint-Germain-en-Laye, September 10, 1919.

(H. Signed at Trianon, June 4, 1920.)

AUSTRIA

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN.

These Powers being described in the present Treaty as the Principal Allied and Associated Powers;

BELGIUM, CHINA, CUBA, GREECE, NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, and CZECHO-SLOVAKIA,

These Powers constituting, with the Principal Powers mentioned above, the Allied and Associated Powers,

of the one part;

And AUSTRIA,

of the other part;

Whereas on the request of the former Imperial and Royal Austro-Hungarian Government an Armistice was granted to Austria-Hungary on November 8, 1918, by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded, and

Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or indirectly, against Austria-Hungary, and which originated in the declaration of war against Serbia on July 28, 1914, by the former Imperial and Royal Austro-Hungarian Government, and in the hostilities conducted by Germany in alliance with Austria-Hungary, should be replaced by a firm, just, and durable Peace, and

HUNGARY

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

These Powers being described in the present Treaty as the Principal Allied and Associated Powers,

BELGIUM, CHINA, CUBA, GREECE, NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, and CZECHO-SLOVAKIA,

These Powers constituting with the Principal Powers mentioned above the Allied and Associated Powers,

of the one part;

And HUNGARY,

of the other part;

Whereas on the request of the former Imperial and Royal Austro-Hungarian Government an Armistice was granted to Austria-Hungary on November 3, 1918, by the Principal Allied and Associated Powers, and completed as regards Hungary by the Military Convention of November 13, 1918, in order that a Treaty of Peace might be concluded, and

Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or indirectly, against Austria-Hungary, and which originated in the declaration of war by the former Imperial and Royal Austro-Hungarian Government on July 28, 1914, against Serbia, and in the hostilities conducted by Germany in alliance with Austria-Hungary, should be replaced by a firm, just, and durable Peace, and

Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Austria by a republican government, and

Whereas the Principal Allied and Associated Powers have already recognised that the Czecho-Slovak State, in which are incorporated certain portions of the said Monarchy, is a free, independent and allied State, and

Whereas the said Powers have also recognised the union of certain portions of the said Monarchy with the territory of the Kingdom of Serbia as a free, independent and allied State, under the name of the Serb-Croat-Slovene State, and

Whereas it is necessary, while restoring peace, to regulate the situation which has arisen from the dissolution of the said Monarchy and the formation of the said States, and to establish the government of these countries on a firm foundation of justice and equity ;

Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Hungary by a national Hungarian Government :

For this purpose the HIGH CONTRACTING PARTIES represented as follows (*H. have appointed as their Plenipotentiaries*) :

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by :

The Honourable Frank Lyon Polk, Under Secretary of State ;
The Honourable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris ;
General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council ;
(*H. Mr. Hugh Campbell Wallace, Ambassador Extraordinary and Plenipotentiary of the United States of America at Paris ;*)

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by :

The Right Honourable Arthur James Balfour, O.M., M.P., His Secretary of State for Foreign Affairs ;
The Right Honourable Andrew Bonar Law, M.P., His Lord Privy Seal;
The Right Honourable Viscount Milner, G.C.B., G.C.M.G., His Secretary of State for the Colonies ;
The Right Honourable George Nicoll Barnes, M.P., Minister without portfolio ;
(*H. The Right Honourable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris ;*)

And

for the DOMINION of CANADA, by :

The Honourable Sir Albert Edward Kemp, K.C.M.G., Minister of the Overseas Forces ;

(*H. The Honourable Sir George Halsey Perley, K.C.M.G., High Commissioner for Canada in the United Kingdom ;*)

for the COMMONWEALTH of AUSTRALIA, by :
The Honourable George Foster Pearce, Minister of Defence ;
(*H. The Right Honourable Andrew Fisher, High Commissioner for Australia in the United Kingdom ;*)

for the UNION of SOUTH AFRICA, by :
The Right Honourable Viscount Milner, G.C.B., G.C.M.G. ;
(*H. Mr. Reginald Andrew Blankenberg, O.B.E., Acting High Commissioner for the Union of South Africa in the United Kingdom ;*)

for the DOMINION OF NEW ZEALAND, by :
The Honourable Sir Thomas Mackenzie, K.C.M.G., High Commissioner for New Zealand in the United Kingdom ;

for INDIA, by :
The Right Honourable Baron Sinha, K.C., Under Secretary of State for India ;
(*H. The Right Honourable Edward George Villiers, Earl of Derby, K.G., P.C., K.C.V.O., C.B., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty at Paris ;*)

THE PRESIDENT OF THE FRENCH REPUBLIC, by :
Mr. Georges Clemenceau, President of the Council, Minister of War ;
Mr. Stephen Pichon, Minister for Foreign Affairs ;
Mr. Louis-Lucien Klotz, Minister of Finance ;
Mr. André Tardieu, Commissary General for Franco-American Military Affairs ;
Mr. Jules Cambon, Ambassador of France ;
(*H. Mr. Alexandre Millerand, President of the Council, Minister for Foreign Affairs ;*
Mr. Frederic François-marsal, Minister of Finance ;
Mr. Auguste Paul-Louis Isaac, Minister of Commerce and Industry ;
Mr. Georges Maurice Paléologue, Ambassador of France, Secretary-General of the Minister for Foreign Affairs ;)

HIS MAJESTY THE KING OF ITALY, by :
The Honourable Tommaso Tittoni, Senator of the Kingdom, Minister for Foreign Affairs ;
The Honourable Vittorio Scialoja, Senator of the Kingdom ;
The Honourable Maggiorino Ferraris, Senator of the Kingdom ;
The Honourable Guglielmo Marconi, Senator of the Kingdom ;
The Honourable Silvio Crespi, Deputy ;
(*H. Count Lelio Bonin Longare, Senator of the Kingdom, Ambassador Extraordinary and Plenipotentiary of H.M. the King of Italy at Paris ;*
Rear-Admiral Mario Grassi ;)

HIS MAJESTY THE EMPEROR OF JAPAN, by :
Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London ;
Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris ;
Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome ;

HIS MAJESTY THE KING OF THE BELGIANS, by :
Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State ;
Mr. Jules van den Heuvel, Envoy Extraordinary and Minister Plenipotentiary, Minister of State ;

Mr. Emile Vandervelde, Minister of Justice, Minister of State ;
(*H. Mr. Rolin Jacquemyns, Member of the Institute of Private International Law, Secretary-General of the Belgian Delegation ;*)

THE PRESIDENT OF THE CHINESE REPUBLIC, by :
Mr. Lou Tseng-Tsiang, Minister for Foreign Affairs ;
Mr. Chengting Thomas Wang, formerly Minister of Agriculture and Commerce ;
(*H. Mr. Vikyuin Wellington Koo ;*
Mr. Sao-Ke Alfred Sze ;)

THE PRESIDENT OF THE CUBAN REPUBLIC, by :
Mr. Antonio Sanchez de Bustamante, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law ;
(*H. Dr. Rafael Martinez Ortiz, Envoy Extraordinary and Minister Plenipotentiary of the Cuban Republic at Paris ;*)

HIS MAJESTY THE KING OF THE HELLENES, by :
Mr. Nicolas Politis, Minister for Foreign Affairs ;
Mr. Athos Romanos, Envoy Extraordinary and Minister Plenipotentiary to the French Republic (*H. of H.M. King of the Hellenes at Paris*) ;

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, by :
Mr. Salvador Chamorro, President of the Chamber of Deputies ;
(*H. Mr. Carlos A. Villanueva, Chargé d'Affaires of the Republic of Nicaragua at Paris ;*)

THE PRESIDENT OF THE REPUBLIC OF PANAMA, by :
Mr. Antonio Burgos, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid ;
(*H. Mr. Raoul A. Amador, Chargé d'Affaires of the Republic of Panama at Paris ;*)

THE PRESIDENT OF THE POLISH REPUBLIC, by :
Mr. Ignace J. Paderewski, President of the Council of Ministers, Minister for Foreign Affairs ;
Mr. Roman Dmowski, President of the Polish National Committee ;
(*H. Prince Eustache Sapieha, Envoy Extraordinary and Minister Plenipotentiary of the Polish Republic at London ;*
Mr. Erasme Piltz, Envoy Extraordinary and Minister Plenipotentiary of the Polish Republic at Prague ;)

THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by :
Dr. Affonso da Costa, formerly President of the Council of Ministers ;
Dr. Augusto Luiz Vieira Soares, formerly Minister for Foreign Affairs ;
(*H. Mr. João Chagas, Envoy Extraordinary and Minister Plenipotentiary of the Portuguese Republic at Paris ;*)

HIS MAJESTY THE KING OF ROUMANIA, by :
M. Nicolas Misu, Envoy Extraordinary and Minister Plenipotentiary of Roumania at London ;
Dr. Alexander Vaida-Voevod, Minister without portfolio ;
(*H. Dr. Jon Cantacuzino, Minister of State ;*
Mr. Nicolae Titulescu, formerly Minister Secretary of State ;)

HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES, by :
Mr. Nicolas P. Pachitch, formerly President of the Council of Ministers ;
Mr. Ante Trumbic, Minister for Foreign Affairs ;
Mr. Ivan Zolger, Doctor of Law ;

HIS MAJESTY THE KING OF SIAM, by :
His Highness Prince Charoon, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Siam at Paris ;
His Serene Highness Prince Traidos Prabandhu, Under Secretary of State for Foreign Affairs ;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by :
Mr. Karel Kramàř, President of the Council of Ministers ;
Mr. Eduard Benés, Minister for Foreign Affairs ;
(*H. Mr. Stephen Osusky, Envoy Extraordinary and Minister Plenipotentiary of the Czecho-Slovak Republic at London ;*)

THE REPUBLIC OF AUSTRIA, by :
Mr. Charles Renner, Chancellor of the Republic of Austria ;

(*H. HUNGARY :*
Mr. Gaston de Bénard, Minister of Labour and Public Welfare ;
Mr. Alfred Drasche-Lazar de Thorda, Envoy Extraordinary and Minister Plenipotentiary ;)

WHO, having communicated their full powers, found in good and true (*H. due*) form, have AGREED AS FOLLOWS :

From the coming into force of the present Treaty the state of war will terminate.

From that moment, and subject to the provisions of the present Treaty, official relations will exist between the Allied and Associated Powers and the Republic of Austria (*H. Hungary*).

PART I. THE COVENANT OF THE LEAGUE OF NATIONS

(v. Vol. III, pp. 111-23)

PART II.—FRONTIERS OF AUSTRIA [1]

ARTICLE 27.

The frontiers of Austria shall be fixed as follows (see annexed Map) :

1. *With Switzerland and Lichtenstein :*

the present frontier.

2. *With Italy :*

From the point 2645 (Gruben J.) eastwards to point 2915 (Klopaier Spitz),

a line to be fixed on the ground passing through point 1488 on the Reschen-Nauders road ;

thence eastwards to the summit of Dreiherrn Spitz (point 3505),

the watershed between the basins of the Inn to the north and the Adige to the south ;

thence generally south-south-eastwards to point 2545 (Marchkinkele),

the watershed between the basins of the Drave to the east and the Adige to the west ;

thence south-eastwards to point 2483 (Helm Spitz),

[1] As stated in scheme of arrangement the frontiers of Austria and Hungary are printed in full and in large type. The special method adopted begins at Austria, Art. 36, p. 189.

a line to be fixed on the ground crossing the Drave between Winnbach and Arnbach;

thence east-south-eastwards to point 2050 (Osternig) about 9 kilometres north-west of Tarvis,

the watershed between the basins of the Drave on the north and successively the basins of the Sextenbach, the Piave and the Tagliamento on the south;

thence east-south-eastwards to point 1492 (about 2 kilometres west of Thörl),

the watershed between the Gail and the Gailitz;

thence eastwards to point 1509 (Pec),

a line to be fixed on the ground cutting the Gailitz south of the town and station of Thörl and passing through point 1270 (Cabin Berg).

3. *On the South, and then with the Klagenfurt area* subject to the provisions of Section II of Part III (Political Clauses for Europe):

from point 1509 (Pec) eastwards to point 1817 (Malestiger),

the crest of the Karavanken;

from point 1817 (Malestiger) and in a north-easterly direction as far as the Drave at a point situated about 1 kilometre south-east of the railway bridge on the eastern branch of the bend made by that river about 6 kilometres east of Villach,

a line to be fixed on the ground cutting the railway between Mallestig and Faak and passing through point 666 (Polana);

thence in a south-easterly direction to a point about 2 kilometres above St. Martin,

the course of the Drave;

thence in a northerly direction as far as point 871, about 10 kilometres to the east-north-east of Villach,

a line running approximately from south to north to be fixed on the ground;

thence east-north-eastwards to a point to be chosen near point 725 about 10 kilometres north-west of Klagenfurt on the administrative boundary between the districts of St. Veit and Klagenfurt,

a line to be fixed on the ground passing through points 1069 (Taubenbühel), 1045 (Gallinberg), and 815 (Freudenberg);

thence eastwards to a point to be chosen on the ground west of point 1075 (Steinbruch Kogel),

the administrative boundary between the districts of St. Veit and Klagenfurt;

thence north-eastwards to the point on the Gurk where the administrative boundary of the district of Völkermarkt leaves that river,

a line to be fixed on the ground passing through point 1076;

thence north-eastwards to point 1899 (Speikkogl),

the administrative boundary between the districts of St. Veit and Völkermarkt;

thence south-eastwards to point 842 (1 kilometre west of Kasparstein),

the north-eastern boundary of the district of Völkermarkt;

thence eastwards to point 1522 (Hühner Kogel),

a line to be fixed on the ground passing north of Lavamünd.

4. *With the Serb-Croat-Slovene State*, subject to the provisions of Section II of Part III (Political Clauses for Europe):

From point 1522 (Hühner Kogel) eastwards to point 917 (St. Lorenzen),

a line to be fixed on the ground passing through point 1330;

thence eastwards to the point where it meets the administrative boundary between the districts of Marburg and Leibnitz,

the watershed between the basins of the Drave to the south and the Saggau to the north;

thence north-eastwards to the point where this administrative boundary meets the Mur,

the above-mentioned administrative boundary;

thence to the point where it meets the old frontier of 1867 between Austria and Hungary about 5 kilometres south-east of Radkersburg,

the principal course of the Mur downstream;

thence northwards to a point to be fixed east of point 400 about 16 kilometres north of Radkersburg,

the old frontier of 1867 between Austria and Hungary;

thence north-eastwards to a point to be fixed on the watershed between the basins of the Raab and the Mur about 2 kilometres east of Toka, being the point common to the three frontiers of Austria, Hungary, and the Serb-Croat-Slovene State,

a line to be fixed on the ground, passing between the villages of Bonisfalva and Gedoudvar.

5. *With Hungary:*

From the point above defined north-eastwards to point 353 about 6 kilometres north-north-east of Szentgotthard,

a line to be fixed on the ground passing through point 353 (Janke B.), then west of the Radkersburg-Szentgotthard road and east of the villages of Nagyfalva, Nemetlak and Rabakresztur;

thence in a general north-easterly direction to point 234 about 7 kilometres north-north-east of Pinkamindszent,

a line to be fixed on the ground passing through point 322 (Hochkogel), then south of the villages of Zsamand, Nemetbükkös and Karacsfa, and between Nagysaroslak and Pinkamindszent;

thence northwards to point 883 (Trött Kö) about 9 kilometres south-west of Köszeg,

a line to be fixed on the ground passing through points 241, 260 and 273, then east of Nagynarda and Rohonez and west of Dozmat and Butsching;

thence north-eastwards to point 265 (Kamenje) about 2 kilometres south-east of Nikitsch,

a line to be fixed on the ground, passing south-east of Liebing, Olmod and Locsmand, and north-west of Köszeg and the road from Köszeg to Salamonfa;

thence northwards to a point to be selected on the southern shore of Neusiedler See between Holling and Hidegseg,

a line to be fixed on the ground, passing east of Nikitsch and Zinkendorf and west of Kövesd and Nemet-Pereszteg;

thence eastwards to point 115 situated about 8 kilometres south-west of St. Johann,

a line to be fixed on the ground, crossing the Neusiedler See, passing south of the island containing point 117, leaving in Hungary the branch railway running north-westwards from the station of Mexiko as well as the entire Einser canal, and passing south of Pamhagen;

thence northwards to a point to be selected about 1 kilometre west of Antonienhof (east of Kittsee), being the point common to the three frontiers of Austria, Hungary and the Czecho-Slovak State,

a line to be fixed on the ground, leaving entirely in Hungarian territory the Csorna-Karlburg railway and passing west of Wüst-Sommerein and Kr. Jahrndorf, and east of Andau, Nikelsdorf, D. Jahrndorf and Kittsee.

6. *With the Czecho-Slovak State:*

From the point above defined north-westwards to the bend of the old frontier of 1867 between Austria and Hungary about 2½ kilometres north-east of Berg,

a line to be fixed on the ground, cutting the Kittsee-Pressburg road about 2 kilometres north of Kittsee;

thence northwards to a point to be selected on the principal channel of navigation of the Danube about 4½ kilometres upstream from the Pressburg bridge,

a line to be fixed on the ground following as much as possible the old frontier of 1867 between Austria and Hungary;

thence westwards to the confluence of the Morava (March) with the Danube,

the principal channel of navigation of the Danube;

thence the course of the Morava upstream, then the course of the Thaya upstream to a point to be selected about 2 kilometres south-east of the intersection of the Rabensburg-Themenau road with the Rabensburg-Ludenburg railway;

thence west-north-westwards to a point on the old administrative boundary between Lower Austria and Moravia situated about 400 metres south of the point where this boundary cuts the Nikolsburg-Feldsberg railway,

a line to be fixed on the ground passing through points 187 (Dlouhyvrch), 221 (Rosenbergen), 223 (Wolfsberg), 291 (Raistenberg), 249 and 279 (Kallerhaide);

thence west-north-westwards the above-mentioned administrative boundary;

thence westwards to a point to be selected about 3 kilometres east of the village of Franzensthal,

the old administrative boundary between Lower Austria and Bohemia;

thence southwards to point 498 (Gelsenberg) about 5 kilometres north-north-west of Gmünd,

a line to be fixed on the ground passing east of the Rottenschachen-Zuggers road and through points 537 and 522 (G. Nagel B.);

thence southwards and then west-north-westwards to a point on the old administrative boundary between Lower Austria and Bohemia situated about 200 metres north of the point where it cuts the Gratzen-Weitra road,

a line to be fixed on the ground passing between Zuggers and Breitensee, then through the most south-easterly point of the railway bridge over the Lainsitz leaving to Austria the town of Gmünd and to the Czecho-Slovak State the station and railway works of Gmünd (Wolfshof) and the junctions of the Gmünd-Budweis and Gmünd-Wittingau railways, then passing through points 524 (Grundbühel), 577 (north of Hohenberg) and 681 (Lagerberg);

thence south-westwards the above-mentioned administrative boundary;

then north-westwards the old administrative boundary between Bohemia and Upper Austria to its point of junction with the frontier of Germany.

7. *With Germany.*

The frontier of August 3, 1914.

ARTICLE 28.

The frontiers described by the present Treaty are traced, for such parts as are defined, on the one in a million map attached to the present Treaty. In case of differences between the text and the map, the text will prevail.

ARTICLE 29.

Boundary Commissions, whose composition is fixed by the present Treaty, or will be fixed by a Treaty between the Principal Allied and Associated Powers and the, or any, interested States, will have to trace these frontiers on the ground.

They shall have the power, not only of fixing those portions which are defined as 'a line to be fixed on the ground', but also, where a request to that effect is made by one of the States concerned, and the Commission is satisfied that it is desirable to do so, of revising portions defined by administrative boundaries; this shall not, however, apply in the case of international boundaries existing in August 1914, where the task of the Commissions will be confined to the re-establishment of sign-posts and boundary-marks. They shall endeavour in both cases to follow as nearly as possible the descriptions given in the Treaties, taking into account as far as possible administrative boundaries and local economic interests.

The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

The expenses of the Boundary Commissions will be borne in equal shares by the two States concerned.

ARTICLE 30.

In so far as frontiers defined by a waterway are concerned, the phrases 'course' or 'channel' used in the descriptions of the present Treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will, however, rest with the Boundary Commissions provided for by the present Treaty to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

ARTICLE 31.

The various States interested undertake to furnish to the Commissions all documents necessary for their tasks, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence,

geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses.

They also undertake to instruct the local authorities to communicate to the Commissions all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, local economic relations, and other necessary information.

ARTICLE 32.

The various States interested undertake to give assistance to the Boundary Commissions, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, material (sign-posts, boundary pillars) necessary for the accomplishment of their mission.

ARTICLE 33.

The various States interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commission.

ARTICLE 34.

The pillars will be placed so as to be intervisible ; they will be numbered, and their position and their number will be noted on a cartographic document.

ARTICLE 35.

The protocols defining the boundary, and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe States and the third to the Government of the French Republic, which will deliver authentic copies to the Powers signatories of the present Treaty.

PART II.—FRONTIERS OF HUNGARY

ARTICLE 27.

The frontiers of Hungary shall be fixed as follows (see annexed Map) :

1. *With Austria :*

From the point common to the three frontiers of Austria, Hungary and Czecho-Slovakia, this point to be selected on the ground about 1 kilometre west of Antonienhof (east of Kittsee), southwards to point 115 situated about 8 kilometres south-west of St. Johann,

a line to be fixed on the ground, leaving entirely in Hungarian territory the Karlburg–Csorna railway and passing west of Kr. Jahrndorf and Wüst-Sommerein, and east of Kittsee, D. Jahrndorf, Nickelsdorf and Andau ;

thence westwards to a point to be selected on the southern shore of Neusiedler See between Holling and Hidegseg,

a line to be fixed on the ground passing south of Pamhagen, leaving in Hungarian territory the entire Einser canal as well as the branch railway running north-westwards from the station of Mexiko, and then crossing Neusiedler See keeping to the south of the island containing point 117 ;

thence southwards to point 265 (Kamenje) about 2 kilometres south-east of Nikitsch,

a line to be fixed on the ground passing east of Zinkendorf and Nikitsch and west of Nemet Pereszteg and Kövesd ;

thence south-westwards to point 888 (Trott Kö) about 9 kilometres south-west of Köszeg,

a line to be fixed on the ground passing south-east of Locsmand, Olmod and Liebing, and north-west of Köszeg and the road from Köszeg to Salamonfa ;

thence southwards to point 234 about 7 kilometres north-north-east of Pinkamindszent,

a line to be fixed on the ground passing east of Rohoncz and Nagynarda and west of Butsching and Dozmat, then through points 273, 260 and 241 ;

thence in a general south-westerly direction to point 358 about 6 kilometres north-north-east of Szt Gotthard,

a line to be fixed on the ground passing between Nagysaroslak and Pinkamindszent, then south of Karacsfa, Nemetbükkös and Zsamand and through point 328 (Hochkogel) ;

thence south-westwards to a point to be selected on the watershed between the basins of the Raba (Raab) and the Mur about 2 kilometres east of Toka, this point being the point common to the three frontiers of Austria, Hungary and the Serb-Croat-Slovene State,

a line to be fixed on the ground passing east of Rabakeresztur, Nemetlak and Nagyfalva, west of the Radkersburg–Szt Gotthard road and through point 358 (Janke B.).

2. *With the Serb-Croat-Slovene State* :

From the point defined above in an easterly direction to point 318 about 10 kilometres south of Szt Gotthard,

a line to be fixed on the ground following generally the watershed between the basins of the Raba on the north and of the Mur on the south ;

thence in a southerly direction to point 295 about 16 kilometres north-east of Muraszombat,

a line to be fixed on the ground passing east of Nagydolany, Orihodos with its railway station, Kapornak, Domonkosfa and Kisszerdahely, and west of Kotormany and Szomorocz, and through points 319 and 291 ;

thence in a south-easterly direction to point 209 about 8 kilometres west of Nemesnep,

a line to be fixed on the ground following generally the watershed between the Nemesnepi on the north and the Kebele on the south ;

thence in a south-south-easterly direction to a point to be chosen on the Lendva south of point 265,

a line to be fixed on the ground passing to the east of Kebeleszentmarton, Zsitköcz, Gönterhaza, Hidveg, Csente, Pincze and to the west of Lendva-jakabfa, Bödehaza, Gaborjanhaza, Dedes, Lendva-Ujfalu ;

thence in a south-easterly direction,

the course of the Lendva downstream ;

then the course of the Mur downstream ;

then to its junction with the old boundary between Hungary and Croatia-Slavonia, about 1½ kilometres above the Gyekenyes–Koproncza railway bridge,

the course of the Drau (Drave) downstream ;

thence south-eastwards to a point to be chosen about 9 kilometres east of Miholjacdolnji,

the old administrative boundary between Hungary and Croatia-Slavonia, modified, however, so as to leave the Gyekenyes–Barcs railway, together with the station of Gola, entirely in Hungarian territory;

thence in an easterly direction to point 98 about 8 kilometres south-west of Baranyavar,

a line to be fixed on the ground passing north of Torjancz, Löcs and Benge and south of Kassad, Beremend with its railway station and Illocska;

thence in a north-easterly direction to a point to be chosen in the course of the Danube about 8 kilometres north of point 169 (Kisköszeg),

a line to be fixed on the ground passing to the west of Baranyavar, Föherczeglak (leaving to the Serb-Croat-Slovene State the railway joining these two places at the junction immediately to the north of Baranyavar) and Dalyok, and to the east of Ivan-Darda, Sarok, Udvar and Izabellaföld (with its railway);

thence east-north-eastwards to a point in the course of the Kigyos about 8 kilometres east-south-east of Bacsmadaras Station,

a line to be fixed on the ground passing between Herczegszanto and Bereg, and then approximately following the course of the Kigyos, but curving to the north of Rigyicza;

thence east-north-eastwards to a point to be selected on the backwater of the Tisza (Theiss) about 5½ kilometres east-north-east of Horgos Station,

a line to be fixed on the ground passing south of Kun-Baja, cutting the Szabadka–Bácsalmás railway about 1½ kilometres east of Csikeria Station, cutting the Szabadka–Kiskunhalas railway about 3 kilometres south of Kelebia Station, and passing north of Horgos and its station, and south of Röszkeszentmihalytelek;

thence in a south-easterly direction to the Tisza,

the median line of the backwater;

thence to a point to be selected about 5 kilometres upstream,

the course of the Tisza;

thence in a general easterly direction to a point to be selected on the ground about 4 kilometres south-west of Kiszombor Station, approximately east-south-east of point 84 and south-south-west of point 83, this point being the point common to the three frontiers of Roumania, Hungary, and the Serb-Croat-Slovene State,

a line to be fixed on the ground passing between Gyala and Oszentivan and between Obeb and Kübekhaza.

3. *With Roumania:*

From the point defined above east-north-eastwards to a point to be selected on the Maros about 8½ kilometres upstream from the railway bridge between Mako and Szeged,

a line to be fixed on the ground;

thence south-eastwards, and then north-eastwards to a point to be selected about 1 kilometre south of Nagylak station,

the course of the river Maros upstream;

thence north-eastwards to the salient of the administrative boundary between the *comitats* of Csanad and Arad north-north-west of Nemetpereg,

a line to be fixed on the ground passing between Nagylak and the railway station ;

thence east-north-eastwards to a point to be selected on the ground between Battonya and Tornya,

this administrative boundary, passing north of Nemetpereg and Kispereg ;

thence to point 128 (about 1·2 kilometres east of Magosliget), the point common to the three frontiers of Hungary, Roumania and Czecho-Slovakia (Ruthenian territory),

a line to be fixed on the ground passing west of Nagyvarjas, Kisvarjas and Nagyiratos, east of Dombegyhaz, Kevermes and Elek, west of Ottlaka, Nagy-Pel, Gyula-Varsand, Ant and Illye, east of Gyula, Gyula-Vari and Kötegyan, cutting the Nagyszalonta-Gyula railway about 12 kilometres south-west of Nagyszalonta and between the two bifurcations formed by the crossing of this line and the Szeghalom-Erdögyarak railway ; passing east of Mehkerek, west of Nagyszalonta and Marczihaza, east of Geszt, west of Atyas, Olah-Szt-Miklos and Rojt, east of Ugra and Harsany, west of Körösszeg and Körös-Tarjan, east of Szakal and Berek-Böszörmeny, west of Bors, east of Artand, west of Nagy-Szanto, east of Nagy-Kereki, west of Pelbarthida and Bihardioszeg, east of Kis-Marja, west of Csokaly, east of Nagyleta and Almosd, west of Er-Selind, east of Bagamer, west of Er-Kenez and Ermihalyfalva, east of Szt-György-Abrany and Peneszlek, west of Szaniszlo, Bere-Csomaköz, Feny, Csanalos, Börvely and Domahida, east of Vallaj, west of Csenger-Bagos and Ovari, east of Csenger-Ujfalu, west of Dara, east of Csenger and Komlod-Totfalu, west of Pete, east of Nagy-Gecz, west of Szaraz-Berek, east of Mehtelek, Garbolcz and Nagy-Hodos, west of Fertös-Almas, east of Kis-Hodos, west of Nagy-Palad, east of Kis-Palad and Magosliget.

4. *With Czecho-Slovakia :*

From point 128 described above north-westwards to a point to be selected on the course of the Batar about 1 kilometre east of Magosliget,

a line to be fixed on the ground ;

thence the course of the Batar downstream ;

then to a point to be selected on it below Badalo and near this village,

the course of the Tisza downstream ;

thence north-north-westwards to a point to be selected on the ground north-east of Darocz,

a line to be fixed on the ground leaving in the Ruthenian territory of Czecho-Slovakia Badalo, Csoma, Macsola, Asztely and Deda, and in Hungarian territory Bereg-Surany and Darocz ;

thence north-westwards to the confluence of the Fekete-Viz and the Csaronda,

a line to be fixed on the ground passing through point 179, leaving in Ruthenian territory Mezö Kaszony, Lonyay Tn., Degenfeld Tn., Hetyen, Horvathi Tn., Komjathy Tn., and in Hungarian territory Kerek Gorond Tn., Berki Tn. and Barabas ;

thence to a point to be selected in its course above the administrative boundary between the *comitats* of Szabolcs and Bereg,

the course of the Csaronda downstream ;

thence westwards to the point where the above-mentioned boundary coming from the right bank cuts the course of the Tisza,

a line to be fixed on the ground ;

thence to a point to be selected on the ground east-south-east of Tarkany,

the course of the Tisza downstream ;

thence approximately westwards to a point in the Ronyva about 3·7 kilometres north of the bridge between the town and the station of Satoralja-Ujhely,

a line to be fixed on the ground leaving to Czecho-Slovakia Tarkany, Perbenyik, Orös, Kis-Kövesd, Bodrog-Szerdahely, Bodrog-Szog, and Borsi, and to Hungary Damoc, Laca, Rozvagy, Pacin, Karos, Felsö-Berecki, crossing the Bodrog and cutting the railway triangle south-east of Satoralja-Ujhely, passing east of this town so as to leave the Kassa–Csap railway entirely in Czecho-Slovak territory ;

thence to a point near point 125 about 1½ kilometres south of Alsomihalyi,

the course of the Ronyva upstream ;

thence north-westwards to a point on the Hernad opposite point 167 on the right bank south-west of Abaujnadasd,

a line to be fixed on the ground following approximately the watershed between the basins of the Ronyva on the east and the Bozsva on the west, but passing about 2 kilometres east of Pusztafalu, turning south-westwards at point 896, cutting at point 424 the Kassa–Satoralja road and passing south of Abaujnadasd ;

thence to a point to be selected on the ground about 1½ kilometres south-west of Abaujvar,

the course of the Hernad downstream ;

thence westwards to point 330 about 1½ kilometres south-south-west of Pereny,

a line to be fixed on the ground leaving to Czecho-Slovakia the villages of Miglecznemeti and Pereny, and to Hungary the village of Tornyosnemeti ;

thence westwards to point 291 about 3½ kilometres south-east of Janok,

the watershed between the basins of the Bodva on the north and the Rakacza on the south, but leaving in Hungarian territory the road on the crest south-east of Buzita ;

thence west-north-westwards to point 431 about 3 kilometres south-west of Torna,

a line to be fixed on the ground leaving to Czecho-Slovakia Janok, Tornahorvati and Bodvavendegi, and to Hungary Tornaszentjakab and Hidvegardo ;

thence south-westwards to point 365 about 12 kilometres south-south-east of Pelsöcz,

a line to be fixed on the ground passing through points 601, 381 (on the Rozsnyo–Edeleny road), 557 and 502 ;

thence south-south-westwards to point 305 about 7 kilometres north-west of Putnok,

the watershed between the basins of the Sajo on the west and the Szuha and Kelemeri on the east ;

thence south-south-westwards to point 278 south of the confluence of the Sajo and the Rima,

a line to be fixed on the ground, leaving Banreve station to Hungary while permitting, if required, the construction in Czecho-Slovak territory of a connexion between the Pelsöcz and Losoncz railway lines ;

thence south-westwards to point 485 about 10 kilometres east-north-east of Salgo tarjan,

a line to be fixed on the ground following approximately the watershed between the basins of the Rima to the north and the Hangony and Tarna rivers to the south ;

thence west-north-westwards to point 727,

a line to be fixed on the ground leaving to Hungary the villages and mines of Zagyva-Rona and Salgo, and passing south of Somos-Ujfalu station ;

thence north-westwards to point 391 about 7 kilometres east of Litke,

a line following approximately the crest bounding on the north-east the basin of the Dobroda and passing through point 446 ;

thence north-westwards to a point to be selected on the course of the Eipel (Ipoly) about 1½ kilometres north-east of Tarnocz,

a line to be fixed on the ground passing through point 312 and between Tarnocz and Kalonda ;

thence south-westwards to a point to be selected in the bend of the Eipel about 1 kilometre south of Tesmag,

the course of the Eipel downstream ;

thence westwards to a point to be selected on the course of the Eipel about 1 kilometre west of Tesa,

a line to be fixed on the ground so as to pass south of the station of Ipolysag and to leave entirely in Czecho-Slovak territory the railway from Ipolysag to Csata together with the branch line to Korpona (Karpfen), but leaving Bernecze and Tesa to Hungary ;

thence southwards to its confluence with the Danube,

the course of the Eipel downstream ;

thence to a point to be selected about 2 kilometres east of Antonienhof (east of Kittsee),

the principal channel of navigation of the Danube upstream ;

thence westwards to a point to be selected on the ground about 1 kilometre west of Antonienhof (east of Kittsee), this point being the point common to the three frontiers of Austria, Hungary and Czecho-Slovakia,

a line to be fixed on the ground.

Article 28.

The frontiers described by the present Treaty are traced, for such parts as are defined, on the one in a million map attached to the present Treaty. In case of differences between the text and the map, the text will prevail.

ARTICLE 29.

Boundary Commissions, whose composition is or will be fixed in the present Treaty or in any other Treaty between the Principal Allied and Associated Powers and the, or any, interested States, will have to trace these frontiers on the ground.

They shall have the power, not only of fixing those portions which are defined as ' a line to be fixed on the ground ', but also, where a request to that effect is made by one of the States concerned, and the Commission is satisfied that it is desirable to do so, of revising portions defined by administrative boundaries; this shall not however apply in the case of international frontiers existing in August, 1914, where the task of the Commission will confine itself to the re-establishment of sign-posts and boundary-marks. They shall endeavour in both cases to follow as nearly as possible the descriptions given in the Treaties, taking into account as far as possible administrative boundaries and local economic interests.

The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

The expenses of the Boundary Commissions will be borne in equal shares by the two States concerned.

ARTICLE 30.

In so far as frontiers defined by a waterway are concerned, the phrases ' course ' or ' channel ' used in the descriptions of the present Treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided for by the present Treaty to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

ARTICLE 31.

The various States interested undertake to furnish to the Commissions all documents necessary for their tasks, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses.

They also undertake to instruct the local authorities to communicate to the Commissions all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, existing economic conditions, and other necessary information.

ARTICLE 32.

The various States interested undertake to give every assistance to the Boundary Commissions, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, material (sign-posts, boundary pillars) necessary for the accomplishment of their mission.

ARTICLE 33.

The various States interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commission.

ARTICLE 34.

The pillars will be placed so as to be intervisible; they will be numbered, and their position and their number will be noted on a cartographic document.

ARTICLE 35.

The protocols defining the boundary and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe States and the third to the Government of the French Republic, which will deliver authentic copies to the Powers who sign the present Treaty.

PART III.—POLITICAL CLAUSES FOR EUROPE[1]

SECTION I.—ITALY.

ARTICLE 36. (*For H. 36 see below.*)

Austria renounces, so far as she is concerned, in favour of Italy all rights and title over the territory of the former Austro-Hungarian Monarchy situated beyond the frontiers of Austria laid down in Article 27, 2, Part II (Frontiers of Austria), and lying between those frontiers, the former Austro-Hungarian frontier, the Adriatic Sea, and the eastern frontier of Italy as subsequently determined.

Austria similarly renounces, so far as she is concerned, in favour of Italy all rights and title over other territory of the former Austro-Hungarian Monarchy which may be recognised as forming part of Italy by any treaties which may be concluded for the purpose of completing the present settlement.

A Commission composed of five members, one nominated by Italy, three by the other Principal Allied and Associated Powers, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line between Italy and Austria.

The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

(*H. Article 36.*)

Hungary renounces so far as she is concerned in favour of Italy all rights and title which she could claim over the territories of the former Austro-Hungarian Monarchy recognised as forming part of Italy in accordance with the first paragraph of Article 36 of the Treaty of Peace concluded on September 10, 1919, between the Allied and Associated Powers and Austria.

ARTICLE 37. (*H. 39.*)

Notwithstanding the provisions of Article 269 (*H. 252*), Part X (Economic Clauses), persons having their usual residence in the territories of the former Austro-Hungarian Monarchy transferred to Italy (*H. in accordance with the first paragraph of Article 36 of the Treaty of Peace with Austria*) who, during

[1] NOTE.—The ordinary method of distinguishing the Austrian and Hungarian Articles (*v.* Scheme of Arrangement, p. 170) here begins.

the war, have been outside the territories of the former Austro-Hungarian Monarchy or have been imprisoned, interned or evacuated, shall enjoy the full benefit of the provisions of Articles 252 (*H. 235*) and 253 (*H. 236*), Part X (Economic Clauses) (*H. of the present Treaty*).

ARTICLE 38. (*not in H.*)

A special Convention will determine the terms of repayment in Austrian currency of the special war expenditure advanced during the war by territory of the former Austro-Hungarian Monarchy transferred to Italy or by public associations in that territory on account of the Austro-Hungarian Monarchy under its legislation, such as allowances to the families of persons mobilized, requisitions, billeting of troops, and relief to persons who have been evacuated.

In fixing the amount of these sums Austria shall be credited with the amount which the territory would have contributed to Austria-Hungary to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the revenues of the former Austro-Hungarian Monarchy derived from the territory in 1913.

ARTICLE 39. (*not in H.*)

The Italian Government will collect for its own account the taxes, dues and charges of every kind leviable in the territories transferred to Italy and not collected on November 3, 1918.

ARTICLE 40. (*H. 37.*)

No sum shall be due by Italy on the ground of her entry into possession of the Palazzo Venezia at Rome.

ARTICLE 41. (*not in H.*)

Subject to the provisions of Article 208, Part IX (Financial Clauses), relative to the acquisition of, and payment for, State property and possessions, the Italian Government is substituted in all the rights which the Austrian State possessed over all the railways in the territories transferred to Italy which were administered by the Railway Administration of the said State and which are actually working or under construction.

The same shall apply to the rights of the former Austro-Hungarian Monarchy with regard to railway and tramway concessions within the above mentioned territories.

The frontier railway stations shall be determined by a subsequent agreement.

ARTICLE 42. (*H. 38.*)

Austria shall restore to Italy within a period of three months all the wagons belonging to the Italian railways which before the outbreak of war had passed into Austria and have not returned to Italy (*H. are now in Hungary*).

ARTICLE 43. (*not in H.*)

Austria renounces as from November 3, 1918, on behalf of herself and her nationals in regard to territories transferred to Italy all rights to which she may be entitled with regard to the products of the aforesaid territories under any agreements, stipulations or laws establishing trusts, cartels or other similar organisations.

ARTICLE 44. (*not in H.*)

For a period of ten years from the coming into force of the present Treaty central electric power stations situated in Austrian territory and formerly furnishing electric power to the territories transferred to Italy or to any establishment the exploitation of which passes to Italy shall be required to

continue furnishing this supply up to an amount corresponding to the undertakings and contracts in force on November 3, 1918.

Austria further admits the right of Italy to the free use of the waters of Lake Raibl and its derivative watercourse and to divert the said waters to the basin of the Korinitza.

ARTICLE 45. (*for H. 40 see below.*)

1. Judgments rendered since August 4, 1914, by the courts in the territory transferred to Italy in civil and commercial cases between the inhabitants of such territory and other nationals of the former Austrian Empire, or between such inhabitants and the subjects of the Powers allies of the Austro-Hungarian Monarchy, shall not be carried into effect until after endorsement by the corresponding new court in such territory.

2. All decisions rendered for political crimes or offences since August 4, 1914, by the judicial authorities of the former Austro-Hungarian Monarchy against Italian nationals, including persons who obtain Italian nationality under the present Treaty, shall be annulled.

3. In all matters relating to proceedings initiated before the coming into force of the present Treaty before the competent authorities of the territory transferred to Italy, the Italian and Austrian judicial authorities respectively shall until the coming into force of a special convention on this subject be authorised to correspond with each other direct. Requests thus presented shall be given effect to so far as the laws of a public character allow in the country to the authorities of which the request is addressed.

4. All appeals to the higher Austrian judicial and administrative authorities beyond the limits of the territory transferred to Italy against decisions of the administrative or judicial authorities of this territory shall be suspended. The records shall be submitted to the authorities against whose decision the appeal was entered. They must be transmitted to the competent Italian authorities without delay.

5. All other questions as to jurisdiction, procedure or the administration of justice will be determined by a special convention between Italy and Austria.

(*H. Article 40.*)

Judgments rendered since August 4, 1914, by the courts in the territory transferred to Italy in accordance with the first paragraph of Article 36 of the Treaty of Peace with Austria, in civil and commercial cases between the inhabitants of such territory and other nationals of the former Kingdom of Hungary, shall not be carried into effect until after endorsement by the corresponding new court in such territory.

All decisions rendered for political crimes or offences since August 4, 1914, by the judicial authorities of the former Austro-Hungarian Monarchy against Italian nationals, or against persons who acquire Italian nationality in accordance with the Treaty of Peace with Austria, shall be annulled.

SECTION II.—SERB-CROAT-SLOVENE STATE.

ARTICLE 46. (*H. 41.*)

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the Serb-Croat-Slovene State.

ARTICLE 47. (*H. 42.*)

Austria renounces, so far as she is concerned, in favour of the Serb-Croat-Slovene State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27, Part II (Frontiers of Austria), and recognised by the

present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of the Serb-Croat-Slovene State.

ARTICLE 48. (*H. 43.*)

A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers one by the Serb-Croat-Slovene State, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described in Article 27, 4, (*H.* (*2*)), Part II (Frontiers of Austria).

(*H. following paragraph omitted.*)

The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

ARTICLE 49. (*not in H.*)

The inhabitants of the Klagenfurt area will be called upon, to the extent stated below, to indicate by a vote the State to which they wish the territory to belong.

The boundaries of the Klagenfurt area are as follows :

From point 871, about 10 kilometres to the east-north-east of Villach, southwards to a point on the Drave about 2 kilometres above St. Martin,

a line running approximately from north to south to be fixed on the ground ;

thence in a north-westerly direction as far as a point about 1 kilometre south-east of the railway bridge on the eastern branch of the bend formed by the Drave about 6 kilometres to the east of Villach,

the course of the Drave ;

thence in a south-westerly direction to point 1817 (Malestiger),

a line to be fixed on the ground passing through point 666 (Polana) and cutting the railway between Mallestig and Faak ;

thence in an east-south-easterly direction, then north-east to point 1929 (Guchowa),

the watershed between the basins of the Drave to the north and the Save to the south ;

thence north-east to point 1054 (Strojna),

a line to be fixed on the ground following in a general manner the western boundary of the basin of the Miess, passing through points 1558, 2124 and 1185 ;

thence north-east to point 1522 (Hühner Kogel),

a line to be fixed on the ground, crossing the Drave to the south of Lavamünd ;

thence westwards to point 842, 1 kilometre west of Kasparstein,

a line to be fixed on the ground passing to the north of Lavamünd ;

thence as far as point 1899 (Speikkogl),

the north-eastern administrative boundary of the district of Völkermarkt ;

thence in a south-westerly direction and as far as the River Gurk,

the north-western administrative boundary of the district of Völkermarkt ;

thence in a south-westerly direction as far as a point on the administrative boundary to the west of point 1075 (Steinbruch Kogel),

a line to be fixed on the ground, passing through point 1076 ;

thence in a westerly direction and as far as a point to be fixed near point 725, about 10 kilometres north-west of Klagenfurt,

the administrative boundary between the districts of St. Veit and Klagenfurt ;

thence as far as point 871, which was the starting-point of this description,

a line to be fixed on the ground, passing through points 815 (Freudenberg), 1045 (Gallinberg) and 1069 (Taubenbühel).

ARTICLE 50. *(not in H.)*

With a view to the organisation of a plebiscite, the Klagenfurt area will be divided into two zones, the first to the south and the second to the north of a transversal line, of which the following is a description :

From the point where the western boundary of the area leaves the Drave in a northerly direction as far as the point about 1 kilometre to the east of Rosegg (Saint-Michael),

the course of the Drave downstream ;

thence in a north-easterly direction and as far as the western extremity of the Wörther See, south of Velden,

a line to be fixed on the ground ;

thence in an easterly direction to the outlet of the Glanfurt from the lake,

the median line of that lake ;

thence eastwards to its confluence with the River Glan,

the course of the Glanfurt downstream ;

thence eastwards to its confluence with the River Gurk,

the course of the Glan downstream ;

thence in a north-easterly direction, to the point where the northern boundary of the Klagenfurt area crosses the River Gurk,

the course of the Gurk.

The Klagenfurt area will be placed under the control of a Commission entrusted with the duty of preparing the plebiscite in that area and assuring the impartial administration thereof. This Commission will be composed as follows : four members nominated respectively by the United States, Great Britain, France and Italy, one by Austria, one by the Serb-Croat-Slovene State, the Austrian member only taking part in the deliberations of the Commission in regard to the second zone, and the Serb-Croat-Slovene member only taking part therein with regard to the first zone. The decisions of the Commission will be taken by a majority.

The second zone will be occupied by the Austrian troops and administered in accordance with the general regulations of the Austrian legislation.

The first zone will be occupied by the troops of the Serb-Croat-Slovene State, and administered in accordance with the general regulations of the legislation of that State.

In both zones the troops, whether Austrian or Serb-Croat-Slovene, shall be reduced to the numbers which the Commission may consider necessary for the preservation of order, and shall carry out their mission under the control of the Commission. These troops shall be replaced as speedily as possible by a police force recruited on the spot.

The Commission will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy.

In the first zone the plebiscite will be held within three months from the coming into force of the present Treaty, at a date fixed by the Commission.

If the vote is in favour of the Serb-Croat-Slovene State, a plebiscite will be held in the second zone within three weeks from the proclamation of the result of the plebiscite in the first zone,at a date to be fixed bythe Commission.

If, on the other hand, the vote in the first zone is in favour of Austria, no plebiscite will be held in the second zone, and the whole of the area will remain definitively under Austrian sovereignty.

The right of voting will be granted to every person without distinction of sex who :

(*a.*) Has attained the age of 20 years on or before January 1, 1919 ;

(*b.*) Has on January 1, 1919, his or her habitual residence within the zone subjected to the plebiscite ; and,

(*c.*) Was born within the said zone, or has had his or her habitual residence

of (? or) rights of citizenship (*pertinenza*) there from a date previous to January 1, 1912.

The result of the vote will be determined by the majority of votes in the whole or each zone.

On the conclusion of each vote the result will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote, and will be proclaimed.

If the vote is in favour of the incorporation either of the first zone or of both zones in the Serb-Croat-Slovene State, Austria hereby renounces, so far as she is concerned and to the extent corresponding to the result of the vote, in favour of the Serb-Croat-Slovene State all rights and title over these territories. After agreement with the Commission the Serb-Croat-Slovene Government may definitively establish its authority over the said territories.

If the vote in the first or second zone is in favour of Austria, the Austrian Government, after agreement with the Commission, will be entitled definitively to re-establish its authority over the whole of the Klagenfurt area, or in the second zone, as the case may be.

When the administration of the country, either by the Serb-Croat-Slovene State or by Austria, as the case may be, has been thus assured, the powers of the Commission will terminate.

Expenditure by the Commission will be borne by Austria and the Serb-Croat-Slovene State, in equal moieties.

ARTICLE 51. (*H. 44 includes Arts. 51–2—see below.*)

The Serb-Croat-Slovene State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.*

The Serb-Croat-Slovene State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

ARTICLE 52.

The proportion and nature of the financial obligations of the former Austrian Empire which the Serb-Croat-Slovene State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 203, Part IX (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

(*H. Article 44.*)

The Serb-Croat-Slovene State recognises and confirms in relation to Hungary its obligation to accept the embodiment in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion, as well as to protect freedom of transit and equitable treatment of the commerce of other nations.

The proportion and nature of the financial obligations of Hungary which the Serb-Croat-Slovene State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 186, Part IX (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

* *v.* App. IV.

SECTION III.—CZECHO-SLOVAK STATE. (*H. Section IV.*)

ARTICLE 53. (*H. 48.*)

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the Czecho-Slovak State, which will include the autonomous territory of the Ruthenians to the south of the Carpathians.

ARTICLE 54. (*H. 49.*)

Austria renounces, so far as she is concerned, in favour of the Czecho-Slovak State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27, Part II (Frontiers of Austria), and recognised **in accordance with** (*H. by*) the present Treaty (*H. or by any Treaties concluded for the purpose of completing the present settlement,*) as forming part of the Czecho-Slovak State.

ARTICLE 55. (*H. 50.*)

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by the Czecho-Slovak State, and one by Austria, will be appointed within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line **laid down** (*H. provided for*) in Article 27, 6 (*H.* (*4*)), Part II (Frontiers of Austria), **of the present Treaty.** (*H. following par. omitted.*)

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

ARTICLE 56. (*H. 51.*)

The Czecho-Slovak State undertakes not to erect any military works in that portion of its territory which lies on the right bank of the Danube to the south of Bratislava (Pressburg).

ARTICLE 57. (*not in H.*)

The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provision as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.*

The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

ARTICLE 58. (*H. 52.*)

The proportion and nature of the financial obligations of **the former Austrian Empire** (*H. Hungary*) which the Czecho-Slovak State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article **203** (*H. 186*), Part IX (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION IV.—ROUMANIA. (*H. Section III.*)

ARTICLE 59. (*For H. 45 see below.*)

Austria renounces, so far as she is concerned, in favour of Roumania all rights and title over such portion of the former Duchy of Bukovina as lies within the frontiers of Roumania which may ultimately be fixed by the Principal Allied and Associated Powers.

* *v.* App. IV.

(*H. Article 45.*)

Hungary renounces so far as she is concerned in favour of Roumania all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Hungary as laid down in Article 27, Part II (Frontiers of Hungary) and recognised by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of Roumania.

(*H. Article 46.*) (not in A.)

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Roumania, and one by Hungary, will be appointed within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line provided for in Article 27 (3), Part II (Frontiers of Hungary).

ARTICLE 60. (*H. 47 includes Arts. 60–1—see below.*)

Roumania accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language, or religion.*

Roumania further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

ARTICLE 61.

The proportion and nature of the financial obligations of the former Austrian Empire which Roumania will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 203, Part IX (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

(*H. Article 47.*)

Roumania recognises and confirms in relation to Hungary her obligation to accept the embodiment in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion, as well as to protect freedom of transit and equitable treatment for the commerce of other nations.

The proportion and nature of the financial obligations of Hungary which Roumania will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 186, Part IX (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty which may arise in consequence of the cession of the said territory.

(*H. Section V.—FIUME.*)

Article 53.

Hungary renounces all rights and title over Fiume and the adjoining territories which belonged to the former Kingdom of Hungary and which lie within the boundaries which may subsequently be fixed.

Hungary undertakes to accept the dispositions made in regard to these territories, particularly in so far as concerns the nationality of the inhabitants, in the Treaties concluded for the purpose of completing the present settlement.

* *v.* App. IV.

SECTION V.—PROTECTION OF MINORITIES. (*H. Section VI.*)

ARTICLE 62. (*H. 54.*)

Austria undertakes that the stipulations contained in this Section shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 63. (*H. 55.*)

Austria undertakes to assure full and complete protection of life and liberty to all inhabitants of Austria without distinction of birth, nationality, language, race or religion.

All inhabitants of Austria shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 64. (*H. 56.*)

Austria admits and declares to be Austrian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (*pertinenza*) within Austrian territory who are not nationals of any other State.

ARTICLE 65. (*H. 57.*)

All persons born in Austrian territory who are not born nationals of another State shall *ipso facto* become Austrian nationals.

ARTICLE 66. (*H. 58 includes Arts. 66–7.*)

All Austrian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Austrian national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by an Austrian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of **non-German** (*H. Magyar*) speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 67. (*last para. of H. 58.*)

Austrian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Austrian nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 68. (*H. 59.*)

Austria will provide in the public educational system in towns and districts in which a considerable proportion of Austrian nationals of other than **German** (*H. Magyar*) speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Austrian nationals through the medium of their own language. This provision shall not prevent the Austrian Government from making the teaching of the **German** (*H. Magyar*) language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

ARTICLE 69. (*H. 60.*)

Austria agrees that the stipulations in the foregoing Articles of this Section, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The Allied and Associated Powers represented on the Council severally agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Austria agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Austria further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Austrian Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Austrian Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

SECTION VI.—CLAUSES RELATING TO NATIONALITY. (*H. Section VII.*)

ARTICLE 70. (*H. 61.*)

Every person possessing rights of citizenship (*pertinenza*) in territory which formed part of the territories of the former Austro-Hungarian Monarchy shall obtain *ipso facto* to the exclusion of Austrian nationality the nationality of the State exercising sovereignty over such territory.

ARTICLE 71. (*not in H.*)

Notwithstanding the provisions of Article 70, Italian nationality shall not, in the case of territory transferred to Italy, be acquired *ipso facto* :

(1) by persons possessing rights of citizenship in such territory who were not born there ;

(2) by persons who acquired their rights of citizenship in such territory after May 24, 1915, or who acquired them only by reason of their official position.

ARTICLE 72. (*not in H.*)

The persons referred to in Article 71, as well as those who :

(*a.*) formerly possessed rights of citizenship in the territories transferred to Italy, or whose father, or mother if the father is unknown, possessed rights of citizenship in such territories, or

(*b.*) have served in the Italian Army during the present war, and their descendants, may claim Italian nationality subject to the conditions prescribed in Article 78 for the right of option.

ARTICLE 73. (*not in H.*)

The claim to Italian nationality by the persons referred to in Article 72 may in individual cases be refused by the competent Italian authority.

ARTICLE 74. (*not in H.*)

Where the claim to Italian nationality under Article 72 is not made, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they possessed rights of citizenship before acquiring such rights in the territory transferred to Italy.

ARTICLE 75. (*not in H.*)

Juridical persons established in the territories transferred to Italy shall be considered Italian if they are recognised as such either by the Italian administrative authorities or by an Italian judicial decision.

ARTICLE 76. (*H. 62 includes Arts. 76–7.*)

Notwithstanding the provisions of Article 70 (*H. 61*), persons who acquired rights of citizenship after January 1, 1910, in territory transferred under the present Treaty to the Serb-Croat-Slovene State, or to the Czecho-Slovak State, will not acquire Serb-Croat-Slovene or Czecho-Slovak nationality without a permit from the Serb-Croat-Slovene State or the Czecho-Slovak State respectively.

ARTICLE 77. (*2nd par. of H. 62.*)

If the permit referred to in Article 76 (*H. the preceding paragraph*) is not applied for, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they previously possessed rights of citizenship.

ARTICLE 78. (*H. 63.*)

Persons over 18 years of age losing their Austrian nationality and obtaining *ipso facto* a new nationality under Article 70 (*H. 61*) shall be entitled within a period of one year from the coming into force of the present Treaty to opt for the nationality of the State in which they possessed rights of citizenship before acquiring such rights in the territory transferred.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt.

They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 79. (*not in H.*)

Persons entitled to vote in plebiscites provided for in the present Treaty shall within a period of six months after the definitive attribution of the area in which the plebiscite has taken place be entitled to opt for the nationality of the State to which the area is not assigned. The provisions of Article 78 relating to the right of option shall apply equally to the exercise of the right under this Article.

ARTICLE 80. (*H. 64.*)

Persons possessing rights of citizenship in territory forming part of the former Austro-Hungarian Monarchy, and differing in race and language

from the majority of the population of such territory, shall within six months from the coming into force of the present Treaty severally be entitled to opt for Austria (*H. Hungary*), Italy, Poland, Roumania, the Serb-Croat-Slovene State, or the Czecho-Slovak State, if the majority of the population of the State selected is of the same race and language as the person exercising the right to opt. The provisions of Article 78 (*H. 63*) as to the exercise of the right of option shall apply to the right of option given by this Article.

ARTICLE 81. (*H. 65.*)

The High Contracting Parties undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present Treaty, or under treaties concluded by the Allied and Associated Powers with Germany, Hungary (*H. Austria*) or Russia, or between any of the Allied and Associated Powers themselves, to choose any other nationality which may be open to them.

ARTICLE 82. (*H. 66.*)

For the purposes of the provisions of this Section, the status of a married woman will be governed by that of her husband, and the status of children under 18 years of age by that of their parents.

SECTION VII.—POLITICAL CLAUSES RELATING TO CERTAIN EUROPEAN STATES. (*H. Section VIII.*)

1. *Belgium.*

ARTICLE 83. (*H. 67.*)

Austria, recognising that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents so far as she is concerned to the abrogation of the said treaties and undertakes immediately to recognise and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Austria undertakes immediately to give it.

2. *Luxemburg.*

ARTICLE 84. (*H. 68.*)

Austria agrees, so far as she is concerned, to the termination of the régime of neutrality of the Grand Duchy of Luxemburg, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

3. *Schleswig.*

ARTICLE 85. (*H. 69.*)

Austria hereby accepts so far as she is concerned all arrangements made by the Allied and Associated Powers with Germany concerning the territories whose abandonment was imposed upon Denmark by the Treaty of October 30, 1864.

4. *Turkey and Bulgaria.*

ARTICLE 86. (*H. 70.*)

Austria undertakes to recognise and accept so far as she is concerned all arrangements which the Allied and Associated Powers may make (*H. or have made*) with Turkey and with Bulgaria with reference to any rights,

interests, and privileges whatever which might be claimed by Austria or her nationals in Turkey or Bulgaria and which are not dealt with in the provisions of the present Treaty.

5. *Russia and Russian States.* (*H. 6.*)

ARTICLE 87. (*H. 72.*)

1. Austria acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

In accordance with the provisions of Article 210 (*H. 193*), Part IX (Financial Clauses), and Article 244 (*H. 227*), Part X (Economic Clauses), of the present Treaty, Austria accepts definitely (*H. definitely accepts*) so far as she is concerned the abrogation of the Brest-Litovsk Treaties (*H. Treaties of Brest-Litovsk*) and of all (*H. other*) treaties, conventions, and agreements entered into by the former Austro-Hungarian Government with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Austria restitution and reparation based on the principles of the present Treaty.

2. Austria undertakes to recognise the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognise the frontiers of any such States as determined therein.

(*H. 5. Austria.*) (*not in A.*)

(*H. 71*)

Hungary renounces in favour of Austria all rights and title over the territories of the former Kingdom of Hungary situated outside the frontiers of Hungary as laid down in Article 27 (1), Part II (Frontiers of Hungary).

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Hungary and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line referred to above.

The nationality of the inhabitants of the territories referred to in the present Article shall be regulated in conformity with the dispositions of Articles 61 and 63 to 66.

SECTION VIII.—GENERAL PROVISIONS. (*H. Section IX.*)

ARTICLE 88. (*H. 73.*)

The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.

ARTICLE 89. (*H. 74 includes Arts. 89–90.*)

Austria hereby recognises and accepts the frontiers of (*H. Austria*) Bulgaria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State as these frontiers may be determined by the Principal Allied and Associated Powers.

ARTICLE 90. (*2nd par. of H. 74.*)

Austria undertakes to recognise the full force of the Treaties of Peace and additional conventions which have been or may be concluded by the Allied and Associated Powers with the Powers who fought on the side of the

former Austro-Hungarian Monarchy, and to recognise whatever dispositions have been or may be made concerning the territories of the former German Empire, of **Hungary** (*H. Austria*), of the Kingdom of **Bulgaria**, and of the Ottoman Empire, and to recognise the new States within their frontiers as there laid down.

ARTICLE 91. (*H. 75.*)

Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy and which, being situated outside the new frontiers of Austria as described in Article 27, Part II (Frontiers of Austria), have not at present been **assigned to any State** (*H. otherwise disposed of*).

Austria undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

ARTICLE 92. (*H. 76.*)

No inhabitant of the territories of the former Austro-Hungarian Monarchy shall be disturbed or molested on account either of his political attitude between July 28, 1914, and the definitive settlement of the sovereignty over these territories, or of the determination of his nationality effected by the present Treaty.

ARTICLE 93. (*H. 77.*)

Austria will hand over without delay to the Allied and Associated Governments concerned archives, registers, plans, title-deeds and documents of every kind belonging to the civil, military, financial, judicial or other forms of administration in the ceded territories. If any one of these documents, archives, registers, title-deeds or plans is missing, it shall be restored by Austria upon the demand of the Allied or Associated Government concerned.

In case the archives, registers, plans, title-deeds or documents referred to in the preceding paragraph, exclusive of those of a military character, concern equally the **administrations** (*H. administration*) in Austria, and cannot therefore be handed over without inconvenience to such administrations, Austria undertakes, subject to reciprocity, to give access thereto to the Allied and Associated Governments concerned.

ARTICLE 94. (*H. 78.*)

Separate conventions between Austria and each of the States to which territory of the former Austrian Empire is transferred, and each of the States arising from the dismemberment of the former Austro-Hungarian Monarchy, will provide for the interests of the inhabitants, especially in connection with their civil rights, their commerce, and the exercise of their professions.

PART IV.—AUSTRIAN INTERESTS OUTSIDE EUROPE

ARTICLE 95. (*H. 79.*)

In territory outside her frontiers as fixed by the present Treaty Austria renounces so far as she is concerned all rights, titles and privileges **whatever** in or over territory outside Europe which belonged to the former Austro-Hungarian Monarchy or to its allies, and all rights, titles and privileges whatever their origin which it held as against the Allied and Associated Powers.

Austria undertakes immediately to recognise and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

SECTION I.—MOROCCO.

ARTICLE 96. (*II. 80.*)

Austria renounces so far as she is concerned all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by the former Austro-Hungarian Monarchy with the Sherifian Empire are regarded as abrogated as from August 12, 1914.

In no case can Austria avail herself of these acts and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

ARTICLE 97. (*II. 81.*)

Austria hereby accepts all the consequences of the establishment of the French Protectorate in Morocco, which had been recognised by the Government of the former Austro-Hungarian Monarchy, and she renounces so far as she is concerned the régime of the capitulations in Morocco.

This renunciation shall take effect as from August 12, 1914.

ARTICLE 98. (*II. 82.*)

The Sherifian Government shall have complete liberty of action in regulating the status of Austrian nationals in Morocco and the conditions in which they can establish themselves there.

Austrian protected persons, semsars and 'associés agricoles' shall be considered to have ceased, as from August 12, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

ARTICLE 99. (*II. 83.*)

All movable and immovable property in the Sherifian Empire belonging to the former Austro-Hungarian Monarchy passes *ipso facto* to the Maghzen without compensation.

For this purpose, the property and possessions of the former Austro-Hungarian Monarchy shall be deemed to include all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

All movable and immovable property in the Sherifian Empire belonging to Austrian nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Mining rights which may be recognised as belonging to Austrian nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall be treated in the same way as property in Morocco belonging to Austrian nationals.

ARTICLE 100. (*II. 84.*)

The Austrian Government shall ensure the transfer to the person nominated by the French Government of the shares representing Austria's portion of the capital of the State Bank of Morocco. This person will repay to the persons entitled thereto the value of these shares, which shall be indicated by the State Bank.

This transfer will take place without prejudice to the repayment of debts which Austrian nationals may have contracted towards the State Bank of Morocco.

ARTICLE 101. (*II. 85.*)

Moroccan goods entering Austria shall enjoy the treatment accorded to French goods.

SECTION II.—EGYPT.

ARTICLE 102. (*H. 86.*)

Austria declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces so far as she is concerned the régime of the capitulations in Egypt.

This renunciation shall take effect as from August 12, 1914.

ARTICLE 103. (*H. 87.*)

All treaties, agreements, arrangements and contracts concluded by the Government of the former Austro-Hungarian Monarchy with Egypt are regarded as abrogated as from August 12, 1914.

In no case can Austria avail herself of these instruments, and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers.

ARTICLE 104. (*H. 88.*)

Until an Egyptian law of judicial organisation establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over Austrian nationals and property by the British Consular Tribunals.

ARTICLE 105. (*H. 89.*)

The Egyptian Government shall have complete liberty of action in regulating the status of Austrian nationals, and the conditions under which they may establish themselves in Egypt.

ARTICLE 106. (*H. 90.*)

Austria consents, so far as she is concerned, to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

ARTICLE 107. (*H. 91.*)

Austria consents, so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

ARTICLE 108. (*H. 92.*)

All property and possessions in Egypt of the former Austro-Hungarian Monarchy pass to the Egyptian Government without payment.

For this purpose, the property and possessions of the former Austro-Hungarian Monarchy shall be deemed to include all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

All movable and immovable property in Egypt belonging to Austrian nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 109. (*H. 93.*)

Egyptian goods entering Austria shall enjoy the treatment accorded to British goods.

SECTION III.—SIAM.

ARTICLE 110. (*H. 94.*)

Austria recognises, so far as she is concerned, that all treaties, conventions and agreements between the former Austro-Hungarian Monarchy and Siam, and all rights, titles and privileges derived therefrom, including all rights of extra-territorial jurisdiction, terminated as from July 22, 1917.

ARTICLE 111. (*H. 95.*)

Austria, so far as she is concerned, cedes to Siam all her rights over the goods and property in Siam which belonged to the former Austro-Hungarian Monarchy, with the exception of premises used as diplomatic or consular residences or offices as well as the effects and furniture which they contain. These goods and property pass *ipso facto* and without compensation to the Siamese Government.

The goods, property and private rights of Austrian nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

ARTICLE 112. (*H. 96.*)

Austria waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the liquidation of Austrian property or the internment of Austrian nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

SECTION IV.—CHINA.

ARTICLE 113. (*H. 97.*)

Austria renounces, so far as she is concerned, in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to August 14, 1917.

ARTICLE 114. (*H. 98.*)

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively :

(1.) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff ;

(2.) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary Arrangement of April 4, 1912.

China, however, will not be bound to grant to Austria the advantages or privileges which she allowed to the former Austro-Hungarian Monarchy under these Arrangements.

ARTICLE 115. (*H. 99.*)

Austria, so far as she is concerned, cedes to China all her rights over the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property which belonged to the former Austro-Hungarian Monarchy, and which are situated or may be in the Austro-Hungarian Concession at Tientsin or elsewhere in Chinese territory.

It is understood, however, that premises used as diplomatic or consular residences or offices, as well as the effects and furniture contained therein, are not included in the above cession, and, furthermore, that no steps shall

be taken by the Chinese Government to dispose of the public and private property belonging to the former Austro-Hungarian Monarchy situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain parties to the Final Protocol of September 7, 1901.

ARTICLE 116. (*H. 100.*)

Austria agrees, so far as she is concerned, to the abrogation of the leases from the Chinese Government under which the Austro-Hungarian Concession at Tientsin is now held.

China, restored to the full exercise of her sovereign rights in the above area, declares her intention of opening it to international residence and trade. She further declares that the abrogation of the leases under which the said concession is now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in this concession.

ARTICLE 117. (*H. 101.*)

Austria waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of Austrian nationals in China and their repatriation. She equally renounces, so far as she is concerned, all claims arising out of the capture and condemnation of Austro-Hungarian ships in China, or the liquidation, sequestration or control of Austrian properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

PART V.—MILITARY, NAVAL AND AIR CLAUSES

In order to render possible the initiation of a general limitation of the armaments of all nations, Austria undertakes strictly to observe the military, naval, and air clauses which follow.

SECTION I.—MILITARY CLAUSES.

Chapter I.—GENERAL.

ARTICLE 118. (*H. 102.*)

Within three months from the coming into force of the present Treaty the military forces of Austria shall be demobilised to the extent prescribed hereinafter.

ARTICLE 119. (*H. 103.*)

Universal compulsory military service shall be abolished in Austria. The Austrian Army shall in future only be constituted and recruited by means of voluntary enlistment.

Chapter II.—EFFECTIVES AND CADRES OF THE AUSTRIAN ARMY.

ARTICLE 120. (*H. 104.*)

The total number of military forces in the Austrian Army shall not exceed 30,000 (*H. 35,000*) men, including officers and depôt troops.

Subject to the following limitations, the formations composing the Austrian Army shall be fixed in accordance with the wishes of Austria:

(1.) The effectives of units must be fixed between the maximum and minimum figures shown in Table IV annexed to this Section.

(2.) The proportion of officers, including the personnel of staffs and special services, shall not exceed one-twentieth of the total effectives with the colours, and that of non-commissioned officers shall not exceed one-fifteenth of the total effectives with the colours.

(3.) The number of machine-guns, guns and howitzers shall not exceed per thousand men of the total effectives with the colours those fixed in Table V annexed to this Section.

The Austrian Army shall be devoted exclusively to the maintenance of order within the territory of Austria, and to the control of her frontiers.

ARTICLE 121. (*H. 105.*)

The maximum strength of the Staffs and of all formations which Austria may be permitted to raise are given in the Tables annexed to this Section; these figures need not be exactly followed, but must not be exceeded.

All other organisations for the command of troops or for preparation for war are forbidden.

ARTICLE 122. (*H. 106.*)

All measures of mobilisation, or appertaining to mobilisation, are forbidden.

In no case must formations, administrative services or staffs include supplementary cadres.

The carrying out of any preparatory measures with a view to requisitioning animals or other means of military transport is forbidden.

ARTICLE 123. (*H. 107.*)

The number of gendarmes, customs officers, foresters, members of the local or municipal police or other like officials may not exceed the number of men employed in a similar capacity in 1913 within the boundaries of Austria as fixed by the present Treaty. (*H. The Principal Allied and Associated Powers may, however, increase this number should the Commission of Control referred to in Article 137, after examination on the spot, consider it to be insufficient.*)

The number of these officials shall not be increased in the future except as may be necessary to maintain the same proportion between the number of officials and the total population in the localities or municipalities which employ them.

These officials, as well as officials employed in the railway service, must not be assembled for the purpose of taking part in any military exercises.

ARTICLE 124. (*H. 108.*)

Every formation of troops not included in the Tables annexed to this Section is forbidden. Such other formations as may exist in excess of the 30,000 (*H. 35,000*) effectives authorised shall be suppressed within the period laid down by Article 118 (*H. 102.*)

Chapter III.—RECRUITING AND MILITARY TRAINING.

ARTICLE 125. (*H. 109.*)

All officers must be regulars (officers *de carrière*). Officers now serving who are retained in the Army must undertake the obligation to serve in it up to the age of 40 years at least. Officers now serving who do not join the new army will be released from all military obligations; they must not take part in any military exercises, whether theoretical or practical.

Officers newly appointed must undertake to serve on the active list for 20 consecutive years at least.

The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year one-twentieth of the total of officers provided for in Article 120 (*H. 104*). If this proportion is unavoidably exceeded, the resulting shortage must not be made good by fresh appointments.

ARTICLE 126. (*H. 110.*)

The period of enlistment for non-commissioned officers and privates must be for a total period of not less than 12 consecutive years, including at least 6 years with the colours.

The proportion of men discharged before the expiration of the period of their enlistment for reasons of health or as a result of disciplinary measures or for any other reasons must not in any year exceed one-twentieth of the total strength fixed by Article 120 (*H. 104*). If this proportion is unavoidably exceeded, the resulting shortage must not be made good by fresh enlistments.

Chapter IV.—SCHOOLS, EDUCATIONAL ESTABLISHMENTS, MILITARY CLUBS AND SOCIETIES.

ARTICLE 127. (*H. 111.*)

The number of students admitted to attend the courses in military schools shall be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres shall be included in the effectives fixed by Article 120 (*H. 104*).

Consequently all military schools not required for this purpose shall be abolished.

ARTICLE 128. (*H. 112.*)

Educational establishments, other than those referred to in Article 127 (*H. 111*), as well as all sporting and other clubs, must not occupy themselves with any military matters.

Chapter V.—ARMAMENT, MUNITIONS AND MATERIAL, Fortifications.

ARTICLE 129. (*H. 113.*)

On the expiration of three months from the coming into force of the present Treaty, the armament of the Austrian Army shall not exceed the figures fixed per thousand men in Table V annexed to this Section.

Any excess in relation to effectives shall only be used for such replacements as may eventually be necessary.

ARTICLE 130. (*H. 114.*)

The stock of munitions at the disposal of the Austrian Army shall not exceed the amounts fixed in Table V annexed to this Section.

Within three months from the coming into force of the present Treaty the Austrian Government shall deposit any existing surplus of armament and munitions in such places as shall be notified to it by the Principal Allied and Associated Powers.

No other stock, depôt or reserve of munitions shall be formed.

ARTICLE 131. (*Not in H.*)

The number and calibre of guns constituting the fixed normal armament of fortified places existing at the present moment in Austria shall be immediately notified to the Principal Allied and Associated Powers, and will constitute maximum amounts which must not be exceeded.

Within three months from the coming into force of the present Treaty,

the maximum stock of ammunition for these guns shall be reduced to and maintained at the following uniform rates :

1,500 rounds per gun for those the calibre of which is 105 mm. and under ;
500 rounds per gun for those of higher calibre.

ARTICLE 132. (*H. 115.*)

The manufacture of arms, munitions and war material shall only be carried on in one single factory, which shall be controlled by and belong to the State, and whose output shall be strictly limited to the manufacture of such arms, munitions and war material as is necessary for the military forces and armaments referred to in Articles 120, 123, 129, 130, and 131 (*H. 104, 107, 113, and 114*). (*H. The Principal Allied and Associated Powers may, however, authorise such manufacture, for such a period as they may think fit, in one or more other factories to be approved by the Commission of Control referred to in Article 137.*)

The manufacture of sporting weapons is not forbidden, provided that sporting weapons manufactured in Austria taking ball cartridge are not of the same calibre as that of military weapons used in any European army.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage, or design of arms, munitions, or any other war material shall be closed down or converted to purely commercial uses.

Within the same length of time, all arsenals shall also be closed down, except those to be used as depôts for the authorised stocks of munitions, and their staffs discharged.

The plant of any establishments or arsenals in excess of the amount required for the manufacture authorised shall be rendered useless or converted to purely commercial purposes in accordance with the decisions of the Military Inter-Allied Commission of Control referred to in Article 158 (*H. 137*). (*This par. is H. 116.*)

ARTICLE 133. (*H. 117.*)

Within three months from the coming into force of the present Treaty, all arms, munitions, and war material, including any kind of anti-aircraft material, of whatever origin, existing in Austria in excess of the quantity authorised shall be handed over to the Principal Allied and Associated Powers.

Delivery shall take place at such points in Austrian territory as may be appointed by the said Powers, who shall also decide on the disposal of such material.

ARTICLE 134. (*H. 118.*)

The importation into Austria of arms, munitions and war material of all kinds is strictly forbidden.

The manufacture for foreign countries and the exportation of arms, munitions and war material shall also be forbidden.

ARTICLE 135. (*H. 119.*)

The use of flame throwers, asphyxiating, poisonous or other gases, and all similar liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Austria.

Material specially intended for the manufacture, storage or use of the said products or devices is equally forbidden.

The manufacture and importation into Austria of armoured cars, tanks or any similar machines suitable for use in war are equally forbidden.

Table I.—Composition and Maximum Effectives of an Infantry Division. (*Also in H.*)

Units.	Maximum Effectives of each Unit. Officers.	Men.
Headquarters of an Infantry Division	25	70
Headquarters of Divisional Infantry	5	50
Headquarters of Divisional Artillery	4	30
3 Regiments of Infantry * (on the basis of 65 officers and 2,000 men per regiment)	195	6,000
1 Squadron	6	160
1 Battalion of Trench Artillery (3 companies)	14	500
1 Battalion of Pioneers † (3 companies)	14	500
Regiment Field Artillery ‡	80	1,200
1 Battalion Cyclists (comprising 3 companies)	18	450
1 Signal detachment §	11	330
Divisional Medical Corps	28	550
Divisional parks and trains	14	940
Total for an Infantry Division	414	10,780

* Each regiment comprises 3 battalions of infantry. Each battalion comprises 3 companies of infantry and 1 machine-gun company.

† Each battalion comprises 1 headquarters, 2 pioneer companies, 1 bridging section, 1 searchlight section.

‡ Each regiment comprises 1 headquarters, 3 groups of field or mountain artillery, comprising 8 batteries; each battery comprising 4 guns or howitzers (field or mountain).

§ This detachment comprises: (*H. 1 telegraph and*) telephone detachment, 1 listening section, 1 carrier pigeon section.

Table II.—Composition and Maximum Effectives for a Cavalry Division. (*Also in H.*)

Units.	Maximum Number Authorised.	Maximum Effectives of each Unit. Officers.	Men.
Headquarters of a Cavalry Division	1	15	50
Regiment of Cavalry *	6	30	720
Group of Field Artillery (3 batteries)	1	30	430
Group of motor machine guns and armoured cars †	1	4	80
Miscellaneous services	..	30	500
Total for a Cavalry Division		259	5,380

* Each regiment comprises 4 squadrons.

† Each group comprises 9 fighting cars, each carrying 1 gun, 1 machine gun, and 1 spare machine gun, 4 communication cars, 2 small lorries for stores, 7 lorries, including 1 repair lorry, 4 motor cycles.

Note.—The large cavalry units may include a variable number of regiments and be divided into independent brigades within the limit of the effectives laid down above.

Table III.—COMPOSITION and Maximum Effectives for a Mixed Brigade. (*Also in H.*)

Units.	Maximum Effectives of each Unit. Officers.	Men.
Headquarters of a Brigade	10	50
2 Regiments of Infantry *	130	4,000
1 Cyclist Battalion (*H.* (3 *Companies*))	18	450
1 Cavalry Squadron	5	100
1 Group Field (*H. or Mountain*) Artillery (*H.* (3 *Batteries*))	20	400
1 Trench Mortar Company	5	150
Miscellaneous services	10	200
Total for Mixed Brigade	198	5,350

* Each regiment comprises 3 battalions of infantry. Each battalion comprises 3 companies of infantry and 1 machine gun company.

Table IV.—MINIMUM Effectives of Units whatever Organisation is adopted in the Army. (*Also in H.*)

(*Divisions, Mixed Brigades, &c.*)

Units.	Maximum Effectives (for reference). Officers.	Men.	Minimum Effectives Officers.	Men.
Infantry Division ..	414	10,780	300	8,000
Cavalry Division ..	259	5,380	180	3,650
Mixed Brigade ..	198	5,350	140	4,250
Regiment of Infantry	65	2,000	52	1,600
Battalion of Infantry	16	650	12	500
Company of Infantry or machine guns	3	160	2	120
Cyclist Group ..	18	450	12	300
Regiment of Cavalry	30	720	20	450
Squadron of Cavalry	6	160	3	100
Regiment of Field Artillery	80	1,200	60	1,000
Battery of Field Artillery ..	4	150	2	120
Company of Trench Mortars	3	150	2	100
Battalion of Pioneers	14	500	8	300
Battery of Mountain Artillery	5	320	3	200

Table V.—MAXIMUM authorised Armaments and Munition Supplies. (*Also in H.*)

Material.	Quantity for 1,000 Men.	Amount of Munitions per Arm (rifles, guns, &c.).
Rifles or carbines *	1,150	500 rounds.
Machine guns, heavy or light ..	15	10,000 ,,
Trench mortars, light	2	1,000 ,,
Trench mortars, medium		500 ,,
Guns or howitzers (field or mountain)	3	1,000 ,,

* Automatic rifles or carbines are counted as light machine guns.

No heavy guns (*H. gun*), *i.e.*, of a calibre greater than 105 mm. is authorised, with the exception of the normal armament of fortified places.

SECTION II.—NAVAL CLAUSES.

ARTICLE 136. (*H. 120.*)

From the date of the coming into force of the present Treaty all Austro-Hungarian warships, submarines included, are declared to be finally surrendered to the Principal Allied and Associated Powers.

All the monitors, torpedo boats and armed vessels of the Danube Flotilla will be surrendered to the Principal Allied and Associated Powers.

Austria will, however, have the right to maintain on the Danube for the use of the river police three patrol boats to be selected by the Commission referred to in Article 154 (*H. 138*) of the present Treaty. (*H. The Principal Allied and Associated Powers may increase this number should the said Commission, after examination on the spot, consider it to be insufficient.*)

ARTICLE 137. (*H. 121.*)

The Austro-Hungarian auxiliary cruisers and fleet auxiliaries enumerated below will be disarmed and treated as merchant ships :

Bosnia.	Persia.	Trieste.
Gablonz.	Prince Hohenlohe.	Baron Bruck.
Carolina.	Gastein.	Elizabet.
Africa.	Helouan.	Melcavich.
Tirol.	Graf Wurmbrand.	Baron Call.
Argentina.	Pelikan.	Gaea.
Lussin.	Herkules.	Cyclop.
Teodo.	Pola.	Vesta.
Nixe.	Najade.	Nymphe.
Gigante.	Pluto.	Buffel.
Dalmat.	President Wilson (*ex*-Kaiser Franz Joseph).	

ARTICLE 138. (*H. 122.*)

All warships, including submarines, now under construction in Austrian ports, or in ports which previously belonged to the Austro-Hungarian Monarchy, shall be broken up.

The work of breaking up these vessels will be commenced as soon as possible after the coming into force of the present Treaty.

(*H. The mine-layer tenders under construction at Porto-re may, however, be preserved if the Naval Inter-Allied Commission of Control and the Reparation Commission consider that for economic reasons their employment for commercial purposes is desirable. In that event the vessels will be handed over to the Reparation Commission, which will assess their value, and will credit such value, in whole or in part, to Hungary, or as the case may require to Austria, on the reparation account.*)

ARTICLE 139. (*H. 123.*)

Articles, machinery and material arising from the breaking up of Austro-Hungarian warships of all kinds, whether surface vessels or submarines, may not be used except for purely industrial or commercial purposes.

They may not be sold or disposed of to foreign countries.

ARTICLE 140. (*H. 124.*)

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Austria.

ARTICLE 141. (*H. 125.*)

All arms, ammunition and other naval war material, including mines and torpedoes, which belonged to Austria-Hungary at the date of the signature of the Armistice of November 3, 1918, are declared to be finally surrendered to the Principal Allied and Associated Powers.

ARTICLE 142. (*H. 126.*)

Austria is held responsible for the delivery (Articles 136 (*H. 120*) and 141 (*H. 125*)), the disarmament (Article 137 (*H. 121*)), the demolition (Article 138 (*H. 122*)), as well as the disposal (Article 137 (*H. 121*)) and the use (Article 139 (*H. 123*)) of the objects mentioned in the preceding Articles only so far as these remain in her own territory.

ARTICLE 143. (*H. 127.*)

During the three months following the coming into force of the present Treaty, the Austrian high-power wireless telegraphy station at **Vienna** (*H. Budapest*) shall not be used for the transmission of messages concerning naval, military or political questions of interest to Austria, or any State which has been allied to Austria-Hungary in the war, without the assent of the Principal Allied and Associated Powers. This station may be used for commercial purposes, but only under the supervision of the said Powers, who will decide the wave-length to be used.

During the same period Austria shall not build any more high-power wireless telegraphy stations in her own territory or that of **Hungary** (*H. Austria*), Germany, Bulgaria or Turkey.

SECTION III.—AIR CLAUSES.

ARTICLE 144. (*H. 128.*)

The armed forces of Austria must not include any military or naval air forces.

No dirigible shall be kept.

ARTICLE 145. (*H. 129.*)

Within two months from the coming into force of the present Treaty, the personnel of the air forces on the rolls of the Austrian land and sea forces shall be demobilised.

ARTICLE 146. (*H. 130.*)

Until the complete evacuation of Austrian territory by the Allied and Associated troops the aircraft of the Allied and Associated Powers shall enjoy in Austria freedom of passage through the air, freedom of transit and of landing.

ARTICLE 147. (*H. 131.*)

During the six months following the coming into force of the present Treaty, the manufacture, importation, and exportation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft shall be forbidden in all Austrian territory.

ARTICLE 148. (*H. 132.*)

On the coming into force of the present Treaty, all military and naval aeronautical material must be delivered by Austria and at her expense to the Principal Allied and Associated Powers.

Delivery must be effected at such places as the Governments of the said Powers may select, and must be completed within three months.

In particular, this material will include all items under the following heads which are or have been in use or were designed for warlike purposes:

Complete aeroplanes and seaplanes, as well as those being manufactured, repaired, or assembled.

Dirigibles able to take the air, being manufactured, repaired, or assembled.

Plant for the manufacture of hydrogen.

Dirigible sheds and shelters of every kind for aircraft.

Pending their delivery, dirigibles will, at the expense of Austria, be main-

tained inflated with hydrogen; the plant for the manufacture of hydrogen, as well as the sheds for dirigibles, may, at the discretion of the said Powers, be left to Austria until the time when the dirigibles are handed over.

Engines for aircraft.

Nacelles and fuselages.

Armament (guns, machine guns, light machine guns, bomb-dropping apparatus, torpedo apparatus, synchronisation apparatus, aiming apparatus).

Munitions (cartridges, shells, bombs loaded or unloaded, stocks of explosives or of material for their manufacture).

Instruments for use on aircraft.

Wireless apparatus and photographic or cinematograph apparatus for use on aircraft.

Component parts of any of the items under the preceding heads.

The material referred to above shall not be removed without special permission from the said Governments.

SECTION IV.—INTER-ALLIED COMMISSIONS OF CONTROL.

ARTICLE 149. (*H. 133.*)

All the Military, Naval and Air Clauses contained in the present Treaty for the execution of which a time limit is prescribed shall be executed by Austria under the control of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

The above-mentioned Commissions will represent the Governments of the Principal Allied and Associated Powers in dealing with the Austrian Government in all matters concerning the execution of the Military, Naval and Air Clauses. They will communicate to the Austrian authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take or which the execution of the said Clauses may necessitate.

ARTICLE 150. (*H. 134.*)

The Inter-Allied Commissions of Control may establish their organisations at Vienna (*H. Budapest*) and shall be entitled, as often as they think desirable, to proceed to any point whatever in Austrian territory, or to send a sub-commission, or to authorise one or more of their members to go to any such point.

ARTICLE 151. (*H. 135.*)

The Austrian Government must furnish to the Inter-Allied Commissions of Control all such information and documents as the latter may deem necessary to ensure the execution of their mission, and all means (both in personnel and in material) which the above-mentioned Commissions may need to ensure the complete execution of the Military, Naval or Air Clauses.

The Austrian Government must attach a qualified representative to each Inter-Allied Commission of Control with the duty of receiving from the latter any communications which it may have to address to the Austrian Government, and furnishing it with, or procuring, all information or documents demanded.

ARTICLE 152. (*H. 136.*)

The upkeep and cost of the Commissions of Control and the expense involved by their work shall be borne by Austria.

ARTICLE 153. (*H. 137.*)

It will be the special duty of the Military Inter-Allied Commission of Control to receive from the Austrian Government the notifications relating to the location of the stocks and depôts of munitions, the armament of the fortified works, fortresses and forts, and the location of the works or factories

for the production of arms, munitions, and war material and their operations.

It will take delivery of the arms, munitions, war material and plant intended for war construction, will select the points where such delivery is to be effected, and will supervise the works of destruction, and rendering things useless, or of transformation of material, which are to be carried out in accordance with the present Treaty.

ARTICLE 154. (*H. 138.*)

It will be the special duty of the Naval Inter-Allied Commission of Control to proceed to the building yards and to supervise the breaking-up of the ships which are under construction there, to take delivery of arms, munitions and naval war material, and to supervise the destruction and breaking-up provided for.

The Austrian Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the Naval Clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus, and in general everything relating to naval war material, as well as all legislative or administrative documents or regulations.

ARTICLE 155. (*H. 139.*)

It will be the special duty of the Aeronautical Inter-Allied Commission of Control to make an inventory of the aeronautical material which is actually in the possession of the Austrian Government, to inspect aeroplane, balloon and motor manufactories, and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depôts which are now in Austrian territory, and to authorise where necessary a removal of material and to take delivery of such material.

The Austrian Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may consider necessary to ensure the complete execution of the Air Clauses, and, in particular, a list of the personnel belonging to all the air services of Austria and of the existing material, as well as of that in process of manufacture or on order, and a list of all establishments working for aviation, of their positions, and of all sheds and landing grounds

SECTION V.—GENERAL CLAUSES. (*H. General Articles.*)

ARTICLE 156. (*H. 140.*)

After the expiration of a period of three months from the coming into force of the present Treaty, the Austrian laws must have been modified and shall be maintained by the Austrian Government in conformity with this Part of the present Treaty.

Within the same period all the administrative or other measures relating to the execution of this Part must have been taken by the Austrian Government.

ARTICLE 157. (*H. 141.*)

The following portions of the Armistice of November 3, 1918: paragraphs 2 and 3 of Chapter I (Military Clauses), paragraphs 2, 3, 6 of Chapter I of the annexed Protocol (Military Clauses), remain in force so far as they are not inconsistent with the above stipulations.

ARTICLE 158. (*H. 142.*)

Austria undertakes, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory; Austria further agrees to take the necessary measures to prevent Austrian nationals from leaving her territory to enlist in the Army, Navy or Air service of any foreign Power, or to be attached to such Army, Navy or Air service for the purposes (*H. purpose*) of assisting in the military, naval or air training thereof, or generally for the purpose of giving military, naval or air instruction in any foreign country.

The Allied and Associated Powers undertake, so far as they are concerned, that from the coming into force of the present Treaty they will not enrol in nor attach to their armies or naval or air forces any Austrian national for the purpose of assisting in the military training of such armies or naval or air forces, or otherwise employ any such Austrian national as military, naval, or aeronautic instructor.

The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

ARTICLE 159. (*H. 143.*)

So long as the present Treaty remains in force, Austria undertakes to submit to any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

PART VI.—PRISONERS OF WAR AND GRAVES

SECTION I.—PRISONERS OF WAR.

ARTICLE 160. (*H. 144.*)

The repatriation of Austrian prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest rapidity.

ARTICLE 161. (*H. 145.*)

The repatriation of Austrian prisoners of war and interned civilians shall, in accordance with Article 160 (*H. 144*), be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of the Austrian Government on the other part.

For each of the Allied and Associated Powers a Sub-Commission composed exclusively of representatives of the interested Power and of delegates of the Austrian Government shall regulate the details of carrying into effect the repatriation of prisoners of war.

ARTICLE 162. (*H. 146.*)

From the time of their delivery into the hands of the Austrian authorities, the prisoners of war and interned civilians are to be returned without delay to their homes by the said Authorities.

Those among them who, before the war, were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

ARTICLE 163. (*H. 147.*)

The whole cost of repatriation from the moment of starting shall be borne by the Austrian Government, who shall also provide means of transport and working personnel as considered necessary by the Commission referred to in Article 161 (*H. 145.*)

ARTICLE 164. (*H. 148.*)

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to **June 1, 1919** (*H. January 1, 1920*).

During the period pending their repatriation, all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

ARTICLE 165. (*H. 149.*)

Prisoners of war and interned civilians who are awaiting trial or undergoing sentence for offences other than those against discipline may be detained.

ARTICLE 166. (*H. 150.*)

The Austrian Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or (*H. other*) Austrian nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

The Austrian Government undertakes not to institute any exceptional proceedings against these persons or their families, nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

ARTICLE 167. (*H. 151.*)

The Allied and Associated Governments reserve the right to make the repatriation of Austrian prisoners of war or Austrian nationals in their hands conditional upon the immediate notification and release by the Austrian Government of any prisoners of war and other nationals of the Allied and Associated Powers who are still held in Austria against their will.

ARTICLE 168. (*H. 152.*)

The Austrian Government undertakes:

(1) to give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals, and all other places; and to place at their disposal all documents, whether public or private, which would facilitate their enquiries;

(2) to impose penalties upon any Austrian officials or private persons who have concealed the presence of any nationals of any of the Allied or Associated Powers, or who have neglected to reveal the presence of any such after it had come to their knowledge.

ARTICLE 169. (*H. 153.*)

The Austrian Government undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the Austrian authorities.

ARTICLE 170. (*H. 154.*)

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

SECTION II.—GRAVES.

ARTICLE 171. (*H. 155.*)

The Allied and Associated Governments and the Austrian Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognise any Commission appointed by the several Governments for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves, and to facilitate the discharge of its duties.

Furthermore, they agree to afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

ARTICLE 172. (*H. 156.*)

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 171 of this Part (*H. 155*) of the present Treaty.

The Allied and Associated Powers (*H. Governments*) on the one part and the Austrian Government on the other part reciprocally undertake also to furnish to each other :

(1.) a complete list of those who have died, together with all information useful for identification ;

(2.) all information as to the number and positions of the graves of all those who have been buried without identification.

PART VII.—PENALTIES

ARTICLE 173. (*H. 157.*)

The Austrian Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecutions before a tribunal in Austria or in the territory of her allies.

The Austrian Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the Austrian authorities.

ARTICLE 174. (*H. 158.*)

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

ARTICLE 175. (*H. 159.*)

The Austrian Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

ARTICLE 176. (*H. 160.*)

The provisions of Article 173 (*H. 157*) to 175 (*H. 159*) apply similarly to the Governments of the States to which territory belonging to the former Austro-Hungarian Monarchy has been assigned, in so far as concerns persons accused of having committed acts contrary to the laws and customs of war who are in the territory or at the disposal of the said States.

If the persons in question have acquired the nationality of one of the said States, the Government of such State undertakes to take, at the request of the Power concerned and in agreement with it, all the measures necessary to ensure the prosecution and punishment of such persons.

PART VIII.—REPARATION

SECTION I.—GENERAL PROVISIONS.

ARTICLE 177. (*H. 161.*)

The Allied and Associated Governments affirm and Austria accepts the responsibility of Austria and her Allies for causing the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Austria-Hungary and her Allies.

ARTICLE 178. (*H. 162.*)

The Allied and Associated Governments recognise that the resources of Austria are not adequate, after taking into account the permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for such loss and damage.

The Allied and Associated Governments however require, and Austria undertakes, that she will make compensation as hereinafter determined for damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied and Associated Power against Austria by the said aggression by land, by sea and from the air, and in general (*H. all*) damage as defined in Annex I hereto.

ARTICLE 179. (*H. 163.*)

The amount of such damage for which compensation is to be made by Austria shall be determined by an Inter-Allied Commission to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and (*H. in the present Treaty, particularly*) in Annexes II–V inclusive hereto. The Commission is the same as that provided for under Article 233 of the Treaty with Germany, subject to any modifications resulting from the present Treaty. The Commission shall constitute a Section to consider the special questions raised by the application of the present Treaty; this Section shall have consultative power only, except in cases in which the Commission shall delegate to it such powers as may be deemed convenient.

The Reparation Commission shall consider the claims and give to the Austrian Government a just opportunity to be heard.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging by Austria, within thirty years dating from May 1, 1921, that part of the debt which shall have been assigned to her after the Commission has decided whether Germany is in a position to pay the balance of the total amount of claims presented against Germany and her allies and approved by the Commission. If, however, within the period mentioned, Austria fails to discharge her obligations, any balance remaining unpaid may, within the discretion of

the Commission, be postponed for settlement in subsequent years or may be handled otherwise in such manner as the Allied and Associated Governments acting in accordance with the procedure laid down in this Part of the present Treaty shall determine.

ARTICLE 180. (*H. 164.*)

The Reparation Commission shall, after May 1, 1921, from time to time consider the resources and capacity of Austria, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date and to modify the form of payments such as are to be provided for in accordance with Article 179 (*H. 163*), but not to cancel any part except with the specific authority of the several Governments represented on the Commission.

ARTICLE 181. (*H. 165.*)

Austria shall pay in the course of the years 1919 (*H. year*), 1920, and the first four months of 1921, in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may lay down, a reasonable sum which shall be determined by the Commission. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 3, 1918, (*H. provided for by Article 181*) shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers essential to enable Austria to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards the liquidation of the amount due for reparation. Austria shall further deposit bonds as prescribed in paragraph 12 (*c*) of Annex II hereto.

ARTICLE 182. (*H. 166.*)

Austria further agrees to the direct application of her economic resources to reparation as specified in Annexes III, IV and V relating respectively to merchant shipping, to physical restoration and to raw material; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her towards the liquidation of her obligations under the above Articles.

ARTICLE 183. (*H. 167.*)

The successive instalments, including the above sum, paid over by Austria in satisfaction of the above claims will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and the rights of each.

For the purposes of this division the value of the credits referred to in Article 189 (*H. 173*) and in Annexes III, IV and V shall be reckoned in the same manner as cash payments made in the same year.

ARTICLE 184. (*H. 168.*)

In addition to the payments mentioned above, Austria shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestrated, and also restitution of animals, objects of every nature and securities taken away, seized or sequestrated in the cases in which it proves possible to identify them on territory belonging to, or during the execution of the present Treaty in the possession of, Austria or her allies.

ARTICLE 185. (*H. 169.*)

The Austrian Government undertakes to make forthwith the restitution contemplated in Article 184 above (*H. 168*) and to make the payments

and deliveries contemplated in Articles 179, 180, 181 and 182 (*H. 163, 164, 165 and 166*) above.

ARTICLE 186. (*H. 170.*)

The Austrian Government recognises the Commission provided for by Article 179 (*H. 163*) as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present Treaty.

The Austrian Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity and stocks, and current production of raw materials and manufactured articles of Austria and her nationals, and further any information relative to the military operations of the war of 1914–1919 which, in the judgment of the Commission, may be necessary.

The Austrian Government shall accord to the members of the Commission and its authorised agents the same rights and immunities as are enjoyed in Austria by duly accredited diplomatic agents of friendly Powers.

Austria further agrees to provide for the salaries and the expenses of the Commission and of such staff as it may employ.

ARTICLE 187. (*H. 171.*)

Austria undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

ARTICLE 188. (*H. 172.*)

The provisions in this Part of the present Treaty shall not affect in any respect the provisions of Sections III and IV of Part X (Economic Clauses) of the present Treaty.

ARTICLE 189. (*H. 173.*)

The following shall be reckoned as credits to Austria in respect of her reparation obligations :

(*a.*) any final balance in favour of Austria under Sections III and IV of Part X (Economic Clauses) of the present Treaty ;

(*b.*) amounts due to Austria in respect of transfers provided for in Part IX (Financial Clauses) and in Part XII (Ports, Waterways, and Railways) ;

(*c.*) all amounts which, in the judgment of the Reparation Commission, should be credited to Austria on account of any other transfers under the present Treaty of property, rights, concessions or other interests.

In no case, however, shall credit be given for property restored in accordance with Article 184 (*H. 168*).

ARTICLE 190. (*H. 174.*)

The transfer of the Austrian submarine cables, in the absence of any special provision in the present Treaty, is regulated by Annex VI hereto.

ANNEX I. (*Also in H.*)

Compensation may be claimed from Austria in accordance with Article 178 (*H. 162*) above in respect of the total damage under the following categories :

1. Damage to injured persons and to surviving dependants by personal injury to or death of civilians caused by acts of war, including bombardment or other attacks on land, on sea, or from the air, and of the direct consequences thereof and of all operations of war by the two groups of belligerents wherever arising.

2. Damage caused by Austria or her allies to civilian victims of acts of cruelty, violence, or maltreatment (including injuries to life or health as

a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea, or of being forced to labour) wherever arising, and to the surviving dependants of such victims.

3. Damage caused by Austria or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work or to honour, as well as to the surviving dependants of such victims.

4. Damage caused by any kind of maltreatment of prisoners of war.

5. As damage caused to the peoples of the Allied and Associated Powers, all pensions or compensations in the way of pensions to naval and military victims of war, including members of the air force, whether mutilated, wounded, sick, or invalided, and to the dependants of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalised cost of such pensions and compensations at the date of the coming into force of the present Treaty on the basis of the scales in force in France on May 1, 1919.

6. The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war, to their families and dependants.

7. Allowances by the Governments of the Allied and Associated Powers to the families and dependants of mobilized persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

8. Damage caused to civilians by being forced by Austria or her allies to labour without just remuneration.

9. Damage in respect of all property, wherever situated, belonging to any of the Allied or Associated States or their nationals, with the exception of naval or military works or materials, which has been carried off, seized, injured, or destroyed by the acts of Austria or her allies on land, on sea, or from the air, or damage directly in consequence of hostilities or of any operations of war.

10. Damage in the form of levies, fines and other similar exactions imposed by Austria or her allies upon the civilian population.

ANNEX II. (*Also in H.*)

1.

The Commission referred to in Article 179 (*H. 163*) shall be called the 'Reparation Commission' and is hereafter referred to as 'the Commission'.

2.

The Delegates to this Commission shall be appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium, Greece, Poland, Roumania, the Serb-Croat-Slovene State and Czecho-Slovakia. The United States of America, Great Britain, France, Italy, Japan and Belgium shall each appoint a Delegate. The other five Powers shall appoint a Delegate to represent them all under the conditions indicated in the third (*H. second ?*) sub-paragraph of paragraph 3 hereafter. At the time when each Delegate is appointed there shall also be appointed an Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at the proceedings without taking any part therein.

On no occasion shall Delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan will have this right when questions relating to damage at sea are under consideration. The Delegate representing the

five remaining Powers mentioned above shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each of the Governments represented on the Commission shall have the right to withdraw after giving twelve months' notice to the Commission and confirming it six months after the date of the original notification.

3.

Such of the Allied and Associated Powers as may be interested shall have the right to name a Delegate to be present and act as assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

The Section to be established by the Commission under Article 179 (*H. 163*) shall include representatives of the following Powers: the United States of America, Great Britain, France, Italy, Greece, Poland, Roumania, the Serb-Croat-Slovene State and Czecho-Slovakia. This composition of the Section shall in no way prejudge the admissibility of any claims. In voting, the representatives of the United States of America, Great Britain, France and Italy shall each have two votes.

The representatives of the five remaining Powers mentioned above shall appoint a Delegate to represent them all, who shall sit on the Reparation Commission in the circumstances described in paragraph 2 of the present Annex. This Delegate, who shall be appointed for one year, shall be chosen successively from the nationals of each of the said five Powers.

4.

In the case of death, resignation or recall of any Delegate, Assistant Delegate or Assessor, a successor to him shall be nominated as soon as possible.

5.

The Commission shall have its principal permanent bureau in Paris, and shall hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as may be deemed convenient and as may be necessary for the most expeditious discharge of its duties.

6.

At its first meeting the Commission shall elect from among the Delegates referred to above a Chairman and a Vice-Chairman, who shall hold office for a year and shall be eligible for re-election. If a vacancy in the chairmanship or vice-chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

7.

The Commission is authorised to appoint all necessary officers, agents and employees who may be required for the execution of its functions, and to fix their remuneration; to constitute Sections or Committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents, Sections and Committees.

8.

All the proceedings of the Commission shall be private unless on particular occasions the Commission shall otherwise determine for special reasons.

9.

The Commission shall be required, if the Austrian Government so desire, to hear within a period which it will fix from time to time evidence and arguments on the part of Austria on any questions connected with her capacity to pay.

10.

The Commission shall consider the claims and give to the Austrian Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Austria when it shall consider that their interests are in question.

11.

The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

12.

The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it, by the present Treaty.

The Commission shall, in general, have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part, and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding and distributing the reparation payments to be made by Austria under this Part of the present Treaty. The Commission must comply with the following conditions and provisions:

(*a.*) Whatever part of the full amount of the proved claims is not paid in gold or in ships, securities, commodities or otherwise, Austria shall be required, under such conditions as the Commission may determine, to cover by way of guarantee, by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

(*b.*) In periodically estimating Austria's capacity to pay the Commission shall examine the Austrian system of taxation, first, to the end that the sums for reparation which Austria is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and, secondly, so as to satisfy itself that in general the Austrian scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

The Reparation Commission shall receive instructions to take account of: (1) the actual economic and financial position of Austrian territory as delimited by the present Treaty; and (2) the diminution of its resources and of its capacity for payment resulting from the clauses of the present Treaty. As long as the position of Austria is not modified the Commission shall take account of these considerations in fixing the final amount of the obligations to be imposed on Austria, the payments by which these are to be discharged, and any postponement of payment of interest which may be asked for by Austria.

(*c.*) The Commission shall, as provided in Article 181 (*H. 165*), take from Austria, by way of security for and acknowledgment of her debt, gold bearer bonds free of all taxes or charges of every description established or to be established by the Austrian Government or by any authorities subject to it. These bonds will be delivered at any time that may be judged expedient by the Commission, and in three portions, of which the respective amounts will be also fixed by the Commission, the crowns gold being payable in conformity with Article 214 (*H. 197*), Part IX (Financial Clauses) of the present Treaty:

(1.) A first issue in bearer bonds payable not later than May 1, 1921, without interest. There shall be specially applied to the amortisation of

these bonds the payments which Austria is pledged to make in conformity with Article 181 (*H. 165*), after deduction of the sums used for the reimbursement of the expenses of the armies of occupation and other payments for foodstuffs and raw material (*H. materials*). Such bonds as may not have been redeemed by May 1, 1921, shall then be exchanged for new bonds of the same type as those provided for below (paragraph 12 (*c*) 2).

(2.) A second issue in bearer bonds bearing interest at 2½ per cent. between 1921 and 1926, and thereafter at 5 per cent. with an additional 1 per cent. for amortisation beginning in 1926 on the whole amount of the issue.

(3.) An undertaking in writing to issue, when, but not until, the Commission is satisfied that Austria can meet the interest and sinking fund obligations, a further instalment of bearer bonds bearing interest at 5 per cent., the time and mode of payment of principal and interest to be determined by the Commission.

The dates for the payment of interest, the manner of employing the amortisation fund and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.

In case the Reparation Commission should proceed to fix definitely and no longer provisionally the sum of the common charges to be borne by Austria as a result of the claims of the Allied and Associated Powers, the Commission shall immediately annul all bonds which may have been issued in excess of this sum.

(*d.*) In the event of bonds, obligations or other evidence of indebtedness issued by Austria by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favour Austria's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Austria in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(*e.*) The damage for repairing, reconstructing and rebuilding property situated in the invaded and devastated districts, including reinstallation of furniture, machinery and other equipment, will be calculated according to the cost at the date when the work is done.

(*f.*) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any of the verified debt of Austria must be accompanied by a statement of its reasons.

13.

As to voting the Commission will observe the following rules:

When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their assistant Delegates, shall be recorded.

Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors shall have no vote.

On the following questions unanimity is necessary:

(*a.*) Questions involving the sovereignty of any of the Allied and Associated Powers, or the cancellation of the whole or any part of the debt or obligations of Austria;

(*b.*) Questions of determining the amount and conditions of bonds or other obligations to be issued by the Austrian Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

(*c.*) Any postponement, total or partial, beyond the end of 1930, of the

payment of instalments falling due between May 1, 1921, and the end of 1926 inclusive;

(*d.*) Any postponement, total or partial, of any instalments falling due after 1926 for a period exceeding three years;

(*e.*) Questions of applying in any particular case a method of measuring damages different from that which has been previously applied in a similar case;

(*f.*) Questions of the interpretation of the provisions of this part of the present Treaty.

All other questions shall be decided by the vote of the majority.

In the case of any difference of opinion among the Delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

14.

Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

15.

The Commission shall issue to each of the interested Powers in such form as the Commission shall fix:

(1) a certificate stating that it holds for the account of the said Power bonds of the issues mentioned above, the said certificate on the demand of the Power concerned being divisible into a number of parts not exceeding five;

(2) from time to time certificates stating the goods delivered by Austria on account of her reparation debt which it holds for the account of the said Power.

Such certificates shall be registered and, upon notice to the Commission, may be transferred by endorsement.

When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

16.

Interest shall be debited to Austria as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent by bonds issued to the Commission, or under Article 189 (*H. 173*).

The rate of interest shall be 5 per cent. unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Austria, may take account of interest due on sums arising out of reparation and of material damage as from November 11, 1918 (*H. or any later date that may be fixed by the Commission*), up to May 1, 1921.

17.

In case of default by Austria in the performance of any obligation under this Part of the present Treaty, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

18.

The measures which the Allied and Associated Powers shall have the right to take, in the case of voluntary default by Austria, and which Austria

agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals, and, in general, such other measures as the respective Governments may determine to be necessary in the circumstances.

19.

Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions within or without Austrian territory, ships, bonds, shares or securities of any kind, or currencies of Austria or other States, the value of such substitutes for gold being fixed at a fair and just amount by the Commission itself.

20.

The Commission, in fixing or accepting payment in specified properties or rights shall have due regard for any legal or equitable interests of the Allied and Associated Powers, or of neutral Powers, or of their nationals therein.

21.

No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied and Associated Governments assumes any responsibility in respect of any other Government.

22.

Subject to the provisions of the present Treaty, this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

23.

When all the amounts due from Austria and her allies, under the present Treaty or the decisions of the Commission have been discharged, and all sums received, or their equivalents, have been distributed to the Powers interested, the Commission shall be dissolved.

ANNEX III. (*Also in H.*)

1.

Austria recognises the right of the Allied and Associated Powers to the replacement ton for ton (gross tonnage) and class for class of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless and in spite of the fact that the tonnage of Austrian shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the aggression of Austria (*H.* Austria-Hungary) and her allies, the right thus recognised will be enforced on the Austrian ships and boats under the following conditions :—

The Austrian Government, on behalf of themselves, and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all merchant ships and fishing boats belonging to nationals of the former Austrian Empire.

2.

The Austrian Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

3.

The ships and boats in paragraph 1 include all ships and boats which (*a*) fly or may be entitled to fly the Austro-Hungarian merchant flag and are registered in a port of the former Austrian Empire, or (*b*) are owned by

any national, company or corporation of the former Austrian Empire, or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of nationals of the former Austrian Empire, or (*c*) which are now under construction (1) in the former Austrian Empire, (2) in other than Allied or Associated countries for the account of any national, company or corporation of the former Austrian Empire.

4.

For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the Austrian Government will :

(*a*) deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds, as the Commission may require ;

(*b*) take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

5.

Austria undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers within two months of the coming into force of the present Treaty in accordance with procedure to be laid down by the Reparation Commission any boats and other movable appliances belonging to inland navigation which, since July 28, 1914, have, by any means whatever, come into her possession or into the possession of her nationals, and which can be identified.

With a view to make good the loss in inland navigation tonnage from whatever cause arising which has been incurred during the war by the Allied and Associated Powers, and which cannot be made good by means of the restitution prescribed above, Austria agrees to cede to the Reparation Commission a portion of the Austrian river fleet up to the amount of the loss mentioned above, provided that such cession shall not exceed 20 per cent. of the river fleet as it existed on November 3, 1918.

The conditions of this cession shall be settled by the arbitrators referred to in Article 300 (*H. 284*), Part XII (Ports, Waterways, and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

6.

Austria agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining a full title to the property in all ships which have, during the war, been transferred or are in process of transfer to neutral flags without the consent of the Allied and Associated Governments.

7.

Austria waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any Austrian ships or boats.

8.

Austria renounces all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers, or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of the former Austro-Hungarian Monarchy or of its allies.

ANNEX IV. (*Also in H.*)

1.

The Allied and Associated Powers require and Austria undertakes that in part satisfaction of her obligations expressed in this Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers to the extent that these Powers may determine.

2.

The Allied and Associated Governments may file with the Reparation Commission lists showing:

(*a*) animals, machinery, (*H. rolling-stock,*) equipment, tools and like articles of a commercial character which have been seized, consumed or destroyed by Austria, or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate and urgent needs, desire to have replaced by animals and articles of the same nature which are in being in Austrian territory at the date of the coming into force of the present Treaty;

(*b*) reconstruction materials ((*H. such as*) stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character, which the said Governments desire to have produced and manufactured in Austria and delivered to them to permit of the restoration of the invaded areas.

3.

The lists relating to the articles mentioned in (*H. paragraph*) 2 (*a*) above shall be filed within sixty days (*H. three months*) after the date of the coming into force of the present Treaty.

The lists relating to the articles in 2 (b) above shall be filed on or before December 31, 1919.

The lists shall contain all such details as are customary in commercial contracts dealing with the subject-matter, including specifications, dates of delivery (but not extending over more than four years), and places of delivery, but not prices or value, which shall be fixed as hereinafter provided by the Commission.

4.

Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Austria. In reaching a decision on this matter the Commission shall take into account such domestic requirements of Austria as it deems essential for the maintenance of Austrian social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for Austrian articles, and the general interest of the Allied and Associated Governments that the industrial life of Austria be not so disorganised as to affect adversely the ability of Austria to perform the other acts of reparation stipulated for.

Machinery, (*H. rolling-stock,*) equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Austria unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of 30 per cent. of the quantity of such articles in use in any one establishment or undertaking.

The Commission shall give representatives of the Austrian Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals.

The decision of the Commission shall thereupon and at the earliest

possible moment be communicated to the Austrian Government, and to the several interested Allied and Associated Governments.

The Austrian Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given or are not, in the judgment of the Commission, unfit to be utilised in the work of reparation.

5.

The Commission shall determine the value to be attached to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees to be charged with such value, and the amount thereof shall be treated as a payment by Austria to be divided in accordance with Article 183 (*H. 167*) of the present Treaty.

In cases where the right to require physical restoration as above provided is exercised, the Commission shall ensure that the amount to be credited against the reparation obligations of Austria shall be fair value for work done or material supplied by Austria, and that the claim made by the interested Power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

3. (*For H. 6 see below.*)

As an immediate advance on account of the animals referred to in paragraph 2 above, Austria undertakes to deliver in equal monthly instalments in the three months following the coming into force of the present Treaty the following quantities of live stock :—

(1.) *To the Italian Government.*

4,000 milch cows of from 3 to 5 years ;
1,000 heifers ;
50 bulls from 18 months to 3 years ;
1,000 calves ;
1,000 working bullocks ;
2,000 sows.

(2.) *To the Serb-Croat-Slovene Government.*

1,000 milch cows of from 3 to 5 years ;
300 heifers ;
25 bulls from 18 months to 3 years ;
1,000 calves ;
500 working bullocks ;
1,000 draught horses ;
1,000 sheep.

(3.) *To the Roumanian Government.*

1,000 milch cows of from 3 to 5 years ;
500 heifers ;
25 bulls from 18 months to 3 years ;
1,000 calves ;
500 working bullocks ;
1,000 draught horses ;
1,000 sheep.

The animals delivered shall be of average health and condition.

If the animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Austria in accordance with paragraph 5 of this Annex.

(*H. 6.*)

In order to meet the immediate needs of the countries whose live stock has been seized, consumed or destroyed, the Allied and Associated Powers may present to the Reparation Commission immediately after the coming into force of the present Treaty lists of the live stock which they desire to have delivered to them within three months from the coming into force of the present Treaty, as an immediate advance on account of the animals referred to in paragraph 2 above.

The Reparation Commission shall decide in what numbers such live stock shall be delivered within the above period of three months, and Hungary agrees to make such deliveries in accordance with the decisions of the Commission.

The Commission will distribute the live stock so delivered between the Powers concerned, taking into account the immediate needs of each of these Powers and the extent to which these needs have been met by the Treaties concluded between the Allied and Associated Powers on the one hand and Austria and Bulgaria on the other hand.

The animals delivered shall be of average health and condition.

If the animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Hungary in accordance with paragraph 5 of this Annex.

7. (*Not in H.*)

As an immediate advance on account of the articles referred to in paragraph 2 above, Austria undertakes to deliver during the six months following the coming into force of the present Treaty in equal monthly instalments such supplies of furniture in hard and soft wood intended for sale in Austria as the Allied and Associated Powers shall ask for month by month through the Reparation Commission and which the Commission shall consider on the one hand justified by the seizures and destruction carried out in the course of the war on the territory of the said Powers and on the other hand proportionate to the supplies at the disposal of Austria. The price of the articles so supplied shall be carried to the credit of Austria under the conditions provided for in paragraph 5 of this Annex.

ANNEX V. (*Also in H.*)

1.

Austria shall give, as partial reparation, to the Allied and Associated Governments severally an option during the five years following the coming into force of the present Treaty for the annual delivery of the raw materials hereinafter enumerated: the amounts delivered to bear the same relation to their annual importations of these materials before the war from Austria-Hungary as the resources of Austria as now delimited by the present Treaty bear to the resources before the war of the former Austro-Hungarian Monarchy.

Timber and timber manufactures;

Iron and iron alloys;

Magnesite.

(*H. Hungary shall also give, as partial reparation, to the Allied and Associated Powers an option for the annual delivery during the five years following the coming into force of the present Treaty of a quantity of steam coal from the Pecs mine. This quantity will be periodically determined by the Reparation Commission, which will dispose of it for the benefit of the Serb-Croat-Slovene State in conditions fixed by the Commission.*)

2.

The price paid for the products referred to in the preceding paragraph shall be the same as the price paid by Austrian nationals under the same

conditions of shipment to the Austrian frontier and shall be subject to any advantages which may be accorded similar products furnished to Austrian nationals.

3.

The foregoing options shall be exercised through the intervention of the Reparation Commission, which subject to the specific provisions hereof shall have power to determine all questions relative to procedure and qualities and quantities of products and the times and modes of delivery and payment. In giving notice to the Austrian Government of the foregoing options, the Commission shall give at least 120 days' notice of deliveries to be made after **January** (*H. July*) 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of the present Treaty and **January** (*H. July*) 1, 1920. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Austria, the Commission is authorised to postpone or to cancel deliveries and in so doing to settle all questions of priority.

ANNEX VI. (*Also in H.*)

Austria renounces on her own behalf and on behalf of her nationals in favour of Italy all rights, titles or privileges of whatever nature in any submarine cables or portions of cables connecting Italian territory, including **the** (*H. any*) territories which **are** (*H. may be*) assigned to Italy **under** (*H. in accordance with*) the present Treaty.

Austria also renounces on her own behalf and on behalf of her nationals in favour of the Principal Allied and Associated Powers all rights, titles and privileges of whatever nature in the submarine cables, or portions thereof, connecting the territories ceded by Austria under the terms of the present Treaty to the various Allied and Associated Powers.

The States concerned shall provide for the upkeep of the installations and the proper working of the said cables.

As regards the cable from Trieste to Corfu, the Italian Government shall enjoy in its relations with the company owning this cable the same position as that held by the Austro-Hungarian Government.

The value of the cables or portions of cables referred to in the **two first** (*H. first two*) paragraphs of the present Annex, calculated on the basis of the original cost, less a suitable allowance for depreciation, shall be credited to Austria in the reparation account.

SECTION II.—SPECIAL PROVISIONS.

ARTICLE 191. (*H. 175.*)

In carrying out the provisions of Article **184** (*H. 168*) Austria undertakes to surrender to each of the Allied and Associated Powers respectively all records, documents, objects of antiquity and of art, and all scientific and bibliographical material taken away from the invaded territories, whether they belong to the State or to provincial, communal, charitable or ecclesiastical administrations or other public or private institutions.

ARTICLE 192. (*H. 176.*)

Austria shall in the same manner restore objects of the same nature as those referred to in **the preceding** Article (*H. 175*) which may have been taken away since June 1, 1914, from the ceded territories, with the exception of objects bought from private owners.

The Reparation Commission will apply to these objects the provisions of Article **208** (*H. 191*), Part IX (Financial Clauses), of the present Treaty, if these are appropriate.

ARTICLE 193. (*H. 177.*)

Austria will give up to each of the Allied and Associated Governments respectively all the records, documents and historical material possessed by public institutions which may have a direct bearing on the history of the ceded territories and which have been removed **during the last ten years** (*H. since January 1, 1868*). This last-mentioned period, as far as concerns Italy, shall be extended to the date of the proclamation of the Kingdom (1861).

(*H. With regard to all objects or documents of an artistic, archæological, scientific or historic character forming part of collections which formerly belonged to the Government or the Crown of the Austro-Hungarian Monarchy and are not otherwise provided for in the present Treaty, Hungary undertakes :*

(*a*) *to negotiate, when required, with the States concerned for an amicable arrangement whereby any portion thereof or any objects or documents belonging thereto which ought to form part of the intellectual patrimony of the said States may be returned to their country of origin on terms of reciprocity, and*

(*b*) *for twenty years, unless a special arrangement is previously arrived at, not to alienate or disperse any of the said collections or to dispose of any of the above objects, but at all times to ensure their safety and good condition and to make them available, together with inventories, catalogues and administrative documents relating to the said collections, at all reasonable times to students who are nationals of any of the Allied and Associated Powers.*

Reciprocally, Hungary will be entitled to apply to the said States, particularly to Austria, in order to negotiate, in the conditions mentioned above, the necessary arrangements for the return to Hungary of the collections, documents and objects referred to above, to which the guarantees referred to in paragraph (*b*) *will apply.*)

The new States arising out of the former Austro-Hungarian Monarchy (*H. 178.*) and the States which receive part of the territory of that Monarchy undertake **on their part to hand over to Austria** (*H. to give up to the Hungarian Government*) the records, documents and material dating from a period not exceeding twenty years which have a direct bearing on the history or administration of the territory of Austria and which may be found in the territories transferred.

ARTICLE 194. (*H. 179.*)

Austria acknowledges that she remains bound, as regards Italy, to execute (*H. in full*) the obligations referred to in Article 15 of the Treaty of Zurich of November 10, 1859, in Article 18 of the Treaty of Vienna of October 3, 1866, and in the Convention of Florence of July 14, 1868, concluded between Italy and Austria-Hungary, in so far as the Articles referred to have not in fact been executed in their entirety, and in so far as the documents and objects in question are situated in the territory of Austria or her allies.

ARTICLE 195. (*Not in H.*)

Within a period of twelve months from the coming into force of the present Treaty a Committee of three jurists appointed by the Reparation Commission shall examine the conditions under which the objects or manuscripts in possession of Austria, enumerated in Annex I hereto, were carried off by the House of Hapsburg, and by the other Houses which have reigned in Italy. If it is found that the said objects or manuscripts were carried off in violation of the rights of the Italian provinces the Reparation Commission, on the report of the Committee referred to, shall order their restitution. Italy and Austria agree to accept the decisions of the Commission.

Belgium, Poland and Czecho-Slovakia may also submit claims for restitution, to be examined by the same Committee of three jurists, relating to the objects and documents enumerated in Annexes II, III and IV hereto. Belgium, Poland, Czecho-Slovakia and Austria undertake to accept the decisions taken by the Reparation Commission as the result of the report of the said Committee.

ARTICLE 196. (*Not in H.*)

With regard to all objects of artistic, archæological, scientific or historic character forming part of collections which formerly belonged to the Government or the Crown of the Austro-Hungarian Monarchy and are not otherwise provided for in the present Treaty, Austria undertakes :

(*a.*) to negotiate, when required, with the States concerned for an amicable arrangement whereby any portion thereof or any objects belonging thereto which ought to form part of the intellectual patrimony of the ceded districts may be returned to their districts of origin on terms of reciprocity, and

(*b.*) for twenty years, unless a special arrangement is previously arrived at, not to alienate or disperse any of the said collections or to dispose of any of the above objects, but at all times to ensure their safety and good condition and to make them available, together with inventories, catalogues, and administrative documents relating to the said collections, at all reasonable times to students who are nationals of any of the Allied and Associated Powers.

ANNEX I. (*Not in H.*)

TUSCANY.

The Crown jewels (such part as remains after their dispersion) ; the private jewels of the Princess Electress of Medici ; the medals which form part of the Medici heirlooms and other precious objects—all being domanial property according to contractual agreements and testamentary dispositions—removed to Vienna during the eighteenth century.

Furniture and silver plate belonging to the House of Medici and the 'jewel of Aspasios' in payment of debts owed by the House of Austria to the Crown of Tuscany.

The ancient instruments of astronomy and physics belonging to the Academy of Cimento removed by the House of Lorraine and sent as a present to the cousins of the Imperial House of Vienna.

MODENA.

A 'Virgin' by Andrea del Sarto and four drawings by Correggio belonging to the Pinacothek of Modena and removed in 1859 by Duke Francis V.

The three following MSS. belonging to the Library of Modena : *Biblia Vulgata* (Cod. Lat. 422/23), *Breviarium Romanum* (Cod. Lat. 424), and *Officium Beatæ Virginis* (Cod. Lat. 262), carried off by Duke Francis V in 1859.

The bronzes carried off under the same circumstances in 1859.

Certain objects (among others two pictures by Salvator Rosa and a portrait by Dosso Dossi) claimed by the Duke of Modena in 1868 as a condition of the execution of the Convention of June 20, 1868, and other objects given up in 1872 in the same circumstances.

PALERMO.

Objects made in Palermo in the twelfth century for the Norman kings and employed in the coronation of the Emperors, which were carried off from Palermo and are now in Vienna.

NAPLES.

Ninety-eight MSS. carried off from the Library of S. Giovanni a Carbonara and other libraries at Naples in 1718 under the orders of Austria and sent to Vienna.

Various documents carried off at different times from the State Archives of Milan, Mantua, Venice, Modena and Florence.

ANNEX II. (*Not in H.*)

I. The Triptych of S. Ildephonse, by Rubens, from the Abbey of Saint-Jacques sur Cowdenberg at Brussels, bought in 1777 and removed to Vienna.

II. Objects and documents removed for safety from Belgium to Austria in 1794:

(*a.*) Arms, armour, and other objects from the old Arsenal of Brussels.

(*b.*) The Treasure of the 'Toison d'or' preserved in previous times in the 'Chapelle de la Cour' at Brussels.

(*c.*) Coinage, stamps, medals, and counters by Theodore van Berckel which were an essential feature in the archives of the 'Chambre des Comptes' at Brussels.

(*d.*) The original manuscript copies of the 'carte chorographique' of the Austrian Low Countries drawn up by Lieut.-General Comte Jas de Ferraris between 1770 and 1777, and the documents relating thereto.

ANNEX III. (*Not in H.*)

Object removed from the territory forming part of Poland subsequent to the first partition in 1772:

The gold cup of King Ladislas IV, No. 1,114 of the Court Museum at Vienna.

ANNEX IV. (*Not in H.*)

1. Documents, historical memoirs, manuscripts, maps, etc., claimed by the present State of Czecho-Slovakia, which Thaulow von Rosenthal removed by order of Maria Theresa.

2. The documents originally belonging to the Royal Aulic Chancellory of Bohemia and the Aulic Chamber of Accounts of Bohemia, and the works of art which formed part of the installation of the Royal Château of Prague and other royal castles in Bohemia, which were removed by the Emperors Mathias, Ferdinand II, Charles VI (about 1718, 1723, and 1737) and Francis Joseph I, all of which are now in the archives, Imperial castles, museums and other central public institutions at Vienna.

PART IX.—FINANCIAL CLAUSES

ARTICLE 197. (*H. 180.*)

Subject to such exceptions as the Reparation Commission may make, the first charge upon all the assets and revenues of Austria shall be the cost of reparation and all other costs arising under the present Treaty or any treaties or agreements supplementary thereto, or under arrangements concluded between Austria and the Allied and Associated Powers during the Armistice signed on November 3, 1918.

Up to May 1, 1921, the Austrian Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

ARTICLE 198. (*H. 181.*)

There shall be paid by the Government of Austria (*H. subject to the fifth paragraph of this Article*) the total cost of all armies of the Allied and Associated Governments occupying territory within the boundaries of Austria as defined by the present Treaty from the date of the signature of the Armistice of November 3, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services,

treatment of sick and wounded, veterinary and remount services, transport services of all sorts (such as by rail, sea or river, motor-lorries), communications and correspondence, and, in general, the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads, so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territory, shall be paid by the Austrian Government to the Allied and Associated Governments in crowns or any legal currency of Austria which may be substituted for crowns **at the current or agreed rate of exchange.**

(*H. In cases where an Allied Government, in order to make such purchases or requisitions in the occupied territory, has incurred expenditure in a currency other than crowns, such expenditure shall be reimbursed in any legal Hungarian currency at the rate of exchange current at the date of reimbursement, or at an agreed rate.*)

All other of the above costs shall be paid in the currency of the country to which the payment is due.

(*H. The above stipulations will apply to military operations carried out after November 3, 1918, to such extent as the Reparation Commission shall consider necessary, and the Reparation Commission shall have, so far as these operations are concerned, full power to decide all questions, especially those relating to :*

(a) *the costs of the armies engaged in such operations, particularly the determination of their nature and amount, the portion of such costs to be charged to Hungary, the manner and currency in which such portion is to be paid, and any possible arrangements as regards preference or priority in connection with such payment ;*

(b) *the requisitioning in the course of the operations of property and securities of every description, particularly the possible classification of any portion of such property or securities as war booty, the valuation of such property or securities, the extent to which restitution should be made, debiting on the reparation account of the sum representing the property or securities not restored against the Power in possession thereof, the method of payment (in cash or as a set-off on the reparation account) of the sums so debited, and the dates on which such payment or set-off is to be made.*)

ARTICLE 199. (*H. 182.*)

Austria confirms the surrender of all material handed over or to be handed over to the Allied and Associated Powers in accordance with the Armistice of November 3, 1918, **and subsequent Armistice** (*H. or any supplementary*) Agreements, and recognises the title of the Allied and Associated Powers to such material.

There shall be credited to Austria, against the sums due from her to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commission, of such of the above material for which, as having non-military value, credit should, in the judgment of the Reparation Commission, be allowed to Austria.

Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice Agreements in specie shall not be credited to Austria.

ARTICLE 200. (*H. 183.*)

The priority of the charges established by Article 197 (*H. 180*) shall, subject to the qualifications made **in the last paragraph of this Article** (*H. below*), be as follows :

(*a.*) the cost of the armies of occupation, as defined under Article 198 (*H. 181*), during the Armistice ;

(*b.*) the cost of any armies of occupation, as defined under Article 198 (*H. 181*), after the coming into force of the present Treaty ;

(*c.*) the cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto ;

(*d.*) the cost of all other obligations incumbent on Austria under the Armistice **Conventions** (*H. Agreements*) or under **this** (*H. the present*) Treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Austria and such other payments as may be judged by the Principal Allied and Associated Powers to be essential to enable Austria to meet her obligations in respect of reparation shall have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers.

(*H. The payment of the costs of the armies employed in the operations effected after November 3, 1918, shall have priority to the extent and upon the conditions fixed by the Reparation Commission in accordance with the provisions of Article 181.*)

ARTICLE 201. (*H. 184.*)

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

ARTICLE 202. (*H. 185.*)

Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied and Associated Powers or their nationals respectively before the date at which a state of war existed between Austria-Hungary and the Allied or Associated Power concerned by the former Austrian Government or by nationals of the former Austrian Empire on assets in their ownership at that date, except in so far as variations of such charges or mortgages are specifically provided for under the terms of the present Treaty or any treaties or **agreements** (*H. conventions*) supplementary thereto.

ARTICLE 203. (*H. 186.*)

1. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall (*H. , in so far as territory is assigned to it in accordance with the present Treaty,*) assume responsibility for a portion of the debt of the former Austrian Government which is specifically secured on railways, **salt mines** or other property, and which was in existence on July 28, 1914. The portion to be so assumed by each State shall be such portion as in the opinion of the Reparation Commission represents the secured debt in respect of the railways, **salt mines** and other properties transferred to that State under the terms of the present Treaty or any treaties or agreements supplementary thereto.

The amount of the liability in respect of secured debt so assumed by each State, other than Austria, shall be valued by the Reparation Commission, on such basis as the Commission may consider equitable, and the value so ascertained shall be deducted from the amount payable by the State in question to Austria in respect of property of the former or existing Austrian Government which the State acquires with the territory. Each State shall be solely responsible in respect of that portion of the secured debt for which it assumes responsibility under the terms of this Article, and holders of the debt for which responsibility is assumed by States other than Austria shall have no recourse against the Government of any other State.

Any property which was specifically pledged to secure any debt referred to in this Article shall remain specifically pledged to secure the new debt. But in case the property so pledged is situated as the result of the present

Treaty in more than one State, that portion of the property which is situated in a particular State shall constitute the security only for that part of the debt which is apportioned to that State, and not for any other part of the debt.

For the purposes of the present Article there shall be regarded as secured debt payments due by the former Austrian Government in connection with the purchase of railways or similar property ; the distribution of the liability for such payments will be determined by the Reparation Commission in the same manner as in the case of secured debt.

Debts for which the responsibility is transferred under the terms of this Article shall be expressed in terms of the currency of the State assuming the responsibility, if the original debt was expressed in terms of Austro-Hungarian paper currency. For the purposes of this conversion the currency of the assuming State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged into the currency of the assuming State by that State when it first substituted its own currency for Austro-Hungarian kronen. The basis of this conversion of the currency unit in which the bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

If the original Austrian debt was expressed in terms of a foreign currency or foreign currencies, the new debt shall be expressed in terms of the same currency or currencies.

If the original Austrian debt was expressed in terms of Austro-Hungarian gold coin, the new debt shall be expressed in terms of equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and the fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old bonds shall be embodied in the new bonds also.

2. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the unsecured bonded debt of the former Austrian Government **which was in existence** (*H. as it stood*) on July 28, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the **distributed** territory (*H. distributed in accordance with the present Treaty*) and the average for the same years of such revenues of the whole of the former Austrian territories as in the judgment of the Reparation Commission are best calculated to represent the financial capacity of the respective territories. In making the above calculation the revenues of Bosnia and Herzegovina shall not be included. (*H. Nevertheless, when there existed before July 28, 1914, financial agreements relating to the unsecured bonded debt of the former Hungarian Government, the Reparation Commission may take such agreements into consideration when effecting the division of this debt between the States mentioned above.*)

The responsibilities in respect of bonded debt to be assumed under the terms of this Article shall be discharged in the manner laid down in the Annex hereto.

The Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred (*H. by it*) prior to July 28, 1914, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

Neither the provisions of this Article nor the provisions of the Annex

hereto shall apply to securities of the former Austrian Government deposited with the Austro-Hungarian Bank as security for the currency notes issued by that bank.

ANNEX. (*Also in H.*)

The amount of the former unsecured Austrian Government bonded debt, the responsibility for which is to be distributed under the provisions of Article 203 (*H. 186*), shall be the amount of that debt as it stood on July 28, 1914, after deducting that portion which represents the liability of the former Hungarian Government for that debt as provided by the additional Convention relating to the contribution of the countries of the Sacred Hungarian Crown to the charges of the general debt of Austria-Hungary approved by the Austro-Hungarian Law of December 30, 1907, B. L. I., No. 278.

Each State assuming responsibility for the old (*H. former*) unsecured Austrian Government (*H. bonded*) debt shall, within three months of the coming into force of the present Treaty, if it has not already done so, stamp with the stamp of its own Government all the bonds of that debt existing in its own territory. The distinguishing numbers of the bonds so stamped shall be recorded and shall be furnished, together with the other records of the stamping, to the Reparation Commission.

Holders of bonds within the territory of a State which is required to stamp old Austrian bonds under the terms of this Annex shall, from the date of the coming into force of the present Treaty, be creditors in respect of these bonds of that State only, and they shall have no recourse against the Government of any other State.

Each State which, under the terms of Article 203 (*H. 186*), is required to assume responsibility for a portion of the old unsecured Austrian Government debt, and which has ascertained by means of stamping the old Austrian bonds that the bonds of any particular issue of such old Austrian Bonds held within its territory were smaller in amount than the amount of that issue for which, in accordance with the assessment of the Reparation Commission, it is held responsible, shall deliver to the Reparation Commission new bonds equal in amount to the difference between the amount of the issue for which it is responsible and the amount of the same issue recorded as held within its own territory. Such new bonds shall be of such denominations as the Reparation Commission may require. They shall carry the same rights as regards interest and amortisation as the old bonds for which they are substituted, and in all other respects the conditions of the new bonds shall be fixed subject to the approval of the Reparation Commission.

If the original bond was expressed in terms of Austro-Hungarian paper currency, the new bond by which it is replaced shall be expressed in terms of the currency of the State issuing the new bond, and for the purpose of this currency conversion, the currency of the new State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged for the currency of the new State by that State when it first substituted its own currency for Austro-Hungarian paper kronen. The basis of this conversion of the currency unit in which the bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

If the original bond was expressed in terms of a foreign currency or foreign currencies, the new bond shall be expressed in terms of the same currency or currencies. If the original bond was expressed in terms of Austro-Hungarian gold coin, the new bond shall be expressed in terms of

equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old bonds shall be embodied in the new bonds also.

Each State which under the terms of Article 203 (*H. 186*) is required to assume responsibility for a portion of the old unsecured Austrian Government Debt, which has ascertained by means of stamping the old Austrian bonds that the bonds of any particular issue of such old Austrian bonds held within its territory were larger in amount than the amount of that issue for which it is held responsible in accordance with the assessment of the Reparation Commission, shall receive from the Reparation Commission its due proportionate share of each of the new issues of bonds issued in accordance with the provisions of this Annex.

Holders of unsecured bonds of the old Austrian Government Debt held outside the boundaries of the States to which territory of the former Austro-Hungarian Monarchy is transferred, or of States arising from (*H. out of*) the dismemberment of that Monarchy, including Austria, shall deliver through the agency of their respective Governments to the Reparation Commission the bonds which they hold, and in exchange therefor the Reparation Commission shall deliver to them certificates entitling them to their due proportionate share of each of the new issues of bonds corresponding to and issued in exchange for their surrendered bonds under the provisions of this Annex.

The share of each State or private holder entitled to a share in any new issue of bonds issued in accordance with the provisions of this Annex shall bear such proportion to the total amount of bonds of that new issue as the holding of the State or private owner in question of the old issue of bonds bears to the total amount of the old issue presented to the Reparation Commission for exchange into new bonds in accordance with the provisions of this Annex. **Each such participating State or private holder will also be entitled to its or his due proportionate share of the new bonds issued under the terms of the Treaty with Hungary in exchange for that portion of the former Austrian Government debt for which Hungary accepted liability under the additional Convention of 1907.**

The Reparation Commission shall, if it think fit, arrange with the holders of the new bonds provided for by this Annex a consolidation loan of each debtor State, the bonds of which loan shall be substituted for the various different issues of new bonds on such terms as may be agreed upon by the Commission and the bondholders.

The State assuming liability for any bond of the former Austrian Government shall assume any liability attaching to the bond in respect of unpaid coupons or sinking fund instalments accrued since the date of the coming into force of the present Treaty.

(*H. In addition to the former unsecured Hungarian Government bonded debt to be divided as above, there shall also be divided among the several States, in the same proportion, the amount of the former unsecured Austrian Government bonded debt which represents the liability of the former Hungarian Government for that debt, as provided by the additional Convention relating to the contribution of the countries of the Sacred Hungarian Crown to the charges of the general debt of the Austro-Hungarian State approved by the Austro-Hungarian Law of December 30, 1907, B. L. I., No. 278.*

Each State which, in virtue of the present Treaty, assumes responsibility for a part of this Austrian debt shall deliver to the Reparation Commission new securities for an amount equal to the part of the above-mentioned Austrian debt which is attributed to it.

The terms of these securities shall be fixed by the Reparation Commission. They shall be such as to represent as exactly as possible the terms of the former

Austrian securities for which these securities are to be substituted. The new securities will be delivered to the States or holders of Austrian securities, who will have the right to a portion of each of the new issues made in accordance with the provisions of the Annex to Article 203 of the Treaty with Austria.)

ARTICLE 204. (*H. 187.*)

1. In case the new boundaries of any States, as laid down by the present Treaty, shall divide any local area which was a single unit for borrowing purposes and which had a legally constituted public debt, such debt shall be divided between the new divisions of the area in a proportion to be determined by the Reparation Commission in accordance with the principles laid down for the reapportionment of Government debts under Article 203 (*H. 186 of the present Treaty.*) and the responsibility so assumed shall be discharged in such a manner as the Reparation Commission shall determine.

2. The public debt of Bosnia and Herzegovina shall be regarded as the debt of a local area and not as part of the public debt of the former Austro-Hungarian Monarchy.

ARTICLE 205. (*H. 188.*)

Within two months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred (*H. in accordance with the present Treaty*) and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall, if it has not already done so, stamp with the stamp of its own Government the securities of various kinds which are separately provided for, representing the bonded war debt of the former Austrian Government as legally constituted prior to October 27 (*H. 31*), 1918, and existing in their respective territories.

The securities thus stamped shall be withdrawn and replaced by certificates, their distinguishing numbers shall be recorded, and any securities withdrawn, together with the documents recording the transaction, shall be sent to the Reparation Commission.

The stamping and replacement of a security by a certificate under the provisions of this Article shall not imply that the State so stamping and replacing a security thereby assumes or recognises any obligation in respect of it, unless the State in question desires that the stamping and replacement should have this implication.

The aforementioned States, with the exception of Austria, shall be free from any obligation in respect of the war debt of the former Austrian Government, wherever that debt may be held, but neither the Governments of those States nor their nationals shall have recourse under any circumstances whatever against any other States, including Austria, in respect of the war debt bonds of which they or their nationals are the beneficial owners.

The war debt of the former Austrian Government which was prior to the signature of the present Treaty in the beneficial ownership of nationals or Governments of States other than those to which territory of the former Austro-Hungarian Monarchy is assigned (*H. in accordance with the present Treaty*) shall be a charge upon the **Government of Austria** (*H. Hungarian Government*) only, and no one of the other States aforementioned shall be held responsible for any part thereof.

The provisions of this Article shall not apply to the securities of the former Austrian Government deposited by that Government with the Austro-Hungarian Bank as security for the currency notes of the said bank.

The existing Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred during the war, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

ARTICLE 206. (*H. 189.*)

1. Within two months of the coming into force of the **present Treaty** (*H. Treaty with Austria*), each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria and **the present** Hungary, shall, if it has not already done so, stamp with the stamp of its own Government the currency notes of the Austro-Hungarian Bank existing in its territory.

2. Within twelve months of the coming into force of the **present Treaty** (*H. Treaty with Austria*), each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria and **the present** Hungary, shall replace, as it may think fit, the stamped notes referred to above by its own or a new currency.

3. The Governments of such States as have already converted the currency notes of the Austro-Hungarian Bank by stamping or by the issue of their own or a new currency, and in carrying out this operation have withdrawn, without stamping them, a portion or all of the currency notes circulating in their territory, shall either stamp the notes so withdrawn or hold them at the disposal of the Reparation Commission.

4. Within fourteen months of the coming into force of the **present Treaty** (*H. Treaty with Austria*), those Governments which have replaced notes of the bank by their own or new currency, in accordance with the provisions of this Article, shall transfer to the Reparation Commission all the notes, stamped or unstamped, of the bank which have been withdrawn in the course of this replacement.

5. All notes transferred to the Reparation Commission under the provisions of this Article shall be dealt with by that Commission in accordance with the provisions of the Annex hereto.

6. The Austro-Hungarian Bank shall be liquidated as from the day succeeding the day of the signature of **this Treaty** (*H. the Treaty with Austria*).

7. The liquidation shall be conducted by receivers specially appointed for that purpose by the Reparation Commission. In conducting the liquidation of the bank, the receivers shall follow the rules laid down in the Statutes or other valid instruments regulating the constitution of the bank, subject, however, to the special provisions of this Article. In the case of any doubt arising as to the interpretation of the rules concerning the liquidation of the bank, whether laid down in these Articles and Annexes or in the Statutes of the bank, the decision of the Reparation Commission or any arbitrator appointed by it for that purpose shall be final.

8. The currency notes issued by the bank subsequent to October 27, 1918, shall have a claim on the securities issued by the (*H. former or existing*) Austrian and Hungarian Governments, **both former and existing,** and deposited with the bank by those Governments as security for these notes, but they shall not have a claim on any other assets of the bank.

9. The currency notes issued by the bank on or prior to October 27, 1918, in so far as they are entitled to rank at all in conformity with this Article, shall all rank equally as claims against all the assets of the bank, other than the Austrian and Hungarian Government securities deposited as security for the various note issues.

10. The securities deposited by the (*H. former or existing*) Austrian and Hungarian Governments, **both former and existing,** with the bank as security for the currency notes issued on or prior to October 27, 1918, shall be cancelled in so far as they represent the notes converted in the territory of the former Austro-Hungarian Monarchy as it existed on July 28, 1914, by States to which territory of that Monarchy is transferred or by States arising from the dismemberment of that Monarchy, including Austria and **the present** Hungary.

11. The remainder of the securities deposited by the (*H. former or existing*) Austrian and Hungarian Governments, **both former and existing,** with the bank as security for the currency notes issued on or prior to October 27, 1918, shall be retained in force as security for, and in so far as they represent, the notes issued on or prior to October 27, 1918, which on June 15, 1919, were outside the limits of the former Austro-Hungarian Monarchy **as it existed on July 28, 1914,** that is to say, firstly, all notes of this description which are presented to the Reparation Commission in accordance with paragraph 4 of this Article, and secondly all notes of this description which may be held elsewhere and are presented to the receivers of the bank in accordance with the Annex hereto.

12. No claims on account of any other currency notes issued on or prior to October 27, 1918, shall rank either against the general assets of the bank or against the securities deposited by the (*H. former or existing*) Austrian and Hungarian Governments, **both former and existing,** as security for the notes, and any balance of such securities remaining after the amount of securities mentioned in paragraphs 10 and 11 has been calculated and deducted shall be cancelled.

13. All securities deposited by the (*H. former or existing*) Austrian and Hungarian Governments, **both former and existing,** with the bank as security for currency note issues and which are maintained in force shall be the obligations respectively of the Governments of Austria and **the present** Hungary only and not of any other States.

14. The holders of currency notes of the Austro-Hungarian Bank shall have no recourse against the Governments of Austria or **the present** Hungary or any other Government in respect of any loss which they may suffer as the result of the liquidation of the bank.

(*H. 15. Nevertheless, if any difficulties should arise owing to the date of the signature of the present Treaty, the dates at which any of the operations laid down by this Article are to be carried out may be altered by the Reparation Commission.*)

ANNEX. (*Also in H.*)

1.

The respective Governments, when transmitting to the Reparation Commission all the currency notes of the Austro-Hungarian Bank withdrawn by them from circulation in accordance with the terms of Article **206** (*H. 189*), shall also deliver to the Commission all the records showing the nature and amounts of the conversions which they have effected.

The Reparation Commission, after examining the records, shall deliver to the said Governments separate certificates stating the total amount of currency notes which the Governments have converted :

(*a.*) within the **limits** (*H. boundaries*) of the former Austro-Hungarian Monarchy as it existed on July 28, 1914 ;

(*b.*) elsewhere.

These certificates will entitle the bearer to lodge a claim with the receivers of the bank for currency notes thus converted which are entitled to share in the assets of the bank.

3.

After the liquidation of the bank is completed, the Reparation Commission shall destroy the notes thus withdrawn.

4.

No notes issued on or prior to October 27, 1918, wherever they may be held, will rank as claims against the bank unless they are presented through the Government of the country in which they are held.

ARTICLE 207. (*H. 190.*)

Each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall deal as it thinks fit with the petty or token coinage of the former Austro-Hungarian Monarchy existing in its territory.

No such State shall have any recourse, under any circumstances, on behalf either of itself or of its nationals, against any other State with regard to such petty or token coinage.

ARTICLE 208. (*H. 191.*)

States to which territory of the former Austro-Hungarian Monarchy is transferred and States arising from the dismemberment of that Monarchy shall acquire all property and possessions situated within their territories belonging to the former or existing Austrian Government.

For the purposes of this Article, the property and possessions of the former or existing Austrian Government shall be deemed to include the property of the former Austrian Empire and the interests of that **Empire** (*H. Kingdom*) in the joint property of the Austro-Hungarian Monarchy, as well as all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

These States shall, however, have no claim to any property of the former or existing Government of Austria situated outside their own respective territories.

The value of such property and possessions acquired by States other than Austria shall be fixed by the Reparation Commission and placed by that Commission to the credit of Austria and to the debit of the State acquiring such property on account of the sums due for reparation. The Reparation Commission shall deduct from the value of the public property thus acquired an amount proportionate to the contribution in money, land or material made directly by any province or commune or other autonomous local authority towards the cost of such property.

Without prejudice to Article 203 (*H. 186*) relating to secured Debt, in the case of each State acquiring property under the provisions of this Article, the amount placed to the credit of Austria and to the debit of the said State in accordance with the preceding paragraph shall be reduced by the value of the amount of the liability in respect of the unsecured Debt of the former Austrian Government assumed by that State under the provisions of Article 203 (*H. 186*) which, in the opinion of the Reparation Commission, represents expenditure upon the property so acquired. The value shall be fixed by the Reparation Commission on such basis as the Commission may consider equitable.

Property of the former and existing Austrian **Governments** (*H. Government*) shall be deemed to include a share of the real property in Bosnia-Herzegovina of all descriptions for which, under Article 5 of the Convention of February 26, 1909, the Government of the former Austro-Hungarian Monarchy paid £T. 2,500,000 to the Ottoman Government. Such share shall be proportionate to the share which the former Austrian Empire contributed to the above payment and the value of this share, as assessed by the Reparation Commission, shall be credited to Austria on account of reparation.

As exception to the above, there shall be transferred without payment :

(1) the property and possessions of provinces, communes, and other local autonomous institutions of the former Austro-Hungarian Monarchy, including those in Bosnia-Herzegovina which did not belong to the former Austro-Hungarian Monarchy ;

(2) schools and hospitals the property of the former Austro-Hungarian Monarchy ;

(3) forests which belonged to the former Kingdom of Poland.

Further, any building or other property situated in the respective territories transferred to the States referred to in the first paragraph whose principal value lies in its historic interest and associations, and which formerly belonged to the Kingdom of Bohemia, **the Kingdom of Poland,** the Kingdom of Croatia-Slavonia-Dalmatia, Bosnia-Herzegovina, the Republic of Ragusa, the Venetian Republic or the Episcopal Principalities of Trient and Bressanone, may, subject to the approval of the Reparation Commission, be transferred to the Government entitled thereto without payment.

ARTICLE 209. (*H. 192.*)

Austria renounces, so far as she is concerned, all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, State banks, agencies or other financial or economic organisations of an international character exercising powers of control or administration and operating in any of the Allied or Associated States, or in Germany, **Hungary** (*H. Austria*), Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

ARTICLE 210. (*H. 193.*)

1. The Austrian Government agrees to deliver within one month from the coming into force of the present Treaty to such authority as the Principal Allied and Associated Powers may designate the sum in gold deposited in the Austro-Hungarian Bank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

(*H. 1. Hungary engages to recognise the transfer provided for in Article 210 of the Treaty with Austria of the sum in gold deposited in the Austro-Hungarian Bank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.*)

2. Without prejudice to Article **244** (*H. 227*), Part X (Economic Clauses), of the present Treaty, Austria renounces, so far as she is concerned, any benefit disclosed by the Treaties of Bucharest, and Brest-Litovsk, and by the Treaties supplementary thereto.

Austria undertakes to transfer either to Roumania or to the Principal Allied and Associated Powers, as the case may be, all monetary instruments, specie, securities and negotiable instruments or goods which she has received under the aforesaid treaties.

3. The sums of money and all securities, instruments and goods, of whatsoever nature, to be delivered, paid or transferred under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

4. Austria recognises any transfer of gold provided for by Article 259 (5) of the Treaty of Peace concluded at Versailles on June 28, 1919, between the Allied and Associated Powers and Germany, and any transfer of claims provided for by Article 261 of that Treaty.

ARTICLE 211. (*H. 194.*)

Without prejudice to the renunciation of any rights by Austria on behalf of herself or of her nationals in the other provisions of the present Treaty, the Reparation Commission may, within one year from the coming into force of the present Treaty, demand that Austria become possessed of any rights and interests of her nationals in any public utility undertaking or in any concession operating in Russia, Turkey, Germany, **Hungary** (*H. Austria*) or Bulgaria, or in the possessions or dependencies of these States, or in any territory formerly belonging to Austria or her allies to be transferred by Austria or her allies to any State, or to be administered by a mandatory

under any Treaty entered into with the Allied and Associated Powers, and may require that the Austrian Government transfer, within six months of the date of demand, to the Reparation Commission all such rights and interests and any similar rights and interests owned by the former or existing Austrian Government.

Austria shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Austria, on account of sums due for reparation, with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and Austria shall, within six months from the coming into force of the present Treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of herself and her nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

ARTICLE 212. (*H. 195.*)

Austria undertakes to refrain from preventing or impeding such acquisition by the German, **Hungarian** (*H. Austrian*), Bulgarian or Turkish Governments of any rights and interests of German, **Hungarian** (*H. Austrian*), Bulgarian **or** (*H. and*) Turkish nationals in public utility undertakings or concessions operating in Austria as may be required by the Reparation Commission under the terms of the Treaties of Peace or supplementary treaties or conventions concluded between the Allied and Associated Powers and the German, **Hungarian** (*H. Austrian*), Bulgarian **or** (*H. and*) Turkish Governments respectively.

ARTICLE 213. (*H. 196.*)

Austria undertakes to transfer to the Allied and Associated Powers **all** (*H. any*) claims **in favour of the former or existing Austrian Governments** to payment or reparation by **the Governments of** Germany, **Hungary** (*H. Austria*), Bulgaria or Turkey (*H. in favour of the former or existing Hungarian Governments*), and in particular **all** (*H. any*) claims which may arise now or hereafter in the fulfilment of undertakings made **after** (*H. from*) July 28, 1914, **until** (*H. to*) the coming into force of the present Treaty.

The value of such claims shall be assessed by the Reparation Commission, and shall be transferred to the Reparation Commission for the credit of Austria on account of the sums due for reparation.

ARTICLE 214. (*H. 197.*)

Any monetary obligation arising out of the present Treaty and expressed in terms of gold kronen shall, unless some other arrangement is specifically provided for in any particular case under the terms of **this** (*H. the present*) Treaty or of treaties or conventions supplementary thereto, be payable at the option of the creditors in pounds sterling payable in London, gold dollars of the United States of America payable in New York, gold francs payable in Paris, or gold lire payable in Rome.

For the purposes of this Article, the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

ARTICLE 215. (*H. 198.*)

Any financial adjustments, such as those relating to any banking and insurance companies, savings banks, postal savings banks, land banks, mortgage companies or other similar institutions, operating within the territory of the former Austro-Hungarian Monarchy, necessitated by the partition of that Monarchy and the resettlement of public debts and currency provided for by these Articles, shall be regulated by agreement between the various Governments concerned in such a manner as shall best secure equitable

treatment to all the parties interested. In case the Governments concerned are unable to come to an agreement on any question arising out of this financial adjustment, or in case any Government is of opinion that its nationals have not received equitable treatment, the Reparation Commission shall, on the application of any one of the Governments concerned, appoint an arbitrator or arbitrators, whose decision shall be final.

ARTICLE 216. (*H. 199.*)

The (*H. Hungarian*) Government of Austria shall be under no liability in respect of civil or military pensions granted to nationals of the former Austrian Empire who have been recognised as nationals of other States or who become so under the provisions of the present Treaty.

PART X.—ECONOMIC CLAUSES

SECTION I.—COMMERCIAL RELATIONS

Chapter I.—*Customs Regulations, Duties and Restrictions.*

ARTICLE 217. (*H. 200.*)

Austria undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into Austrian territory, from whatsoever place arriving, shall not be subjected to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

Austria will not maintain or impose any prohibition or restriction on the importation into Austrian territory of any goods the produce or manufacture of the territories of any one of the Allied or Associated States, from whatsoever place arriving, which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any other foreign country.

ARTICLE 218. (*H. 201.*)

Austria further undertakes that, in the matter of the régime applicable on importation, no discrimination against the commerce of any of the Allied and Associated States as compared with any other of the said States or any other foreign country shall be made, even by indirect means, such as customs regulations or procedure, methods of verification or analysis, conditions of payment of duties, tariff classification or interpretation, or the operation of monopolies.

ARTICLE 219. (*H. 202.*)

In all that concerns exportation, Austria undertakes that goods, natural products or manufactured articles, exported from Austrian territory to the territories of any one of the Allied or Associated States, shall not be subjected to other or higher duties or charges (including internal charges) than those paid on the like goods exported to any other such State or to any other foreign country.

Austria will not maintain or impose any prohibition or restriction on the exportation of any goods sent from her territory to any one of the Allied or Associated States which shall not equally extend to the exportation of the like goods, natural products or manufactured articles, sent to any other such State or to any other foreign country.

ARTICLE 220. (*H. 203.*)

Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by Austria to any Allied or Associated

State or to any other foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the Allied and Associated States.

ARTICLE 221. (*H. 204.*)

By way of exception to the provisions of Article 286 (*H. 270*), Part XII (Ports, Waterways and Railways), products in transit by the ports which before the war were situated in territory of the former Austro-Hungarian Monarchy shall, for a period of three years from the coming into force of the present Treaty, enjoy on importation into Austria reductions of duty corresponding with and in proportion to those applied to such products under the Austro-Hungarian Customs Tariff of February 13 (*H. the year*), 1906, when imported by such ports.

ARTICLE 222. (*H. 205.*)

Notwithstanding the provisions of Articles 217 to 220 (*H. 200 to 203*), the Allied and Associated Powers agree that they will not invoke these provisions to secure the advantage of any arrangements which may be made by the Austrian Government with the Governments of Hungary (*H. Austria*) or of the Czecho-Slovak State for the accord of a special customs régime to certain natural or manufactured products which both originate in and come from those countries, and which shall be specified in the arrangements, provided that the duration of these arrangements does not exceed a period of five years from the coming into force of the present Treaty.

ARTICLE 223. (*H. 206.*)

During the first six months after the coming into force of the present Treaty, the duties imposed by Austria on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into the former Austro-Hungarian Monarchy on July 28, 1914.

During a further period of thirty months after the expiration of the first six months this provision shall continue to be applied exclusively with regard to the importation of fruits (fresh and dried), fresh vegetables, olive oil, eggs, pigs and pork products, and live poultry, in so far as such products enjoyed at the above-mentioned date (July 28, 1914) rates conventionalised by Treaties with the Allied or Associated Powers.

ARTICLE 224. (*For H. 207 see below.*)

(1.) The Czecho-Slovak State and Poland undertake that for a period of fifteen years from the coming into force of the present Treaty they will not impose on the exportation to Austria of the products of coal mines in their territories any export duties or other charges or restrictions on exportation different from or more onerous than those imposed on such exportation to any other country.

(2.) Special agreements shall be made between the Czecho-Slovak State and Poland and Austria as to the supply of coal and of raw materials reciprocally.

(3.) Pending the conclusion of such agreements, but in no case during more than three years from the coming into force of the present Treaty, the Czecho-Slovak State and Poland undertake that no export duty or other restrictions of any kind shall be imposed on the export to Austria of coal or lignite up to a reasonable quantity to be fixed, failing agreement between the States concerned, by the Reparation Commission. In fixing this quantity the Reparation Commission shall take into account all the circumstances, including the quantities both of coal and of lignite supplied before the war to present Austrian territory from Upper Silesia and from the territory of the former Austrian Empire transferred to the Czecho-Slovak State and Poland in accordance with the present Treaty, and the quantities now

available for export from those countries. Austria shall in return furnish to the Czecho-Slovak State and Poland supplies of the raw materials referred to in paragraph (2) in accordance with the decisions of the Reparation Commission.

(4.) The Czecho-Slovak State and Poland further undertake during the same period to take such steps as may be necessary to ensure that any such products shall be available for sale to purchasers in Austria on terms as favourable as are applicable to like products sold under similar conditions to purchasers in the Czecho-Slovak State or Poland respectively or in any other country.

(5.) In case of disagreement in the execution or interpretation of any of the above provisions the Reparation Commission shall decide.

(*H. Article 207.*)

1. Special agreements shall be made between Poland and the Czecho-Slovak State and Hungary as to the supply of coal, including lignite, foodstuffs and raw materials reciprocally.

2. Pending the conclusion of such agreements, but in no case during more than five years from the coming into force of the present Treaty, the Czecho-Slovak State and Poland undertake that no export duty or other restrictions of any kind shall be imposed on the export to Hungary of coal or lignite up to a reasonable quantity to be fixed, failing agreement between the States concerned, by the Reparation Commission. In fixing this quantity the Reparation Commission shall take into account all the circumstances, including the quantities both of coal and of lignite which passed before the war between present Hungarian territory on the one hand and Silesia and the territory of the former Austrian Empire transferred to the Czecho-Slovak State and Poland in accordance with the Treaties of Peace on the other hand, as well as the quantities now available for export from those countries. Hungary shall in return furnish to the Czecho-Slovak State and Poland supplies of the lignite, foodstuffs and raw materials referred to in paragraph 1 in accordance with the decisions of the Reparation Commission.

3. The Czecho-Slovak State and Poland further undertake during the same period to take such steps as may be necessary to ensure that coal, including lignite, shall be available for sale to purchasers in Hungary on terms as favourable as are applicable to like products sold under similar conditions to purchasers in the Czecho-Slovak State or Poland respectively or in any other country.

4. The provisions of paragraphs 2 and 3 prohibiting export duties or restrictions and determining the conditions of sale shall also apply to the supply of lignite by Hungary to Poland and the Czecho-Slovak State.

5. In case of disagreement in the execution or interpretation of any of the above provisions, the Reparation Commission shall decide.

6. In order to permit mutual assistance between Poland, Roumania, the Serb-Croat-Slovene State, Czecho-Slovakia, Hungary and Austria, in regard to products hitherto exchanged between the territories of these States, which are indispensable to their industry or trade, negotiations shall be undertaken, on the initiative of any of these States, within six months from the coming into force of the present Treaty with a view to the conclusion with any other of the said States of separate conventions in conformity with the provisions of the present Treaty, and in particular of Articles 200 to 205.

At the end of this period any State which has requested such a convention without succeeding in concluding it may apply to the Reparation Commission and request it to accelerate the conclusion of such convention.

(*H. Article 208.*) (Not in A.)

1. Special agreements shall be made between Hungary and Austria as to the supply of foodstuffs, raw materials and manufactured articles reciprocally.

2. Pending the conclusion of such agreements, but in no case during more

than five years from the coming into force of the present Treaty, Hungary undertakes that no export duty or other restrictions of any kind shall be imposed on the export to Austria of foodstuffs of every description produced in Hungarian territory, up to a reasonable quantity to be fixed, failing agreement between the States concerned, by the Reparation Commission. In fixing this quantity, the Reparation Commission shall take into account all the circumstances, and in particular the production and requirements of the two countries concerned. Austria shall in return furnish to Hungary supplies of the raw materials and manufactured articles referred to in paragraph 1 in accordance with the decisions of the Reparation Commission.

3. Hungary further undertakes during the same period to take such steps as may be necessary to ensure that any such products shall be available for sale to purchasers in Austria on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Hungary or in any other country.

4. In case of disagreement in the execution or interpretation of any of the above provisions the Reparation Commission shall decide.

Chapter II.—*Shipping.*

ARTICLE 225. (*H. 209.*)

The High Contracting Parties agree to recognise the flag flown by the vessels of any Contracting Party having no sea-coast, which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

Chapter III.—*Unfair Competition.*

ARTICLE 226. (*H. 210 includes Art. 226–7.*)

(*H. 1.*) Austria undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the Allied and Associated Powers from all forms of unfair competition in commercial transactions.

Austria undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in her territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices or descriptions whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature or special characteristics of such goods.

ARTICLE 227. (*3rd par. H. 210.*)

(*H. 2.*) Austria undertakes, on condition that reciprocity is accorded in these matters, to respect any law, or any administrative or judicial decision given in conformity with such law, in force in any Allied or Associated State and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of wine or spirits produced in the State to which the region belongs or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such law or order shall be prohibited by **the Austrian Government** (*H. Hungary*) and repressed by the measures prescribed in **the preceding Article** (*H. paragraph 1 of this Article*).

Chapter IV.—*Treatment of Nationals of Allied and Associated Powers.*

ARTICLE 228. (*H. 211.*)

Austria undertakes:

(*a*) not to subject the nationals of the Allied and Associated Powers to any prohibition in regard to the exercise of occupations, professions, trade

and industry, which shall not be equally applicable to all aliens without exception;

(*b*) not to subject the nationals of the Allied and Associated Powers in regard to the rights referred to in paragraph (*a*) to any regulation or restriction which might contravene directly or indirectly the stipulations of the said paragraph, or which shall be other or more disadvantageous than those which are applicable to nationals of the most favoured nation;

(*c*) not to subject the nationals of the Allied and Associated Powers, their property, rights or interests, including companies and associations in which they are interested, to any charge, tax or impost, direct or indirect, other or higher than those which are or may be imposed on her own nationals or their property, rights or interests;

(*d*) not to subject the nationals of any one of the Allied and Associated Powers to any restriction which was not applicable on July 1, 1914, to the nationals of such Powers unless such restriction is likewise imposed on her own nationals.

ARTICLE 229. (*H. 212.*)

The nationals of the Allied and Associated Powers shall enjoy in Austrian territory a constant protection for their persons and for their property, rights and interests, and shall have free access to the courts of law.

ARTICLE 230. (*H. 213.*)

Austria undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers, and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

ARTICLE 231. (*H. 214.*)

The Allied and Associated Powers may appoint consuls-general, consuls, vice-consuls and consular agents in Austrian towns and ports. Austria undertakes to approve the designation of the consuls-general, consuls, vice-consuls and consular agents, whose names shall be notified to her, and to admit them to the exercise of their functions in conformity with the usual rules and customs.

Chapter V.—*General Articles.*

ARTICLE 232. (*H. 215.*)

The obligations imposed on Austria by Chapter I above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Nevertheless it is agreed that unless the League of Nations decides otherwise an Allied or Associated Power shall not after the expiration of three years from the coming into force of the present Treaty be entitled to require the fulfilment by Austria of the provisions of Articles **217, 218, 219 or 220** (*H. 200, 201, 202 or 203*) unless that Power accords correlative treatment to Austria.

Article **228** (*H. 211*) shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

ARTICLE 233. (*H. 216.*)

If the Austrian Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges or immunities of sovereignty.

SECTION II.—TREATIES

ARTICLE 234. (*H. 217.*)

From the coming into force of the present Treaty and subject to the provisions thereof the multilateral Treaties, Conventions and Agreements of an economic or technical character concluded by the former Austro-Hungarian Monarchy and enumerated below and in the subsequent Articles shall alone be applied as between Austria and those of the Allied and Associated Powers party thereto :

(1.) Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

(2.) Convention of October 11, 1909, regarding the international circulation of motor-cars.

(3.) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

(4.) Agreement of May 15, 1886, regarding the technical standardisation of railways.

(5.) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

(6.) Convention of April 25, 1907, regarding the raising of the Turkish customs tariff.

(7.) Convention of March 14, 1857, for the redemption of Toll dues on the Sound and Belts.

(8.) Convention of June 22, 1861, for the redemption of the Stade Toll on the Elbe.

(9.) Convention of July 16, 1863, for the redemption of the Toll dues on the Scheldt.

(10.) Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal.

(11.) Convention of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

(12.) Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in port.

(13.) Convention of September 26, 1906, for the suppression of nightwork for women.

(14.) Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

(15.) Convention of May 4, 1910, regarding the suppression of obscene publications.

(16.) Sanitary Convention of December 3, 1903, and the preceding Conventions signed on January 30, 1892, April 15, 1893, April 3, 1894, and March 19, 1897.

(17.) Convention of May 20, 1875, regarding the unification and improvement of the metric system.

(18.) Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

(19.) Conventions of November 16 and 19, 1885, regarding the establishment of a concert pitch.

(20.) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

(21.) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

(22.) Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

(23.) Convention of June 12, 1902, regarding the guardianship of minors.

ARTICLE 235. (*H. 218.*)

From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned, in so far as concerns them, Austria undertaking to comply with the special stipulations contained in this Article.

Postal Conventions :

Conventions and agreements of the Universal Postal Union concluded at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

Telegraphic Conventions :

International Telegraphic Conventions signed at St. Petersburg, July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

Austria undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the Conventions and Agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

ARTICLE 236. (*H. 219.*)

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the International Radio-Telegraphic Convention of July 5, 1912, Austria undertaking to comply with the provisional regulations which will be indicated to her by the Allied and Associated Powers.

If within five years after the coming into force of the present Treaty a new convention regulating international radio-telegraphic communications should have been concluded to take the place of the Convention of July 5, 1912, this new convention shall bind Austria, even if Austria should refuse either to take part in drawing up the convention, or to subscribe thereto.

This new convention will likewise replace the provisional regulations in force.

ARTICLE 237. (*H. 220.*)

The International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911, and the Agreement of April 14, 1891, concerning the international registration of trade marks shall be applied as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

ARTICLE 238. (*H. 221.*)

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the Convention of the Hague of July 17, 1905, relating to civil procedure. This provision, however, will not apply to France, Portugal and Roumania.

ARTICLE 239. (*H. 222.*)

Austria undertakes, within twelve months of the coming into force of the present Treaty, to adhere in the prescribed form to the International

Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908, and completed by the additional Protocol signed at Berne on March 20, 1914, relating to the protection of literary and artistic works.

Until her adherence, Austria undertakes to recognise and protect by effective measures and in accordance with the principles of the said Convention the literary and artistic works of nationals of the Allied and Associated Powers.

In addition, and irrespective of the above-mentioned adherence, Austria undertakes to continue to assure such recognition and such protection to all literary and artistic works of the nationals of each of the Allied and Associated Powers to an extent at least as great as upon July 28, 1914, and upon the same conditions.

ARTICLE 240. (*H. 223.*)

Austria undertakes to adhere to the following Conventions:

(1.) Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

(2.) Convention of December 31, 1913, regarding the unification of commercial statistics.

ARTICLE 241. (*H. 224.*)

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Austria the bilateral agreements of all kinds which were in force between her and the former Austro-Hungarian Monarchy, and which she wishes should be in force as between her and Austria.

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Austria. The date of the coming into force shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to apply, as between themselves and Austria, any agreements which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said agreements which, not being in accordance with the terms of the present Treaty, shall not be considered as coming into force.

In case of any difference of opinion, the League of Nations will be called on to decide.

A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

Only those bilateral agreements which have been the subject of such a notification shall be put in force between the Allied and Associated Powers and Austria.

The above rules apply to all bilateral agreements existing between any Allied and Associated Powers signatories to the present Treaty and Austria, even if the said Allied and Associated Powers have not been in a state of war with Austria.

ARTICLE 242. (*H. 225.*)

Austria hereby recognises that all treaties, conventions or agreements concluded by her, or by the former Austro-Hungarian Monarchy, with Germany, Hungary (*H. Austria*), Bulgaria or Turkey since August 1, 1914, until the coming into force of the present Treaty are of no effect.

ARTICLE 243. (*H. 226.*)

Austria undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights

and advantages of any kind which she, or the former Austro-Hungarian Monarchy, may have granted to Germany, **Hungary** (*H. Austria*), Bulgaria or Turkey, or to the officials and nationals of these States by treaties, conventions or arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements are in force.

The Allied and Associated Powers reserve the right to accept or not the enjoyment of these rights and advantages.

ARTICLE 244. (*H. 227.*)

Austria recognises that all treaties, conventions or arrangements which she, or the former Austro-Hungarian Monarchy, concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, or with Roumania, before July 28, 1914, or after that date until the coming into force of the present Treaty, are of no effect.

ARTICLE 245. (*H. 228.*)

Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since July 28, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public authority, concessions, privileges and favours of any kind to the former Austro-Hungarian Monarchy or to Austria or to an Austrian national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

ARTICLE 246. (*H. 229.*)

From the coming into force of the present Treaty, Austria undertakes, so far as she is concerned, to give the Allied and Associated Powers and their nationals the benefit *ipso facto* of the rights and advantages of any kind which she or the former Austro-Hungarian Monarchy has granted by treaties, conventions or arrangements to non-belligerent States or their nationals since July 28, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements are in force for Austria.

ARTICLE 247. (*H. 230.*)

Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and, in any case, within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should, in the case of Powers which have not yet ratified the Opium Convention, be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

SECTION III.—DEBTS.

ARTICLE 248. (*H. 231.*)

There shall be settled, through the intervention of Clearing Offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (*e*) hereafter, the following classes of pecuniary obligations :—

(1.) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory ;

(2.) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the existence of a state of war ;

(3.) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued or taken over by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war ;

(4.) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

In the case of interest or capital sums payable in respect of securities issued or taken over by the former Austro-Hungarian Government, the amount to be credited and paid by Austria will be the interest or capital in respect only of the debt for which Austria is liable in accordance with Part IX (Financial Clauses) of the present Treaty, and the principles laid down by the Reparation Commission.

The proceeds of liquidation of enemy property, rights, and interests mentioned in Section IV and in the Annex thereto will be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided for in paragraph (*d*), and disposed of by them under the conditions provided by the said Section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section :—

(*a*.) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than through the Clearing Offices ;

(*b*.) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war ;

(*c*.) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor ;

(*d*.) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency, they shall be paid or credited in the currency of the country

concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion, or India, at the pre-war rate of exchange.

For the purpose of this provision, the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Austria-Hungary.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of the new States of Poland and the Czecho-Slovak State, the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII, unless they shall have been previously settled by agreement between the States interested;

(*e.*) The provisions of this Article and of the Annex hereto shall not apply as between Austria, on the one hand, and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India, on the other hand, unless within a period of one month from the deposit of the ratification of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given to Austria by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be;

(*f.*) The Allied and Associated Powers which have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and Austrian nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

ANNEX. (*Also in H.*)

1.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 248 (*H. 231*), paragraph (*e*), establish a Clearing Office for the collection and payment of enemy debts.

Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the Clearing Office in the Opposing State must be effected through the central Clearing Office.

2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 248 (*H. 231*) are described as "enemy debts," the persons from whom the same are due as "enemy debtors," the persons to whom they are due as "enemy creditors," the Clearing Office in the country of the creditor is called the "Creditor Clearing Office," and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office."

3. (*for H. 3 see below.*)

The High Contracting Parties will subject contraventions of paragraph (*a*) of Article 248 to the same penalties as are at present provided by their legislation for trading with the enemy. They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

(*H. 3.*)

The High Contracting Parties will subject contraventions of paragraph (a) of Article 231 to the same penalties as are at present provided by their legislation for trading with the enemy. Those who have not prohibited trading with the enemy will enact provisions punishing the above-mentioned contraventions with severe penalties. The High Contracting Parties will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

4.

The Government guarantee specified in paragraph (*b*) of Article 248 (*H. 231*) shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridical conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debt.

6.

When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification, or such longer time as may be agreed to by the Creditor Clearing Office, notice has been given by the Debtor Clearing Office that it is not admitted.

8.

When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

9.

The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses or commissions.

10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the Clearing Office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall, in so far as it is concerned, take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

11.

The balance between the Clearing Offices shall be struck **monthly** (*H. every three months*) and the credit balance paid in cash by the debtor State within **a week** (*H. one month*).

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

13.

Except for special reasons all discussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

14.

In conformity with Article **248** (*H. 231*), paragraph (*b*), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

15.

Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration, if the parties so agree under conditions fixed by agreement

between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

17.

Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

18.

Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to reopen and maintain a claim abandoned by the same.

19.

The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

21.

With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned.

Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

22.

Subject to any special agreement to the contrary between the Governments concerned debts shall carry interest in accordance with the following provisions :

Interest shall not be payable on sums of money due by way of dividend interest or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum, except in cases where,

by contract, law or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Office in the same way as such debts.

23.

Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 248 (*H. 231*), the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

24.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

25.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

Section IV.—PROPERTY, RIGHTS AND INTERESTS

Article 249. (*H. 232.*)

(*H. I.*) The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

(*a.*) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken in the territory of the former Austrian Empire with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights, and interests concerned restored to their owners.

(*b.*) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests which belong at the date of the coming into force of the present Treaty to nationals of the former Austrian Empire, or companies controlled by them, and are within the territories, colonies, possessions and protectorates of such Powers (including territories ceded to them by the present Treaty) or (*H. which*) are under the control of those Powers.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the owner shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

Persons who within six months of the coming into force of the present Treaty show that they have acquired *ipso facto* in accordance with its pro-

visions the nationality of an Allied or Associated Power, including those who under **Articles 72 or 76** (*H. Article 62*) obtain such nationality with the consent of the competent authorities, or **who under Articles 74 or 77 acquire such nationality** in virtue of previous rights of citizenship (*pertinenza*) will not be considered as nationals of the former Austrian Empire within the meaning of this paragraph.

(*c.*) The price or the amount of compensation in respect of the exercise of the right referred to in paragraph (*b*) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(*d.*) As between the Allied and Associated Powers and their nationals on the one hand and nationals of the former Austrian Empire on the other hand, as also between Austria on the one hand and the Allied and Associated Powers and their nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(*e.*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in the territory of the former Austrian Empire, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Austria, and may be charged upon the property of nationals in (*H. of*) the former Austrian Empire, or companies controlled by them, as defined in paragraph (*b*), within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Austria.

(*f.*) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in the territory of the former Austrian Empire and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (*e*) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Austria shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (*e*) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (*e*) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(*g.*) The rights conferred by paragraph (*f*) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(*h*) Except in cases where, by application of paragraph (*f*), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, other than proceeds of sales of property or cash assets in Allied or Associated countries belonging to persons covered by the last sentence of paragraph (*b*) above, shall be dealt with as follows :

(1.) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder ; any credit balance in favour of Austria resulting therefrom shall be dealt with as provided in Article 189 (*H. 173*), Part VIII (Reparation), of the present Treaty.

(2.) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Austria shall be paid immediately to the person entitled thereto or to his Government ; the proceeds of the property, rights and interests, and the cash assets of nationals of the former Austrian Empire, or companies controlled by them, as defined in paragraph (*b*), received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any such property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and, if retained, the cash value thereof shall be dealt with as provided in Article 189 (*H. 173*), Part VIII (Reparation), of the present Treaty.

(*i.*) Subject to the provisions of Article 267 (*H. 250*), in the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Austria, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 181 (*H. 165*), Part VIII (Reparation), and 211 (*H. 194*), Part IX (Financial Clauses), be paid direct to the owner. If, on the application of that owner, the Mixed Arbitral Tribunal provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

(*j.*) Austria undertakes to compensate her nationals in respect of the sale or retention of their property, rights, or interests in Allied or Associated States.

(*k.*) The amount of all taxes or imposts on capital levied or to be levied by Austria on the property, rights and interests of the nationals of the Allied or Associated Powers from November 3, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

(*H. II. Subject to the preceding provisions, all measures other than those above referred to taken by the* de jure *or* de facto *authorities in the territory of the former Kingdom of Hungary between November 3, 1918, and the coming into force of the present Treaty, and causing injury to the property, rights and interests of the Allied and Associated Powers or their nationals, including companies and associations in which they were interested, are declared null and void.*

The provisions of paragraphs (a), (e), (f), (h) and (k) above apply to property, rights and interests which belong to nationals of the Allied and Associated Powers, including companies and associations in which they were interested, and which have been the subject of injurious measures such as expropriation, confiscation, seizure, requisition, destruction or deterioration effected as the result either of laws or regulations or of acts of violence on the part of the de jure *or* de facto *authorities which have existed in Hungary, or of the Hungarian population.*

III. Companies and associations include in particular the Orthodox Greek communities established in Buda-Pesth and other Hungarian towns, as well as pious and other foundations, when nationals of the Allied and Associated Powers are interested in such communities or foundations.

IV. No forfeiture on account of failure to complete any formality or make any declaration imposed by Hungarian laws or decrees promulgated since the Armistice and before the coming into force of the present Treaty shall be valid as against nationals of the Allied and Associated Powers, including companies and associations in which they were interested.)

ARTICLE 250. (*H. 233.*)

Austria undertakes, with regard to the property, rights, and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article **249, paragraph (a) or (f)** (*H. 232*):

(*a.*) To restore and maintain, except as expressly provided in the present Treaty, the property, rights, and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights, and interests of nationals of the former Austrian Empire under the laws in force before the war;

(*b.*) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of Austrian nationals, and to pay adequate compensation in the event of the application of these measures.

ANNEX. (*Also in H.*)

In accordance with the provisions of Article **249** (*H. 232*), paragraph (*d*), the validity of vesting orders and of orders for (*H. the*) winding up of **business** (*H. businesses*) or companies, and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are **specially** (*H. specifically*) mentioned in the order, direction, decision or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, **decision** (*H. decisions*) or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles

to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the former Austro-Hungarian Government in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Austria or the Austrian authorities since November 3, 1918, all of which measures shall be void.

No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Austria or by any Austrian national or by or on behalf of any national of the former Austrian Empire wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, law (*H. laws*) or regulations of any Allied or Associated Power.

3.

In Article 249 (*H. 232*) and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation or devolution of ownership in enemy property, or the cancelling of titles or securities.

4.

All property, rights and interests of nationals of the former Austrian Empire within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in territory of the former Austrian Empire, or debts owing to them by Austrian nationals, and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by any Austrian authorities since July 28, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by M. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in

respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5.

Notwithstanding the provisions of Article 249 (*H. 232*), where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Austria to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the Austrian company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under war legislation in force in the Austro-Hungarian Monarchy with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within Austrian territory (*H. in Hungary*).

6.

Up to the time when restitution is carried out in accordance with Article 249 (*H. 232*), Austria is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 249 (*H. 232*), paragraph (*f*).

8.

The restitution provided in Article 249 (*H. 232*) will be carried out by order of the Austrian Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the Austrian authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9.

Until completion of the liquidation provided for by Article 249 (*H. 232*), paragraph (*b*), the property, rights and interests of the persons referred to in that paragraph will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10.

Austria will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock or other obligations of any company incorporated in accordance with the laws of that Power.

Austria will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of Austrian nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

11.

The expression "cash assets" includes all deposits or funds established before or after the existence of a state of war, as well as all assets coming from deposits, revenues or profits collected by administrators, sequestrators or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces or Municipalities.

12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Austria will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within Austrian territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in the territory of the former Austrian Empire or in territory occupied by that Empire or its allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the Austrian Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

14.

The provisions of Article 249 (*H. 232*) and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III regulating only the method of payment.

In the settlement of matters provided for in Article 249 (*H. 232*) between Austria and the Allied or Associated Powers, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Austria that one or more of the said provisions are not to be applied.

15.

The provisions of Article 249 (*H. 232*) and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 249 (*H. 232*), paragraph (*b*).

Section V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS

Article 251. (*H. 234.*)

(*a.*) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of

any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

(*b.*) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Government of the Allied or Associated Power of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice, the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

(*c.*) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 252 (*H. 235*), nor the Annex hereto shall apply to contracts made between nationals of these States and nationals of the former Austrian Empire; nor shall Article 257 (*H. 240*) apply to the United States of America or its nationals.

(*d.*) The present Article and the Annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire, under the present Treaty, the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(*e.*) Nothing in the present Article or the Annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

ARTICLE 252. (*H. 235.*)

(*a.*) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(*b.*) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in the territory of the former Austrian Empire to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(*c.*) Upon the application of any interested person who is a national of an Allied or Associated Power, the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (*b*), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible, the Mixed Arbitral Tribunal may grant compensation to the prejudiced party, to be paid by the Austrian Government.

(*d.*) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or

of the exercise of a right stipulated in the contract itself, the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (*c*).

(*e*.) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by the authorities of the former Austrian Government in invaded or occupied territory, if they have not been otherwise compensated.

(*f*.) Austria shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(*g*.) As regards negotiable instruments, the period of three months provided under paragraph (*a*) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

ARTICLE 253. (*H. 236.*)

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

ARTICLE 254. (*H. 237.*)

Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognised in Austria as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment or measure of execution in respect of any dispute which may have arisen has been given during the war by a judicial authority of the former Austrian Empire against a national of an Allied or Associated Power, or a company or association in which one of such nationals was interested, in a case in which either such national or such company or association was not able to make their defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the Austrian Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

ARTICLE 255. (*H. 238.*)

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and the former Austro-Hungarian Monarchy and the coming into force of the present Treaty.

ANNEX. (*Also in H.*)

I. *General Provisions.*

1.

Within the meaning of Articles 251, 252 and 253 (*H. 234, 235 and 236*) the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2.

The following classes of contracts are excepted from dissolution by Article 251 (*H. 234*), and, without prejudice to the rights contained in Article 249 (*H. 232*) (*b*) of Section IV, remain in force subject to the application of domestic laws, orders, or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

(*a.*) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

(*b.*) Leases and agreements for leases of land and houses;

(*c.*) Contracts of mortgage, pledge, or lien;

(*d.*) Concessions concerning mines, quarries or deposits;

(*e.*) Contracts between individuals or companies and States, provinces, municipalities or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities or other similar juridical persons charged with administrative functions.

3.

If the provisions of a contract are in part dissolved under Article 251 (*H. 234*), the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

II. *Provisions relating to certain classes of Contracts.*

Stock Exchange and Commercial Exchange Contracts.

4.

(*a.*) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided:

(1) that the contract was expressed to be made subject to the rules of the Exchange or Association in question;

(2) that the rules applied to all persons concerned;

(3) that the conditions attaching to the closure were fair and reasonable.

(*b.*) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(*c*.) The closure of contracts relating to cotton "futures," which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

Security.

5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

Negotiable Instruments.

6.

As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III. *Contracts of Insurance.*

8.

Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

Fire Insurance.

9.

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war or of claims for losses which occurred during the war.

10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

Life Insurance.

11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at 5 per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at 5 per cent. per annum within three months from the coming into force of the present Treaty.

12.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

13.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled, where the giving of such notice was prevented by the war, to recover the unpaid premiums with interest at 5 per cent. per annum from the insured.

14.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 13 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

Marine Insurance.

15.

Contracts of marine insurance, including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwith-

standing the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

16.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

17.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

Other Insurances.

18.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 17, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

Reinsurance.

19.

All treaties of reinsurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the reinsured to find another reinsurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

Where a reinsurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 17 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

20.

The provisions of the preceding paragraph will extend equally to reinsurances, existing at the date of the parties becoming enemies, of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

21.

Reinsurance of life risks effected by particular contracts and not under any general treaty remain in force.

22.

In case of a reinsurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the reinsurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of reinsurance in respect either of premiums or of losses shall be recoverable after the war.

23.

The provisions of paragraphs 16 and 17 and the last part of paragraph 15 shall apply to contracts for the reinsurance of marine risks.

SECTION VI.—MIXED ARBITRAL TRIBUNAL.

ARTICLE 256. (*H. 239.*)

(*a.*) Within three months from the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Austria on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If in case there is a vacancy a Government does not proceed within a period of one month to appoint as provided above a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(*b.*) The Mixed Arbitral Tribunals established pursuant to paragraph (*a*) shall decide all questions within their competence under sections III, IV, V and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and Austrian nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(*c.*) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(*d.*) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(*e.*) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may

appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(*f.*) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(*g.*) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

ANNEX. (*Also in H.*)

1.

Should one of the members of the Tribunal either die, retire or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3.

The agent and counsel of the parties on each side are authorised to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5.

Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6.

The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7.

The High Contracting Parties agree to give the Tribunal all facilities and information required by it for carrying out its investigations.

8.

The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

9.

The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

ARTICLE 257. (*H. 240.*)

Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V or VII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral

Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the court of the former Austrian Empire.

SECTION VII.—INDUSTRIAL PROPERTY.

ARTICLE 258. (*H. 241.*)

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Articles 237 (*H. 220*) and 239 (*H. 222*), shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced, or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of nationals of the former Austrian Empire in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Austria or Austrian nationals or by or on behalf of nationals of the former Austrian Empire in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in respect of the property of persons referred to in Article 249 (*H. 232*) (*b*) and in virtue of any act or operation resulting from the execution of the special measures mentioned in the second paragraph of this Article shall be dealt with in the same way as other sums due to such persons are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the Government of the former Austrian Empire in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from Austrian nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by Austrian nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Austria of the rights of industrial, literary and artistic property held in Austrian territory by its nationals, or for securing the due fulfilment of all obligations undertaken by Austria in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to Austrian nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary or artistic property effected after July 28, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 249 (*H. 232*), paragraph (*b*).

ARTICLE 259. (*H. 242.*)

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving or opposing rights to, or in respect of, industrial property either acquired before July 28, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to Austrian nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from July 28, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark or design in force on July 28, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

ARTICLE 260. (*H. 243.*)

The rights of priority provided by Article 4 of the International Convention for the Protection of Industrial Property of Paris of March 20, 1883, revised at Washington in 1911, or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs and models which had not expired on July 28, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bonâ fide* in possession of any rights of industrial

property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

ARTICLE 261. (*H. 244.*)

No action shall be brought and no claim made by nationals of the former Austrian Empire, or by persons residing or carrying on business within the territory of that Empire, on the one part, and on the other part by persons residing or carrying on business in the territory of the Allied or Associated Powers, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the existence of a state of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 259 (*H. 242*) and 260 (*H. 243*).

Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Austria on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the existence of a state of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by the Austro-Hungarian armies during the war.

This Article shall not apply as between the United States of America on the one hand and Austria on the other.

ARTICLE 262. (*H. 245.*)

Licences in respect of industrial, literary or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and nationals of the former Austrian Empire, on the other part, shall be considered as cancelled as from the date of the existence of a state of war between the former Austro-Hungarian Monarchy and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under the law of the former Austrian Empire. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war in respect of the rights of persons referred to in Article 249 (*H. 232*) (*b*) by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of such persons as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Austria on the other.

Section VIII.—SPECIAL PROVISIONS RELATING TO TRANSFERRED TERRITORY.

Article 263. (*H. 246.*)

Of the individuals and juridical persons previously nationals of the former Austrian Empire, including Bosnia-Herzegovinians, those who acquire *ipso facto* under the present Treaty the nationality of an Allied or Associated Power are designated in the provisions which follow by the expression "nationals of the former Austrian Empire"; the remainder are designated by the expression "Austrian nationals."

Article 264. (*H. 247.*)

The inhabitants of territories transferred by virtue of the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue to enjoy in Austria all the rights in industrial, literary and artistic property to which they were entitled under the legislation in force at the time of the transfer.

Article 265. (*H. 248.*)

The questions concerning the nationals of the former Austrian Empire, as well as Austrian nationals, their rights, privileges and property, which are not dealt with in the present Treaty, or in the Treaty prepared for the purpose of regulating certain immediate relations between the States to which territory of the former Austro-Hungarian Monarchy has been transferred, or arising from the dismemberment of that Monarchy, shall form the subject of special conventions between the States concerned, including Austria; such conventions shall not in any way conflict with the provisions of the present Treaty.

For this purpose it is agreed that (*H. within*) three months from the coming into force of the present Treaty a Conference of delegates of the States in question shall take place.

Article 266. (*H. 249.*)

The Austrian Government shall without delay restore to nationals of the former Austrian Empire their property, rights and interests situated in Austrian territory.

The amount of taxes and imposts on capital which have been levied or increased on the property, rights and interests of nationals of the former Austrian Empire since November 3, 1918, or which shall be levied or increased until restitution in accordance with the provisions of the present Treaty, or, in the case of property, rights and interests which have not been subjected to exceptional measures of war, until three months from the coming into force of the present Treaty, shall be returned to the owners.

The property, rights and interests restored shall not be subject to any tax levied in respect of any other property or any other business owned by the same person after such property had been removed from Austria, or such business had ceased to be carried on therein.

If taxes of any kind have been paid in anticipation in respect of property, rights and interests removed from Austria, the proportion of such taxes

paid for any period subsequent to the removal of the property, rights and interests in question shall be returned to the owners.

Cash assets shall be paid in the currency and at the rate of exchange provided for the case of debts under Articles **248** (*H. 231*) (*d*) and **271** (*H. 254*).

Legacies, donations and funds given or established in the former Austro-Hungarian Monarchy for the benefit of nationals of the former Austrian Empire shall be placed by Austria, so far as the funds in question are in her territory, at the disposition of the Allied or Associated Power of which the persons in question are now nationals, in the condition in which these funds were on July 28, 1914, taking account of payments properly made for the purpose of the Trust.

(*H. Legacies, donations and funds given or established in the former Kingdom of Hungary for the benefit of nationals of that Kingdom shall be placed by Hungary, so far as the funds in question are in her territory, at the disposition of the Allied or Associated Power of which the persons in question are now, or become, under the provisions of the present Treaty, or of any Treaties concluded for the purpose of completing the present settlement, nationals, in the condition in which these funds were on July 28, 1914, taking account of payments properly made for the purpose of the trust.*

Where under the terms of family trusts which continue to be administered by the Hungarian State the rights of the beneficiaries are subject to their retaining Hungarian nationality, the presumptive beneficiaries will retain their right to pensions, expenses of education, dowries and similar privileges, even if they acquire now or subsequently, under the present Treaty or any Treaties concluded for the purpose of completing the present settlement, the nationality of one of the States to which territory of the former Kingdom of Hungary is transferred by the said Treaties.

Where in consequence of the extinction of a family in whose favour such a trust had been constituted the funds would revert to the Hungarian State or to an institution of that State, such right of succession will pass to the State to which the last beneficiary belonged.)

ARTICLE 267. (*H. 250.*)

Notwithstanding the provisions of Article **249** (*H. 232*) and the Annex to Section IV the property, rights and interests of Austrian nationals or companies controlled by them situated in the territories which formed part of the former Austro-Hungarian Monarchy shall not be subject to retention or liquidation in accordance with these provisions.

Such property, rights and interests shall be restored to their owners freed from any measure of this kind, or from any other measure of transfer, compulsory administration or sequestration, taken since November 3, 1918, until the coming into force of the present Treaty, in the condition in which they were before the application of the measures in question.

(*H. Claims made by Hungarian nationals under this Article shall be submitted to the Mixed Arbitral Tribunal provided for by Article 239.*)

The property, rights, and interests here referred to do not include property which is the subject of Article **208** (*H. 191*) Part IX (Financial Clauses).

Nothing in this Article shall affect the provisions laid down in Part VIII (Reparation), Section I, Annex III, as to property of Austrian nationals in ships and boats.

ARTICLE 268. (*H. 251.*)

All contracts for the sale of goods for delivery by sea concluded before January 1, 1917, between nationals of the former Austrian Empire on (*H. of*) the one part and the administrations of the former Austro-Hungarian Monarchy, Austria, or Bosnia-Herzegovina, or Austrian nationals on the other part shall be annulled, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder. All other

contracts between such parties which were made before November 1, 1918, and were in force at that date shall be maintained.

ARTICLE 269. (*H. 252.*)

With regard to prescriptions, limitations and forfeitures in the transferred territories, the provisions of Articles 252 (*H. 235*) and 253 (*H. 236*) shall be applied with substitution for the expression "outbreak of war" of the expression "date, which shall be fixed by administrative decision of each Allied or Associated Power, at which relations between the parties became impossible in fact or in law," and for the expression "duration of the war" of the expression "period between the date above indicated and that of the coming into force of the present Treaty."

ARTICLE 270. (*H. 253.*)

Austria undertakes not to impede in any way the transfer of property, rights or interests belonging to a company incorporated in accordance with the laws of the former Austro-Hungarian Monarchy, in which Allied or Associated nationals are interested, to a company incorporated in accordance with the laws of any other Power, to facilitate all measures necessary for giving effect to such transfer, and to render any assistance which may be required for effecting the restoration to Allied or Associated nationals, or to companies in which they are interested, of their property, rights or interests whether in Austria or in transferred territory.

ARTICLE 271. (*H. 254.*)

Section III, except Article 248 (*H. 231*) (*d*), shall not apply to debts contracted between Austrian nationals and nationals of the former Austrian Empire.

Subject to the special provisions laid down in Article 248 (*H. 231*) (*d*) for the case of the new States, these debts shall be paid in the legal currency at the time of payment of the State of which the national of the former Austrian Empire has become a national, and the rate of exchange applicable shall be the average rate quoted on the Geneva Exchange during the two months preceding November 1, 1918.

ARTICLE 272. (*H. 255.*)

Insurance companies whose principal place of business was in territory which previously formed part of the former Austro-Hungarian Monarchy shall have the right to carry on their business in Austrian territory for a period of ten years from the coming into force of the present Treaty, without the rights which they previously enjoyed being affected in any way by the change of nationality.

During the above period the operations of such companies shall not be subjected by Austria to any higher tax or charge than shall be imposed on the operations of national companies. No measure in derogation of their rights of property shall be imposed upon them which is not equally applied to the property, rights or interests of Austrian insurance companies; adequate compensation shall be paid in the event of the application of any such measures.

These provisions shall only apply so long as Austrian insurance companies previously carrying on business in the transferred territories, even if their principal place of business was outside such territories, are reciprocally accorded a similar right to carry on their business therein.

After the period of ten years above referred to, the provisions of Article 228 (*H. 211*) of the present Treaty shall apply in regard to the Allied and Associated companies in question.

(*H. The provisions of this Article shall apply similarly to co-operative societies, provided that the legal position of such societies places upon their*

members effective responsibility for all operations and contracts within the objects of such societies.)

ARTICLE 273. (*H. 256.*)

Special agreements will determine the division of the property of associations or public corporations carrying on their functions in territory which is divided in consequence of the present Treaty.

ARTICLE 274. (*H. 257.*)

States to which territory of the former Austro-Hungarian Monarchy is transferred, and States arising from the dismemberment of that Monarchy, shall recognise and give effect to rights of industrial, literary and artistic property in force in the territory at the time when it passes to the State in question, or re-established or restored in accordance with the provisions of Article 258 (*H. 241*) of the present Treaty. These rights shall remain in force in that territory for the same period as that for which they would have remained in force under the law of the former Austro-Hungarian Monarchy.

A special convention shall determine all questions relative to the records, registers and copies in connection with the protection of industrial, literary or artistic property, and fix their eventual transmission or communication by the Offices of the former Austro-Hungarian Monarchy to the Offices of the States to which are transferred territory of the said Monarchy and to the Offices of new States.

ARTICLE 275. (*H. 258.*)

Without prejudice to other provisions of the present Treaty, the Austrian Government undertakes so far as it is concerned to hand over to any Power to which territory of the former Austro-Hungarian Monarchy is transferred, or which arises from the dismemberment of that Monarchy, such portion of the reserves accumulated by the Governments or the administrations of the former Austro-Hungarian Monarchy, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are handed over must apply them to the performance of the obligations arising from such insurances.

The conditions of the delivery will be determined by special conventions to be concluded between the Austrian Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the Austrian Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Austria and the other Governments concerned.

(*H. Article 259.*) (not in A.)

The provisions of the present Section referring to the relations between Hungary or Hungarian nationals and the nationals of the former Kingdom of Hungary apply to relations of the same nature between Hungary or Hungarian nationals and the nationals of the former Austrian Empire referred to in Article 263 of the Treaty of Peace with Austria.

Reciprocally, the provisions of Section VIII of Part X of the said Treaty referring to the relations between Austria or Austrian nationals and the nationals of the former Austrian Empire apply to relations of the same nature between Austria or Austrian nationals and the nationals of the former Kingdom of Hungary referred to in Article 246 of the present Treaty (i. e. H. 246).

PART XI.—AERIAL NAVIGATION

ARTICLE 276. (*H. 260.*)

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory of Austria and shall enjoy the same privileges as Austrian aircraft, particularly in case of distress.

ARTICLE 277. (*H. 261.*)

The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory of Austria without landing, subject always to any regulations which may be made by Austria, and which shall be applicable equally to the aircraft of Austria and to those of the Allied and Associated countries.

ARTICLE 278. (*H. 262.*)

All aerodromes in Austria open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodrome such aircraft shall be treated on a footing of equality with Austrian aircraft as regards charges of every description, including charges for landing and accommodation.

ARTICLE 279. (*H. 263.*)

Subject to the present provisions, the rights of passage, transit and landing provided for in Articles 276, 277 and 278 (*H. 260, 261 and 262*) are subject to the observance of such regulations as Austria may consider it necessary to enact, but such regulations shall be applied without distinction to Austrian aircraft and to those of the Allied and Associated countries.

ARTICLE 280. (*H. 264.*)

Certificates of nationality, airworthiness, or competency and licences issued or recognised as valid by any of the Allied or Associated Powers, shall be recognised in Austria as valid and as equivalent to the certificates and licences issued by Austria.

ARTICLE 281. (*H. 265.*)

As regards internal commercial air traffic, the aircraft of the Allied and Associated Powers shall enjoy in Austria most-favoured nation treatment.

ARTICLE 282. (*H. 266.*)

Austria undertakes to enforce the necessary measures to ensure that all Austrian aircraft flying over her territory shall comply with the Rules as to lights and signals, Rules of the Air and Rules for Air Traffic on and in the neighbourhood of aerodromes, which have been laid down in the Convention relative to Aerial Navigation concluded between the Allied and Associated Powers.

ARTICLE 283. (*H. 267.*)

The obligations imposed by the preceding provisions shall remain in force until January 1, 1923, unless before that date Austria shall have been admitted into the League of Nations or shall have been authorised by consent of the Allied and Associated Powers to adhere to the Convention relative to Aerial Navigation concluded between those Powers.

PART XII.—PORTS, WATERWAYS, AND RAILWAYS

SECTION I.—GENERAL PROVISIONS.

ARTICLE 284. (*H. 268.*)

Austria undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers, whether contiguous or not.

Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restriction, and shall be entitled in Austria to national treatment as regards charges, facilities and all other matters.

Goods in transit shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge, facility or restriction shall depend directly or indirectly on the ownership or on the nationality of the ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

ARTICLE 285. (*H. 269.*)

Austria undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bonâ fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any part whatever in, or to exercise any direct or indirect influence over any administrative service that may be necessary for this purpose.

ARTICLE 286. (*H. 270.*)

Austria undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportations from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories based on the frontier crossed; or on the kind, ownership, or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of transshipment on the journey; or on whether the goods are imported or exported directly through an Austrian port or indirectly through a foreign port; or on whether the goods are imported or exported by land or by air.

Austria particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export or import by Austrian ports or ships, or by those of another Power, for example, by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be subjected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through an Austrian port or a port of any other Power, or used an Austrian vessel or a vessel of any other Power.

ARTICLE 287. (*H. 271.*)

All necessary administrative and technical measures shall be taken to expedite, as much as possible, the transmission of goods across the Austrian frontiers and to ensure their forwarding and transport from such frontiers,

irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the same kind carried on Austrian territory under similar conditions of transport.

In particular, the transport of perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

ARTICLE 288. (*H. 272.*)

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on Austrian railways or navigable waterways for the benefit of any port of another Power.

ARTICLE 289. (*H. 273.*)

Austria may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Austria to the ports of any other Power.

SECTION II.—NAVIGATION.

Chapter I.—*Freedom of Navigation.*

ARTICLE 290. (*H. 274.*)

The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all Austrian ports and on the inland navigation routes of Austria the same treatment in all respects as Austrian nationals, vessels and property.

In particular the vessels of any one of the Allied or Associated Powers shall be entitled to transport goods of any description, and passengers, to or from any ports or places in Austrian territory to which Austrian vessels may have access, under conditions which shall not be more onerous than those applied in the case of national vessels; they shall be treated on a footing of equality with national vessels as regards port and harbour facilities and charges of every description, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, lighthouse, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

In the event of Austria granting a preferential régime to any of the Allied or Associated Powers or to any other foreign Power, this régime shall be extended immediately and unconditionally to all the Allied and Associated Powers.

There shall be no impediment to the movement of persons or vessels other than those arising from prescriptions concerning customs, police, sanitation, emigration and immigration, and those relating to the import and export of prohibited goods. Such regulations must be reasonable and uniform and must not impede traffic unnecessarily.

Chapter II.—*Clauses Relating to the Danube.*

1. *General Clauses* Relating (*H. Relative*) *to River Systems Declared International.*

ARTICLE 291. (*H. 275.*)

The following river is declared international: the Danube from Ulm; together with all navigable parts of this river system which naturally provide more than one State with access to the sea, with or without transhipment

from one vessel to another, as well as **the portion of the course of the Morava (March) and the Thaya (Theiss) forming the frontier between Czecho-Slovakia and Austria, and** lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river system or to connect two naturally navigable sections of the same river.

The same shall apply to the Rhine-Danube navigable waterway, should such a waterway be constructed, under the conditions laid down in Article 308.

Any part of the above-mentioned river system which is not included in the general definition may be declared international by an agreement between the riparian States.

ARTICLE 292. (*H. 276.*)

On the waterways declared to be international in the preceding Article, the nationals, property and flags of all Powers shall be treated on a footing of perfect equality, no distinction being made, to the detriment of the nationals, property or flag of any Power, between them and the nationals, property or flag of the riparian State itself or of the most-favoured nation.

ARTICLE 293. (*H. 277.*)

Austrian vessels shall not be entitled to carry passengers or goods by regular services between the port of any Allied or Associated Power, without special authority from such Power.

ARTICLE 294. (*H. 278.*)

Where such charges are not precluded by any existing convention, **charge** (*H. charges*) varying on different sections of a river may be levied on vessels using the navigable channels or their approaches, provided that they are intended solely to cover equitably the cost of maintaining in a navigable condition, or of improving, the river and its approaches, or to meet expenditure incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenditure and shall be posted up in the ports. These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in cases of suspected fraud or contravention.

ARTICLE 295. (*H. 279.*)

The transit of vessels, passengers and goods on these waterways shall be effected in accordance with the general conditions prescribed for transit in Section I above.

When the two banks of an international river are within the same State, goods in transit may be placed under seal or in the custody of customs agents. When the river forms a frontier, goods and passengers in transit shall be exempt from all customs formalities; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by the riparian State.

ARTICLE 296. (*H. 280.*)

No dues of any kind other than those provided for in this Part shall be levied along the course or at the mouth of these waterways.

This provision shall not prevent the fixing by the riparian States of customs, local octroi or consumption duties, or the creation of reasonable and uniform charges levied in the ports, in accordance with public tariffs, for the use of cranes, elevators, quays, warehouses and other similar constructions.

ARTICLE 297. (*H. 281.*)

In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take the necessary

measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation, any riparian State, or any State represented on the International Commission, may appeal to the tribunal instituted for this purpose by the League of Nations.

ARTICLE 298. (*H. 282.*)

The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, shall be given priority over the requirements of navigation.

Appeal to the Tribunal of the League of Nations does not require the suspension of the works.

ARTICLE 299. (*H. 283.*)

The régime set out in Articles 292 (*H. 276*) and 294 to 298 (*H. 278 to 282*) above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river system of the Danube, and such other parts of that river system as may be covered by a general definition.

Austria undertakes, in accordance with the provisions of Article 331 (*H. 314*), to adhere to the said General Convention.

ARTICLE 300. (*H. 284.*)

Austria shall cede to the Allied and Associated Powers concerned, within a maximum period of three months from the date on which notification shall be given her, a proportion of the tugs and vessels remaining registered in the ports of the river system referred to in Article 291 (*H. 275*) after the deduction of those surrendered by way of restitution or reparation. Austria shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of that river system.

The number of (*H. the*) tugs and boats (*H. vessels*), and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.

All craft so ceded shall be provided with their fittings and gear, shall be in a good state of repair and in condition to carry goods, and shall be selected from among those most recently built.

Wherever the cessions made under the present Article involve a change of ownership, the arbitrator or arbitrators shall determine the rights of the former owners as they stood on October 15, 1918, and the amount of the compensation to be paid to them, and shall also direct the manner in which such payment is to be effected in each case. If the arbitrator or arbitrators find that the whole or part of this sum will revert directly or indirectly to States from whom reparation is due, they shall decide the sum to be placed under this head to the credit of the said States.

As regards the Danube, the arbitrator or arbitrators referred to in this Article will also decide all questions as to the permanent allocation and the conditions thereof of the vessels whose ownership or nationality is in dispute between States.

Pending final allocation, the control of these vessels shall be vested in a Commission consisting of representatives of the United States of America, the British Empire, France and Italy, who will be empowered to make provisional arrangements for the working of these vessels in the general interest by any local organisation, or, failing such arrangements, by themselves, without prejudice to the final allocation.

As far as possible these provisional arrangements will be on a commercial basis, the net receipts by the Commission for the hire of these vessels being disposed of as directed by the Reparation Commission.

2. *Special Clauses relating to the Danube.*

ARTICLE 301. (*H. 285.*)

The European Commission of the Danube reassumes the powers it possessed before the war. Nevertheless, as a provisional measure, only representatives of Great Britain, France, Italy and Roumania shall constitute this Commission.

ARTICLE 302. (*H. 286.*)

From the point where the competence of the European Commission ceases, the Danube system referred to in Article 291 (*H. 275*) shall be placed under the administration of an International Commission composed as follows:—

2 representatives of German riparian States;
1 representative of each other riparian State;
1 representative of each non-riparian State represented in the future on the European Commission of the Danube.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

ARTICLE 303. (*H. 287.*)

The International Commission provided for in the preceding Article shall meet as soon as possible after the coming into force of the present Treaty, and shall undertake provisionally the administration of the river in conformity with the provisions of Articles 292 (*H. 276*) and 294 to 298 (*H. 278 to 282*), until such time as a definitive statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers.

The decisions of this International Commission shall be taken by a majority vote. The salaries of the Commissioners shall be fixed and paid by their respective countries.

As a provisional measure any deficit in the administrative expense (*H. expenses*) of this International Commission shall be borne equally by the States represented on the Commission.

In particular, this Commission shall regulate the licensing of pilots, charges for pilotage, and the administration of the pilot service.

ARTICLE 304. (*H. 288.*)

Austria agrees to accept the régime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year after the coming into force of the present Treaty, and at which Austrian representatives may be present.

(*H. Until such time as a definite statute regarding the Danube is concluded, the International Commission provided for in Article 286 shall have provisionally under its control the equipment, buildings and installations used for carrying out and maintaining works on the section of the Danube between Turnu-Severin and Moldava. The final allocation of the equipment, buildings and installations shall be determined by the conference provided for in the preceding paragraph.*

Hungary renounces all interest in and all control over the said equipment, buildings and installations.)

ARTICLE 305. (*H. 289.*)

The mandate given by Article 57 of the Treaty of Berlin of July 13, 1878. to Austria-Hungary, and transferred by her to Hungary, to carry out works at the Iron Gates, is abrogated. The Commission entrusted with the administration of this part of the river shall lay down provisions for the settlement of accounts subject to the financial provisions of the present Treaty. Charges which may be necessary shall in no case be levied by Hungary.

ARTICLE 306. (*H. 290.*)

Should the Czecho-Slovak State, the Serb-Croat-Slovene State, or Roumania, with the authorisation of or under mandate from the International Commission, undertake maintenance, improvement, weir, or other works on a part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution and maintenance of such works.

ARTICLE 307. (*H. 291.*)

Austria shall be obliged to make to the European Commission of the Danube all restitutions, reparations and indemnities for damages inflicted on the Commission during the war.

ARTICLE 308. (*not in H.*)

Should a deep-draught Rhine–Danube navigable waterway be constructed, Austria hereby undertakes to accept the application to the said navigable waterway of the same régime as that prescribed in Articles 292 and 294 to 299 of the present Treaty.

Chapter III.—*Hydraulic System.*

ARTICLE 309. (*H. 292 includes Arts. 309–310.*)

In default of any provisions to the contrary, when as the result of the fixing of a new frontier the hydraulic system (canalisation, inundations, irrigation, drainage or similar matters) in a State is dependent on works executed within the territory of another State, or when use is made on the territory of a State, in virtue of pre-war usage, of water or hydraulic power, the source of which is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Failing an agreement, the matter shall be regulated by an arbitrator appointed by the Council of the League of Nations.

ARTICLE 310. (*last pars. of H. 292.*)

Unless otherwise provided, when use is made for municipal or domestic purposes in one State of electricity or water, the source of which as the result of the fixing of a new frontier is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Pending an agreement, central electric stations and waterworks shall be required to continue the supply up to an amount corresponding to the undertakings and contracts in force on November 3, 1918.

Failing an agreement (*H. in the case of either of the above paragraphs, and subject to the provisions of Article 293*), the matter shall be regulated by an arbitrator appointed by the Council of the League of Nations.

(*H.* ARTICLE 293). **(not in A.)**

In view of the application of Article 292 to the territories of the former Kingdom of Hungary forming the Basin of the Danube, excluding the Basin of the Olt, as well as for the exercise of the powers provided for below, there shall be set

up, in the common interest of the States possessing sovereignty over the territories in question, a permanent technical Hydraulic System Commission, composed of one representative of each of the States territorially concerned and a Chairman appointed by the Council of the League of Nations.

This Commission shall bring about the conclusion, and supervise and, in urgent cases, ensure the carrying out, of the agreements provided for in Article 292; it shall maintain and improve, particularly as regards deforestation and afforestation, the uniform character of the hydraulic system, as well as of the services connected therewith, such as the hydrometric service and the service of information as to the rising of the waters. It shall also study questions relating to navigation, excepting those falling within the competence of the Commission for regulating the navigation of the Upper Danube, which it shall refer to the said Commission, and it shall give special consideration to fishery interests. The Commission shall in addition undertake all works or schemes and shall establish all services with which it may be charged by the unanimous consent of the interested States.

The Hydraulic System Commission shall meet within three months from the coming into force of the present Treaty; it shall draw up a regulation as to its functions and procedure, which will be subject to approval by the States concerned.

Any disputes which may arise out of the matters dealt with in this Article shall be settled as provided by the League of Nations.

SECTION III.—RAILWAYS.

Chapter I.—*Freedom of Transit to the Adriatic for Austria.*

ARTICLE 311. (*H. 294.*)

Free access to the Adriatic Sea is accorded to Austria, who with this object will enjoy freedom of transit over the territories and in the ports severed from the former Austro-Hungarian Monarchy.

Freedom of transit is the freedom defined in Article 284 (*H. 268*) until such time as a General Convention on the subject shall have been concluded between the Allied and Associated Powers, whereupon the dispositions of the new Convention shall be substituted therefor.

Special conventions between the States or Administrations concerned will lay down the conditions of the exercise of the right accorded above, and will settle in particular the method of using the ports and the free zones existing in them (*H. and the railways ordinarily giving access thereto*), the establishment of international (joint) services and tariffs including through tickets and waybills, and the maintenance of the Convention of Berne of October 14, 1890, and its supplementary provisions until its replacement by a new Convention.

Freedom of transit will extend to postal, telegraphic and telephonic services.

Chapter II.—*Clauses Relating to International Transport.*

ARTICLE 312. (*H. 295.*)

Goods coming from the territories of the Allied and Associated Powers, and going to Austria, or in transit through Austria from or to the territories of the Allied and Associated Powers, shall enjoy on the Austrian railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities, and in all other matters, the most favourable treatment applied to goods of the same kind carried on any Austrian lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Austria and going to their territories.

International tariffs established in accordance with the rates referred to in the preceding paragraph and involving through way-bills shall be established when one of the Allied and Associated Powers shall require it from Austria.

However, without prejudice to the provisions of Articles 288 (*H. 272*) and 289 (*H. 273*), Austria undertakes to maintain on her own lines the régime of tariffs existing before the war as regards traffic to Adriatic and Black Sea ports, from the point of view of competition with North German ports.

ARTICLE 313. (*H. 296.*)

From the coming into force of the present Treaty the High Contracting Parties shall renew, in so far as concerns them and under the reserves indicated in the second paragraph of the present Article, the Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

If within five years from the date of the coming into force of the present Treaty a new Convention for the transportation of passengers, luggage and goods by rail shall have been concluded to replace the Berne Convention of October 14, 1890, and the subsequent additions referred to above, this new Convention and the supplementary provisions for international transport by rail which may be based on it shall bind Austria, even if she shall have refused to take part in the preparation of the Convention or to subscribe to it. Until a new Convention shall have been concluded, Austria shall conform to the provisions of the Berne Convention and the subsequent additions referred to above, and to the current supplementary provisions.

ARTICLE 314. (*H. 297.*)

Austria shall be bound to co-operate in the establishment of through ticket services (for passengers and their luggage) which shall be required by any of the Allied and Associated Powers to ensure their communication by rail with each other and with all other countries by transit across the territories of Austria; in particular Austria shall, for this purpose, accept trains and carriages coming from the territories of the Allied and Associated Powers and shall forward them with a speed at least equal to that of her best long-distance trains on the same lines. The rates applicable to such through services shall not in any case be higher than the rates collected on Austrian internal services for the same distance, under the same conditions of speed and comfort.

The tariffs applicable under the same conditions of speed and comfort to the transportation of emigrants going to or coming from ports of the Allied and Associated Powers and using the Austrian railways, shall not be at a higher kilometric rate than the most favourable tariffs (drawbacks and rebates being taken into account) enjoyed on the said railways by emigrants going to or coming from any other ports.

ARTICLE 315. (*H. 298.*)

Austria shall not apply specially to such through services, or to the transportation of emigrants going to or coming from the ports of the Allied and Associated Powers, any technical, fiscal or administrative measures, such as measures of customs examination, general police, sanitary police, and control, the result of which would be to impede or delay such services.

ARTICLE 316. (*H. 299.*)

In case of transport partly by rail and partly by internal navigation, with or without through way-bill, the preceding Articles shall apply to the part of the journey performed by rail.

Chapter III.—*Rolling-stock.*

ARTICLE 317. (*H. 300.*)

Austria undertakes that Austrian wagons shall be fitted with apparatus allowing :

(1.) of their inclusion in goods trains on the lines of such of the Allied and Associated Powers as are parties to the Berne Convention of May 15, 1886, as modified on May 18, 1907, without hampering the action of the continuous brake which may be adopted in such countries within ten years of the coming into force of the present Treaty, and

(2.) of the inclusion of wagons of such countries in all goods trains on Austrian lines.

The rolling stock of the Allied and Associated Powers shall enjoy on the Austrian lines he same treatment as Austrian rolling stock as regards movement, upkeep and repairs.

Chapter IV.—*Transfers of Railway Lines.*

ARTICLE 318. (*H. 301.*)

Subject to any special provisions concerning the transfer of ports, waterways and railways situated in the territories transferred under the present Treaty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the transfer of railways will take place under the following conditions :

(1.) The works and installations of all the railroads shall be handed over complete and in good condition.

(2.) When a railway system possessing its own rolling-stock is handed over in its entirety by Austria to one of the Allied and Associated Powers, such stock shall be handed over complete, in accordance with the last inventory before November 3, 1918, and in a normal state of upkeep.

(3.) As regards lines without any special rolling-stock, the distribution of the stock existing on the system to which these lines belong shall be made by Commissions of experts designated by the Allied and Associated Powers, on which Austria shall be represented. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 3, 1918, (*H. to*) the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case ; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to ensure their repair in Austrian workshops.

(4.) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

The provisions of paragraphs 3 and 4 above shall be applied to the lines of former Russian Poland converted by the Austro-Hungarian authorities to the normal gauge, such lines being regarded as detached from the Austrian and Hungarian State systems.

Chapter V.—*Provisions Relating to Certain Railway Lines.*

ARTICLE 319. (*H. 302.*)

When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations cannot come to an agreement as to the terms of such convention, the points of difference shall be decided by commissions of experts composed as provided in the preceding Article.

(H. In particular, the convention as to the working of the line between Csata and Losoncz shall provide for the direct passage in each direction through Hungarian territory of Czecho-Slovak trains with Czecho-Slovak traction and Czecho-Slovak train crews. Nevertheless, unless otherwise agreed, this right of passage shall lapse either on the completion of a direct connection wholly in Czecho-Slovak territory between Csata and Losoncz or at the expiration of fifteen years from the coming into force of the present Treaty, whichever may occur first.

Similarly, the convention as to the working of the portion in Hungarian territory of the line from Nagyszalonta through Békéscsaba to Arad and to Kisjenö shall provide for the direct passage in each direction through Hungarian territory of Roumanian trains with Roumanian traction and Roumanian train crews. Unless otherwise agreed this right of passage shall lapse either on the completion of a direct connection wholly in Roumanian territory between the Nagyszalonta–Békéscsaba and the Kisjenö–Békéscsaba lines or at the expiration of ten years from the coming into force of the present Treaty.)

The establishment of all the new frontier stations between Austria and the contiguous Allied and Associated States, as well as the working of the lines between those stations, shall be settled by agreements similarly concluded.

(*H. Article 303.*) (**not in A.**)

In order to assure to the town and district of Gola in Serb-Croat-Slovene territory the use of the station of Gola in Hungarian territory and of the railway serving the same, and in order to ensure the free use to Serb-Croat-Slovene traffic of direct railway connection between the Csáktornya–Nagy–Kanisza line and the Zágráb–Gyékenyés line during the time required for the completion of a direct railway in Serb-Croat-Slovene territory between the above lines, the conditions of working of the station of Gola and of the railway from Kotor to Barcz shall be laid down in a convention between the Hungarian and Serb-Croat-Slovene railway administrations concerned. If these administrations cannot come to an agreement as to the terms of such convention, the points of difference shall be decided by the competent Commission of experts referred to in Article 301 of the present Treaty.

ARTICLE 320. (*H. 304.*)

With the object of ensuring regular utilisation of the railroads of the former Austro-Hungarian Monarchy owned by private companies which, as a result of the stipulations of the present Treaty, will be situated in the territory of several States, the administrative and technical reorganisation of the said lines shall be regulated in each instance by an agreement between the owning company and the States territorially concerned.

Any differences on which agreement is not reached, including questions relating to the interpretation of contracts concerning the expropriation of the lines, shall be submitted to arbitrators designated by the Council of the League of Nations.

This arbitration may, as regards the South Austrian Railway Company, be required either by the Board of Management or by the Committee representing the bondholders.

ARTICLE 321. (*not in H.*)

Within a period of five years from the coming into force of the present Treaty, Italy may require the construction or improvement on Austrian territory of the new transalpine lines of the Col de Reschen and the Pas de Predil. Unless Austria decides to pay for the works herself, the cost of construction or improvement shall be paid by Italy. An arbitrator appointed by the Council of the League of Nations shall, after the lapse of such period as may be fixed by the Council, determine the portion of the cost of construction or improvement which must be repaid by Austria to Italy on account of the increase of revenue on the Austrian railway system resulting from these works.

Austria shall hand over to Italy gratuitously the surveys, with their annexes, for the construction of the following railway lines:

The line from Tarvis to Trieste by Raibl, Plezzo, Caporetto, Canale, and Gorizia;

The local line from S. Lucia de Tolmino to Caporetto;

The line from Tarvis to Plezzo (new scheme);

The Reschen line connecting Landeck and Mals.

(*H. Article 305.*) (not in A.)

Within a period of five years from the coming into force of the present Treaty, the Czecho-Slovak State may require the improvement of the Bratislava (Pressburg)–Nagy–Kanisza line on Hungarian territory.

The expenses shall be divided in proportion to the advantages derived by the interested States. Failing agreement, such division shall be made by an arbitrator appointed by the League of Nations.

ARTICLE 322. (*H. 306.*)

In view of the importance to the Czecho-Slovak State of free communication between that State and the Adriatic, Austria recognises the right of the Czecho-Slovak State to run its own trains over the sections included within her territory of the following lines:

(1) from Bratislava (Pressburg) towards Fiume via Sopron, Szembathely (*H. Szombathely*) and Mura Keresztur, and a branch from Mura Keresztur to Pragerhof;

(2) from Budejovic (Budweiss) towards Trieste via Linz, S. Michael, Klagenfurt, and Assling, and the branch from Klagenfurt towards Tarvisio.

(*H. (2) from Bratislava (Pressburg) towards Fiume via Hegyeshalon, Csorna, Hegyfalu, Zalaber, Zalaszentiván, Mura-Keresztur, and the branch lines from Hegyfalu to Szombathely and from Mura-Keresztur to Pragerhof.*)

On the application of either party, the route to be followed by the Czecho-Slovak trains may be modified either permanently or temporarily by mutual agreement between the Czecho-Slovak Railway Administration and those of the railways over which the running powers are exercised.

ARTICLE 323. (*H. 307 includes Arts. 323–4.*)

The trains for which the running powers are used shall not engage in local traffic, except by agreement between Austria (*H. the State traversed*) and the Czecho-Slovak State.

Such running powers will include, in particular, the right to establish running sheds with small shops for minor repairs to locomotives and rolling-stock, and to appoint representatives where necessary to supervise the working of Czecho-Slovak trains.

ARTICLE 324. (*3rd and 4th pars. H. 307.*)

The technical, administrative and financial conditions under which the rights of the Czecho-Slovak State shall be exercised shall be laid down in a Convention between the railway administration of the Czecho-Slovak State and the railway administrations of the Austrian systems concerned. If the administrations cannot come to an agreement on the terms of this Convention, the points of difference shall be decided by an arbitrator nominated by Great Britain, and his decisions shall be binding on all parties.

In the event of disagreement as to the interpretation of the Convention or of difficulties arising unprovided for in the Convention, the same form of arbitration will be adopted until such time as the League of Nations may lay down some other procedure.

Chapter VI.—*Transitory Provision.*

Article 325. (*H. 308.*)

Austria shall carry out the instructions given her, in regard to transport, by an authorised body acting on behalf of the Allied and Associated Powers :

(1) for the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use ;

(2) as a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organization of postal and telegraphic services.

Chapter VII.—*Telegraphs and Telephones.*

Article 326. (*H. 309.*)

Notwithstanding any contrary stipulations in existing treaties, Austria undertakes to grant freedom of transit for telegraphic correspondence and telephonic communications coming from or going to any one of the Allied and Associated Powers, whether neighbours or not, over such lines as may be most suitable for international transit and in accordance with the tariffs in force. This correspondence and these communications shall be subjected to no unnecessary delay or restriction ; they shall enjoy in Austria national treatment in regard to every kind of facility and especially in regard to rapidity of transmission. No payment, facility or restriction shall depend directly or indirectly on the nationality of the transmitter or the addressee.

Article 327. (*H. 310.*)

In view of the geographical situation of the Czecho-Slovak State Austria agrees to the following modifications in the International Telegraph and Telephone Conventions referred to in Article 235 (*H. 218*), Part X (Economic Clauses), of the present Treaty :

(1.) On the demand of the Czecho-Slovak State Austria shall provide and maintain trunk telegraph lines across Austrian territory.

(2.) The annual rent to be paid by the Czecho-Slovak State for each of such lines will be calculated in accordance with the provisions of the above-mentioned Conventions, but unless otherwise agreed shall not be less than the sum that (*H. which*) would be payable under those Conventions for the number of messages laid down in those Conventions as conferring the right to demand a new trunk line, taking as a basis the reduced tariff provided for in Article 23, paragraph 5, of the International Telegraph Convention as revised at Lisbon.

(3.) So long as the Czecho-Slovak State shall pay the above minimum annual rent of a trunk line :

(*a.*) the line shall be reserved exclusively for transit traffic to and from the Czecho-Slovak State ;

(*b.*) the faculty given to Austria by Article 8 of the International Telegraph Convention of July 22, 1875, to suspend international telegraph services shall not apply to that line.

(4.) Similar provisions will apply to the provision and maintenance of trunk telephone circuits, but the rent payable by the Czecho-Slovak State for a trunk telephone circuit shall, unless otherwise agreed, be double the rent payable for a trunk telegraph line.

(5.) The particular lines to be provided together with any necessary administrative, technical and financial conditions not provided for in existing International Conventions or in this Article shall be fixed by a further convention between the States concerned. In default of agreement on such convention they will be fixed by an arbitrator appointed by the Council of the League of Nations.

(6.) The stipulations of the present Article may be varied at any time by agreement between Austria and the Czecho-Slovak State. After the expiration of ten years from the coming into force of the present Treaty the conditions under which the Czecho-Slovak State shall enjoy the rights conferred by this Article may, in default of agreement by the parties, be modified at the request of either party by an arbitrator designated by the Council of the League of Nations.

(7.) In case of any dispute between the parties as to the interpretation either of this Article or of the Convention referred to in paragraph 5, this dispute shall be submitted for decision to the Permanent Court of International Justice to be established by the League of Nations.

SECTION IV.—DISPUTES AND REVISION OF PERMANENT CLAUSES

ARTICLE 328. (*H. 311.*)

Disputes which may arise between interested Powers with regard to the interpretation and application of this Part of the present Treaty shall be settled as provided by the League of Nations.

ARTICLE 329. (*H. 312.*)

At any time the League of Nations may recommend the revision of such of the above Articles as relate to a permanent administrative régime.

ARTICLE 330. (*H. 313.*)

The stipulations in Articles 284 to 290, 293, 312, 314 to 316, and 326 (*H. 268 to 274, 277, 295, 297 to 299 and 309*) shall be subject to revision by the Council of the League of Nations at any time after three years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of three years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of three years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

The benefit of the stipulations mentioned above cannot be claimed by States to which territory of the former Austro-Hungarian Monarchy has been transferred, or which have arisen out of the dismemberment of that Monarchy, except upon the footing of giving in the territory passing under their sovereignty in virtue of the present Treaty reciprocal treatment to Austria.

SECTION V.—SPECIAL PROVISION

ARTICLE 331. (*H. 314.*)

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Austria undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years from the coming into force of the present Treaty.

PART XIII.—LABOUR

(See Vol. III, pp. 314–28)

PART XIV.—MISCELLANEOUS PROVISIONS

ARTICLE 373. (*H. 356.*)

Austria undertakes to recognise and to accept the conventions made or to be made by the Allied and Associated Powers or any of them with any other Power as to the traffic in arms and in spirituous liquors, and also as to the other subjects dealt with in the General Acts of Berlin of February 26, 1885, and of Brussels of July 2, 1890, and the conventions completing or modifying the same.

ARTICLE 374. (*H. 357.*)

The High Contracting Parties declare and place on record that they have taken note of the Treaty signed by the Government of the French Republic on July 17, 1918, with His Serene Highness the Prince of Monaco defining the relations between France and the Principality.

ARTICLE 375. (*H. 358.*)

The High Contracting Parties, while they recognise the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

ANNEX. (*Also in H.*)

I.

The Swiss Federal Council has informed the French Government on May 5, 1919, that after examining the provisions of Article 435 of the Peace conditions presented to Germany by the Allied and Associated Powers in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations :

(1.) The neutralised zone of Haute-Savoie :

(*a.*) It will be understood that as long as the Federal Chambers have not ratified the agreement come to between the two Governments concerning the abrogation of the stipulations in respect of the neutralised zone of Savoy, nothing will be definitively settled, on one side or the other, in regard to this subject.

(*b.*) The assent given by the Swiss Government to the abrogation of the above-mentioned stipulations presupposes, in conformity with the text adopted, the recognition of the guarantees formulated in favour of Switzerland by the Treaties of 1815 and particularly by the Declaration of November 20, 1815.

(*c.*) The agreement between the Governments of France and Switzerland for the abrogation of the above-mentioned stipulations will only be considered as valid if the Treaty of Peace contains this Article in its present wording.

In addition the Parties to the Treaty of Peace should endeavour to obtain the assent of the signatory Powers of the Treaties of 1815 and of the Declaration of November 20, 1815, which are not signatories of the present Treaty of Peace.

(2.) Free zone of Haute-Savoie and the district of Gex :

(*a.*) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above Article for insertion in the Treaty of Peace, which provides that "the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with present conditions." The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.

In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft convention concerning the future constitution of the zones which was annexed to the note of April 26 from the French Government. While making the above reservations the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

(*b.*) It is conceded that the stipulations of the Treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

II.

The French Government have addressed to the Swiss Government, on May 18, 1919, the following note in reply to the communication set out in the preceding paragraph :

In a note dated May 5 the Swiss Legation in Paris was good enough to inform the Government of the French Republic that the Federal Government adhered to the proposed Article to be inserted in the Treaty of Peace between the Allied and Associated Governments and Germany.

The French Government have taken note with much pleasure of the agreement thus reached, and, at their request, the proposed Article, which had been accepted by the Allied and Associated Governments, has been inserted under No. 435 in the Peace conditions presented to the German Plenipotentiaries.

The Swiss Government, in their note of May 5 on this subject, have expressed various views and reservations.

Concerning the observations relating to the free zones of Haute-Savoie and the Gex district, the French Government have the honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.

The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear in mind the desirability of assuring them a suitable customs régime and determining, in a manner better suited to present conditions, the methods of exchanges between these territories and the

adjacent Swiss territories, while taking into account the reciprocal interests of both regions.

It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region.

The French Government are pleased to note on this subject in what a friendly disposition the Swiss Government take this opportunity of declaring their willingness to consider any French proposal dealing with the system to be substituted for the present régime of the said free zones, which the French Government intend to formulate in the same friendly spirit.

Moreover, the French Government have no doubt that the provisional maintenance of the régime of 1815 as to the free zones referred to in the above-mentioned paragraph of the note from the Swiss Legation of May 5, whose object is to provide for the passage from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which has been found necessary by the two Governments. This remark applies also to the ratification by the Federal Chambers, dealt with in paragraph 1 (*a*), of the Swiss note of May 5, under the heading "Neutralised zone of Haute-Savoie."

ARTICLE 376. (*H. 359.*)

The Allied and Associated Powers agree that where Christian religious missions were being maintained by Austrian societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the Missions are conducted, will safeguard the interests of such Missions.

Austria, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

ARTICLE 377. (*H. 360.*)

Without prejudice to the provisions of the present Treaty, Austria undertakes not to put forward directly or indirectly against any Allied or Associated Power, signatory of the present Treaty, any pecuniary claim based on events which occurred at any time before the coming into force of the present Treaty.

The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished, whoever may be the parties in interest.

ARTICLE 378. (*H. 361.*)

Austria accepts and recognises as valid and binding all decrees and orders concerning Austro-Hungarian ships and Austrian goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any Austrian national.

The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of Austro-Hungarian Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Austria agrees to furnish copies of all the

documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

ARTICLE 379. (*H. 362.*)

The High Contracting Parties agree that, in the absence of a subsequent agreement to the contrary, the Chairman of any Commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote.

ARTICLE 380. (*H. 363.*)

Except where otherwise provided in the present Treaty, in all cases where the Treaty provides for the settlement of a question affecting particularly certain States by means of a special convention to be concluded between the States concerned, it is understood by the High Contracting Parties that difficulties arising in this connection shall, until Austria is admitted to membership of the League of Nations, be settled by the Principal Allied and Associated Powers.

ARTICLE 381. (*H. 364.*)

In the present Treaty the expression "former Austrian Empire" includes Bosnia and Herzegovina except where the text implies the contrary. This provision shall not prejudice the rights and obligations of Hungary in such territory.

AUSTRIA

The present Treaty, in French, in English, and in Italian, shall be ratified. In case of divergence the French text shall prevail, except in Parts I (Covenant of the League of Nations) and XIII (Labour), where the French and English texts shall be of equal force.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first *procès-verbal* of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Austria on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first *procès-verbal* the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy of the *procès-verbaux* of the deposit of ratifications.

IN FAITH WHEREOF, the above-named Plenipotentiaries have signed the present Treaty.[1]

[1] Rumania and the Serb-Croat-Slovene State did not sign, but acceded to the Treaty on the 9th December 1919 and the 5th December 1919 respectively (see p. 382). Neither Mr. Bonar Law nor M. Crespi signed the Treaty, although their names appear at the beginning.

Done at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

FRANK L. POLK.
HENRY WHITE.
TASKER H. BLISS.
ARTHUR JAMES BALFOUR.

MILNER.
GEO. N. BARNES.
A. E. KEMP.
G. F. PEARCE.
MILNER.
THOS. MACKENZIE.
SINHA OF RAIPUR.
G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
ANDRÉ TARDIEU.
JULES CAMBON.
TOM. TITTONI.
VITTORIO SCIALOJA.
MAGGIORINO FERRARIS.
GUGLIELMO MARCONI.

S. CHINDA.
K. MATSUI.
H. IJUIN.
HYMANS.
J. VAN DEN HEUVEL.
E. VANDERVELDE.
J. R. LOUTSENGTSIANG.
CHENGTING THOMAS WANG.
ANTONIO S. DE BUSTAMANTE
N. POLITIS.
A. ROMANOS.
SALVADOR CHAMORRO.
ANTONIO BURGOS.
I. J. PADEREWSKI.
ROMAN DMOWSKI.
AFFONSO COSTA.
AUGUSTO SOARES.

CHAROON.
TRAIDOS PRABANDHU.
RENNER.
D. KAREL KRAMAR.
Dr. EDUARD BENES.

PROTOCOL

With a view to indicating precisely the conditions in which certain provisions of the Treaty of even date are to be carried out, it is agreed by the High Contracting Parties that :

(1) The list of persons to be handed over to the Allied and Associated Governments by Austria under the second paragraph of Article 173 shall be communicated to the Austrian Government within a month from the coming into force of the Treaty ;

(2) The Reparation Commission referred to in Article 186 and paragraphs 2, 3 and 4 of Annex IV, and the special Section provided for in Article 179, cannot require trade secrets or other confidential information to be divulged ;

(3) From the signature of the Treaty and within the ensuing four months Austria will be entitled to submit for examination by the Allied and Associated Powers documents and proposals in order to expedite the work connected with reparation, and thus to shorten the investigation and to accelerate the decisions ;

(4) Proceedings will be taken against persons who have committed punishable offences in the liquidation of Austrian property, and the

Allied and Associated Powers will welcome any information or evidence which the Austrian Government can furnish on this subject.

Done in French, in English and in Italian, of which the French text shall prevail in case of divergence, at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen.

(Here follow signatures as above.)

DECLARATION

With a view to minimising the losses arising from the sinking of ships and cargoes in the course of the war, and to facilitating the recovery of ships and cargoes which can be salved and the adjustment of the private claims arising with regard thereto, the Austrian Government undertakes to supply all the information in its power which may be of assistance to the Governments of the Allied and Associated Powers or to their nationals with regard to vessels sunk or damaged by the Austrian naval forces during the period of hostilities.

This Declaration made in French, in English and in Italian, of which the French text shall prevail in case of divergence, and signed at Saint-Germain-en-Laye, the tenth day of September one thousand nine hundred and nineteen.

(Here follow signatures as above, except that Lord Milner did not sign for South Africa.)

SPECIAL DECLARATION

The Austrian Government undertakes, in case of a request by the Governments of the United States, the British Empire, France and Italy, effectively to prohibit the import, export and transit of all articles between Austria and Hungary, and to maintain such prohibition up to the time of the formal acceptance by the Government of Hungary of the terms of peace proposed by the Allied and Associated Governments.

This Declaration made in French, in English and in Italian, of which the French text shall prevail in case of divergence, and signed at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen.

RENNER.
FRANK L. POLK.
HENRY WHITE.
TASKER H. BLISS.
ARTHUR JAMES BALFOUR.

MILNER.
G. N. BARNES.
A. E. KEMP.
G. F. PEARCE.
MILNER.
THOS. MACKENZIE.
SINHA OF RAIPUR.
G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
ANDRÉ TARDIEU.
JULES CAMBON.
TOM. TITTONI.
VITTORIO SCIALOJA.
MAGGIORINO FERRARIS.
GUGLIELMO MARCONI.

S. CHINDA.
K. MATSUI.
H. IJUIN.

HUNGARY

THE present Treaty, in French, in English, and in Italian, shall be ratified. In case of divergence, the French text shall prevail, except in Parts I (Covenant of the League of Nations) and XIII (Labour), where the French and English texts shall be of equal force.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Hungary on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty, this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbaux of the deposit of ratifications.

IN FAITH WHEREOF, the above-named Plenipotentiaries have signed the present Treaty.

Done at Trianon, the fourth day of June, one thousand nine hundred and twenty, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

HUGH C. WALLACE.
DERBY.
GEORGE H. PERLEY.
ANDREW FISHER.
THOMAS MACKENZIE.
R. A. BLANKENBERG.
DERBY.
A. MILLERAND.
F. FRANÇOIS-MARSAL.
AUG. ISAAC.
JULES CAMBON.
PALÉOLOGUE.
BONIN.
M. GRASSI.
K. MATSUI.
J. VAN DEN HEUVEL.
ROLIN-JAEQUEMYNS.
VIKYUIN WELLINGTON KOO.
RAFAEL MARTINEZ ORTIZ.
A. ROMANOS.
CARLOS A. VILLANUEVA.
R. A. AMADOR.
E. SAPIEHA.
ERASME PILTZ.
AFFONSO COSTA.
JOÃO CHAGAS.
DR. J. CANTACUZÈNE.
N. TITULESCU.
NIK. P. PACHITCH.
DR. ANTE TRUMBIČ.
DR. IVAN ZOLGER.
CHAROON.
DR. EDWARD BENES.
STEFAN OSUSKY.
A. BÉNARD.
DRASCHE LÁZÁR.

PROTOCOL

With a view to indicating precisely the conditions in which certain provisions of the Treaty of even date are to be carried out, it is agreed by the High Contracting Parties that :

1. The list of persons to be handed over to the Allied and Associated Governments by Hungary, under the second paragraph of Article 157, shall be communicated to the Hungarian Government within a month from the coming into force of the Treaty ;

2. The Reparation Commission referred to in Article 170 and paragraphs 2, 3 and 4 of Annex IV, and the Special Section provided for in Article 163, cannot require trade secrets or other confidential information to be divulged ;

3. From the signature of the Treaty, and within the ensuing four months, Hungary will be entitled to submit for examination by the Allied and Associated Powers documents and proposals in order to expedite the work connected with reparation, and thus to shorten the investigation and to accelerate the decisions ;

4. Proceedings will be taken against persons who have committed punishable offences in the liquidation of Hungarian property, and the Allied and Associated Powers will welcome any information or evidence which the Hungarian Government can furnish on this subject.

Done in French, in English, and in Italian, of which the French text shall prevail in case of divergence, at Trianon, the fourth day of June, one thousand nine hundred and twenty.

DECLARATION

With a view to minimizing the losses arising from the sinking of ships and cargoes in the course of the war, and to facilitating the recovery of ships and cargoes which can be salved and the adjustment of the private claims arising with regard thereto, the Hungarian Government undertakes to supply all the information in its power which may be of assistance to the Governments of the Allied and Associated Powers, or to their nationals, with regard to vessels sunk or damaged by the Hungarian naval forces during the period of hostilities.

This declaration made in French, in English, and in Italian, of which the French text shall prevail in case of divergence, at Trianon, the fourth day of June, one thousand nine hundred and twenty.

TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND BULGARIA, AND PROTOCOL [1]

Signed at Neuilly-sur-Seine, November 27, 1919.

SCHEME OF ARRANGEMENT

Except for the Covenant of the League of Nations and the Labour Clauses, which are the same in all Treaties and are given in the text of the German Treaty (*v.* Volume III, pp. 111–23 and pp. 314–28 respectively), the Bulgarian Treaty is based on the Austrian. There are, however, important differences necessitated by the fact that the Bulgarian Military arrangements, Reparation and Finance, and the possession of sea coasts produced divergences from the Austrian model. As in other cases the Frontier Clauses (Art. 27–35) are printed separately. In the subsequent clauses where the Bulgarian article is identical with the Austrian except for the necessary change of names, i.e. for Austria or Austria-Hungary read Bulgaria, and for Austrian read Bulgarian, we have simply indicated the fact as follows :

B. (Bulgaria) 49. See A. (Austria) 62, p. 197.

In case of slight divergences in the text the reference to the Austrian article is given and the alteration or addition given in brackets below. The Bulgarian version is given invariably in italics, e.g.

Austria.	*Bulgaria.*
ART. 167. The Allied and Associated Governments reserve the right to make the repatriation of Austrian prisoners of war or Austrian nationals in their hands conditional upon the immediate notification and release by the Austrian Government of any prisoners of war and other nationals of the Allied and Associated Powers **who are still held in** Austria against their will.	ART. 112. The Allied and Associated Governments reserve the right to make the repatriation of Bulgarian prisoners of war or Bulgarian nationals in their hands conditional upon the immediate notification and release by the Bulgarian Government of any prisoners of war and other nationals of the Allied and Associated Powers *who may be still retained in* Bulgaria against their will.

B. 112. See A. 167, p. 217.

(Except that for A. ' who are still held in ' read B. '*who may be still retained in* '.)

In a few cases it has been found necessary to refer to the Hungarian article, which is distinguished by the symbol H., e.g.

B. 219. See H. 275, pp. 285–6.

It will be found that in most cases the differences marked are comparatively trifling, as when they are in any way serious the whole article has been printed. In the latter case the equivalent Austrian article (if there is one) is placed after the Bulgarian. References are given to the page of the Austrian or Hungarian article as required, and consequently little difficulty will be experienced in using the Treaty.

[1] Treaty Series 1920, No. 5. (Cmd. 522).

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Treaty of Peace between the Allied and Associated Powers and Bulgaria, and Protocol.

Signed at Neuilly-sur-Seine, November 27, 1919.

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN.

These Powers being described in the present Treaty as the Principal Allied and Associated Powers;

BELGIUM, CHINA, CUBA, GREECE, THE HEDJAZ, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM and CZECHO-SLOVAKIA,

These Powers constituting, with the Principal Powers mentioned above, the Allied and Associated Powers,

of the one part;

And BULGARIA,

of the other part;

Whereas on the request of the Royal Government of Bulgaria an Armistice was granted to Bulgaria on September 29, 1918, by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded, and

Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or indirectly, against Bulgaria, and which originated in the declaration of war against Serbia on July 28, 1914, by Austria-Hungary, and in the hostilities opened by Bulgaria against Serbia on October 11, 1915, and conducted by Germany in alliance with Austria-Hungary, with Turkey and with Bulgaria, should be replaced by a firm, just and durable Peace,

For this purpose the HIGH CONTRACTING PARTIES have appointed as their Plenipotentiaries:-

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

The Honourable Frank Lyon POLK, Under-Secretary of State;
The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

Mr. Cecil HARMSWORTH, M.P., Under-Secretary of State for Foreign Affairs;
Sir Eyre CROWE, K.C.B., K.C.M.G., Minister Plenipotentiary, Assistant Under-Secretary of State for Foreign Affairs;

And:

for the DOMINION of CANADA:

The Honourable Sir George Halsey PERLEY, K.C.M.G., High Commissioner for Canada in the United Kingdom;

for the COMMONWEALTH of AUSTRALIA:

The Right Honourable Andrew FISHER, High Commissioner for Australia in the United Kingdom;

for the UNION of SOUTH AFRICA :

Mr. Reginald Andrew BLANKENBERG, O.B.E., Acting High Commissioner for the Union of South Africa in the United Kingdom ;

for the DOMINION of NEW ZEALAND :

The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom ;

for INDIA :

Sir Eyre CROWE, K.C.B., K.C.M.G.

THE PRESIDENT OF THE FRENCH REPUBLIC :

Mr. Georges CLEMENCEAU, President of the Council, Minister of War ;
Mr. Stephen PICHON, Minister for Foreign Affairs ;
Mr. Louis-Lucien KLOTZ, Minister of Finance ;
Mr. André TARDIEU, Commissary General for Franco-American Military Affairs ;
Mr. Jules CAMBON, Ambassador of France ;

HIS MAJESTY THE KING OF ITALY :

The Honourable Maggiorino FERRARIS, Senator of the Kingdom ;
The Honourable Guglielmo MARCONI, Senator of the Kingdom ;
Sir Giacomo de MARTINO, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE EMPEROR OF JAPAN :

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris ;

HIS MAJESTY THE KING OF THE BELGIANS :

Mr. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary, Minister of State ;
Mr. ROLIN-JAEQUEMYNS, Member of the Institute of Private International Law, Secretary-General of the Belgian Delegation ;

THE PRESIDENT OF THE CHINESE REPUBLIC :

Mr. Vikyuin Wellington Koo ;
Mr. Sao-ke Alfred SZE ;

THE PRESIDENT OF THE CUBAN REPUBLIC :

Mr. Rafael Martinez ORTIZ, Envoy Extraordinary and Minister Plenipotentiary of the Cuban Republic at Paris ;

HIS MAJESTY THE KING OF THE HELLENES :

Dr. Eleftherios VENISÉLOS, President of the Council of Ministers ;
Mr. Nicolas POLITIS, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF THE HEDJAZ :

Mr. Rustem HAIDAR ;
Mr. Abdul Hadi AOUNI ;

THE PRESIDENT OF THE POLISH REPUBLIC :

Mr. Ladislas GRABSKI ;
Mr. Stanislas PATEK, Minister Plenipotentiary ;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

Dr. Affonso DA COSTA, formerly President of the Council of Ministers ;
Mr. Jayme BATALHA REIS, Minister Plenipotentiary ;

HIS MAJESTY THE KING OF ROUMANIA:

Mr. Victor ANTONESCO, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Roumania at Paris;

General Constantin COANDA, Corps Commander, A.D.C. to the King, formerly President of the Council of Ministers;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES:

Mr. Nicolas P. PACHITCH, formerly President of the Council of Ministers;

Mr. Ante TRUMBIĆ, Minister for Foreign Affairs;

Mr. Ivan ZOLGER, Doctor of Law;

HIS MAJESTY THE KING OF SIAM:

His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Siam at Paris;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC:

Mr. Eduard BENES, Minister for Foreign Affairs;

Mr. Stephen OSUSKY, Envoy Extraordinary and Minister Plenipotentiary of the Czecho-Slovak Republic at London;

BULGARIA:

Mr. Alexander STAMBOLIISKI, President of the Council of Ministers, Minister of War;

WHO, having communicated their full powers, found in good and due form, have AGREED AS FOLLOWS:

From the coming into force of the present Treaty the state of war will terminate.

From that moment, and subject to the provisions of the present Treaty, official relations will exist between the Allied and Associated Powers and Bulgaria.

PART I.—THE COVENANT OF THE LEAGUE OF NATIONS

B. 1–26 and Annex. See Vol. III, German Treaty, Arts. 1–26 and Annex, pp. 111–23.

PART II.—FRONTIERS OF BULGARIA

ARTICLE 27.

The frontiers of Bulgaria shall be fixed as follows (*see* annexed Map):

1. *With the Serb-Croat-Slovene State:*

From the confluence of the Timok and the Danube, which is the point common to the three frontiers of Bulgaria, Roumania and the Serb-Croat-Slovene State, southwards to a point to be selected on the course of the Timok near point 38 west of Bregovo,

the course of the Timok upstream;

thence south-westwards to the point east of Vk. Izvor, where the old frontier between Serbia and Bulgaria meets the river Bezdanica,

a line to be fixed on the ground passing through points 274 and 367, following generally the watershed between the basins of the Timok on the north-west and the Delejna and Topolovitsa on the south-east,

leaving to the Serb-Croat-Slovene State Kojilovo, Sipikovo and Halovo with the road connecting the two latter places, and to Bulgaria Bregovo, Rakitnica and Kosovo ;

thence southwards to point 1720, about 12 kilometres west-south-west of Berkovitsa,

the old frontier between Bulgaria and Serbia ;

thence south-eastwards for about 1½ kilometres to point 1929 (Srebrena gl.),

a line to be fixed on the crest of the Kom Balkan ;

thence south-south-westwards to point 1109, on the Vidlič Gora south of Vlkovija,

a line to be fixed on the ground passing through points 1602 and 1344, passing east of Grn. Krivodol, and crossing the river Komstica about 1½ kilometres above Dl. Krivodol ;

thence to a point on the Tsaribrod–Sofiya road immediately west of its junction with the road to Kalotina,

a line to be fixed on the ground passing east of Mözgos, west of Staninci, east of Brebevnica and through point 738 north-east of Lipinci ;

thence west-south-westwards to a point to be selected on the course of the river Lukavica about 1,100 metres north-east of Slivnica.

a line to be fixed on the ground ;

thence southwards to the confluence, west of Visan, of the Lukavica with the stream on which Dl. Nevlja is situated,

the course of the Lukavica upstream ;

thence south-westwards to the confluence of a stream with the Jablanica, west of Vrabca,

a line to be fixed on the ground passing through point 879 and cutting the road from Trn to Tsaribrod immediately south of the junction of this road with the direct road from Trn to Pirot ;

thence northwards to the confluence of the Jablanica and the Jerma (Trnska),

the course of the Jablanica ;

thence westwards to a point to be selected on the old frontier at the salient near Descani Kladenac,

a line to be fixed on the ground following the crest of the Ruj Planina and passing through points 1199, 1466, and 1706 ;

thence south-westwards to point 1516 (Golema Rudina) about 17 kilometres west of Trn,

the old Serb-Bulgarian frontier ;

thence southwards to a point to be selected on the river Jerma (Trnska) east of Strezimirovci,

a line to be fixed on the ground ;

thence southwards to the river Dragovishtitsa immediately below the confluence of rivers near point 672,

a line to be fixed on the ground passing west of Dzincovci, through points 1112 and 1329, following the watershed between the basins of the rivers Bozicka and Meljanska and passing through points 1731, 1671, 1730 and 1058 ;

thence south-westwards to the old Serb-Bulgarian frontier at point

1833, about 10 kilometres north-west of the point where the road from Kriva (Egri)–Palanka to Kyustendil cuts this frontier,

a line to be fixed on the ground following the watershed between the Dragovishtitsa on the north-west and the Lomnica and Sovolstica on the south-east;

thence south-eastwards to point 1445 on the Males Planina south-west of Dobrilaka,

the old Serb-Bulgarian frontier;

thence south-south-westwards to Tumba (point 1253) on the Belashitza Planina, the point of junction of the three frontiers of Greece, Bulgaria and the Serb-Croat-Slovene State.

a line to be fixed on the ground passing through point 1600 on the Ograjden Planina, passing east of Stinek and Badilen, west of Bajkovo, cutting the Strumitsa about 3 kilometres east of point 177, and passing east of Gabrinovo.

2. *With Greece:*

From the point defined above eastwards to the point where it leaves the watershed between the basins of the Mesta-Karasu on the south and the Maritsa (Marica) on the north near point 1587 (Dibikli),

the frontier of 1913 between Bulgaria and Greece,

3. *On the South, with territories which shall be subsequently attributed by the Principal Allied and Associated Powers:*

Thence eastwards to point 1295 situated about 18 kilometres west of Kuchuk-Derbend,

a line to be fixed on the ground following the watershed between the basin of the Maritsa on the north, and the basins of the Mesta Karasu and the other rivers which flow directly into the Ægean Sea on the south;

thence eastwards to a point to be chosen on the frontier of 1913 between Bulgaria and Turkey about 4 kilometres north of Kuchuk-Derbend,

a line to be fixed on the ground following as nearly as possible the crest line forming the southern limit of the basin of the Akčehisar (Dzuma) Suju;

thence northwards to the point where it meets the river Maritsa,

the frontier of 1913;

thence to a point to be chosen about 3 kilometres below the railway station of Hadi-K. (Kadikoj),

the principal course of the Maritsa downstream;

thence northwards to a point to be chosen on the apex of the salient formed by the frontier of the Treaty of Sofia, 1915, about 10 kilometres east-south-east of Jisr Mustafa Pasha,

a line to be fixed on the ground;

thence eastwards to the Black Sea,

the frontier of the Treaty of Sofia, 1915, then the frontier of 1913.

4. *The Black Sea.*

5. *With Roumania:*

From the Black Sea to the Danube,

the frontier existing on August 1, 1914;

thence to the confluence of the Timok and the Danube,

the principal channel of navigation of the Danube upstream.

ARTICLE 28. (A. 28.)

The frontiers described by the present Treaty are traced, for such parts as are defined, on the one in a million map attached to the present Treaty. In case of differences between the text and the map, the text will prevail.

ARTICLE 29. (A. 29.)

Boundary Commissions, whose composition is or will be fixed in the present Treaty or any other Treaty between the Principal Allied and Associated Powers and the, or any, interested Powers, will have to trace these frontiers on the ground.

They shall have the power, not only of fixing those portions which are defined as "a line to be fixed on the ground," but also, where a request to that effect is made by one of the Powers concerned, and the Commission is satisfied that it is desirable to do so, of revising portions defined by administrative boundaries; this shall not, however, apply in the case of international frontiers existing in August, 1914, where the task of the Commission will confine itself to the re-establishment of sign-posts and boundary-marks. They shall endeavour in both cases to follow as nearly as possible the descriptions given in the Treaties, taking into account as far as possible administrative boundaries and local economic interests.

The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

The expenses of the Boundary Commissions shall be borne in equal shares by the two States concerned.

ARTICLE 30. (A. 30.)

In so far as frontiers defined by a waterway are concerned, the phrases "course" or "channel" used in the descriptions of the present Treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided for by the present Treaty to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

ARTICLE 31. (A. 31.)

The various Powers interested undertake to furnish to the Commissions all documents necessary for their tasks, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses.

They also undertake to instruct the local authorities to communicate to the Commissions all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, existing economic conditions, and other necessary information.

ARTICLE 32. (A. 32.)

The various Powers interested undertake to give every assistance to the Boundary Commissions, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, material (signposts, boundary pillars) necessary for the accomplishment of their mission.

ARTICLE 33. (A. 33.)

The various Powers interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commissions.

ARTICLE 34. (A. 34.)

The pillars will be placed so as to be intervisible; they will be numbered, and their position and their number will be noted on a cartographic document.

ARTICLE 35. (A. 35.)

The protocols defining the boundary and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe Powers and the third to the Government of the French Republic, which will deliver authentic copies to the Powers who sign the present Treaty.

PART III.—POLITICAL CLAUSES

SECTION I.—SERB-CROAT-SLOVENE STATE

ARTICLE 36. (A. 46.)

Bulgaria, in conformity with the action already taken by the Allied and Associated Powers, recognises the Serb-Croat-Slovene State.

ARTICLE 37. (A. 47.)

Bulgaria renounces in favour of the Serb-Croat-Slovene State all rights and title over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria as laid down in Article 27, Part II (Frontiers of Bulgaria), and recognised by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of the Serb-Croat-Slovene State.

ARTICLE 38. (A. 48.)

A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers, one by the Serb-Croat-Slovene State, and one by Bulgaria, shall be constituted within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line described in Article 27 (1), Part II (Frontiers of Bulgaria).

ARTICLE 39.

Bulgarian nationals habitually resident in the territories assigned to the Serb-Croat-Slovene State will acquire Serb-Croat-Slovene nationality *ipso facto* and will lose their Bulgarian nationality.

Bulgarian nationals, however, who become resident in these territories after January 1, 1913, will not acquire Serb-Croat-Slovene nationality without a permit from the Serb-Croat-Slovene State.

ARTICLE 40.

Within a period of two years from the coming into force of the present Treaty, Bulgarian nationals over 18 years of age and habitually resident in the territories which are assigned to the Serb-Croat-Slovene State in accordance with the present Treaty will be entitled to opt for their former nationality. Serb-Croat-Slovenes over 18 years of age who are Bulgarian nationals and habitually resident in Bulgaria will have a similar right to opt for Serb-Croat-Slovene nationality.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory

of the other State where they had their place of residence before exercising their right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Serb-Croat-Slovenes who are Bulgarian nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Serb-Croat-Slovene nationality and lose their Bulgarian nationality by complying with the requirements laid down by the Serb-Croat-Slovene State.

ARTICLE 41. (A. 52.)

The proportion and nature of the financial obligations of Bulgaria which the Serb-Croat-Slovene State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 141, Part VIII (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION II.—GREECE

ARTICLE 42.

Bulgaria renounces in favour of Greece all rights and title over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria, as laid down in Article 27, Part II (Frontiers of Bulgaria), and recognised by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of Greece.

ARTICLE 43.

A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers, one by Greece, and one by Bulgaria, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line described in Article 27 (2), Part II (Frontiers of Bulgaria), of the present Treaty.

ARTICLE 44.

Bulgarian nationals habitually resident in the territories assigned to Greece will obtain Greek nationality *ipso facto* and will lose their Bulgarian nationality.

Bulgarian nationals, however, who became resident in these territories after January 1, 1913, will not acquire Greek nationality without a permit from Greece.

ARTICLE 45.

Within a period of two years from the coming into force of the present Treaty, Bulgarian nationals over 18 years of age and habitually resident in the territories assigned to Greece in accordance with the present Treaty will be entitled to opt for Bulgarian nationality.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 46.

Greece accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.[1]

Greece further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

ARTICLE 47.

The proportion and nature of the financial obligations of Bulgaria which Greece will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 141, Part VIII (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION III.—THRACE

ARTICLE 48.

Bulgaria renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories in Thrace which belonged to the Bulgarian Monarchy and which, being situated outside the new frontiers of Bulgaria as described in Article 27 (3), Part II (Frontiers of Bulgaria), have not been at present assigned to any State.

Bulgaria undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

The Principal Allied and Associated Powers undertake to ensure the economic outlets of Bulgaria to the Ægean Sea.

The conditions of this guarantee will be fixed at a later date.

SECTION IV.—PROTECTION OF MINORITIES

B. 49 and 50. See A. 62 and 63, p. 197.

ARTICLE 51. (A. 64.)

Bulgaria admits and declares to be Bulgarian nationals *ipso facto* and without the requirement of any formality all persons who are habitually resident within Bulgarian territory at the date of the coming into force of the present Treaty and who are not nationals of any other State.

B. 52. See A. 65, p. 197.

B. 53. See A. 66, p. 197.

(Except that at beginning of 2nd par. for A. 'Differences of religion, creed or confession' read B. '*Difference of religion, creed or profession*', and last par. for A. 'non-German speech' read B. '*non-Bulgarian speech*'.)

B. 54. See A. 67, p. 197.

B. 55. See A. 68, pp. 197–8.

(Except that in 1st par. for A. 'German' read B. '*Bulgarian*' and 2nd par. for A. 'application of the sums' read B. '*application of sums*').

ARTICLE 56.

Bulgaria undertakes to place no obstacles in the way of the exercise of the right which persons may have under the present Treaty, or under the

[1] App. IV.

treaties concluded by the Allied and Associated Powers with Germany, Austria, Hungary, Russia or Turkey, or with any of the Allied and Associated Powers themselves, to choose whether or not they will recover Bulgarian nationality.

Bulgaria undertakes to recognize such provisions as the Principal Allied and Associated Powers may consider opportune with respect to the reciprocal and voluntary emigration of persons belonging to racial minorities.

B. 57. See A. 69, p. 198.

SECTION V.—GENERAL PROVISIONS

ARTICLE 58.

Bulgaria undertakes to recognize the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein.

Bulgaria acknowledges and agrees to respect as permanent and inalienable the independence of the said States.

In accordance with the provisions of Article 143, Part VIII (Financial Clauses), and Article 171, Part IX (Economic Clauses), of the present Treaty, Bulgaria accepts definitely the abrogation of the Brest-Litovsk Treaties and of all treaties, conventions and agreements entered into by her with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Bulgaria restitution and reparation based on the principles of the present Treaty.

ARTICLE 59. (A. 89.)

Bulgaria hereby recognizes and accepts the frontiers of Austria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State as these frontiers may be determined by the Principal Allied and Associated Powers.

ARTICLE 60. (A. 90.)

Bulgaria undertakes to recognise the full force of the Treaties of Peace and additional conventions which have been or may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Bulgaria, and to recognise whatever dispositions have been or may be made concerning the territories of the former German Empire, of Austria, of Hungary, and of the Ottoman Empire, and to recognise the new States within their frontiers as there laid down.

ARTICLE 61. (A. 92.)

No inhabitant of territory ceded by Bulgaria under the present Treaty shall be disturbed or molested on account of his political attitude after July 28, 1914, or of the determination of his nationality effected in accordance with the present Treaty.

ARTICLE 62. (A. 97 and 101.)

Bulgaria declares that she recognises the French Protectorate in Morocco, and that she will make no claim on behalf of herself or her nationals to the benefits or immunities derived from the régime of the capitulations in Morocco. All treaties, agreements, arrangements and contracts concluded by Bulgaria with Morocco are regarded as abrogated as from October 11, 1915.

Moroccan goods entering Bulgaria shall enjoy the treatment accorded to French goods.

ARTICLE 63. (A. 102–3 and 109.)

Bulgaria declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she will make no claim on behalf of herself or her nationals to the benefits or immunities derived from the régime of the capitulations in Egypt. All treaties, agreements, arrangements and contracts concluded by Bulgaria with Egypt are regarded as abrogated as from October 11, 1915.

Egyptian goods entering Bulgaria shall enjoy the treatment accorded to British goods.

PART IV.—MILITARY, NAVAL AND AIR CLAUSES

In order to render possible the initiation of a general limitation of the armaments of all nations, Bulgaria undertakes strictly to observe the military, naval and air clauses which follow.

SECTION I.—MILITARY CLAUSES

Chapter I.—GENERAL.

ARTICLE 64. (A. 118.)

Within three months from the coming into force of the present Treaty, the military forces of Bulgaria shall be demobilized to the extent prescribed hereinafter.

ARTICLE 65. (A. 119.)

Universal compulsory military service shall be abolished in Bulgaria. The Bulgarian Army shall in future only be constituted and recruited by means of voluntary enlistment.

Chapter II.—EFFECTIVES AND CADRES OF THE BULGARIAN ARMY.

ARTICLE 66. (A. 120.)

The total number of military forces in the Bulgarian Army shall not exceed 20,000 men, including officers and depot troops.

The formations composing the Bulgarian Army shall be fixed in accordance with the wishes of Bulgaria, subject to the following reservations:

(1) The effectives of units shall be compulsorily fixed between the maximum and minimum figures shown in Table IV annexed to the present Section.

(2) The proportion of officers, including the personnel of staffs and special services, shall not exceed one-twentieth of the total effectives with the colours, and that of non-commissioned officers shall not exceed one-fifteenth of the total effectives with the colours.

(3) The number of machine guns, guns and howitzers shall not exceed those fixed in Table V annexed to the present Section per thousand men of the total effectives with the colours.

The Bulgarian Army shall be exclusively employed for the maintenance of order within Bulgarian territory and for the control of the frontiers.

ARTICLE 67.

In no case shall units be formed of greater size than a division, the latter being in accordance with Tables I, II, and IV annexed to the present Section. The maximum size of the staffs and of all formations are given in the Tables annexed to the present Section; these figures need not be exactly followed, but they must not in any case be exceeded.

The maintenance or formation of any other group of forces, as well as

any other organisation concerned with military command or war preparation, is forbidden.

Each of the following units may have a depot :

A regiment of Infantry ;
A regiment of Cavalry ;
A regiment of Field Artillery ;
A battalion of Pioneers.

ARTICLE 68. (A. 122.)

All measures of mobilisation or appertaining to mobilisation are forbidden.

Formations, administrative services and staffs must not in any case include supplementary cadres.

It is forbidden to carry out any preparatory measures for the requisition of animals or any other means of military transport.

ARTICLE 69. (A. 123.)

The number of gendarmes, customs officials, forest guards, local or municipal police or other like officials shall be fixed by the Inter-Allied Military Commission of Control referred to in Article 98, and shall not exceed the number of men employed in a similar capacity in 1911 within the territorial limits of Bulgaria as fixed in accordance with the present Treaty. In no case shall the number of these officials who are armed with rifles exceed 10,000.

The number of these officials may only be increased in the future in proportion to the increase of population in the localities or municipalities which employ them.

These officials, as well as those employed in the railway service, must not be assembled for the purpose of taking part in any military exercises.

In addition, Bulgaria may establish a special corps of frontier guards, which must be recruited by means of voluntary enlistment and must not exceed 3,000 men, so that the total number of rifles in use in Bulgaria shall not exceed 33,000.

ARTICLE 70. (A. 124.)

Any military formation not dealt with in the above Articles is forbidden. Such other formations as may exist in excess of the effectives authorised shall be suppressed within the period laid down in Article 64.

Chapter III.—RECRUITING AND MILITARY TRAINING.

ARTICLE 71. (A. 125.)

All officers, including the gendarmerie, customs, forest and other services must be regulars (officers *de carrière*). Officers at present serving who are retained in the army, gendarmerie or the above-mentioned services must undertake to serve at least up to the age of 40. Officers at present serving who do not join the new army, gendarmerie or the above-mentioned services shall be free from any military obligations. They must not take part in any military exercises, theoretical or practical.

Officers newly appointed must undertake to serve on the active list of the army, gendarmerie or the above-mentioned services for at least 20 consecutive years.

The proportion of officers leaving the service for any cause before the expiration of their term of engagement must not exceed in any year one-twentieth of the total effectives of officers provided by Article 66. If this percentage is unavoidably exceeded, the resulting deficit in the cadres shall not be filled up by new appointments.

ARTICLE 72. (A. 126.)

The total length of engagement of non-commissioned officers and men shall not be less than 12 years' consecutive service with the colours.

The proportion of men dismissed before the expiration of their term of service for reasons of health or discipline or for any other cause must not exceed in any year one-twentieth of the total effectives fixed by Article 66. If this number is unavoidably exceeded, the resulting deficit shall not be filled by fresh enlistments.

Chapter IV.—SCHOOLS, EDUCATIONAL ESTABLISHMENTS, MILITARY CLUBS AND SOCIETIES.

ARTICLE 73. (Cf. A. 127.)

On the expiration of three months from the coming into force of the present Treaty there must only exist in Bulgaria one military school, strictly set apart for the recruitment of officers for the authorised units.

The number of students admitted to instruction in the said school shall be strictly in proportion to the vacancies to be filled in the officer cadres. The students and the cadres shall be reckoned as part of the effectives fixed by Article 66.

Consequently, within the time fixed above, all military colleges or similar institutions in Bulgaria, as well as the various schools for officers, student officers, cadets, non-commissioned officers or student non-commissioned officers, other than the school above provided for, shall be abolished.

ARTICLE 74. (Cf. A. 128.)

Educational establishments, other than those referred to in Article 73 above, universities, societies of discharged soldiers, touring clubs, boy scouts' societies, and associations or clubs of every description, must not occupy themselves with any military matters. They will on no account be allowed to instruct or exercise their pupils or members in the use of arms.

These educational establishments, societies, clubs or other associations must have no connection with the Ministry of War or any other military authority.

ARTICLE 75.

In schools and educational establishments of every description, whether under State control or private management, the teaching of gymnastics shall not include any instruction or drill in the use of arms or training for war.

Chapter V.—ARMAMENT, MUNITIONS AND MATERIAL, FORTIFICATIONS.

ARTICLE 76. (A. 129.)

On the expiration of three months from the coming into force of the present Treaty the armament of the Bulgarian Army shall not exceed the figures fixed per thousand men in Table V annexed to the present Section.

Any excess in relation to effectives shall only be used for such replacements as may eventually be necessary.

ARTICLE 77. (A. 130.)

The stock of munitions at the disposal of the Bulgarian Army shall not exceed the amounts fixed in Table V annexed to the present Section.

Within three months from the coming into force of the present Treaty the Bulgarian Government shall deposit any existing surplus of armament and munitions in such places as shall be notified to it by the Principal Allied and Associated Powers.

No other stock, depot or reserve of munitions shall be formed.

ARTICLE 78. (A. 131.)

The number and calibre of guns constituting the fixed normal armament of fortified places existing at the present moment in Bulgaria shall be immediately notified to the Principal Allied and Associated Powers, and will constitute maximum amounts which may not be exceeded.

Within three months from the coming into force of the present Treaty the maximum stock of ammunition for these guns will be reduced to and maintained at the following uniform rates:

1,500 rounds per gun for those the calibre of which is 105 mm. and under;
500 rounds per gun for those of higher calibre.

No new fortifications or fortified places shall be constructed in Bulgaria.

ARTICLE 79. (A. 132.)

The manufacture of arms, munitions and of war material shall only be carried on in one single factory, which shall be controlled by and belong to the State, and whose output shall be strictly limited to the manufacture of such arms, munitions and war material as is necessary for the military forces and armaments referred to in Articles 66, 69, 77 and 78 above.

Within three months from the coming into force of the present Treaty all other establishments for the manufacture, preparation, storage or design of arms, munitions or any other war material shall be abolished or converted to purely commercial uses.

Within the same length of time all arsenals shall also be suppressed, except those to be used as depots for the authorised stocks of munitions, and their staffs discharged.

The plant of any establishments or arsenals existing in excess of the needs of the authorised manufacture shall be rendered useless or converted to purely commercial uses, in accordance with the decisions of the Military Inter-Allied Commission of Control referred to in Article 98.

ARTICLE 80. (A. 133.)

Within three months from the coming into force of the present Treaty all arms, munitions and war material, including any kind of anti-aircraft material, of whatever origin, existing in Bulgaria in excess of the authorised quantity shall be handed over to the Principal Allied and Associated Powers.

This delivery shall take place at such points in Bulgarian territory as may be appointed by the said Powers, who shall also decide on the disposal of such material.

ARTICLE 81. (A. 134.)

The importation into Bulgaria of arms, munitions and war material of (all?) kinds is forbidden.

The manufacture for foreign countries and the exportation of arms, munitions and war material shall also be forbidden.

ARTICLE 82. (A. 135.)

The use of flame throwers, asphyxiating, poisonous or other gases, and all similar liquids, materials or processes being prohibited, their manufacture and importation are strictly forbidden in Bulgaria.

Material specially intended for the manufacture, storage or use of the said products or processes is equally forbidden.

The manufacture and importation into Bulgaria of armoured cars, tanks, or any similar machines suitable for use in war are equally forbidden.

Table I.—COMPOSITION and Maximum Effectives of an Infantry Division.

B. Table I. See H. Table I, p. 210.

(Except that, 4th note, for H. '1 telegraph and' read B. '*telegraph and*'.)

Table II.—Composition and Maximum Effectives for a Cavalry Division.

B. Table II. See A. Table II, p. 210.

(Except that to A. 'Total for a Cavalry Division' add B. '*of six regiments*'.)

Table III.—Composition and Maximum Effectives for a Mixed Brigade.

B. Table III. See A. Table III, p. 211.

Table IV.—Minimum Effectives of Units whatever organisation is adopted in the Army.

(*Divisions, Mixed Brigades, &c.*)

B. Table IV. See A. Table IV, p. 211.

Table V.—Maximum authorised Armaments and Munition Supplies.

B. Table V. See A. Table V, p. 211.

Section II.—NAVAL CLAUSES

Article 83. (A. 136.)

From the date of the coming into force of the present Treaty all Bulgarian warships, submarines included, are declared to be finally surrendered to the Principal Allied and Associated Powers.

Bulgaria will, however, have the right to maintain on the Danube and along her coasts for police and fishery duties not more than four torpedo boats and six motor boats, all without torpedoes and torpedo apparatus, to be selected by the Commission referred to in Article 99.

The personnel of the above vessels shall be organised on a purely civilian basis.

The vessels allowed to Bulgaria must only be replaced by lightly-armed patrol craft not exceeding 100 tons displacement and of non-military character.

Article 84. (A. 138.)

All warships, including submarines, now under construction in Bulgaria shall be broken up. The work of breaking up these vessels shall be commenced as soon as possible after the coming into force of the present Treaty.

Article 85. (A. 139.)

Articles, machinery and material arising from the breaking up of Bulgarian warships of all kinds, whether surface vessels or submarines, may not be used except for purely industrial or commercial purposes.

They may not be sold or disposed of to foreign countries.

Article 86. (A. 140.)

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Bulgaria.

Article 87. (A. 141.)

All arms, ammunition and other naval war material, including mines and torpedoes, which belonged to Bulgaria at the date of the signature of the Armistice of September 29, 1918, are declared to be finally surrendered to the Principal Allied and Associated Powers.

Article 88. (A. 143.)

During the three months following the coming into force of the present Treaty the high-power wireless telegraphy station at Sofia shall not be used for the transmission of messages concerning naval, military or political

questions of interest to Bulgaria, or any State which has been allied to Bulgaria in the war, without the assent of the Principal Allied and Associated Powers. This station may be used for commercial purposes, but only under the supervision of the said Powers, who will decide the wave-length to be used.

During the same period Bulgaria shall not build any more high-power wireless telegraphy stations in her own territory or that of Germany, Austria, Hungary or Turkey.

SECTION III.—AIR CLAUSES

B. 89–93. See A. 144–8, pp. 213–4.

SECTION IV.—INTER-ALLIED COMMISSIONS OF CONTROL

ARTICLE 94. (A. 149.)

All military, naval and air clauses contained in the present Treaty for the execution of which a time limit is prescribed shall be executed by Bulgaria under the control of Inter-Allied Commissions appointed for this purpose by the Principal Allied and Associated Powers.

The above-mentioned Commissions will represent the Principal Allied and Associated Powers in dealing with the Bulgarian Government in all matters concerning the execution of the military, naval and air clauses. They will communicate to the Bulgarian authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take or which the execution of the said clauses may necessitate.

ARTICLE 95. (A. 150.)

The Inter-Allied Commissions of Control may establish their organisations at Sofia, and shall be entitled as often as they think fit to proceed to any point whatever in Bulgarian territory, or to send sub-commissions or to authorise one or more of their members to go to any such point.

ARTICLE 96. (A. 151.)

The Bulgarian Government must furnish to the Inter-Allied Commissions of Control all such information and documents as the latter may think necessary to ensure the execution of their mission, and all means (both in personnel and in material) which the said Commissions may need to ensure the complete execution of the military, naval or air clauses.

The Bulgarian Government must attach a qualified representative to each Inter-Allied Commission of Control, with the duty of receiving the communications which the Commission may have to address to the Bulgarian Government, and of furnishing it with or procuring all information or documents demanded.

ARTICLE 97. (A. 152.)

The upkeep and cost of the Commissions of Control and the expenses involved by their work shall be borne by Bulgaria.

ARTICLE 98. (A. 153.)

It will be the special duty of the Military Inter-Allied Commission of Control:

(1) to fix the number of gendarmes, customs officials, forest guards, local or municipal police, or other like officials, which Bulgaria shall be authorised to maintain in accordance with Article 69;

(2) to receive from the Bulgarian Government any information relating to the location of the stocks and depots of munitions, the armament of the fortified works, fortresses and forts, and the location of the works or factories

for the production of arms, munitions and war material and their operations.

It will take delivery of the arms, munitions, war material and plant intended for war construction, will select the points where such delivery is to be effected, and will supervise the works of destruction and of rendering things useless or the transformation of material which are to be carried out in accordance with the present Treaty.

ARTICLE 99. (A. 154.)

It will be the special duty of the Naval Inter-Allied Commission of Control to take delivery of arms, munitions, and other naval war material, and to supervise the destruction and breaking up provided for in Article 84.

The Bulgarian Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the naval clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus, and in general everything relating to naval war material, as well as all legislative or administrative documents or regulations.

ARTICLE 100. (A. 155.)

It will be the special duty of the Aeronautical Inter-Allied Commission of Control to make an inventory of the aeronautical material which is actually in possession of the Bulgarian Government, to inspect aeroplane, balloon and motor manufactories and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depots situated in Bulgarian territory, and to authorise where necessary the removal of material and to take delivery of such material.

The Bulgarian Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may think necessary to ensure the complete execution of the air clauses, and in particular a list of the personnel belonging to all Bulgarian air services and of the existing material, as well as of that in process of manufacture or on order, and a complete list of all establishments working for aviation, of their positions and of all sheds and landing grounds.

SECTION V.—GENERAL ARTICLES

ARTICLE 101. (A. 156.)

After the expiration of a period of three months from the coming into force of the present Treaty the Bulgarian laws must have been modified and shall be maintained by the Bulgarian Government in conformity with this Part of the present Treaty.

Within the same period all the administrative or other measures relating to the execution of this Part of the present Treaty must have been taken by the Bulgarian Government.

ARTICLE 102. (A. 157.)

The following portions of the Armistice of September 29, 1918: paragraphs 1, 2, 3 and 6, remain in force in so far as they are not inconsistent with the stipulations of the present Treaty.

ARTICLE 103. (A. 158.)

Bulgaria undertakes from the coming into force of the present Treaty not to accredit to any foreign country any military, naval or air mission, and not to send or allow the departure of any such mission; she undertakes

moreover to take the necessary steps to prevent Bulgarian nationals from leaving her territory in order to enlist in the army, fleet or air service of any foreign Power, or to be attached to any such Power with the purpose of helping in its training, or generally to give any assistance to the military, naval or air instruction in a foreign country.

The Allied and Associated Powers undertake on their part that from the coming into force of the present Treaty they will neither enlist in their armies, fleets or air services nor attach to them any Bulgarian national with the object of helping in military training, or in general employ any Bulgarian national as a military, naval or air instructor.

The present arrangement, however, in no way hinders the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

ARTICLE 104. (A. 159.)

So long as the present Treaty remains in force Bulgaria undertakes to submit to any investigation which the Council of the League of Nations by a majority vote may consider necessary.

PART V.—PRISONERS OF WAR AND GRAVES

SECTION I.—PRISONERS OF WAR

ARTICLE 105. (A. 160.)

The repatriation of prisoners of war and interned civilians who are Bulgarian nationals shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest rapidity.

B. 106. See A. 161, p. 216.

(Except that for A. '160', read B. '*105*'.)

B. 107. See A. 162, p. 216.

B. 108. See A. 163, p. 216.

(Except that for A. 'means of transport' read B. '*the means of transport*' and for A. '160' read B. '*105*'.)

B. 109. See A. 164, p. 217.

(Except that for A. 'June 1' read B. '*October 15*'.)

B. 110–11. See A. 165–6, p. 217.

B. 112. See A. 167, p. 217.

(Except that, last line: for A. 'who are still held in' read B. '*who may be still retained in*'.)

ARTICLE 113. (A. 168, but last two paragraphs only.)

An Inter-Allied Commission for enquiry and control shall be formed for the purpose of:

(1) searching for non-repatriated Allied and Associated nationals;

(2) identifying those who have expressed their desire to remain within Bulgarian territory;

(3) establishing criminal acts punishable by the penalties referred to in Part VI (Penalties) of the present Treaty, committed by Bulgarians against the persons of prisoners of war or Allied and Associated nationals during their captivity.

This Commission shall consist of a representative of each of the following

Powers, viz.; the British Empire, France, Italy, Greece, Roumania and the Serb-Croat-Slovene State.

The result of the enquiries made by this Commission shall be transmitted to each of the Governments concerned.

The Bulgarian Government undertakes:

(1) to give every facility to this Commission, to furnish it with all necessary means of transport; to allow it free access to camps, prisons, hospitals and all other places; and to place at its disposal all documents, whether public or private, which would facilitate its enquiries;

(2) to impose penalties upon any Bulgarian officials or private persons who have concealed the presence of any nationals of any of the Allied or Associated Powers, or have neglected to reveal the presence of any such after it had come to their knowledge.

ARTICLE 114. (A. 169.)

The Bulgarian Government undertakes, from the coming into force of the present Treaty, to restore without delay all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the Bulgarian authorities.

ARTICLE 115. (A. 170.)

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

SECTION II.—GRAVES

ARTICLE 116. (A. 171.)

The Allied and Associated Governments and the Bulgarian Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognise any Commission appointed by any one of these Governments for the purpose of identifying, registering, caring for, or erecting suitable memorials over the said graves, and to facilitate the discharge of its duties.

Furthermore they reciprocally agree to afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

ARTICLE 117. (A. 172.)

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 116 of the present Treaty.

The Allied and Associated Governments on the one part and the Bulgarian Government on the other part reciprocally undertake also to furnish to each other:

(1) a complete list of those who have died, together with all information useful for identification;

(2) all information as to the number and position of the graves of all those who have been buried without identification.

PART VI.—PENALTIES

B. 118. See A. 173.

(Except that for A. 'prosecutions' read B. '*prosecution*'.)

B. 119–20. See A. 174–5, p. 218.

PART VII.—REPARATION

(Cf. the whole of this part with Austria, Part VIII, Reparation, pp. 219–35.)

ARTICLE 121.

Bulgaria recognises that, by joining in the war of aggression which Germany and Austria-Hungary waged against the Allied and Associated Powers, she has caused to the latter losses and sacrifices of all kinds, for which she ought to make complete reparation.

On the other hand, the Allied and Associated Powers recognise that the resources of Bulgaria are not sufficient to enable her to make complete reparation.

Bulgaria, therefore, agrees to pay, and the Allied and Associated Powers agree to accept, as being such reparation as Bulgaria is able to make, the sum of 2,250,000,000 (two and a quarter milliards) francs gold.

This amount shall (except as hereinafter provided) be discharged by a series of half-yearly payments on January 1 and July 1 in each year, beginning on July 1, 1920.

The payments on July 1, 1920, and January 1, 1921, shall represent interest at the rate of 2 per cent. per annum from January 1, 1920, on the total sum due by Bulgaria. Thereafter, each half-yearly payment shall include, besides the payment of interest at 5 per cent. per annum, the provision of a sinking fund sufficient to extinguish the total amount due by Bulgaria in 37 years from January 1, 1921.

These sums shall be remitted through the Inter-Allied Commission referred to in Article 130 to the Reparation Commission created by the Treaty of Peace with Germany of June 28, 1919, as constituted by the Treaty with Austria of September 10, 1919, Part VIII, Annex II, paragraph 2 (this Commission is hereinafter referred to as the Reparation Commission), and shall be disposed of by the Reparation Commission in accordance with the arrangements already made.

Payments required in accordance with the preceding stipulations to be made in cash may at any time be accepted by the Reparation Commission, on the proposal of the Inter-Allied Commission, in the form of chattels, properties, commodities, rights, concessions, within or without Bulgarian territory, ships, bonds, shares or securities of any kind, or currency of Bulgaria or of other States, the value of such substitutes for gold being fixed at a fair and just amount by the Reparation Commission itself.

If the Reparation Commission desires at any time to dispose, either by sale or otherwise, of gold bonds based on the payments to be made by Bulgaria, it shall have power to do so. The nominal amount of the bonds shall be fixed by it, after taking due account of the provisions of Articles 122, 123, and 129 of this Part, in consultation with the Inter-Allied Commission, but shall in no case exceed the total capital sums due by Bulgaria then outstanding.

Bulgaria undertakes in such case to deliver to the Reparation Commission, through the Inter-Allied Commission, the necessary bonds in such form, number, denominations and terms as the Reparation Commission may determine.

These bonds shall be direct obligations of the Bulgarian Government, but all arrangements for the service of the bonds shall be made by the Inter-Allied Commission. The Inter-Allied Commission shall pay all interest, sinking fund, or other charges connected with the bonds out of the half-yearly payments to be made by Bulgaria in accordance with this Article. The surplus, if any, shall continue to be paid to the order of the Reparation Commission.

These bonds shall be free of all taxes and charges of every description established or to be established by Bulgaria.

ARTICLE 122. (A. 180.)

The Inter-Allied Commission shall from time to time consider the resources and capacity of Bulgaria, and, after giving her representatives a just opportunity to be heard, shall have discretion to recommend to the Reparation Commission either a reduction or a postponement of any particular payment due or a reduction of the total capital sum to be paid by Bulgaria.

The Reparation Commission shall have power by a majority of votes to make any reduction or postponement up to the extent recommended by the Inter-Allied Commission.

ARTICLE 123.

Bulgaria shall have the power at any time, if she so desires, to make immediate payments in reduction of the total capital sum due over and above the half-yearly payments.

ARTICLE 124.

Bulgaria recognises the transfer to the Allied and Associated Powers of any claims to payment or repayment which Germany, Austria, Hungary or Turkey may have against her, in accordance with Article 261 of the Treaty of Peace with Germany, and the corresponding Articles of the Treaties with Austria, Hungary and Turkey.

The Allied and Associated Powers, on the other hand, agree not to require from Bulgaria any payment in respect of claims so transferred, as they have taken these claims into account in fixing the amount to be paid by Bulgaria under Article 121.

ARTICLE 125.

In addition to the payments mentioned in Article 121, Bulgaria undertakes to return, in accordance with the procedure to be laid down by the Inter-Allied Commission, objects of any nature and securities taken away, seized or sequestrated in the territory invaded in Greece, Roumania or Serbia, in cases in which it is possible to identify them in Bulgarian territory, except in the case of livestock, which shall be dealt with in accordance with Article 127.

For this purpose the Governments of Greece, Roumania and the Serb-Croat-Slovene State shall deliver to the Inter-Allied Commission within four months from the coming into force of the present Treaty lists of the objects and securities which they can prove to have been carried off from the invaded territories and which can be identified and found in Bulgarian territory. They will also give at the same time all information possible to assist in the discovery and identification of these articles.

The Bulgarian Government undertakes to facilitate by all means in its power the discovery of the said objects and securities, and to pass within three months from the coming into force of the present Treaty a law requiring all Bulgarian nationals to disclose all such objects and securities in their possession under penalty of being treated as receivers of stolen goods.

ARTICLE 126.

Bulgaria undertakes to seek for and forthwith to return to Greece, Roumania, and the Serb-Croat-Slovene State respectively any records or archives or any articles of archæological, historic or artistic interest which have been taken away from the territories of those countries during the present war.

Any dispute between the Powers above named and Bulgaria as to their ownership of any such articles shall be referred to an arbitrator to be appointed by the Inter-Allied Commission, and whose decision shall be final.

ARTICLE 127.

Bulgaria further undertakes to deliver to Greece, Roumania and the Serb-Croat-Slovene State, within six months from the coming into force of the present Treaty, live-stock of the descriptions and in the numbers set out hereunder :

	Greece.	*Roumania.*	*Serb-Croat-Slovene State.*
Bulls (18 months to 3 years) ..	15	60	50
Milch Cows (2 to 6 years) ..	1,500	6,000	6,000
Horses and Mares (3 to 7 years)	2,250	5,250	5,000
Mules	450	1,050	1,000
Draught Oxen	1,800	3,400	4,000
Sheep	6,000	15,000	12,000

These animals shall be delivered at such places as may be appointed by the respective Governments. They shall be inspected before delivery by agents appointed by the Inter-Allied Commission, who shall satisfy themselves that the animals so delivered are of average health and condition.

No credit shall be made to Bulgaria in respect of their value ; the animals handed over shall be regarded as having been delivered in restitution for animals taken away by Bulgaria during the war from the territories of the countries named.

In addition to the deliveries provided for above, the Inter-Allied Commission shall be at liberty to grant, if they find it possible to do so, to Greece, Roumania and the Serb-Croat-Slovene State, within two years from the coming into force of the present Treaty, such quantities of live-stock as they may consider themselves justified in so granting. The value of such deliveries shall be placed to the credit of Bulgaria.

ARTICLE 128.

By way of special compensation for the destruction caused to the coal-mines situated on Serbian territory occupied by the Bulgarian armies, Bulgaria undertakes, subject to the proviso contained in the final paragraph of this Article, to deliver to the Serb-Croat-Slovene State during five years from the coming into force of the present Treaty 50,000 tons of coal a year from the output of the Bulgarian State mines at Pernik. These deliveries shall be made free on rail on the Serb-Croat-Slovene frontier on the Pirot–Sofia railway.

The value of these deliveries will not be credited to Bulgaria, and will not be taken in diminution of the payment required under Article 121.

Provided, nevertheless, that these deliveries will only be made subject to the approval of the Inter-Allied Commission, which approval shall only be given if and in so far as the Commission is satisfied that such deliveries of coal will not unduly interfere with the economic life of Bulgaria ; the decision of the Commission on this point shall be final.

ARTICLE 129.

The following shall be reckoned as credits to Bulgaria in respect of her reparation obligations :

Amounts which the Reparation Commission may consider should be credited to Bulgaria under Part VIII (Financial Clauses), Part IX (Economic Clauses) and Part XI (Ports, Waterways and Railways) of the present Treaty.

ARTICLE 130.

In order to facilitate the discharge by Bulgaria of the obligations assumed by her under the present Treaty, there shall be established at Sofia as soon

as possible after the coming into force of the present Treaty an Inter-Allied Commission.

The Commission shall be composed of three members to be appointed respectively by the Governments of the British Empire, France and Italy. Each Government represented on the Commission shall have the right to withdraw therefrom upon six months' notice filed with the Commission.

Bulgaria shall be represented by a Commissioner, who shall take part in the sittings of the Commission whenever invited by the Commission to do so, but shall not have the right to vote.

The Commission shall be constituted in the form and shall possess the powers prescribed by the present Treaty, including the Annex to this Part.

The Commission shall continue in existence as long as any of the payments due under the terms of this Part or the present Treaty remain unpaid.

The members of the Commission shall enjoy the same rights and immunities as are enjoyed in Bulgaria by duly accredited diplomatic agents of friendly Powers.

The Bulgarian Government agrees to provide by law, within six months of the coming into force of the present Treaty, the authority necessary for enabling the Commission to carry out its duties. The text of this law must be approved in advance by the Powers represented on the Commission. It must conform to the principles and rules laid down in the Annex to this Part, and also to any other relevant provisions laid down in the present Treaty.

ARTICLE 131.

Bulgaria undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give effect to the provisions of this Part.

ANNEX (Cf. A. Annex IV, p. 235.)

1. The Commission shall elect a Chairman annually from its members, and it shall establish its own rules and procedure.

Each member shall have the right to nominate a deputy to act for him in his absence.

Decisions shall be taken by the vote of the majority, except when a unanimous vote is expressly required. Abstention from voting is to be treated as a vote against the proposal under discussion.

The Commission shall appoint such agents and employees as it may deem necessary for its work.

The costs and expenses of the Commission shall be paid by Bulgaria and shall be a first charge on the revenues payable to the Commission. The salaries of the members of the Commission shall be fixed on a reasonable scale by agreement from time to time between the Governments represented on the Commission.

2. Bulgaria undertakes to afford to the members, officers and agents of the Commission full power to visit and inspect at all reasonable times any places, public works or undertakings in Bulgaria, and to furnish to the said Commission all records, documents and information which it may require.

3. The Bulgarian Government undertakes to place at the disposal of the Commission in each half-year sufficient sums in francs gold, or such other currency as the Commission may decide, to enable it to remit at due date the payments due on account of reparation or of other obligations undertaken by Bulgaria under the present Treaty.

In the law relating to the working of the Commission, there shall be prescribed a list of the taxes and revenues (now existing or hereafter to be created) estimated to be sufficient to produce the sums above referred to. This list of taxes and revenues shall include all revenues or receipts arising from concessions made or to be made for the working of mines or quarries or for

the carrying on of any works of public utility or of any monopolies for the manufacture or sale of any articles in Bulgaria. This list of taxes and revenues may be altered from time to time with the unanimous consent of the Commission.

If at any time the revenues so assigned shall prove insufficient, the Bulgarian Government undertakes to assign additional revenues. If the Bulgarian Government does not assign sufficient revenues within three months of a demand by the Commission, the Commission shall have the right to add to the list additional revenues created or to be created, and the Bulgarian Government undertakes to pass the necessary legislation.

In case of default by Bulgaria in the performance of her obligations under Articles 121 and 130 and this Annex the Commission shall be entitled to assume to the extent and for the period fixed by it the full control and management of and to undertake the collection of such taxes and sources of revenue and to hold and disburse the proceeds thereof, and to apply any net proceeds after meeting the cost of administration and collection to the satisfaction of the reparation obligations of Bulgaria, subject to any priorities laid down in the present Treaty.

In the case of such action by the Commission, Bulgaria undertakes to recognise the authority and powers of the said Commission, to abide by its decisions and to obey its directions.

4. By agreement with the Bulgarian Government, the Commission shall have power to assume the control and management and the collection of any taxes, even if no default has occurred.

5. The Commission shall also take over any other duties which may be assigned to it under the present Treaty.

6. No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission in the performance of his duties. No one of the Allied or Associated Governments assumes any responsibility in respect of any other Government.

PART VIII.—FINANCIAL CLAUSES

Article 132. (A. 197.)

Subject to the provisions of Article 138, and to such exceptions as the Inter-Allied Commission established by Article 130, Part VII (Reparation) of the present Treaty, may unanimously approve, a first charge upon all the assets and revenues of Bulgaria shall be the cost of reparation and all other costs arising under the present Treaty or any treaties or agreements supplementary thereto, or under arrangements concluded between Bulgaria and the Allied and Associated Powers during the Armistice signed on September 29, 1918.

Up to May 1, 1921, the Bulgarian Government shall not export or dispose of, and shall prohibit the export or disposal of, gold without the previous approval of the Inter-Allied Commission.

Article 133. (A. 198.)

There shall be paid by Bulgaria the total cost of all armies of the Allied and Associated Governments occupying territory within her boundaries, as defined in the present Treaty, from the date of the signature of the Armistice of September 29, 1918, until the coming into force of the present Treaty, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport services of all sorts (such as by rail, sea, or river, motor lorries), communications and correspondence, and, in general, the cost of all administrative or technical services, the

working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads, so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territory, shall be paid by the Bulgarian Government to the Allied and Associated Governments in any legal currency of Bulgaria. In cases where an Allied or Associated Government, in order to make such purchases or requisitions in the occupied territory, has incurred expenditure in a currency other than Bulgarian currency, such expenditure shall be reimbursed in Bulgarian currency at the rate of exchange current at the date of reimbursement, or at an agreed rate.

All other of the above costs shall be paid in the currency of the country to which the payment is due.

ARTICLE 134.

Bulgaria engages to pay towards the charge for the service of the external pre-war Ottoman Public Debt, both in respect of territory ceded by Turkey under the Treaty of Constantinople, 1913, for the period during which such territory was under Bulgarian sovereignty, and in respect of territory the cession of which is confirmed by the present Treaty, such sums as may be determined hereafter by a Commission to be appointed for the purpose of determining to what extent the cession of Ottoman territory will involve the obligation to contribute to that debt.

ARTICLE 135. (A. 200.)

The priority of the charges established by Articles 132, 133, and 134 of this Part shall be as follows :—

(i) the cost of military occupation as defined by Article 133 ;

(ii) the service of such part of the external pre-war Ottoman Public Debt as may be attributed to Bulgaria under the present Treaty or any treaties or agreements supplementary thereto in respect of the cession to Bulgaria of territory formerly belonging to the Ottoman Empire ;

(iii) the cost of reparation as prescribed by the present Treaty or any treaties or agreements supplementary thereto.

ARTICLE 136. (A. 199.)

Bulgaria confirms the surrender of all material handed over or to be handed over to the Allied and Associated Powers in accordance with the Armistice of September 29, 1918, and recognises the title of the Allied and Associated Powers to such material.

There shall be credited to Bulgaria against the sums due from her to the Allied and Associated Powers for reparation the value, as assessed by the Reparation Commission referred to in Article 121, Part VII (Reparation) of the present Treaty, acting through the Inter-Allied Commission, of such of the above material for which, as having non-military value, credit should, in the judgment of the Reparation Commission, be allowed.

Property belonging to the Allied and Associated Governments or their nationals, restored or surrendered under the Armistice Agreement in specie, shall not be credited to Bulgaria.

ARTICLE 137. (A. 201.)

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

ARTICLE 138.

All rights created and all securities specifically assigned in connection with loans contracted or guaranteed by the Bulgarian Government which

were actually contracted or guaranteed before August 1, 1914, are maintained in force without any modification.

ARTICLE 139.

If, in accordance with Articles 235 and 260 of the Treaty of Peace with Germany, signed on June 28, 1919, and the corresponding Articles in the Treaties with Austria and Hungary, all rights, interests and securities held by any German, Austrian or Hungarian national under the contracts and agreements regulating the loan contracted by Bulgaria in Germany in July, 1914, are taken over by the Reparation Commission, the Bulgarian Government undertakes to do everything in its power to facilitate this transfer. The Bulgarian Government likewise undertakes to hand over to the Reparation Commission within six months from the coming into force of the present Treaty all such rights, interests and securities held by Bulgarian nationals under the contracts and agreements regulating the said loan. The rights, interests and securities held by Bulgarian nationals will be valued by the Reparation Commission, and their value will be credited to Bulgaria on account of the sums due for reparation, and Bulgaria shall be responsible for indemnifying her nationals so dispossessed.

Notwithstanding anything in the preceding Article, the Reparation Commission shall have full power, in the event of the transfer to it of the interests mentioned above, to modify the terms of the contracts and agreements regulating the loan, or to make any other arrangements connected therewith which it shall deem necessary, provided that (1) the rights under the contracts and agreements of any persons interested therein other than German, Austrian, Hungarian or Bulgarian nationals, and (2) the rights of the holders of Bulgarian Treasury Bills issued in France in 1912 and 1913 to be reimbursed out of the proceeds of the next financial operation undertaken by Bulgaria, are not prejudiced thereby. By agreement with the parties concerned, the claims referred to above may be paid off either in cash or in an agreed amount of the bonds of the loan.

Any arrangement with regard to the loan and the contracts and agreements connected therewith shall be made after consultation with the Inter-Allied Commission, and the Inter-Allied Commission shall act as agent of the Reparation Commission in any matters connected with the loan, if the Reparation Commission so decides.

ARTICLE 140. (A. 202.)

Nothing in the provisions of this Part shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied and Associated Powers or their nationals respectively, before the date at which a state of war existed between Bulgaria and the Allied or Associated Powers concerned, by the Government of Bulgaria or by Bulgarian nationals on assets in their ownership at that date, except in so far as variations of such charges or mortgages are specifically provided for under the terms of the present Treaty or any treaties or agreements supplementary thereto.

ARTICLE 141.

Any Power to which Bulgarian territory is ceded in accordance with the present Treaty undertakes to pay a contribution towards the charge for the Bulgarian Public Debt as it stood on October 11, 1915, including the share of the Ottoman Public Debt attaching to Bulgaria in accordance with the principles laid down in Article 134.

The Reparation Commission, acting through the Inter-Allied Commission, will fix the amount of the Bulgarian Public Debt on October 11, 1915, taking into account only such portion of the debt contracted after August 1, 1914, as was not employed by Bulgaria in preparing the war of aggression.

The portion of the Bulgarian Public Debt for which each State is to

assume responsibility will be such as the Principal Allied and Associated Powers, acting through the Inter-Allied Commission, may determine to be equitable, having regard to the ratio between the revenues of the ceded territory and the total revenues of Bulgaria for the average of the three complete financial years next before the Balkan War of 1912.

ARTICLE 142.

Any Power to which Bulgarian territory is ceded in accordance with the present Treaty shall acquire all property and possessions situated within such territory belonging to the Bulgarian Government, and the value of such property and possessions so acquired shall be fixed by the Reparation Commission and placed by it to the credit of Bulgaria (or of Turkey in the case of property and possessions ceded to Bulgaria under the Treaty of Constantinople, 1913), and to the debit of the Power acquiring such property or possessions.

For the purposes of this Article the property and possessions of the Bulgarian Government shall be deemed to include all the property of the Crown.

ARTICLE 143. (A. 210, pars. 2 and 3.)

Bulgaria renounces any benefit disclosed by the Treaties of Bucharest and Brest-Litovsk, 1918, and by the Treaties supplementary thereto, and undertakes to transfer either to Roumania or to the Principal Allied and Associated Powers, as the case may be, any monetary instruments, specie, securities and negotiable instruments or goods which she may have received under the aforesaid Treaties.

Any sums of money and all securities, instruments and goods, of whatsoever nature, to be paid, delivered or transferred under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

ARTICLE 144. (A. 212.)

The Bulgarian Government undertakes to refrain from preventing or impeding such acquisition by the German, Austrian, Hungarian or Turkish Governments of any rights and interests of German, Austrian, Hungarian or Turkish nationals in public utility undertakings or concessions operating in Bulgaria as may be required by the Reparation Commission under the terms of the Treaties of Peace between Germany, Austria, Hungary and Turkey and the Allied and Associated Powers.

ARTICLE 145. (A. 213.)

Bulgaria undertakes to transfer to the Reparation Commission any claims which she or Bulgarian nationals who acted on her behalf may have to payment or reparation by Germany, Austria, Hungary or Turkey, or their nationals, particularly any claims which may arise now or hereafter in the fulfilment of undertakings made between Bulgaria and those Powers during the war.

Any sums which the Reparation Commission may recover in respect of such claims shall be transferred to the credit of Bulgaria on account of the sums due for reparation.

ARTICLE 146. (A. 214.)

Any monetary obligation arising out of the present Treaty shall be understood to be expressed in terms of gold, and shall, unless some other arrangement is specifically provided for in any particular case under the terms of this Treaty or any treaty or agreement supplementary thereto, be payable at the option of the creditors in pounds sterling payable in London, gold dollars of the United States of America payable in New York, gold francs payable in Paris, or gold lire payable in Rome.

For the purposes of this Article the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

PART IX.—ECONOMIC CLAUSES

SECTION I.—COMMERCIAL RELATIONS

Chapter I.—CUSTOMS REGULATIONS, DUTIES AND RESTRICTIONS.

B. 147–50. See A. 217–20, pp. 247–48.

ARTICLE 151. (A. 228. 1st par. only.)

During the period of one year after the coming into force of the present Treaty, the duties imposed by Bulgaria on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into Bulgaria on July 28, 1914.

The payment of customs duties on such imports on a gold basis may, subject to the provisions of Article 150, be required in all cases where by Bulgarian law such payment in gold could be required on July 28, 1914, provided that the rate of conversion of gold notes shall be periodically fixed by the Reparation Commission.

Chapter II.—SHIPPING.

ARTICLE 152.

As regards sea fishing, maritime coasting trade and maritime towage, vessels of the Allied and Associated Powers shall enjoy in Bulgaria, even in territorial waters, the treatment accorded to vessels of the most favoured nation.

ARTICLE 153. (last par. A. 225.)

In the case of vessels of the Allied or Associated Powers, all classes of certificates or documents relating to the vessel which were recognised as valid by Bulgaria before the war, or which may hereafter be recognised as valid by the principal maritime States, shall be recognised by Bulgaria as valid and as equivalent to the corresponding certificates issued to Bulgarian vessels.

A similar recognition shall be accorded to the certificates and documents issued to their vessels by the Governments of new States, whether they have a sea-coast or not, provided that such certificates and documents shall be issued in conformity with the general practice observed in the principal maritime States.

The High Contracting Parties agree to recognise the flag flown by the vessels of an Allied or Associated Power having no sea-coast which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

Chapter III.—UNFAIR COMPETITION.

B. 154. See A. 226, p. 250.

B. 155. See A. 227.

(Except that, last line, A. for 'Austrian Government' read B. '*Bulgaria.*')

Chapter IV.—Treatment of Nationals of Allied and Associated Powers.

B. 156. See A. 228, pp. 250–51.

(Except that, at end of (c) add B. '*or on the nationals of any more favoured nation or their property, rights, or interests*'.)

B. 157–9. See A. 229–31, p. 250.

Chapter V.—General Articles.

Article 160. (A. 232, 2nd par. omitted.)

The obligations imposed on Bulgaria by Chapter I and by Article 152 of Chapter II above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Article 156 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

Article 161. (A. 233.)

If the Bulgarian Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges, or immunities of sovereignty.

Section II.—TREATIES

Article 162. (A. 234 which also includes B. 167.)

From the coming into force of the present Treaty and subject to the provisions thereof, the multilateral treaties, conventions, and agreements of an economic or technical character enumerated below and in the subsequent Articles shall alone be applied as between Bulgaria and those of the Allied and Associated Powers party thereto:

(1) Convention of October 11, 1909, regarding the international circulation of motor-cars.

(2) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

(3) Agreement of May 15, 1886, regarding the technical standardisation of railways.

(4) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

(5) Convention of May 20, 1875, regarding the unification and improvement of the metric system.

(6) Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

(7) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

(8) Arrangement of December 9, 1907, for the creation of an International Office of Public Hygiene at Paris.

Article 163. (A. 235.)

From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned,

in so far as concerns them, Bulgaria undertaking to comply with the special stipulations contained in this Article.

Postal Conventions.

Conventions and agreements of the Universal Postal Union concluded at Vienna on July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington on June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome on May 26, 1906.

Telegraphic Conventions.

International telegraphic conventions signed at St. Petersburg on July 10/22, 1875.

Regulations and tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

Bulgaria undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the conventions and agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

ARTICLE 164. (A. 236.)

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the International Radio-Telegraphic Convention of July 5, 1912, Bulgaria undertaking to comply with the provisional regulations which will be indicated to her by the Allied and Associated Powers.

If within five years after the coming into force of the present Treaty a new convention regulating international radio-telegraphic communication should have been concluded to take the place of the Convention of July 5, 1912, this new convention shall bind Bulgaria, even if Bulgaria should refuse either to take part in drawing up the convention or to subscribe thereto.

This new convention will likewise replace the provisional regulations in force.

ARTICLE 165.

Until the conclusion of a new convention concerning fishing in the waters of the Danube to replace the Convention of November 29, 1901, the transitory régime to be established will be settled by an arbitrator appointed by the European Commission of the Danube.

ARTICLE 166. (A. 239, v. also A. 237.)

Bulgaria undertakes :

(1) Within a period of twelve months from the coming into force of the present Treaty to adhere in the prescribed form to the International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911, and the International Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908, and the Additional Protocol of Berne of March 20, 1914, relating to the protection of literary and artistic works ;

(2) Within the same period to recognise and protect by effective legislation in accordance with the principles of the said Conventions the industrial, literary, and artistic property of nationals of the Allied and Associated States.

In addition and independently of the obligations mentioned above, Bulgaria undertakes to continue to assure such recognition and such protection to all the industrial, literary, and artistic property of the nationals of each of the Allied and Associated States to an extent at least as great as upon July 28, 1914, and upon the same conditions.

ARTICLE 167. (A. 234 and 240.)

Bulgaria undertakes to adhere to the conventions and agreements hereunder enumerated, or to ratify them :

(1) Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

(2) Convention of December 31, 1913, regarding the unification of commercial statistics.

(3) Conventions of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

(4) Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in ports.

(5) Convention of September 26, 1906, for the suppression of night work for women.

(6) Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

(7) Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

(8) Convention of May 4, 1910, regarding the suppression of obscene publications.

(9) Sanitary Conventions of January 30, 1892, April 15, 1893, April 3, 1894, March 19, 1397, and December 3, 1903.

(10) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

(11) Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

ARTICLE 168. (A. 241.)

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Bulgaria the bilateral treaties or conventions of all kinds which such Allied or Associated Power wishes to revive with Bulgaria.

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Bulgaria. The date of the revival shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to revive with Bulgaria any conventions or treaties which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived.

In case of any difference of opinion, the League of Nations will be called on to decide.

A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

Only those bilateral treaties and conventions which have been the subject of such a notification shall be revived between the Allied and Associated Powers and Bulgaria ; all the others are and shall remain abrogated.

The above rules apply to all bilateral treaties or conventions existing between the Allied and Associated Powers and Bulgaria, even if the said Allied and Associated Powers have not been in a state of war with Bulgaria.

ARTICLE 169. (A. 242.)

Bulgaria recognises that all the treaties, conventions or agreements which she has concluded with Germany, Austria, Hungary or Turkey since August 1,

1914, until the coming into force of the present Treaty are and remain abrogated by the present Treaty.

ARTICLE 170. (A. 243.)

Bulgaria undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights and advantages of any kind which she may have granted to Germany, Austria, Hungary or Turkey, or to the officials and nationals of these States by treaties, conventions or arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements remain in force.

The Allied and Associated Powers reserve the right to accept or not the enjoyment of these rights and advantages.

ARTICLE 171. (A. 244.)

Bulgaria recognises that all treaties, conventions or arrangements which she concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, before August 1, 1914, or after that date until the coming into force of the present Treaty, or with Roumania after August 15, 1916, until the coming into force of the present Treaty, are and remain abrogated.

ARTICLE 172. (A. 245.)

Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public authority, concessions, privileges and favours of any kind to Bulgaria or to a Bulgarian national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

ARTICLE 173. (A. 246.)

From the coming into force of the present Treaty Bulgaria undertakes to give the Allied and Associated Powers and their nationals the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions or arrangements to non-belligerent States or their nationals since August 1, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements remain in force.

ARTICLE 174. (A. 247.)

Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should, in the case of Powers which have not yet ratified the Opium Convention, be deemed in all respects equivalent to the ratification of that Convention, and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government

of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

ARTICLE 175.

The immunities and privileges of foreigners as well as the rights of jurisdiction and of consular protection enjoyed by the Allied and Associated Powers in Bulgaria by virtue of the capitulations, usages and treaties, may form the subject of special conventions between each of the Allied and Associated Powers concerned and Bulgaria.

The Principal Allied and Associated Powers will enjoy in Bulgaria in the matters mentioned above most favoured nation treatment.

The Allied and Associated Powers concerned undertake among themselves to conclude only such conventions as shall conform to the stipulations of the present Treaty. In case of difference of opinion among them, the League of Nations will be called upon to decide.

SECTION III.—DEBTS

B. 176. See A. 248, pp. 256–7.

(Except that par. following immediately after (4) 'In the case . . . Reparation Commission' is omitted in B.

Next par. for A. 'provided for in paragraph (*d*)' read B. '*provided in paragraph* (*d*).'

(*b*) add following at end: B. '*Nevertheless, debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice will not be guaranteed by the States of which those territories form part.*'

(*c*) for A. 'High Contracting Parties' read B. '*Contracting Powers*', and for A. 'Opposing State' read B. '*Opposing Power*'.

(*d*) 2nd par. for A. 'the said country concerned' read '*the Power concerned*'; 3rd par. for A. 'country' read B. '*Power*'.

last par.: for A. 'the Czecho-Slovak State' read B. '*Czecho-Slovakia*'; and for A. 'Part VIII' read B. '*Part VII* (Reparation).)

ANNEX.

See A., Annex, pp. 257–61.

(Except that for A. '248' read B. '*176*' throughout.)

No. 11 is the same as H. 11.

(Except that for H. 'one month' read B. '*a month*'.)

No. 14: add at end. B. '*As an exception, the admitted debts owing by persons having suffered injury from acts of war shall only be credited to the Creditor Clearing Office when the compensation due to the person concerned in respect of such injury shall have been paid.*')

SECTION IV.—PROPERTY, RIGHTS AND INTERESTS

ARTICLE 177. (A. 249.)

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

(*a*) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Bulgaria with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions

of Article 178. The Bulgarian Government will revoke all legislative or administrative provisions which it may have made during the war forbidding companies of Allied and Associated nationality or companies in which Allied or Associated nationals are interested to enjoy the benefit of concessions or contracts in Bulgaria.

(*b*) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to Bulgarian nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the Bulgarian owner shall not be able to dispose of such property, rights and interests nor to subject them to any charge without the consent of that State.

Bulgarian nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as Bulgarian nationals within the meaning of this paragraph.

(*c*) The price or the amount of compensation in respect of the exercise of the right referred to in paragraph (*b*) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(*d*) As between the Allied and Associated Powers or their nationals on the one hand and Bulgaria or her nationals on the other hand, all the exceptional war measures, or measures of transfer, put into operation by the Allied and Associated Powers, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto, shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty. If however in the States referred to in paragraph (*i*) of this Article measures prejudicial to the property, rights and interests of Bulgarian nationals and not in accordance with the local law have been taken, the Bulgarian proprietor shall be entitled to compensation for the damage caused to him. This compensation shall be fixed by the Mixed Arbitral Tribunal provided for by Section VI. The same measures and all others affecting the property, rights and interests of nationals of the Allied and Associated Powers—notably, acts of requisition or seizure, wheresoever effected, by the civil or military authorities, the troops or the population of Bulgaria, or effected in Bulgaria by the civil or military authorities or the troops of the Powers allied with Bulgaria—are declared void, and the Bulgarian Government will take all measures necessary for the restoration of such property, rights and interests.

(*e*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in Bulgarian territory as it existed on September 20, 1915, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI, or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Bulgaria, and may be charged upon the property of Bulgarian nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Bulgaria

(*f*) Whenever a national of an Allied or Associated Power is entitled to

property which has been subjected to a measure of transfer in Bulgarian territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (*e*) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Bulgaria shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (*e*) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (*e*) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(*g*) The rights conferred by paragraph (*f*) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(*h*) Except in cases where, by application of paragraph (*f*), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests, wherever situated, carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows :

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder ; any credit balance in favour of Bulgaria resulting therefrom shall be dealt with as provided in Article 129, Part VII (Reparation), of the present Treaty.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Bulgaria shall be paid immediately to the person entitled thereto or to his Government ; the proceeds of the property, rights and interests, and the cash assets, of Bulgarian nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations, and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied and Associated Power, and if retained the cash value thereof shall be dealt with as provided in Article 129, Part VII (Reparation), of the present Treaty.

(*i*) In the case of liquidations effected in new States which are signatories of the present Treaty as Allied and Associated Powers, or in States to which Bulgarian territory is transferred by the present Treaty, or in States which are not entitled to share in the reparation payments to be made by Bulgaria, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Article 121, Part VII (Reparation), of the present Treaty, be paid direct to the owner. If, on the application of that owner, the Mixed Arbitral Tribunal provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained. the Tribunal or arbitrator shall

have discretion to award to the owner equitable compensation to be paid by that State.

(*j*) Bulgaria undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(*k*) The amount of all taxes and imposts upon capital levied or to be levied by Bulgaria on the property, rights and interests of the nationals of the Allied or Associated Powers from September 29, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights and interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

ARTICLE 178. (A. 250.)

Bulgaria undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 177 :

(*a*) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of Bulgarian nationals under the laws in force before the war ;

(*b*) Not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of Bulgarian nationals, and to pay adequate compensation in the event of the application of these measures.

ARTICLE 179.

Diplomatic or consular claims made before the war by the Representatives or Agents of the Allied and Associated Powers with regard to the private property, rights or interests of nationals of those Powers shall, on the application of the Power concerned, be submitted to the Mixed Arbitral Tribunal provided for in Section VI.

ANNEX.

(See A., Annex, pp. 264–7.)

(Except that for A. '249' read B. '*177*' throughout.

No. 1, 2nd line, for A. 'winding up of' read B. '*the winding up of*'; and 5th and 20th lines: for A. 'High Contracting Parties' read B. '*Allied and Associated Powers*' and 10th line for A. 'specially' read B. '*specifically*'. Omit last par. of A. 'The provisions . . . be void'.

No. 2. 4th line, omit 'by or on behalf of any national of the former Austrian Empire'; and 9th line for A. 'law' read B. '*laws*'.

No. 4 : 1st line, for A. 'nationals of the former Austrian Empire' read B. '*Bulgarian nationals*'; 7th line, for A. 'territory of the former Austrian Empire' read B. '*in Bulgarian territory*'.

9th and 10th lines : for A. 'the former Austro-Hungarian Government' read B. '*the Bulgarian Government*', and for A. 'July 28, 1914' read B. '*October 11, 1915*'.

No. 5 : for A. 'war legislation . . . Monarchy' read B. '*Bulgarian war legislation*'.

No. 9 : for A. 'the persons referred to in that paragraph' read B. '*Bulgarian nationals*'.

No. 10 : 1st par. for A. 'from the coming' read B. '*of the coming*' and 2nd par. for A. 'July 1, 1914' read B. '*September 1, 1915*'.

No. 13 : 1st par. : for A. 'in the territory of the former . . . or its allies' read B. '*in Bulgarian territory or in territory occupied by Bulgaria or her allies*'.)

SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS

B. 180. See A. 251, pp. 267–8.

(Except that (*c*) for A. '252' and '257' read B. '*183*' and '*189*'.
for A. 'nationals of the former Austrian Empire' read B. '*Bulgarian nationals*'.)

ARTICLE 181.

Transfers of territory under the present Treaty shall not prejudice the private rights referred to in the Treaties of Constantinople, 1913, of Athens, 1913, and of Stamboul, 1914.

Transfers of territory by or to Bulgaria under the present Treaty shall similarly and to the same extent ensure the protection of these private rights.

In case of disagreement as to the application of this Article the difference shall be submitted to an arbitrator appointed by the Council of the League of Nations.

ARTICLE 182.

Concessions, guarantees of receipts, and rights of exploitation in Bulgarian territory as fixed by the present Treaty in which nationals of the Allied and Associated Powers, or companies or associations controlled by such nationals, are interested may in case either of abnormal conditions of working or of dispossession resulting from conditions or measures of war be extended on the application of the interested party, which must be presented within three months from the coming into force of the present Treaty, for a period to be determined by the Mixed Arbitral Tribunal, which shall take account of the period of dispossession or of abnormal conditions of working.

All arrangements approved or agreements come to before the entry of Bulgaria into the war between the Bulgarian authorities and companies or associations controlled by Allied financial groups are confirmed. Nevertheless, periods of time, prices and conditions therein laid down may be revised having regard to the new economic conditions. In case of disagreement the decision shall rest with the Mixed Arbitral Tribunal.

B. 183. See A. 252, pp. 268–9.

(Except that (*b*) for A. 'the territory of the former Austrian Empire' read B. '*Bulgarian territory*'.
(*e*) for A. 'by the authorities of the former Austrian Government' read B. '*by Bulgaria*'.)

B. 184. See A. 253, p. 269.

B. 185. See A. 254, p. 269.

(2nd par.: for A. 'by a judicial authority of the former Austrian Empire' read B. '*by a Bulgarian judicial authority*' and for A. 'Allied and Associated national' read B. '*Allied or Associated National*'.)

ARTICLE 186.

Any company incorporated in accordance with some law other than that of Bulgaria owning property, rights or interests in Bulgaria, which is now or shall hereafter be controlled by nationals of the Allied and Associated Powers, shall have the right, within five years from the coming into force of the present Treaty, to transfer its property, rights and interest to another company incorporated in accordance with Bulgarian law or the law of one of the Allied and Associated Powers whose nationals control it; and the company to which the property is transferred shall continue to enjoy the same rights and privileges which the other company enjoyed under the laws of Bulgaria and the terms of the present Treaty. This company shall not be subjected to any special tax on account of this transfer.

ARTICLE 187. (A. 255.)

For the purpose of Sections III, IV, V and VII, the expression 'during the war' means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Bulgaria and the coming into force of the present Treaty.

ANNEX.

I. *General Provisions.*

B. 1. See A. 1, p. 270.

(Except that for A. '251, 252 and 253' read B. '*180, 183 and 184*'.)

B. 2. See A. 2, p. 270.

(Except that for A. '251' read B. '*180*' and for A. '249 (*b*)' read B. '*177* (*b*)', and add at end of (*e*) B. '*including contracts and concessions concluded or accorded by the Turkish Government in the territories ceded by the Turkish Empire to Bulgaria before the coming into force of the present Treaty*'.)

B. 3. See A. 3, p. 270.

(Except that for A. '251' read B. '*180*'.)

II. *Provisions relating to certain classes of Contracts.*

Stock Exchange and Commercial Exchange Contracts.

B. 4. See A. 4, pp. 270–1.

(Except that (*c*) 'The closure . . . confirmed' is omitted.)

Security.

B. 5. See A. 5, p. 271.

Negotiable Instruments.

B. 6 and 7. See A. 6 and 7, p. 271.

III. *Contracts of Insurance.*

B. 8. See A. 8, p. 271.

Fire Insurance.

B. 9 and 10. See A. 9 and 10, p. 271.

Life Insurance.

(*At this point the numbering of the Austrian Annex differs from that of the Bulgarian, owing to the fact that No. 11 (A.) includes Nos. 11 and 12 (B.), No. 11 (B.) forming 1st par. of A.*)

B. 11 and 12. See A. 11, p. 272.

(Except that, 2nd par., for A. 'under the preceding provision' read B. '*under paragraph 11*'.)

B. 13 and 14. See A. 12 and 13, p. 272.

B. 15. See A. 14, p. 272.

(Except that for A. 'paragraphs 11 to 13' read B. '*paragraphs 11 to 14*'.)

Marine Insurance.

B. 16–18. See A. 15–17, pp. 272–3.

Other Insurances.

B. 19. See A. 18, p. 273.

(Except that for A. ' paragraphs 9 to 17 ' read B. '*paragraphs 9 to 18* '.)

Re-insurance.

B. 20. See A. 19, p. 273.

(Except that for A. ' paragraphs 11 to 17 ' read B. '*paragraphs 11 to 18* '.)

B. 21–23. See A. 20–22, pp. 273–4.

ARTICLE 24. (A. 23.)

The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

SECTION VI.—MIXED ARBITRAL TRIBUNAL

B. 188. See A. 256, pp. 274–5.

(Except that (*b*) for A. ' Sections III, IV, V and VII ' read B. '*Sections III, IV, V, VII and VIII* '.)

ANNEX.

B. 1–6. See A. 1–6, p. 275.

B. 7. See A. 7, p. 275.

(Except that for A. ' The High Contracting Parties agree ' read B. '*Bulgaria agrees* '.)

B. 8. See A. 8, p. 275.

(Except that for A. ' French, Italian or Japanese ' read B. '*French or Italian* '.)

B. 9. See A. 9, p. 275.

B. 189. See A. 257, pp. 275–6.

(Except that for A. ' Sections III, IV, V or VII ' read B. '*Sections III, IV, V, VII or VIII* '; and last line: for A. ' by the court of the former Austrian Empire ' read B. '*by the Bulgarian Court* '.)

SECTION VII.—INDUSTRIAL PROPERTY

ARTICLE 190. (A. 258.)

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 166, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced, or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of Bulgarian nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Bulgaria or Bulgarian nationals

in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in the second paragraph of this Article shall be dealt with in the same way as other sums due to Bulgarian nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the Bulgarian Government in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from Bulgarian nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by Bulgarian nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Bulgaria of the rights of industrial, literary and artistic property held in Bulgarian territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Bulgaria in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to Bulgarian nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 177, paragraph (*b*).

Article 191. (A. 259.)

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance; but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to Bulgarian nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade-mark or design used, and it is further agreed that no patent, registered trade-mark or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade-mark or design for two years after the coming into force of the present Treaty.

ARTICLE 192. (A. 261.)

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Bulgaria on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the existence of a state of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Article 191.

Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Bulgaria on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the existence of a state of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Bulgaria during the war.

This Article shall not apply as between the United States of America on the one hand and Bulgaria on the other.

ARTICLE 193. (A. 262.)

Licences in respect of industrial, literary, or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and Bulgarian nationals, on the other part, shall be considered as cancelled as from the date of the existence of a state of war between Bulgaria and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under Bulgarian law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI of this Part. The tribunal

may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary or artistic property granted under the special war legislation of any Allied or Associated Power shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of Bulgarian nationals, as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Bulgaria on the other.

ARTICLE 194. (1st par. A. 264, 2nd par. A. 274).

The inhabitants of territories transferred under the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue to enjoy in Bulgaria all the rights in industrial, literary and artistic property to which they were entitled under Bulgarian legislation at the time of the transfer.

Rights of industrial, literary and artistic property which are in force in the territories transferred under the present Treaty at the moment of their transfer from Bulgaria, or which will be re-established or restored in accordance with the provisions of Article 190, shall be recognised by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the Bulgarian law.

ARTICLE 195. (2nd par. A. 274.)

A special convention shall determine all questions relative to the records, registers and copies in connection with the protection of industrial, literary or artistic property, and fix their eventual transmission or communication by the Bulgarian Offices to the Offices of the States to which Bulgarian territory is transferred.

SECTION VIII.—SPECIAL PROVISIONS RELATING TO TRANSFERRED TERRITORY

ARTICLE 196. (A. 263.)

Of the individuals and juridical persons previously nationals of Bulgaria those who acquire *ipso facto* under the present Treaty the nationality of an Allied or Associated Power are designated in the provisions which follow by the expression ' former Bulgarian nationals ', the remainder being designated by the expression ' Bulgarian nationals '.

ARTICLE 197. (A. 266.)

The Bulgarian Government shall without delay restore to former Bulgarian nationals their property, rights and interests situated in Bulgarian territory. The said property, rights and interests shall be restored free of any charge or tax established or increased since September 29, 1918.

The amount of taxes and imposts on capital which have been levied or increased on the property, rights and interests of former Bulgarian nationals since September 29, 1918, or which shall be levied or increased until restitution in accordance with the provisions of the present Treaty, or, in the case of property, rights, and interests which have not been subjected to exceptional measures of war, until three months from the coming into force of the present Treaty, shall be returned to the owners.

The property, rights, and interests restored shall not be subject to any tax levied in respect of any other property or any other business owned by the same person after such property had been removed from Bulgaria, or such business had ceased to be carried on therein.

If taxes of any kind have been paid in anticipation in respect of property, rights and interests removed from Bulgaria, the proportion of such taxes paid for any period subsequent to the removal of the property, rights and interests in question shall be returned to the owners.

Legacies, donations and funds given or established in Bulgaria for the benefit of former Bulgarian nationals shall be placed by Bulgaria, so far as the funds in question are in her territory, at the disposition of the Allied or Associated Power of which the persons in question are now nationals, in the condition in which these funds were on September 20, 1915, taking account of payments properly made for the purpose of the Trust.

ARTICLE 198.

All contracts between former Bulgarian nationals of the one part and Bulgaria or Bulgarian nationals of the other part, which were made before September 29, 1918, and which were in force at that date, shall be maintained.

Nevertheless, any contract of which the Government of the Allied or Associated Power whose nationality the former Bulgarian national who is a party to the contract has acquired shall notify the cancellation, made in the general interest, to Bulgaria within a period of six months from the coming into force of the present Treaty, shall be annulled, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder.

The cancellation above referred to shall not be made in any case where the Bulgarian national who is a party to the contract shall have received permission to reside in the territory transferred to the Allied or Associated Power concerned.

ARTICLE 199.

If the annulment provided for in Article 52 would cause one of the parties substantial prejudice, the Mixed Arbitral Tribunal provided for by Section VI of this Part shall be empowered to grant to the prejudiced party compensation calculated solely on the capital employed, without taking account of the loss of profits.

ARTICLE 200. (A. 269.)

With regard to prescriptions, limitations and forfeitures in territory transferred from Bulgaria, the provisions of Articles 183 and 184 shall be applied with substitution for the expression 'outbreak of war' of the expression 'date, which shall be fixed by administrative decision of each Allied or Associated Power, at which relations between the parties became impossible in fact or in law', and for the expression 'duration of the war' of the expression 'period between the date above indicated and that of the coming into force of the present Treaty'.

ARTICLE 201.

Bulgaria undertakes to recognise, so far as she may be concerned, any agreement or convention which has been or shall be made between the Allied and Associated Powers for the purpose of safeguarding the rights and interests of the nationals of these Powers interested in companies or associations constituted according to the laws of Bulgaria, which exercise any activities whatever in the transferred territories. She undertakes to facilitate all measures of transfer, to restore all documents or securities, to furnish all information, and generally to accomplish all acts or formalities appertaining to the said agreements or conventions.

ARTICLE 202.

The settlement of questions relating to debts contracted before September 29, 1918, between Bulgaria or Bulgarian nationals resident in Bulgaria of the one part and former Bulgarian nationals resident in the transferred territories of the other part, shall be effected in accordance with the provisions of Article 176 and the Annex thereto, the expression 'before the war' being replaced by the expression 'before the date, which shall be fixed by administrative decision of each Allied or Associated Power, at which relations between the parties became impossible in fact or in law'.

If the debts were expressed in Bulgarian currency they shall be paid in that currency; if the debt was expressed in any currency other than Bulgarian, it shall be paid in the currency stipulated.

ARTICLE 203. (A. 275.)

Without prejudice to other provisions of the present Treaty, the Bulgarian Government undertakes to hand over to any Power to which Bulgarian territory is transferred such portion of the reserves accumulated by the Government or the administrations of Bulgaria, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are handed over must apply them to the performance of the obligations arising from such insurances.

The conditions of the delivery will be determined by special conventions to be concluded between the Bulgarian Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the Bulgarian Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Bulgaria and the other States concerned.

PART X.—AERIAL NAVIGATION

ARTICLE 204. (A. 276.)

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory and territorial waters of Bulgaria, and shall enjoy the same privileges as aircraft belonging to Bulgaria, particularly in case of distress by land or sea.

B. 205. See A. 277, p. 283.

(Except that for A. 'flying over the territory of' read B. '*flying over the territory and territorial waters of*'.)

B. 206. See A. 278, p. 283.

B. 207. See A. 279, p. 283.

(For A. '276, 277 and 278' read B. '*204, 205 and 206*'.)

B. 208. See A. 280, p. 283.

(Except that for A. 'Allied or Associated Powers' read B. '*Allied and Associated Powers.*)

B. 209–11. See A. 281–3, p. 283.

PART XI.—PORTS, WATERWAYS AND RAILWAYS

SECTION I.—GENERAL PROVISIONS

ARTICLE 212. (A. 284.)

Bulgaria undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway, or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers (whether contiguous or not); for this purpose the crossing of territorial waters shall be allowed.

Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restrictions, and shall be entitled in Bulgaria to national treatment as regards charges, facilities and all other matters.

Goods in transit shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge, facility or restriction shall depend directly or indirectly on the ownership or on the nationality of any ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

ARTICLE 213. (A. 285.)

Bulgaria undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bonâ fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any part whatever in, or to exercise any direct or indirect influence over, any administrative service that may be necessary for this purpose.

ARTICLE 214. (A. 286.)

Bulgaria undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportations from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories, based on the frontier crossed; or on the kind, ownership or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of transhipment on the journey; or on whether any port through which the goods are imported or exported is a Bulgarian port or a port belonging to any foreign country; or on whether the goods are imported or exported by sea, by land or by air.

Bulgaria particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export or import by Bulgarian ports or vessels, or by those of another Power, for example by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be subjected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through a Bulgarian port or a port of any other Power, or used a Bulgarian vessel or a vessel of any other Power.

ARTICLE 215. (A. 287.)

All necessary administrative and technical measures shall be taken to shorten, as much as possible, the transmission of goods across the Bulgarian

frontiers and to ensure their forwarding and transport from such frontiers, irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the same kind carried on Bulgarian territory under similar conditions of transport.

In particular, the transport of perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

ARTICLE 216. (A. 288 and 289.)

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on Bulgarian railways or navigable waterways for the benefit of Bulgarian ports or of any port of another Power.

Bulgaria may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Bulgaria to her own ports or the ports of any other Power.

ARTICLE 217.

Notwithstanding any contrary provision in existing conventions, Bulgaria undertakes to grant, on the lines most convenient for international transit, and subject to the tariffs in force, liberty of transit to telegraphic messages and telephone communications to or from any of the Allied and Associated Powers, whether contiguous or not. These messages and communications shall not be submitted to any unnecessary delays or restrictions, and shall be entitled in Bulgaria to national treatment as regards facilities and rapidity of transmission. No charge, facility or restriction shall depend either directly or indirectly on the nationality of the sender or addressee.

SECTION II.—NAVIGATION

Chapter I.—FREEDOM OF NAVIGATION.

B. 218. See A. 290, p. 285.

Chapter II.—CLAUSES RELATING TO THE DANUBE.

1. *General Clauses relating to River Systems declared International.*

B. 219. See H. 275, p. 282.

B. 220. See A. 292, p. 286.

ARTICLE 221. (A. 293, 1st par. only.)

Bulgarian vessels shall not be entitled to carry passengers or goods by regular services between the ports of any Allied or Associated Power without special authority from such Power.

Bulgaria undertakes to maintain, in favour of the Allied and Associated Powers and of their subjects, all the facilities enjoyed by them in Bulgarian ports before the war.

B. 222–3. See A. 294–5, p. 286.

B. 224. See A. 296, p. 286.

(Except that, 1st par., for A. 'waterways' read B. '*rivers*'.)

B. 225. See A. 297, pp. 286–7.

(Except that 1st par. for A. 'necessary measures' read B. '*suitable measures*'.)

B. 226. See A. 298, p. 287.

B. 227. See A. 299, p. 287.

(Except that for A. '292 and 294 to 298' read B. '*220 and 222 to 226*' and for A. '331' read B. '*248*'.)

B. 228. See H. 284, pp. 287–8.

(Except that for H. '275' read B. '*219*' and 4th par. for H. 'Wherever the cessions . . . change of ownership' read B. '*When the cessions provided for in the present Article necessitate the acquisition of property which was privately owned on October 15, 1918, or since that date*' and for H. 'States' read B. '*Powers*'.)

2. *Special Clauses relating to the Danube.*

B. 229. See A. 301, p. 288.

B. 230. See A. 302, p. 288.

(Except that for A. '291' read B. '*219*'.)

B. 231. See A. 303, p. 288.

(Except that for A. '292 and 294 to 298' read B. '*220 and 222 to 226*' and 3rd par. for A. 'expense' read B. 'expenses'.)

ARTICLE 232. (A. 304.)

Bulgaria agrees to accept the régime which shall be laid down for the Danube by the Powers nominated by the Allied and Associated Powers, at a Conference which shall meet within one year after the coming into force of the present Treaty, and at which Bulgarian representatives may be present.

B. 233–5. See A. 305–7, p. 289.

SECTION III.—RAILWAYS

Chapter I.—CLAUSES RELATING TO INTERNATIONAL TRANSPORT.

B. 236. See H. 295, pp. 290–1.

(Except that last par. A. is omitted 'However . . . German ports'.)

B. 237. See A. 313.

(Except that 1st par. for A. 'the present Article' read B. '*this Article*'.)

B. 238–40. See A. 314–6, p. 291.

Chapter II.—ROLLING-STOCK.

B. 241. See A. 317, p. 292.

Chapter III.—TRANSFER OF RAILWAY LINES.

ARTICLE 242. (A. 318.)

Subject to any special provisions concerning the transfer of ports, waterways and railways situated in the territory transferred under the present Treaty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the transfer of railways will take place under the following conditions:

(1) The works and installations of all the railroads shall be handed over complete and in good condition.

(2) Commissions of experts designated by the Allied and Associated Powers,

on which Bulgaria shall be represented, shall fix the proportion of the stock existing on the system to be handed over. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before September 29, 1918, to the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to ensure their repair in Bulgarian workshops.

(3) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

ARTICLE 243.

The establishment of all the new frontier stations between Bulgaria and the contiguous Allied and Associated States, as well as the working of the lines between these stations, shall be settled by agreements concluded between the railway administrations concerned. If the railway administrations are unable to come to an agreement the question shall be decided by Commissions of experts constituted as above.

Chapter IV.—TRANSITORY PROVISIONS.

ARTICLE 244. (A. 325.)

Bulgaria shall carry out the instructions in regard to transport given her by an authorised body acting on behalf of the Allied and Associated Powers:

(1) for the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use;

(2) as a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport and for the organisation of postal and telegraphic services.

SECTION IV.—DISPUTES AND REVISION OF PERMANENT CLAUSES

ARTICLE 245. (A. 328.)

Disputes which may arise between interested States with regard to the interpretation and application of this Part of the present Treaty shall be settled as provided by the League of Nations.

ARTICLE 246. (A. 329.)

At any time the League of Nations may recommend the revision of such of the above Articles as relate to a permanent administrative régime.

ARTICLE 247. (A. 330.)

The stipulations in Articles 212 to 218, 221, 236, and 238 to 240 shall be subject to revision by the Council of the League of Nations at any time after three years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of three years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of three years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

Section V.—SPECIAL PROVISION

Article 248. (A. 331.)

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Bulgaria undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.

PART XII.—LABOUR

B. Introduction and Arts. 249–289. See Vol. III, pp. 314–28.

PART XIII.—MISCELLANEOUS PROVISIONS

B. 290–1. See A. 373 and 375, pp. 297–9.

Annex.

See A., p. 297.

B. 292. See A. 374, p. 297.

B. 293. See A. 379, p. 300.

B. 294. See A. 376, p. 299.

B. 295. See A. 377, p. 299.

(Except that 2nd par. A. for 'will bar completely' read B. '*shall bar completely*'.)

Article 296. (First 2 pars. A. 378.)

Bulgaria accepts and recognises as valid and binding all decrees and orders concerning Bulgarian ships and Bulgarian goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any Bulgarian national.

The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of Bulgarian Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Bulgaria agrees to furnish copies of all the documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

With a view to minimising the losses arising from the sinking of ships and cargoes in the course of the war and to facilitating the recovery of ships and cargoes which can be salved and the adjustment of the private claims arising with regard thereto, the Bulgarian Government undertakes to supply all the information in their power which may be of assistance to the Governments of the Allied and Associated Powers or to their nationals with regard to vessels sunk or damaged by the Bulgarian naval forces during the period of hostilities.

The present Treaty, in French, in English, and in Italian, shall be ratified. In case of divergence, the French text shall prevail, except

in Parts I (Covenant of the League of Nations) and XII (Labour), where the French and English texts shall be of equal force.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Bulgaria on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbaux of the deposit of ratifications.

IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

Done at Neuilly-sur-Seine, the twenty-seventh day of November, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the signatory Powers.

(L.S.) FRANK L. POLK.
(L.S.) HENRY WHITE.
(L.S.) TASKER H. BLISS.
(L.S.) CECIL HARMSWORTH.
(L.S.) EYRE A. CROWE.
(L.S.) GEORGE H. PERLEY.
(L.S.) ANDREW FISHER.
(L.S.) THOMAS MACKENZIE.

(L.S.) R. A. BLANKENBERG.
(L.S.) EYRE A. CROWE.
(L.S.) G. CLEMENCEAU.
(L.S.) S. PICHON.
(L.S.) L.-L. KLOTZ.
(L.S.) ANDRÉ TARDIEU.
(L.S.) JULES CAMBON.

(L.S.) GUGLIELMO MARCONI.
(L.S.) G. DE MARTINO.
(L.S.) K. MATSUI.

(L.S.) J. VAN DEN HEUVEL.
(L.S.) ROLIN-JAEQUEMYNS.
(L.S.) VIKYUIN WELLINGTON KOO.

(L.S.) RAFAEL MARTINEZ ORTIZ.
(L.S.) ELEFTHÉRIOS VENIZELOS.
(L.S.) N. POLITIS.
(L.S.) M. RUSTEM HAIDAR.
(L.S.) AOUNI ABDUL-HADI.

(L.S.) L. GRABSKI.
(L.S.) ST. PATEK.
(L.S.) AFFONSO COSTA.
(L.S.) JAYME BATALHA REIS.

(L.S.) NIK. P. PACHITCH.
(L.S.) Dr. ANTE TRUMBIC.
(L.S.) Dr. IVAN ZOLGER.
(L.S.) CHAROON.

(L.S.) Dr. EDUARD BENES.
(L.S.) STEFAN OSUSKY.
(L.S.) AL. STAMBOLIISKI.

PROTOCOL

With a view to indicating precisely the conditions in which certain provisions of the Treaty of even date are to be carried out, it is agreed by the High Contracting Parties that:

(1) The list of persons to be handed over to the Allied and Associated Governments by Bulgaria under the second paragraph of Article 118 shall be communicated to the Bulgarian Government within a month from the coming into force of the Treaty;

(2) Proceedings will be taken against persons who have committed punishable offences in the liquidation of Bulgarian property, and the Allied and Associated Powers will welcome any information or evidence which the Bulgarian Government can furnish on this subject.

Done in French, in English and in Italian, of which the French text shall prevail in case of divergence, at Neuilly-sur-Seine, the twenty-seventh day of November, one thousand nine hundred and nineteen.

(Here follow signatures as above.)

CONCORDANCE OF THE ARTICLES IN THE AUSTRIAN, HUNGARIAN, AND BULGARIAN TREATIES

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208	191 (par. omitted)	—
209	192	—
210	193	Cf. 143 with pars. 2 and 3
211	194	—
212	195	144
213	196	145
214	197	146
215–16	198–9	—
Part X. *Economic Clauses.*	Part X. *Economic Clauses.*	Part IX. *Economic Clauses.*
Sec. I. *Commercial Relations.*	Sec. I. *Commercial Relations.*	Sec. I. *Commercial Relations.*
217–20	200–3	147–50
221	204	—
222	205	—
223	206	151 (2nd par. different)
224 (par. 1 not in H.)	207 (pars. 4 and 6 added)	—
—	208	—
225	209	153 (2 pars. added)
—	—	152
226	210 (1st 2 pars. = A. 226, last par. = A. 227)	154
227		155
228–31	211–14	156–9
232	215	160 (par. omitted)
233	216	161
Sec. II. *Treaties.*	Sec. II. *Treaties.*	Sec. II. *Treaties.*
234	217	162 and 167
235–6	218–19	163–4
237	220	Cf. 1st par. 166
—	—	165
238	221	—
239	222	166
240	223	167 (2) and (6)
241–7	224–30	168–74
—	—	175

AUSTRIA.	HUNGARY.	BULGARIA.
Sec. III. *Debts.*	Sec. III. *Debts.*	Sec. III. *Debts.*
248	231	176 (par. omitted)
Annex	Annex	Annex
Sec. IV. *Property, Rights, and Interests.*	Sec. IV. *Property, Rights, and Interests.*	Sec. IV. *Property, Rights, and Interests.*
249	232 (4 pars. added)	177
250	233	178
—	—	179
Annex	Annex	Annex (2nd par. (1) omitted)
Sec. V. *Contracts, Prescriptions, Judgements*	Sec. V. *Contracts, Prescriptions, Judgements.*	Sec. V. *Contracts, Prescriptions, Judgements.*
251	234	180
252–4	235–7	183–5
255	238	187
—	—	181–2 and 186
Annex	Annex	Annex ((c) 4 omitted)
Sec. VI. *Mixed Arbitral Tribunal.*	Sec. VI. *Mixed Arbitral Tribunal.*	Sec. VI. *Mixed Arbitral Tribunal.*
256	239	188
Annex	Annex	Annex
257	240	189
Sec. VII. *Industrial Property.*	Sec. VII. *Industrial Property.*	Sec. VII. *Industrial Property.*
258–9	241–2	190–1
260	243	—
261–2	244–5	192–3
—	—	195
Sec. VIII. *Special Provisions relating to Transferred Territory.*	Sec. VIII. *Special Provisions relating to Transferred Territory.*	Sec. VIII. *Special Provisions relating to Transferred Territory.*
263	246	196
264	247	194 (1st par.)
265	248	—
266	249 (2 pars. added)	197 (par. omitted)
267	250 (par. added)	—
268	251	—
269	252	200
270	253	—
—	—	201
271	254	—
272	255 (par. added)	—
273	256	—
274	257	194 (2nd par.) and 195
275	258	203
—	259	—
—	—	198, 199, 202
Part XI. *Aerial Navigation.*	Part XI. *Aerial Navigation.*	Part X. *Aerial Navigation.*
276–83	260–7	204–11

AUSTRIA.	HUNGARY.	BULGARIA.
Part XII. ***Ports, Waterways, and Railways.***	**Part XII.** ***Ports, Waterways, and Railways.***	**Part XI.** ***Ports, Waterways, and Railways.***
Sec. I. ***General Provisions.***	**Sec. I.** ***General Provisions.***	**Sec. I.** ***General Provisions.***
284–7	268–71	212–15
288	272	216
289	273	
—	—	217
Sec. II. ***Navigation.***	**Sec. II.** ***Navigation.***	**Sec. II.** ***Navigation***
290	274	218
291	275 (par. omitted)	219 (par. omitted)
292	276	220
293	277	221 (par. added)
294–300	278–84	222–8
301–3	285–7	229–31
304	288 (2 pars. added)	232
305–7	289–91	233–5
308	—	—
309	292 (1st par. + addition = A. 309, 2nd and 3rd pars. = A. 310)	—
310		—
—	293	—
Sec. III. ***Railways.***	**Sec. III.** ***Railways.***	**Sec. III.** ***Railways.***
311	294	—
312–16	295–9	236–40
317	300	241
318	301	242 (2 pars. omitted)
—	—	243
319	302 (2 pars. added)	—
320	304	—
321	—	—
322	306	—
323	307 (1st 2 pars. = A. 323, 3rd and 4th pars. = A. 324)	—
324		—
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325	308	244
326–7	309–10	—
Sec. IV. ***Disputes and Revision of Permanent Clauses.***	**Sec. IV.** ***Disputes and Revision of Permanent Clauses.***	**Sec. IV.** ***Disputes and Revision of Permanent Clauses.***
328–9	311–12	245–6
330	313	247 (par. omitted)
331	314	248
Part XIII. ***Labour.***	**Part XIII.** ***Labour.***	**Part XII.** ***Labour.***
Introductory	Introductory	Introductory
332–72	315–55	249–89

AUSTRIA.	HUNGARY.	BULGARIA.
Part XIV. *Miscellaneous Provisions.*	Part XIV. *Miscellaneous Provisions.*	Part XIII. *Miscellaneous Provisions.*
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374	357	292
375	358	291
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376	359	294
377	360	295
378	361	296 (par. added)
379	362	293
380	363	—
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APPENDICES

APPENDIX I

RECOMMENDATIONS OF THE ECONOMIC CONFERENCE OF THE ALLIES, HELD AT PARIS ON JUNE 14, 15, 16, AND 17, 1916[1]

I

THE representatives of the Allied Governments have met at Paris under the presidency of M. Clémentel, Minister of Commerce, on June 14, 15, 16, and 17, 1916, for the purpose of fulfilling the mandate given to them by the Paris Conference of March 28, 1916, of giving practical expression to their solidarity of views and interests, and of proposing to their respective Governments the appropriate measures for realizing this solidarity.

II

They declare that after forcing upon them the military contest in spite of all their efforts to avoid the conflict, the Empires of Central Europe are to-day preparing, in concert with their Allies, for a contest on the economic plane, which will not only survive the re-establishment of peace, but will at that moment attain its full scope and intensity.

III

They cannot therefore conceal from themselves that the agreements which are being prepared for this purpose between their enemies have the obvious object of establishing the domination of the latter over the production and the markets of the whole world and of imposing on other countries an intolerable yoke.

In face of so grave a peril the Representatives of the Allied Governments consider that it has become their duty, on grounds of necessary and legitimate defence, to adopt and realize from now onward all the measures requisite on the one hand to secure for themselves and for the whole of the markets of neutral countries full economic independence and respect for sound commercial practice, and on the other hand to facilitate the organization on a permanent basis of their economic alliance.

For this purpose the Representatives of the Allied Governments have decided to submit for the approval of those Governments the following resolutions :

[1] In French. *Parliamentary Papers*, 1916, Cd. 8271.

A

Measures for the War Period

I

The laws and regulations prohibiting trading with the enemy shall be brought into accord.

For this purpose:

A. The Allies will prohibit their own subjects and citizens and all persons residing in their territories from carrying on any trade with:

1. The inhabitants of enemy countries whatever their nationality.
2. Enemy subjects wherever resident.
3. Persons, firms and companies whose business is controlled wholly or partially by enemy subjects or is subject to enemy influence and whose names are included in a special list.

B. They will prohibit the importation into their territories of all goods originating in or coming from enemy countries.

C. They will devise means of establishing a system enabling contracts entered into with enemy subjects and injurious to national interests to be cancelled unconditionally.

II

Business undertakings owned or operated by enemy subjects in the territories of the Allies will all be sequestrated or placed under control; measures will be taken for the purpose of winding up some of these undertakings and of realizing their assets, the proceeds of such realization remaining sequestrated or under control.

III

In addition to the export prohibitions which are necessitated by the internal situation of each of the Allied countries, the Allies will complete the measures already taken for the restriction of enemy supplies, both in the mother countries and in the Dominions, Colonies and Protectorates:

1. By unifying the lists of contraband and of export prohibition, and particularly by prohibiting the export of all commodities declared absolute or conditional contraband;
2. By making the grant of licences for export to neutral countries from which export to enemy territories might take place conditional upon the existence in such countries of control organizations approved by the Allies; or, in the absence of such organizations, upon special guarantees such as the limitation of the quantities exported, supervision by Allied consular officers, etc.

B

Transitory Measures for the Period of Commercial, Industrial, Agricultural, and Maritime Reconstruction of the Allied Countries.

I

The Allies declare their common determination to ensure the re-establishment of the countries suffering from acts of destruction,

spoliation, and unjust requisition, and decide to join in devising means to secure the restoration to those countries, as a prior claim, of their raw materials, industrial and agricultural plant, stock, and mercantile fleet, or to assist them to re-equip themselves in these respects.

II

Whereas the war has put an end to all the treaties of commerce between the Allies and the Enemy Powers, and whereas it is of essential importance that, during the period of economic reconstruction which will follow the cessation of hostilities, the liberty of none of the Allies should be hampered by any claim put forward by the Enemy Powers to most-favoured-nation treatment, the Allies agree that the benefit of this treatment shall not be granted to those Powers during a number of years to be fixed by mutual agreement among themselves.

During this number of years the Allies undertake to assure to each other so far as possible compensatory outlets for trade in case consequences detrimental to their commerce result from the application of the undertaking referred to in the preceding paragraph.

III

The Allies declare themselves agreed to conserve for the Allied countries, before all others, their natural resources during the whole period of commercial, industrial, agricultural and maritime reconstruction, and for this purpose they undertake to establish special arrangements to facilitate the interchange of these resources.

IV

In order to defend their commerce, their industry, their agriculture and their navigation against economic aggression resulting from dumping or any other mode of unfair competition the Allies decide to fix by agreement a period of time during which the commerce of the enemy powers shall be submitted to special treatment and the goods originating in their countries shall be subjected either to prohibitions or to a special régime of an effective character.

The Allies will determine by agreement through diplomatic channels the special conditions to be imposed during the above-mentioned period on the ships of the enemy powers.

V

The Allies will devise the measures to be taken jointly or severally for preventing enemy subjects from exercising, in their territories, certain industries or professions which concern national defence or economic independence.

C

PERMANENT MEASURES OF MUTUAL ASSISTANCE AND COLLABORATION AMONG THE ALLIES.

I

The Allies decide to take the necessary steps without delay to render themselves independent of the enemy countries in so far as regards the raw materials and manufactured articles essential to the normal development of their economic activities.

These steps should be directed to assuring the independence of the Allies not only so far as concerns their sources of supply, but also as regards their financial, commercial and maritime organization.

The Allies will adopt the methods which seem to them most suitable for the carrying out of this resolution, according to the nature of the commodities and having regard to the principles which govern their economic policy.

They may, for example, have recourse either to enterprises subsidized, directed or controlled by the Governments themselves, or to the grant of financial assistance for the encouragement of scientific and technical research and the development of national industries and resources; to customs duties or prohibitions of a temporary or permanent character; or to a combination of these different methods.

Whatever may be the methods adopted, the object aimed at by the Allies is to increase production within their territories as a whole to a sufficient extent to enable them to maintain and develop their economic position and independence in relation to enemy countries.

II

In order to permit the interchange of their products, the Allies undertake to adopt measures for facilitating their mutual trade relations both by the establishment of direct and rapid land and sea transport services at low rates, and by the extension and improvement of postal, telegraphic, and other communications.

III

The Allies undertake to convene a meeting of technical delegates to draw up measures for the assimilation, so far as may be possible, of their laws governing patents, indications of origin and trade marks.

In regard to patents, trade marks, and literary and artistic copyright which have come into existence during the war in enemy countries, the Allies will adopt, so far as possible, an identical procedure, to be applied as soon as hostilities cease.

This procedure will be elaborated by the technical delegates of the Allies.

D

Whereas for the purposes of their common defence against the enemy the Allied Powers have agreed to adopt a common economic policy, on the lines laid down in the Resolutions which have been passed, and whereas it is recognized that the effectiveness of this policy depends absolutely upon these Resolutions being put into operation forthwith, the Representatives of the Allied Governments undertake to recommend their respective Governments to take without delay all the measures, whether temporary or permanent, requisite for giving full and complete effect to this policy forthwith, and to communicate to each other the decisions arrived at to attain that object.

APPENDIX II

REPARATION DOCUMENTS

Introduction. The whole question of Reparation was discussed at considerable length in Volume I (pp. 5–16, 424–7) and Volume II (pp. 309–13, 343, 351, 389, 397–404). It seems clear from the discussion over Reparation in the correspondence with the Austrian and Hungarian Delegations, more particularly with the Hungarian (see Vol. IV, Chap. VII, pp. 425–6) that the Allied and Associated Powers applied exactly the same principles of Reparation to Austria, Bulgaria, and Hungary as to Germany. 'It (the Hungarian Delegation) demands the suppression of these three paragraphs,[1] of which the disposition, according to it, is contrary to the fundamental principles proclaimed by President Wilson.

'The terms of Annex I are identical with those which have been inserted in the Treaties of Versailles, of St. Germain, of Neuilly, and the Allied and Associated Powers cannot permit any modification in the actual text, as Hungary advances no special reason peculiar to herself.' (Reply of Allied and Associated Powers to Hungarian Delegation, 6th May 1920.)

This passage would prove that Reparation is really defended in these three Treaties by the same principles as were applied to the German Treaty. Consequently, the whole question of the binding character of the pre-Armistice Agreement or of its subsequent modification by Article 19 of the Armistice Convention with Germany is of importance in relation to the three Treaties above mentioned. In Volume I (pp. 420–7) and Volume II (p. 402) it has been suggested that, as the Armistice Convention was the later instrument and an instrument signed by both parties, Clause 19 of that Convention must affect its interpretation. This interpretation depends a good deal on what the actual text of Clause 19 really is, which is still in dispute.

To make the matter clear we will first quote the relevant extract from the pre-Armistice Agreement and then Clause 19 of the Armistice.

The sentence defining damage in President Wilson's Note of the 5th November 1918, in reply to the Fourth German Note of the 27th October, which, he says, embodies a memorandum of observations by the Allied Governments, is as follows :

'Further, in the conditions of peace laid down in his Address to Congress of January 8, 1918, the President declared that the invaded territories must be restored as well as evacuated and freed, and the Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies.

By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air.

[1] That is, paragraphs 5, 6, and 7 of Annex I to Part VIII of the Hungarian Treaty which are identical with those in Annex I of Part VII of the German Treaty. See Vol. III, p. 219.

I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted.' . . .

The French version of Clause 19 of the Armistice Convention is the official text, but it is a remarkable fact that the French differs from the British and German official versions. The British official version contained in Misc. No. 25, 1918, Cd. 9212, runs as follows:

19. *Clauses financières.* Sous réserve de toute *renonciation* et réclamation ultérieure de la part des Alliés et des États-Unis.	19. *Financial Clauses.* With the reservation that any future *claims* and demands of the Allies and United States shall remain unaffected, the following financial conditions are required.
Réparation des dommages.	Reparation for damage done.

In the French official version the word 'renonciation', italicized in the above quotation, is given as 'revendication'.[1] 'Renonciation' is translated in the above quoted British official version by the word 'claims', which is obviously incorrect. In another translation (Army, Cmd. 53, 1919) this word is translated by 'concessions', which is accurate. The German official text published in Berlin, 1919, gives 'renonciation' with German equivalent as 'Verzicht'.[2] There is, therefore, a definite conflict of evidence. The French official version of the French text has 'revendication', which can be translated by the word

[1] Baruch, p. 321, gives a translation of a speech by M. Klotz, 15th February 1919, in which he quotes this clause as 'Reserving all subsequent claims and demands'. . . . M. Klotz is obviously quoting 'revendication'.

M. Tardieu also definitely states in *L'Illustration* of 6th November 1920 that the word 'revendication' was used. 'M. Klotz propose de mettre en tête de cette addition les mots: "Sous réserve de toutes revendications et réclamations ultérieures de la part des Alliés et des États-Unis." Il en est ainsi décidé.'

Mr. Baruch (p. 23) states that Clause 19 of the Armistice had the following words: 'With the reservation that any future claims and demands' . . . This may imply 'revendication' or be a mistranslation of 'renonciation'.

[2] *v. Deutsche Waffenstillstands-Commission*, p. 9. On pp. 18 and 19 they add the following important details as to the negotiations on the 9th and 10th November 1918.

German Objection to original text of Clause XIX.	*Foch's Reply.*
'The reservation that final financial arrangements are to be made in the Treaty of Peace is agreed to. Contrary thereto, it is admitted that the issue of the Belgian and Russian securities referred to is to take place during the time of the armistice, and that no securities are to be destroyed which might, at the time of peace negotiations, be made to contribute their quota towards meeting obligations.'	'The remarks made only refer to the agreement concerning these clauses. No alterations should therefore be made to the text.'

In each case the words here quoted are in German and are herewith translated into English. The original correspondence was presumably in French, and has not apparently been published.

'claims' in English. The British and German official versions have 'renonciation', which can be translated by the word 'concessions'. If the word 'revendication' is correct and Clause 19 of the Armistice Convention is really important as affecting the interpretation of the sentence defining damage to civilians in the 5th November Memorandum, the interpretation will be entirely different from what it would be if the word 'renonciation' is correct. It appears, therefore, a fact, though a surprising one, that the French, British, and German Governments are still disputing as to the text of the Armistice, and until this difference has been adjusted and until it has been agreed whether 'renonciation' or 'revendication' is correct there will be considerable doubt, not only as to the interpretation of this clause, but as to the actual text that it is necessary to interpret. The difficulty is increased by the fact that the first British official translation of 'renonciation' is obviously an error. Either the word is mistranslated or 'revendication' was in the original French text. The fact remains, failing correction, that the British and the German versions of the French text agree, though they are opposed to the French official version.

A great deal of light has recently been thrown on all these questions by the publication of Mr. Baruch's book on the *Making of the Reparation and Economic Sections of the Treaty*. One of the most important disclosures is that the President's advisers were divided in their opinion as to whether pensions came legally under the head of Reparation (p. 28), and the arguments of Mr. Dulles are given in full in the Appendix, as well as a speech of Mr. Hughes and of M. Klotz (pp. 289 and 337). According to Mr. Baruch the matter was eventually settled by a memorandum of General Smuts which convinced the Four that pensions were included in Reparation. 'The final argument that won the unanimous approval of what was known as the Big Four was a memorandum submitted by General Smuts' (p. 29). This is given below.

I

NOTE ON REPARATION BY GENERAL SMUTS [1]

The extent to which reparation can be claimed from Germany depends in the main on the meaning of the last reservation made by the Allies in their note to President Wilson, November 1918. That reservation was agreed to by President Wilson and accepted by the German Government in the armistice negotiations, and was in the following terms:

> 'Further, in the conditions of peace laid down in his address to Congress on January 8, 1918, the President declared that invaded territories must be restored, as well as evacuated and made free. The Allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that

[1] Quoted from B. M. Baruch, *The Making of the Reparation and Economic Sections of the Treaty*, New York and London, 1920, pp. 29–32. This Memorandum is given here as it was referred to in Vol. II, pp. 14, n. 2, and 45, n. 1. On p. 14, par. 2, line 7, for 'proposed by General Smuts' read 'advocated by'.

compensation will be made by Germany for all damage done to the civilian population of the Allies and to their property by the aggression of Germany by land, by sea, and from the air.'

In this reservation, a careful distinction must be made between the quotation from the President, which refers to the evacuation and restoration of the invaded territories, and the implication which the Allies find in that quotation and which they proceed to enunciate as a principle of general applicability. The Allies found in the President's provision for restoration of the invaded territories a general principle implied of far-reaching scope. This principle is that of compensation for all damage to the civilian population of the Allies in their persons or property, which resulted from the German aggression, and whether done on land or sea or from the air. By accepting this comprehensive principle (as the German Government did) they acknowledged their liability to compensation for all damage to the civilian population or their property wherever and however arising, so long as it was the result of German aggression. The President's limitation to restoration of the invaded territories only of some of the Allies was clearly abandoned.

The next question, is how to understand the phrase 'civilian population' in the above reservation, and it can be most conveniently answered by an illustration. A shopkeeper in a village in northern France lost his shop through enemy bombardment, and was himself badly wounded. He would be entitled as one of the civilian population to compensation for the loss of his property and for his personal disablement. He subsequently recovered completely, was called up for military service, and after being badly wounded and spending some time in the hospitals was discharged as permanently unfit. The expense he was to the French Government during this period as a soldier (his pay and maintenance, his uniform, rifle, ammunition, his keep in hospital, etc.) was not damage to a civilian, but military loss to his Government, and it is therefore arguable that the French Government cannot recover compensation for such expense under the above reservation. His wife, however, was during this period deprived of her bread-winner, and she, therefore, suffered damage as a member of the civilian population, for which she would be entitled to compensation. In other words, the separation allowances paid to her and her children during this period by the French Government would have to be made good by the German Government, as the compensation which the allowances represent was their liability. After the soldier's discharge as unfit, he rejoins the civilian population, and as for the future he cannot (in whole or in part) earn his own livelihood, he is suffering damage as a member of the civilian population, for which the German Government are again liable to make compensation. In other words, the pension for disablement which he draws from the French Government is really a liability of the German Government, which they must under the above reservation make good to the French Government. It could not be argued that as he was disabled while a soldier he does not suffer damage as a civilian after his discharge if he is unfit to do his ordinary work. He does literally suffer as a civilian after his discharge, and his

pension is intended to make good this damage, and is therefore a liability of the German Government. If he had been killed in active service, his wife as a civilian would have been totally deprived of her bread-winner, and would be entitled to compensation. In other words, the pension she would draw from the French Government would really be a liability of the German Government under the above reservation, and would have to be made good by them to the French Government.

The plain commonsense construction of the reservation therefore leads to the conclusion that, while direct war expenditure (such as the pay and equipment of soldiers, the cost of rifles, guns, and ordnance and all similar expenditures) could perhaps not be recovered from the Germans, yet disablement pensions to discharged soldiers, or pensions to widows and orphans, or separation allowances paid to their wives and children during the period of their military service are all items representing compensation to members of the civilian population for damage sustained by them, for which the German Government are liable. What was spent by the Allied Governments on the soldier himself, or on the mechanical appliances of war, might perhaps not be recoverable from the German Government under the reservation, as not being in any plain and direct sense damage to the civilian population. But what was, or is, spent on the citizen before he became a soldier or after he has ceased to be a soldier or at any time on his family, represents compensation for damage done to civilians and must be made good by the German Government under any fair interpretation of the above reservation. This includes all war pensions and separation allowances, which the German Government are liable to make good, in addition to reparation or compensation for all damage done to property of the Allied peoples. (Signed) J. C. SMUTS.

PARIS, 31*st March*, 1919.

II

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, FRANCE, GREECE, ITALY, JAPAN, NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM AND THE CZECHO-SLOVAK STATE, WITH REGARD TO THE CONTRIBUTIONS TO THE COST OF LIBERATION OF THE TERRITORIES OF THE FORMER AUSTRO-HUNGARIAN MONARCHY [1]

Signed at Saint-Germain-en-Laye, September 10, 1919.

The undersigned, duly authorised by their respective Governments, have agreed on the following provisions:

ARTICLE 1.

Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State, as States to which territory of the former Austro-Hun-

[1] Treaty Series (1919), No. 14.

garian Monarchy is transferred or States arising from the dismemberment of that Monarchy, severally agree to pay, as a contribution towards the expenses of liberating the said territories, sums not exceeding in the aggregate the equivalent of 1,500,000,000 fr. gold, the gold franc being taken as of the weight and fineness of gold as enacted by law on January 1, 1914.

ARTICLE 2.

The total amount of the contribution referred to in Article 1 shall be divided between the said States on the basis of the ratio between the average for the three financial years 1911, 1912 and 1913 of the revenues of the territories acquired by them from the former Austro-Hungarian Monarchy, the revenues of the provinces of Bosnia and Herzegovina being excluded from this calculation.

The revenues forming the basis for this calculation shall be those adopted by the Reparation Commission, in accordance with Article 203, Part IX (Financial Clauses) of the Treaty of Peace with Austria, as best calculated to represent the financial capacity of the respective territories. Nevertheless, in no case shall the sum paid by the Czecho-Slovak State exceed the sum of 750,000,000 fr. Should the contribution attributable to the Czecho-Slovak State exceed the sum of 750,000,000 fr., the difference between that sum and the sum of 750,000,000 fr. shall be in diminution of the aggregate sum of 1,500,000,000 fr. and shall not be attributable to the other States.

ARTICLE 3.

The amount due as above by each State for liberation, together with the value of the property and possessions of the former Austro-Hungarian Monarchy transferred to each of them, assessed in accordance with Article 207, Part IX (Financial Clauses) of the Treaty of Peace with Austria, shall be set off against the approved claims, if any, of these States for reparation.

ARTICLE 4.

If in the case of any of the above States the amount due for liberation and the value of property transferred is in excess of the approved reparation claims, that State shall, within three months of the notification to it by the Reparation Commission of the amount, if any, of its approved claims for reparation, issue bonds to the amount of this excess and shall deliver them to such person or body as the Governments of the United States of America, the British Empire, France and Italy may designate.

The above bonds shall be to bearer, principal and interest being payable by the issuing State without deduction for any tax or charge imposed by it or under its authority. The bonds shall bear interest at the rate of 5 per cent. per annum, payable half-yearly, beginning on January 1, 1926. They shall be repaid in twenty-five equal annual drawings, beginning on January 1, 1931. The issuing State, however, may, at its option, redeem all or part of the bonds issued by it at par

and accrued interest at any time, provided ninety days' notice of its intention so to do is given to the Governments of the United States of America, the British Empire, France and Italy.

ARTICLE 5.

In the case of those States whose approved claims for reparation are in excess of the amount due for liberation and the value of property transferred, the amount chargeable to these States in accordance with Article 3 shall be reckoned as payments by way of reparation, and no further payments on account of reparation shall be made to them until the other States to which reparation is due shall have received payments on account of a like proportion of their approved claims for reparation.

Done in French, in English and in Italian, of which in case of divergence the French text shall prevail, at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen.

FRANK L. POLK.
HENRY WHITE.
TASKER H. BLISS.
HYMANS.
J. VAN DEN HEUVEL.
E. VANDERVELDE.
ARTHUR JAMES BALFOUR.
MILNER.
GEO. N. BARNES.
A. E. KEMP.
G. F. PEARCE.
MILNER.
THOS. MACKENZIE.
SINHA OF RAIPUR.

S. CHINDA.
K. MATSUI.
H. IJUIN.
SALVADOR CHAMORRO.
ANTONIO BURGOS.

CHAROON.
TRAIDOS PRABANDHU.

J. R. LOUTSENGTSIANG.
CHENGTING THOMAS WANG.
ANTONIO S. DE BUSTAMANTE.
G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
ANDRÉ TARDIEU.
JULES CAMBON.
N. POLITIS.
A. ROMANOS.
TOM. TITTONI.
VITTORIO SCIALOJA.
MAGGIORINO FERRARIS.
GUGLIELMO MARCONI.

I. J. PADEREWSKI.
ROMAN DMOWSKI.
AFFONSO COSTA.
AUGUSTO SOARES.

D. KAREL KRAMAR.
DR. EDUARD BENES.

III

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE, CHINA, CUBA, FRANCE, GREECE, ITALY, JAPAN, NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM AND THE CZECHO-SLOVAK STATE, WITH REGARD TO THE ITALIAN REPARATION PAYMENTS [1]

Signed at Saint-Germain-en-Laye, September 10, 1919.

The Undersigned, duly authorised by their respective Governments, have taken note of the declaration made by Italy in Article 1 of the present Agreement, and have agreed on the subsequent provisions :

ARTICLE 1.

Italy declares that she has made the great t sacrifices and borne the heaviest financial burdens in the war waged for the liberation of Italian territory remaining subject to the former Austro-Hungarian Monarchy, and for the other lofty aims of the Allied and Associated Powers ;

That, in addition, the territories ceded to Italy have sacrificed, as a result of the Treaty of Peace with Austria, a large proportion of their wealth, and that they have already contributed in other ways to the reparation of the damage caused by the war in which they have so cruelly suffered ;

That, nevertheless, with the object of facilitating an agreement between the States arising from the dismemberment of Austria-Hungary, or acquiring territories of the former Monarchy, as to the contribution to be made by them towards the cost of liberating the territories of the former Austro-Hungarian Monarchy and of reparation, Italy agrees to contribute to these expenses in the manner provided in the present Agreement.

ARTICLE 2.

Italy, as a State acquiring territory formerly part of the Austro-Hungarian Monarchy, agrees, on account of such acquisition, to be debited against her approved claims for reparation under the Treaties of Peace concluded with Germany, Austria, and the Powers which fought upon their side, with a sum in gold francs (the gold franc being taken as of the weight and fineness of gold as enacted by law on January 1, 1914) to be calculated as set out in Article 3 below.

ARTICLE 3.

The ratio between the sum to be debited to Italy in accordance with Article 2 and the sum of 1,500,000,000 fr. gold (or between such sum and the total amount of the contributions to be made by Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State, if this amount is less than 1,500,000,000 fr. gold, as provided in the Agreement of even date between the same High Contracting Parties)

[1] Treaty Series (1919), No. 15.

shall be the same as the ratio between the average revenues for the three financial years 1911, 1912, 1913 of the territory transferred to Italy and the average revenues for the same years of the whole of the territories of the former Austro-Hungarian Monarchy transferred, whether to Italy or to the other Powers mentioned above, under the Treaties of Peace with Austria and Hungary. It is understood, however, that the revenues of the provinces of Bosnia and Herzegovina shall be excluded from this calculation.

The revenues serving as the basis of this calculation shall be those accepted by the Reparation Commission, in accordance with the provisions of Article 208, Part IX (Financial Clauses) of the Treaty of Peace with Austria, as best representing the financial capacity of the respective territories.

ARTICLE 4.

The sum so calculated, together with the value of the property and possessions of the former Austro-Hungarian Monarchy transferred to Italy, assessed in accordance with Article 207, Part IX (Financial Clauses) of the Treaty of Peace with Austria, shall be set off against the approved claims of Italy for reparation. The total of these two sums shall be reckoned as payments by way of reparation, and no further payments shall be made to Italy on account of reparation until the other States to which reparation is due shall have received payments on account of a like proportion of their approved claims for reparation.

Done in French, in English, and in Italian, of which in case of divergence the French text shall prevail, at Saint-Germain-en-Laye, the tenth day of September, 1919, one thousand nine hundred and nineteen.

FRANK L. POLK.
HENRY WHITE.
TASKER H. BLISS.
HYMANS.
J. VAN DEN HEUVEL.
E. VANDERVELDE.
ARTHUR JAMES BALFOUR.
MILNER.
GEO. N. BARNES.
A. E. KEMP.
G. F. PEARCE.
MILNER.
THOS. MACKENZIE.
SINHA OF RAIPUR.

S. CHINDA.
K. MATSUI.
H. IJUIN.
SALVADOR CHAMORRO.

CHAROON.
TRAIDOS PRABANDHU.

J. R. LOUTSENGTSIANG.
CHENGTING THOMAS WANG.
ANTONIO S. DE BUSTAMANTE.
G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
ANDRÉ TARDIEU.
JULES CAMBON.
N. POLITIS.
A. ROMANOS.
TOM. TITTONI.
VITTORIO SCIALOJA.
MAGGIORINO FERRARIS.
GUGLIELMO MARCONI.

ANTONIO BURGOS.
I. J. PADEREWSKI.
ROMAN DMOWSKI.
AFFONSO COSTA.

D. KAREL KRAMAR.
Dr. EDUARD BENES.

IV

DECLARATION MODIFYING THE AGREEMENT OF SEPTEMBER 10, 1919, BETWEEN THE ALLIED AND ASSOCIATED POWERS WITH REGARD TO THE CONTRIBUTIONS TO THE COST OF LIBERATION OF THE TERRITORIES OF THE FORMER AUSTRO-HUNGARIAN MONARCHY [1]

Signed in Paris, December 8. 1919.

The United States of America, Belgium, the British Empire, China, Cuba, France, Greece, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Siam and the Czecho-Slovak State, Powers who have signed the Agreement concluded on September 10, 1919, at Saint-Germain-en-Laye, with regard to the contributions to the cost of liberation of the territories of the former Austro-Hungarian Monarchy, and the Serb-Croat-Slovene State, which by an Act dated December 5, 1919, has acceded to the said Agreement subject to the modifications which are the subject of the present Declaration,

Have agreed to modify the Agreement referred to above as follows :

Articles 4 and 5 are replaced by the following provisions :

ARTICLE 4.

Each of the said States shall, within three months after being requested by the Reparation Commission so to do, issue bonds to the amount of the sum due by such State for liberation and the value of property transferred, and shall deliver them to such person or body as the Governments of the United States of America, the British Empire, France and Italy may designate.

The above bonds shall be to bearer, principal and interest being payable by the issuing State without deduction for any tax or charge imposed by it or under its authority. The bonds shall bear interest at the rate of 5 per cent. per annum payable half yearly, beginning on January 1, 1926. They shall be repaid in twenty-five equal annual drawings, beginning on January 1, 1931. The issuing State, however, may, at its option, redeem all or part of the bonds issued by it at par and accrued interest at any time, provided ninety days' notice of its intention so to do is given to the Governments of the United States of America, the British Empire, France and Italy.

As and when payments on such bonds fall due, the Reparation Commission shall retain, against the sums due to each of [2] States concerned for reparation, the sums required for interest and amortization.

Plenipotentiaries who in consequence of their temporary absence from Paris have not signed the present Declaration may do so up to December 20, 1919.

[1] Treaty Series (1920), No. 7.
[2] The word ' the ' is evidently omitted.

Made in French, in English and in Italian, of which in case of divergence the French text shall prevail, at Paris, the eighth day of December one thousand nine hundred and nineteen.

FRANK L. POLK.
ROLIN-JAEQUEMYNS.
EYRE A. CROWE.
GEORGE H. PERLEY.
ANDREW FISHER.
THOMAS MACKENZIE.
R. A. BLANKENBERG.
VIKYUIN WELLINGTON KOO.
RAFAEL MARTINEZ ORTIZ.

R. A. AMADOR.

AFFONSO COSTA.

NIK. P. PACHITCH.
DR. ANTE TRUMBIC.

G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
ANDRÉ TARDIEU.
JULES CAMBON.
A. ROMANOS.
G. DE MARTINO.
K. MATSUI.

CHAROON.

DR. IVAN ZOLGER.

DECLARATION MODIFYING THE [1] AGREEMENT OF SEPTEMBER 10, 1919, BETWEEN THE ALLIED AND ASSOCIATED POWERS WITH REGARD TO THE ITALIAN REPARATION PAYMENTS [2]

Signed in Paris, December 8, 1919.

The United States of America, Belgium, the British Empire, China, Cuba, France, Greece, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Siam and the Czecho-Slovak State, Powers who have signed the Agreement concluded on September 10, 1919, at Saint-Germain-en-Laye with regard to the Italian reparation payments, and the Serb-Croat-Slovene State, which by an Act dated December 5, 1919, has acceded to the said Agreement subject to the modifications which are the subject of the present Declaration,

Have agreed to modify the Agreement referred to above as follows:

Article 4 is replaced by the following provision:

ARTICLE 4.

The sum so calculated, together with the value of the property and possessions of the former Austro-Hungarian Monarchy transferred to Italy, assessed in accordance with Article 208, Part IX (Financial

[1] For the text of this Agreement see Treaty Series 1919, No. 15, *supra* p. 377.
[2] Treaty Series (1920), No. 9, Cmd. 639.

Clauses) of the Treaty of Peace with Austria, shall be set off against the approved claims of Italy for reparation.

Italy shall, within three months after being requested by the Reparation Commission so to do, issue bonds to the amount of these two sums, and shall deliver them to such person or body as the Governments of the United States of America, the British Empire, France and Italy may designate.

The above bonds shall be to bearer, principal and interest being payable by Italy without deduction for any tax or charge imposed by her or under her authority. The bonds shall bear interest at the rate of 5 per cent. per annum payable half yearly, beginning on January 1, 1926. They shall be repaid in twenty-five equal annual drawings, beginning on January 1, 1931. Italy may, however, at her option, redeem all or part of the bonds issued by her at par and accrued interest at any time, provided ninety days' notice of her intention so to do is given to the Governments of the United States of America, the British Empire and France.

As and when payments on such bonds fall due, the Reparation Commission shall retain, against the sums due to Italy for reparation, the sums required for interest and amortization.

Plenipotentiaries who in consequence of their temporary absence from Paris have not signed the present Declaration may do so up to December 20, 1919.

Made in French, in English, and in Italian, of which in case of divergence the French text shall prevail, at Paris, the eighth day of December one thousand nine hundred and nineteen.

FRANK L. POLK.
ROLIN-JAEQUEMYNS.
EYRE A. CROWE.
GEORGE H. PERLEY.
ANDREW FISHER.
THOMAS MACKENZIE.
R. A. BLANKENBERG.
EYRE A. CROWE.
VIKYUIN WELLINGTON KOO.

RAFAEL MARTINEZ ORTIZ.
G. CLEMENCEAU.
S. PICHON.
L. L. KLOTZ.
ANDRÉ TARDIEU.
JULES CAMBON.
A. ROMANOS.
G. DE MARTINO.
K. MATSUI.

R. A. AMADOR.

AFFONSO COSTA.

CHAROON.

NIK. P. PACHITCH.
DR. ANTE TRUMBIC.

DR. IVAN ZOLGER.

VI

DECLARATION OF ACCESSION BY THE SERB-CROAT-SLOVENE STATE TO THE TREATY OF PEACE WITH AUSTRIA, THE TREATY BETWEEN THE PRINCIPAL ALLIED AND ASSOCIATED POWERS AND THE SERB-CROAT-SLOVENE STATE, AND THE AGREEMENTS WITH REGARD TO THE ITALIAN REPARATION PAYMENTS AND THE CONTRIBUTIONS TO THE COST OF LIBERATION OF THE TERRITORIES OF THE FORMER AUSTRO-HUNGARIAN EMPIRE [1]

Signed in Paris, December 5, 1919.

Les Soussignés, Délégués plénipotentiaires de Sa Majesté le Roi des Serbes-Croates-Slovènes, agissant en vertu de leurs pleins pouvoirs dûment reconnus bons et valables, déclarent que Sa Majesté le Roi des Serbes-Croates-Slovènes accède, au nom de l'État Serbe-Croate-Slovène, sans aucune condition ni réserve :

1° Aux Traité de Paix, Protocole et Déclaration, signés à Saint-Germain-en-Laye, le 10 septembre 1919, par les États-Unis d'Amérique, l'Empire Britannique, la France, l'Italie, le Japon, Principales Puissances alliées et associées, la Belgique, la Chine, Cuba, la Grèce, le Nicaragua, le Panama, la Pologne, le Portugal, le Siam et la Tchéco-Slovaquie, Puissances alliées et associées, d'une part ; et l'Autriche, d'autre part ;

2° Au Traité entre les Principales Puissances alliées et associées et l'État Serbe-Croate-Slovène, signé à Saint-Germain-en-Laye, le 10 septembre 1919, par les États-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon ;

(Translation.)

The Undersigned, Plenipotentiaries of His Majesty the King of the Serbs, Croats and Slovenes, acting in virtue of their full powers duly recognised as good and valid, declare that His Majesty the King of the Serbs, Croats and Slovenes accedes in the name of the Serb-Croat-Slovene State, without any condition or reservation :

1. To the [2] Treaty of Peace, Protocol and Declaration signed at Saint-Germain-en-Laye, the 10th September, 1919, by the United States of America, the British Empire, France, Italy, Japan, Principal Allied and Associated Powers, Belgium, China, Cuba, Greece, Nicaragua, Panama, Poland, Portugal, Siam and Czecho-Slovakia, Allied and Associated Powers, of the one part ; and Austria, of the other part ;

2. To the [3] Treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, signed at Saint-Germain-en-Laye, the 10th September, 1919, by the United States of America, the British Empire, France, Italy and Japan ;

[1] Treaty Series (1920), No. 8.
[2] Treaty Series (1919), No. 11, *supra* p. 177.
[3] Treaty Series (1919), No. 17, *infra* p. 446.

3° A l'Arrangement relatif au compte des réparations en ce qui concerne l'Italie, signé à Saint-Germain-en-Laye, le 10 septembre 1919, par les États-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, Cuba, la France, la Grèce, l'Italie, le Japon, le Nicaragua, le Panama, la Pologne, le Portugal, le Siam et l'État Tchéco-Slovaque ; sous réserve des modifications qui, agréées, à la date de ce jour, par les États-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon, feront l'objet d'une déclaration spéciale ;

4° A l'Arrangement concernant la contribution aux dépenses de libération des territoires de l'ancienne monarchie austro-hongroise, signé à Saint-Germain-en-Laye, le 10 septembre 1919, par les États-Unis d'Amérique, la Belgique, l'Empire Britannique, la Chine, Cuba, la France, la Grèce, l'Italie, le Japon, le Nicaragua, le Panama, la Pologne, le Portugal, le Siam et l'État Tchéco-Slovaque ; sous réserve des modifications qui, agréées, à la date de ce jour, par les États-Unis d'Amérique, l'Empire Britannique, la France, l'Italie et le Japon, feront l'objet d'une déclaration spéciale.

En foi de quoi les soussignés ont signé la présente Déclaration d'accession et y ont apposé leurs cachets.

Fait à Paris, le cinq décembre mil neuf cent dix-neuf.

(L.S.) NIK. P. PACHITCH.
(L.S.) Dr. ANTE TRUMBIC.
(L.S.) Dr. IVAN ZOLGER.

3. To the [1] Agreement with regard to the Italian reparation payments signed at Saint-Germain-en-Laye, the 10th September, 1919, by the United States of America, Belgium, the British Empire, China, Cuba, France, Greece, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Siam and the Czecho-Slovak State ; subject to the modifications which, accepted on this date by the United States of America, the British Empire, France, Italy and Japan, will form the subject of a special declaration ;

4. To the [2] Agreement with regard to the contributions to the cost of liberation of the territories of the former Austro-Hungarian Monarchy, signed at Saint-Germain-en-Laye, the 10th September, 1919, by the United States of America, Belgium, the British Empire, China, Cuba, France, Greece, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Siam and the Czecho-Slovak State, subject to the modifications which, accepted on this day by the United States of America, the British Empire, France, Italy and Japan, will form the subject of a special declaration.

In faith whereof the undersigned have signed the present Declaration and have affixed thereto their seals.

Done at Paris, the fifth day of December one thousand nine hundred and nineteen.

(L.S.) NIK. P. PACHITCH.
(L.S.) Dr. ANTE TRUMBIC.
(L.S.) Dr. IVAN ZOLGER.

[1] Treaty Series (1919), No. 15, *supra* p. 377.
[2] Treaty Series (1919), No. 14, *supra* p. 374.

APPENDIX III

YUGO-SLAV DOCUMENTS

I

AGREEMENT BETWEEN FRANCE, RUSSIA, GREAT BRITAIN AND ITALY [1]

Signed in London, April 26, 1915.

D'ORDRE de son Gouvernement, le Marquis Impériali, Ambassadeur de Sa Majesté le Roi d'Italie, a l'honneur de communiquer au Très Honorable Sir Edward Grey, Principal Secrétaire d'État de Sa Majesté britannique pour les Affaires Étrangères, et à leurs Excellences M. Paul Cambon, Ambassadeur de la République française, et M. le Comte de Benckendorff, Ambassadeur de Sa Majesté l'Empereur de Toutes les Russies, le mémorandum suivant :

Mémorandum.

ARTICLE 1er.

Une convention militaire sera immédiatement conclue entre les états-majors généraux de la France, de la Grande-Bretagne, de l'Italie et de la Russie ; cette convention fixera le minimum des forces militaires que la Russie devra employer contre l'Autriche-Hongrie afin d'empêcher cette Puissance de concentrer tous ses efforts contre l'Italie, dans le cas où la Russie déciderait de porter son principal effort contre l'Allemagne.

La convention militaire réglera la question des armistices, qui relève essentiellement du commandement en chef des armées.

BY Order of his Government the Marquis Imperiali, Ambassador of His Majesty the King of Italy, has the honour to communicate to the Rt. Hon. Sir Edward Grey, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, and to their Excellencies M. Paul Cambon, Ambassador of the French Republic, and to Count de Benckendorff, Ambassador of His Majesty the Emperor of All the Russias, the following memorandum :

Memorandum.

ARTICLE 1.

A military convention shall be immediately concluded between the General Staffs of France, Great Britain, Italy and Russia. This convention shall settle the minimum number of military forces to be employed by Russia against Austria-Hungary in order to prevent that Power from concentrating all its strength against Italy, in the event of Russia deciding to direct her principal effort against Germany.

This military convention shall settle question of armistices, which necessarily comes within the scope of the Commanders-in-chief of the Armies.

White Paper, Misc. No. 7 (1920).

ARTICLE 2.

De son côté, l'Italie s'engage à employer la totalité de ses ressources à poursuivre la guerre en commun avec la France, la Grande-Bretagne et la Russie contre tous leurs ennemis.

ARTICLE 3.

Les flottes de la France et de la Grande-Bretagne donneront leur concours actif et permanent à l'Italie jusqu'à la destruction de la flotte austro-hongroise ou jusqu'à la conclusion de la paix.

Une convention navale sera immédiatement conclue à cet effet entre la France, la Grande-Bretagne et l'Italie.

ARTICLE 4.

Dans le traité de paix, l'Italie obtiendra le Trentin, le Tyrol cisalpin avec sa frontière géographique et naturelle (la frontière du Brenner), ainsi que Trieste, les comtés de Gorizia et de Gradisca, toute l'Istrie jusqu'au Quarnero et y compris Volosca et les îles istriennes de Cherso, Lussin, de même que les petites îles de Plavnik, Unie, Canidole, Palazzuoli, San Pietro di Nembi, Asinello, Gruica, et les îlots voisins.

Note.

La frontière nécessaire pour assurer l'exécution de l'article 4 sera tracée comme suit :

Du Piz Umbrail jusqu'au nord du Stelvio, elle suivra la crête des Alpes rhétiennes jusqu'aux sources de l'Adige et de l'Eisach, passant alors sur les monts Reschen et Brenner et sur les hauteurs de l'Oetz et du Ziller. La frontière ensuite se dirigera vers le sud,

ARTICLE 2.

On her part, Italy undertakes to use her entire resources for the purpose of waging war jointly with France, Great Britain and Russia against all their enemies.

ARTICLE 3.

The French and British fleets shall render active and permanent assistance to Italy until such time as the Austro-Hungarian fleet shall have been destroyed or until peace shall have been concluded.

A naval convention shall be immediately concluded to this effect between France, Great Britain and Italy.

ARTICLE 4.

Under the Treaty of Peace, Italy shall obtain the Trentino, Cisalpine Tyrol with its geographical and natural frontier (the Brenner frontier), as well as Trieste, the counties of Gorizia and Gradisca, all Istria as far as the Quarnero and including Volosca and the Istrian islands of Cherso and Lussin, as well as the small islands of Plavnik, Unie, Canidole, Palazzuoli, San Pietro di Nembi, Asinello, Gruica, and the neighbouring islets.

Note.

The frontier required to ensure execution of Article 4 hereof shall be traced as follows :

From the Piz Umbrail as far as north of the Stelvio, it shall follow the crest of the Rhetian Alps up to the sources of the Adige and the Eisach, then following the Reschen and Brenner mountains and the Oetz and Ziller heights. The frontier shall then bend

Adriatique (dans la région intéressant la Serbie et le Monténégro), toute la côte du cap Planka jusqu'à la rivière Drin, avec les ports importants de Spalato, Raguse, Cattaro, Antivari, Dulcigno et Saint-Jean de Medua et les îles de Zirona Grande, Zirona Piccola, Bua, Solta, Brazza, Jaclian et Calamotta. Le port de Durazzo resterait attribué à l'État indépendant musulman d'Albanie.

ARTICLE 6.

L'Italie recevra l'entière souveraineté sur Vallona, l'île de Sasseno et un territoire suffisamment étendu pour assurer la défense de ces points (depuis Voïussa au nord et à l'est, approximativement jusqu'à la frontière septentrionale du district de Chimaru au sud).

ARTICLE 7.

Si l'Italie obtient le Trentin et l'Istrie conformément aux termes de l'article 4, la Dalmatie et les îles de l'Adriatique dans les limites indiquées dans l'article 5, et la baie de Vallona (article 6), et si la partie centrale de l'Albanie est réservée pour la constitution d'un petit État autonome neutralisé, elle ne s'opposera pas à ce que les parties septentrionale et méridionale de l'Albanie soient, si tel est le désir de la France, de la Grande-Bretagne et de la Russie, partagées entre le Monténégro, la Serbie et la Grèce. La côte à partir de la frontière méridionale de la possession italienne de Vallona (voyez l'article 6) jusqu'au cap Stylos sera neutralisée.

L'Italie sera chargée de représenter l'État d'Albanie dans ses relations avec l'étranger.

Lower Adriatic (in the region affecting Serbia and Montenegro) the whole coast from Cape Planka as far as the River Drin, with the important harbours of Spalato, Ragusa, Cattaro, Antivari, Dulcigno and St. Jean de Medua and the islands of Greater and Lesser Zirona, Bua, Solta, Brazza, Jaclian and Calamotta. The port of Durazzo to be assigned to the independent Moslem State of Albania.

ARTICLE 6.

Italy shall receive full sovereignty over Valona, the island of Saseno and surrounding territory of sufficient extent to assure defence of these points (from the Voïussa to the north and east, approximately to the northern boundary of the district of Chimara on the south).

ARTICLE 7.

Should Italy obtain the Trentino and Istria in accordance with the provisions of Article 4, together with Dalmatia and the Adriatic islands within the limits specified in Article 5, and the Bay of Valona (Article 6), and if the central portion of Albania is reserved for the establishment of a small autonomous neutralised State, Italy shall not oppose the division of Northern and Southern Albania between Montenegro, Serbia and Greece, should France, Great Britain and Russia so desire. The coast from the southern boundary of the Italian territory of Valona (see Article 6) up to Cape Stylos shall be neutralised.

Italy shall be charged with the representation of the State of Albania in its relations with foreign Powers.

L'Italie accepte, d'autre part, de laisser dans tous les cas à l'est de l'Albanie un territoire suffisant pour assurer l'existence d'une frontière commune à la Grèce et à la Serbie à l'ouest du lac d'Ochrida.

Italy agrees, moreover, to leave sufficient territory in any event to the east of Albania to ensure the existence of a frontier line between Greece and Serbia to the west of Lake Ochrida.

ARTICLE 8.

L'Italie recevra l'entière souveraineté sur les îles du Dodécanèse qu'elle occupe actuellement.

ARTICLE 8.

Italy shall receive entire sovereignty over the Dodecanese Islands which she is at present occupying.

ARTICLE 9.

D'une manière générale, la France, la Grande-Bretagne et la Russie reconnaissent que l'Italie est intéressée au maintien de l'équilibre dans la Méditerranée et qu'elle devra, en cas de partage total ou partiel de la Turquie d'Asie, obtenir une part équitable dans la région méditerranéenne avoisinant la province d'Adalia où l'Italie a déjà acquis des droits et des intérêts qui ont fait l'objet d'une convention italo-britannique. La zone qui sera éventuellement attribuée à l'Italie sera délimitée, le moment venu, en tenant compte des intérêts existants de la France et de la Grande-Bretagne.

Les intérêts de l'Italie seront également pris en considération dans le cas où l'intégrité territoriale de l'Empire ottoman serait maintenue et où des modifications seraient faites aux zones d'intérêt des Puissances.

Si la France, la Grande-Bretagne et la Russie occupent des territoires de la Turquie d'Asie pendant la durée de la guerre, la région méditerranéenne avoisinant la province d'Adalia dans les limites indiquées ci-dessus sera réservée à l'Italie, qui aura le droit de l'occuper.

ARTICLE 9.

Generally speaking, France, Great Britain and Russia recognise that Italy is interested in the maintenance of the balance of power in the Mediterranean and that, in the event of the total or partial partition of Turkey in Asia, she ought to obtain a just share of the Mediterranean region adjacent to the province of Adalia, where Italy has already acquired rights and interests which formed the subject of an Italo-British convention. The zone which shall eventually be allotted to Italy shall be delimited, at the proper time, due account being taken of the existing interests of France and Great Britain.

The interests of Italy shall also be taken into consideration in the event of the territorial integrity of the Turkish Empire being maintained and of alterations being made in the zones of interest of the Powers.

If France, Great Britain and Russia occupy any territories in Turkey in Asia during the course of the war, the Mediterranean region bordering on the Province of Adalia within the limits indicated above shall be reserved to Italy, who shall be entitled to occupy it.

ARTICLE 10.

L'Italie sera substituée en Lybie aux droits et privilèges appartenant actuellement au Sultan en vertu du Traité de Lausanne.

ARTICLE 11.

L'Italie recevra une part correspondant à ses efforts et à ses sacrifices dans l'indemnité de guerre éventuelle.

ARTICLE 12.

L'Italie déclare s'associer à la déclaration faite par la France, la Grande-Bretagne et la Russie à l'effet de laisser l'Arabie et les lieux saints musulmans en Arabie sous l'autorité d'un pouvoir musulman indépendant.

ARTICLE 13.

Dans le cas où la France et la Grande-Bretagne augmenteraient leurs domaines coloniaux d'Afrique aux dépens de l'Allemagne, ces deux Puissances reconnaissent en principe que l'Italie pourrait réclamer quelques compensations équitables, notamment dans le règlement en sa faveur des questions concernant les frontières des colonies italiennes de l'Érythrée, de la Somalie et de la Lybie, et des colonies voisines de la France et de la Grande-Bretagne.

ARTICLE 14.

La Grande-Bretagne s'engage à faciliter la conclusion immédiate, dans des conditions équitables, d'un emprunt d'au moins £50,000,000 à émettre sur le marché de Londres.

ARTICLE 15.

La France, la Grande-Bretagne et la Russie appuieront l'opposition que l'Italie formera à toute

ARTICLE 10.

All rights and privileges in Libya at present belonging to the Sultan by virtue of the Treaty of Lausanne are transferred to Italy.

ARTICLE 11.

Italy shall receive a share of any eventual war indemnity corresponding to her efforts and her sacrifices.

ARTICLE 12.

Italy declares that she associates herself in the declaration made by France, Great Britain and Russia to the effect that Arabia and the Moslem Holy Places in Arabia shall be left under the authority of an independent Moslem Power.

ARTICLE 13.

In the event of France and Great Britain increasing their colonial territories in Africa at the expense of Germany, those two Powers agree in principle that Italy may claim some equitable compensation, particularly as regards the settlement in her favour of the questions relative to the frontiers of the Italian colonies of Eritrea, Somaliland and Libya and the neighbouring colonies belonging to France and Great Britain.

ARTICLE 14.

Great Britain undertakes to facilitate the immediate conclusion, under equitable conditions, of a loan of at least 50,000,000*l.* to be issued on the London market.

ARTICLE 15.

France, Great Britain and Russia shall support such opposition as Italy may make to any

proposition tendant à introduire un représentant du Saint-Siège dans toutes les négociations pour la paix et pour le règlement des questions soulevées par la présente guerre.

ARTICLE 16.

Le présent arrangement sera tenu secret. L'adhésion de l'Italie à la déclaration du 5 septembre 1914 sera seule rendue publique aussitôt après la déclaration de guerre par ou contre l'Italie.

Après avoir pris acte du mémorandum ci-dessus, les représentants de la France, de la Grande-Bretagne et de la Russie, dûment autorisés à cet effet, ont conclu avec le représentant de l'Italie, également autorisé par son Gouvernement, l'accord suivant :

La France, la Grande-Bretagne et la Russie, donnent leur plein assentiment au mémorandum présenté par le Gouvernement italien.

Se référant aux articles 1er, 2 et 3 du mémorandum, qui prévoient la coopération militaire et navale des quatre Puissances, l'Italie déclare qu'elle entrera en campagne le plus tôt possible et dans un délai qui ne pourra excéder un mois à partir de la signature des présentes.

En foi de quoi les soussignés ont signé le présent accord et y ont apposé leurs cachets.

Fait à Londres, en quadruple original, le 26 avril 1915.

(L.S.) E. GREY.
(L.S.) IMPERIALI.
(L.S.) BENCKENDORFF.
(L.S.) PAUL CAMBON.

proposal in the direction of introducing a representative of the Holy See in any peace negotiations or negotiations for the settlement of questions raised by the present war.

ARTICLE 16.

The present arrangement shall be held secret. The adherence of Italy to the Declaration of the 5th September, 1914, shall alone be made public, immediately upon declaration of war by or against Italy.

After having taken act of the foregoing memorandum, the representatives of France, Great Britain and Russia, duly authorised to that effect, have concluded the following agreement with the representative of Italy, also duly authorised by his Government :

France, Great Britain and Russia give their full assent to the memorandum presented by the Italian Government.

With reference to Articles 1, 2 and 3 of the memorandum, which provide for military and naval co-operation between the four Powers, Italy declares that she will take the field at the earliest possible date and within a period not exceeding one month from the signature of these presents.

In faith whereof the undersigned have signed the present agreement and have affixed thereto their seals.

Done at London, in quadruplicate, the 26th day of April, 1915.

(L.S.) E. GREY.
(L.S.) IMPERIALI.
(L.S.) BENCKENDORFF.
(L.S.) PAUL CAMBON.

II

Déclaration par laquelle la France, la Grande-Bretagne, l'Italie et la Russie s'engagent à ne pas conclure de paix séparée au cours de la présente Guerre européenne.

Le Gouvernement italien ayant décidé de participer à la présente guerre avec les Gouvernements français, britannique et russe, et d'adhérer à la déclaration faite à Londres le 5 septembre 1914 par les trois Gouvernements précités,

Les soussignés, dûment autorisés par leurs Gouvernements respectifs, font la déclaration suivante :

Les Gouvernements français, britannique, italien et russe s'engagent mutuellement à ne pas conclure de paix séparée au cours de la présente guerre.

Les quatre Gouvernements conviennent que, lorsqu'il y aura lieu de discuter les termes de la paix, aucune des Puissances alliées ne pourra poser des conditions de paix sans accord préalable avec chacun des autres Alliés.

En foi de quoi les soussignés ont signé la présente déclaration et y ont apposé leurs cachets.

Fait à Londres, en quadruple original, le 26 avril 1915.

(L.S.) E. Grey.
(L.S.) Imperiali.
(L.S.) Benckendorff.
(L.S.) Paul Cambon.

II

Declaration by which France, Great Britain, Italy and Russia undertake not to conclude a Separate Peace during the course of the Present European War.

The Italian Government, having decided to participate in the present war with the French, British and Russian Governments and to accede to the Declaration made at London, the 5th September, 1914, by the three abovenamed Governments,

The undersigned, being duly authorised by their respective Governments, make the following declaration :

The French, British, Italian and Russian Governments mutually undertake not to conclude a separate peace during the course of the present war.

The four Governments agree that, whenever there may be occasion to discuss the terms of peace, none of the Allied Powers shall lay down any conditions of peace without previous agreement with each of the other Allies.

In faith whereof the undersigned have signed the present Declaration and have affixed thereto their seals.

Done at London, in quadruplicate, the 26th day of April, 1915.

(L.S.) E. Grey.
(L.S.) Imperiali.
(L.S.) Benckendorff.
(L.S.) Paul Cambon.

III

Déclaration

La Déclaration du 26 avril 1915, par laquelle la France, la Grande-Bretagne, l'Italie et la

III

Declaration

The Declaration of the 26th April, 1915, whereby France, Great Britain, Italy and Russia

Russie s'engagent à ne pas conclure de paix séparée au cours de la présente guerre européenne, restera secrète.

Après la déclaration de guerre par ou contre l'Italie, les quatre Puissances signeront une nouvelle déclaration identique, qui sera rendue publique à ce moment.

En foi de quoi les soussignés ont signé la présente déclaration et y ont apposé leurs cachets.

Fait à Londres, en quadruple original, le 26 avril 1915.

(L.S.) E. GREY.
(L.S.) IMPERIALI.
(L.S.) BENCKENDORFF.
(L.S.) PAUL CAMBON.

undertake not to conclude a separate peace during the present European war, shall remain secret.

After the declaration of war by or against Italy, the four Powers shall sign a new declaration in identical terms, which shall thereupon be made public.

In faith whereof the undersigned have executed the present Declaration and have affixed thereto their seals.

Done at London, in quadruplicate, the 26th day of April, 1915.

(L.S.) E. GREY.
(L.S.) IMPERIALI.
(L.S.) BENCKENDORFF.
(L.S.) PAUL CAMBON.

II

THE MANIFESTO (PACT) OF CORFU[1]

At the conference of the members of the late (Serbian) Coalition Cabinet and those of the present Cabinet, and also the representatives of the Jugo-Slav Committee in London, all of whom have hitherto been working on parallel lines, views have been exchanged in collaboration with the president of the Skupstina, on all questions concerning the life of the Serbs, Croats, and Slovenes in their joint future State.

We are happy in being able once more on this occasion to point to the complete unanimity of all parties concerned.

In the first place, the representatives of the Serbs, Croats, and Slovenes declare anew and most categorically that our people constitutes but one nation, and that it is one in blood, one by the spoken and written language, by the continuity and unity of the territory in which it lives, and finally in virtue of the common and vital interests of its national existence and the general development of its moral and material life.

The idea of its national unity has never suffered extinction, although all the intellectual forces of its enemy were directed against its unification, its liberty and its national existence. Divided between several States our nation is in Austria-Hungary alone split up into eleven provincial administrations, coming under thirteen legislative bodies. The feeling of national unity, together with the spirit of liberty and independence, have supported it in the never-ending struggles of centuries against the Turks in the East and against the Germans and the Magyars in the West.

[1] *The Jugo-Slav Movement* by R. J. Kerner, pp. 100–5.

Being numerically inferior to its enemies in the East and West, it was impossible for it to safeguard its unity as a nation and a State, its liberty and its independence against the brutal maxim of 'might goes before right' militating against it both East and West.

But the moment has come when our people is no longer isolated. The war imposed by German militarism upon Russia, upon France and upon England for the defence of their honour as well as for the liberty and independence of small nations, has developed into a struggle for the Liberty of the World and the Triumph of Right over Might. All nations which love liberty and independence have allied themselves together for their common defence, to save civilization and liberty at the cost of every sacrifice, to establish a new international order based upon justice and upon the right of every nation to dispose of itself and so organize its independent life; finally to establish a durable peace consecrated to the progress and development of humanity and to secure the world against a catastrophe similar to that which the conquering lust of German Imperialism has provoked.

To noble France, who has proclaimed the liberty of nations, and to England, the hearth of liberty, the Great American Republic and the new, free and democratic Russia have joined themselves in proclaiming as their principal war aim the triumph of liberty and democracy and as basis of the new international order the right of free self-determination for every nation.

Our nation of the three names, which has been the greatest sufferer under brute force and injustice and which has made the greatest sacrifices to preserve its right of self-determination, has with enthusiasm accepted this sublime principle put forward as the chief aim of this atrocious war, provoked by the violation of this very principle.

The authorized representatives of the Serbs, Croats, and Slovenes, in declaring that it is the desire of our people to free itself from every foreign yoke and to constitute itself a free, national and independent State, a desire based on the principle that every nation has the right to decide its own destiny, are agreed in judging that this State should be founded on the following modern and democratic principles:

(1) The State of the Serbs, Croats, and Slovenes, who are also known as the Southern Slavs or Jugo-Slavs, will be a free and independent kingdom, with indivisible territory and unity of allegiance. It will be a constitutional, democratic and parliamentary monarchy under the Karageorgevitch Dynasty, which has always shared the ideas and the feelings of the nation, placing liberty and the national will above all else.

(2) This State will be named 'THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES'. And the style of the Sovereign will be 'KING OF THE SERBS, CROATS, AND SLOVENES'.

(3) The State will have a single coat-of-arms, a single flag, and a single crown. These emblems will be composed of the present existing emblems. The unity of the State will be symbolized by the coat-of-arms and the flag of the Kingdom.

(4) The special Serb, Croat, and Slovene flags rank equally and

may be freely hoisted on all occasions. The special coat-of-arms may be used with equal freedom.

(5) The three national designations—Serbs, Croats, and Slovenes—are equal before the law throughout the territory of the Kingdom, and every one may use them freely upon all occasions of public life and in dealing with the authorities.

(6) The two alphabets, the Cyrillic and the Latin, also rank equally, and every one may use them freely throughout the territory of the Kingdom. The royal authorities and the local self-governing authorities have both the right and the duty to employ both alphabets in accordance with the wishes of the citizens.

(7) All recognized religions may be freely and publicly exercised. The Orthodox, Roman Catholic and Mussulman faiths, which are those chiefly professed by our nation, shall rank equally and enjoy equal rights with regard to the State.

In consideration of these principles the legislature will take special care to safeguard religious concord in conformity with the spirit and tradition of our whole nation.

(8) The calendar will be unified as soon as possible.

(9) The territory of the Kingdom of the Serbs, Croats, and Slovenes will include all the territory inhabited compactly and in territorial continuity by our nation of the three names. It cannot be mutilated without detriment to the vital interests of the community.

Our nation demands nothing that belongs to others. It demands only what is its own. It desires to free itself and to achieve its unity. Therefore it consciously and firmly refuses every partial solution of the problem of its national liberation and unification. It puts forward the proposition of its deliverance from Austro-Hungarian domination and its union with Serbia and Montenegro in a single State forming an indivisible whole.

In accordance with the right of self-determination of peoples, no part of this territorial totality may without infringement of justice be detached and incorporated with some other State without the consent of the nation itself.

(10) In the interests of freedom and of the equal right of all nations, the Adriatic shall be free and open to each and all.

(11) All citizens throughout the territory of the Kingdom shall be equal and enjoy the same rights with regard to the State and before the Law.

(12) The election of the Deputies to the National Representative body shall be by universal suffrage, with equal, direct and secret ballot. The same shall apply to the elections in the Communes and other administrative units. Elections will take place in each Commune.

(13) The Constitution, to be established after the conclusion of peace by a Constituent Assembly elected by universal suffrage, with direct and secret ballot, will be the basis of the entire life of the

State; it will be the source and the consummation of all authority and of all rights by which the entire life of the nation will be regulated.

The Constitution will provide the nation with the possibility of exercising its special energies in local autonomies delimited by natural, social and economic conditions.

The Constitution must be passed in its entirety by a numerically defined majority in the Constituent Assembly.

The Constitution, like all other laws passed by the Constituent Assembly, will only come into force after having received the Royal sanction.

The nation of the Serbs, Croats, and Slovenes, thus unified, will form a State of about twelve million inhabitants. This State will be the guarantee for their independence and national development, and their national and intellectual progress in general, a mighty bulwark against the German thrust, an inseparable ally of all the civilized nations and states which have proclaimed the principle of right and liberty and that of international justice. It will be a worthy member of the new Community of Nations.

Drawn up in Corfu, July 7/20, 1917.

The Prime Minister of the Kingdom of Serbia and Minister for Foreign Affairs

(Sgd.) NIKOLA P. PASHITCH.

The President of the Jugo-Slav Committee

(Sgd.) DR. ANTE TRUMBIC,
Advocate, Deputy and Leader of the Croatian National Party in the Dalmatian Diet, late Mayor of Split (Spalato), late Deputy for the District of Zadar (Zara) in the Austrian Parliament.

III

DOCUMENTS CONNECTED WITH FIUME

(i)

The Pact of Rome (10*th April* 1918)[1]

Les représentants des nationalités soumises entièrement ou en partie à la domination de l'Autriche-Hongrie : Italiens, Polonais, Roumains, Tchéco-Slovaques et Yougoslaves, se sont mis d'accord pour une action commune dans l'affirmation des termes suivants :

1° Chacun de ces peuples proclame son droit à constituer son unité d'État national ou à la compléter pour atteindre sa pleine indépendance politique et économique ;

2° Chacun de ces peuples reconnaît dans la Monarchie austro-hongroise l'instrument de la domination germanique et l'obstacle fondamental à la réalisation de ses aspirations et de ses droits ;

3° Le Congrès reconnaît en conséquence la nécessité d'une lutte

[1] *La Question Adriatique* (Paris, 1920), pp. 25, 26.

commune contre les oppresseurs communs jusqu'à ce que chacun de ces peuples ait atteint sa libération totale, son unité nationale complète et sa liberté politique.

BASES D'UN ACCORD ITALO-YOUGOSLAVE

Les représentants du peuple italien et du peuple yougoslave conviennent en particulier de ce qui suit :

4° Quant aux rapports entre la nation italienne et la nation des Serbes, Croates et Slovènes, connus aussi sous le nom de nation yougoslave, les représentants des deux peuples reconnaissent que l'unité et l'indépendance de la nation yougoslave est d'un intérêt vital pour l'Italie, de même que l'achèvement de l'unité nationale italienne est d'un intérêt vital pour la nation yougoslave. Les représentants des deux peuples s'engagent donc à apporter tous leurs efforts pendant la guerre et au moment de la paix pour que ce but des deux nations soit intégralement atteint ;

5° Ils déclarent que la libération de la mer Adriatique et sa défense contre tout ennemi présent ou futur est d'un intérêt vital pour les deux peuples ;

6° Ils s'engagent à régler à l'amiable, également dans l'intérêt des bonnes et sincères relations futures entre les deux peuples, les questions territoriales pendantes, sur la base du principe des nationalités et du droit des peuples à disposer de leurs propres destinées, et cela de façon à ne pas porter préjudice aux intérêts vitaux des deux nations, qui seront définis au moment de la paix ;

7° Aux noyaux de l'un des peuples qui devraient se trouver inclus dans les frontières de l'autre sera reconnu et garanti le droit de voir respectés leur langue, leur culture et leurs intérêts moraux et économiques.

(ii)

Mémorandum du Président Wilson à la Délégation italienne, du 14 *avril* 1919 [1]

Il n'est pas de question à laquelle j'ai songé avec plus de soin et d'anxiété que celle-ci, parce que ainsi que tous mes collègues, mon désir le plus ardent est de voir justice entière rendue à l'Italie.

Pendant tout le temps où j'ai réfléchi à ce problème, j'ai, toutefois, senti qu'il était un point sur lequel je n'avais pas le choix d'une décision et pouvais souhaiter de ne pas en avoir. Je me sentais obligé d'adapter aussi exactement que possible chaque conclusion à laquelle je devais arriver avec les quatorze principes de paix que j'ai énumérés dans mon message au Congrès des Etats-Unis le 8 janvier 1918 et dans les messages qui ont suivi. Les quatorze points et les principes posés dans les messages ultérieurs ont été formellement adoptés, à l'exception d'un seul qui a été réservé par les Puissances associées contre l'Allemagne, et constituant la base de la paix avec cette nation.

Je ne me sens pas libre de suggérer une base de paix avec l'Allemagne et une autre pour la paix avec l'Autriche.

[1] *La Question Adriatique* (Paris, 1920), pp. 44–47.

On se rappellera que dans la réponse faite à une communication du Gouvernement autrichien, lequel offrait d'entrer en négociations pour un armistice et une paix basée sur les quatorze points auxquels j'ai fait allusion, je déclarais qu'il y avait une question à laquelle ces points ne pouvaient plus s'appliquer.

On avait demandé l'autonomie pour les différents États qui étaient autrefois parties constituantes de l'Empire austro-hongrois et je fis observer qu'on devait maintenant laisser aux peuples de ces différentes régions le choix de décider quelles devaient être leurs destinées et leurs relations politiques. Ils ont choisi, et cela, en sympathie avec le monde entier, d'être érigés en États indépendants.

Leur complète séparation de l'Autriche et, en conséquence, la complète désagrégation de l'Empire austro-hongrois qui s'ensuivit, ont donné un nouvel aspect et un nouveau sens aux règlements qui doivent être effectués, en ce qui concerne tout au moins les frontières orientales de l'Italie.

Personnellement, j'estime que l'Italie devrait obtenir tout le long de sa frontière septentrionale et partout où son territoire confine au territoire autrichien tout ce qui lui a été accordé par l'acte qu'on appelle le Pacte de Londres. Mais, je suis convaincu que le Pacte de Londres ne peut plus, aujourd'hui, s'appliquer au règlement de ses frontières orientales. La ligne tracée dans le Pacte de Londres fut conçue avec l'intention d'établir une frontière assurant une parfaite sécurité à l'Italie contre tout acte d'hostilité ou d'agression éventuelle de la part de l'Autriche-Hongrie. Mais l'Autriche-Hongrie n'existe plus. Cette frontière orientale touchera des pays dépourvus désormais de la puissance militaire et navale de l'Autriche, des pays complètement indépendants de celle-ci et constitués en vue de satisfaire les aspirations nationales légitimes — États non point hostiles au nouvel ordre de l'Europe, mais, au contraire, émanant de cet ordre même, intéressés à son maintien, dépendant de l'entretien des rapports d'amitié, et liés à une politique commune de paix et de bon voisinage en vertu du Pacte de la Ligue des Nations.

C'est en ayant ces faits présents à l'esprit que j'ai abordé la question de l'Adriatique.

On est, généralement, d'avis, et j'adhère de tout cœur à ce point de vue, que les ports de Trieste et de Pola et, en même temps qu'eux, la plus grande partie de la péninsule d'Istrie, doivent être cédés à l'Italie, ses frontières orientales suivant la ligne stratégique résultant de la configuration du pays, ligne qu'on s'est efforcé de tracer avec une certaine exactitude sur la carte ci-jointe.

En deçà de cette ligne, du côté italien, se trouvent des groupements considérables de populations non italiennes, mais leur sort est si naturellement lié, par la nature même du pays, au sort des populations italiennes que je considère que leur inclusion dans le territoire italien est pleinement justifiée.

A mon sens, on ne trouverait pas pareille justification si l'on comprenait Fiume, ou quelque partie de la côte au sud de Fiume, dans les limites du Royaume d'Italie.

Fiume est, par sa situation et par toutes les conditions de son dé-

veloppement; non pas un port italien, mais un port international, desservant les pays à l'est et au nord du golfe de Fiume. C'est précisément parce que c'est un port international et qu'il ne peut, en justice, être soumis à une souveraineté quelconque, qu'à mon sentiment très net Fiume devrait jouir, à un très haut degré, d'une autonomie réelle, et, tout en étant, bien entendu, compris dans le régime douanier du nouvel État yougoslave, devrait, néanmoins, être laissé libre, dans son propre intérêt et dans l'intérêt des États environnants, de se consacrer au service du commerce qui, naturellement et inévitablement, cherche ses débouchés dans son port.

Les États que ce port dessert sont des États nouveaux. Ils devront pouvoir absolument compter sur un débouché vers la mer. Les amitiés et les relations de l'avenir dépendront largement d'un accord tel que je l'ai suggéré ; et l'amitié, la coopération, la liberté d'action doivent être à la base des accords de paix si cette paix doit être durable.

Je crois que l'on arrivera à un accord commun pour céder à l'Italie l'île de Lissa et lui laisser garder le port de Valona. Je crois qu'on s'accordera aussi pour que les fortifications établies par le Gouvernement autrichien sur les îles voisines de la côte orientale de l'Adriatique soient démantelées définitivement sous la garantie internationale et que le désarmement auquel on devra procéder, sous la surveillance de la Ligue des Nations, n'accorde aux États de la côte orientale de l'Adriatique que des forces navales peu importantes, strictement nécessaires pour assurer la police des eaux territoriales des îles et de la côte.

Telles sont les conclusions auxquelles je suis obligé d'arriver en raison des ententes qui forment la base des négociations d'où doit sortir la paix. Il ne me paraît pas possible d'arriver à une autre conclusion qui soit conforme à l'esprit de ces ententes. Ce furent des ententes acceptées par le monde entier ; elles s'imposent avec une force particulière aux États-Unis parce que ceux-ci ont eu le privilège de prendre l'initiative des négociations de paix et parce que les engagements pris par les États-Unis sont à la base de ce problème difficile.

L'Italie obtient certainement, par un tel règlement, la réalisation des grandes aspirations historiques qui existent depuis si longtemps dans l'esprit de son peuple. Les torts historiques dont elle a eu à souffrir de la part de l'Autriche-Hongrie et par une longue série de transactions injustes qui, je l'espère, disparaîtront avant longtemps de la mémoire des hommes, sont complètement redressés. Rien ne lui est refusé de ce qui peut compléter son unité nationale.

Çà et là, sur l'archipel adriatique et sur la côte orientale de cette mer, se trouvent des groupements contenant des éléments considérables de population italienne, mais les engagements aux termes desquels les nouveaux États vont entrer dans la famille des nations sauvegarderont abondamment la liberté, le développement et tous les justes droits des minorités de nationalité ou de race. Et, derrière ces sauvegardes, il y aura toujours l'autorité vigilante et suffisante de la Ligue des Nations. Dès le début, nous aurons évité l'erreur qui aurait consisté à faire des plus proches voisins de l'Italie à l'est des ennemis, et à entretenir précisément l'esprit d'injustice qui a troublé la paix de l'Europe pendant des générations et qui n'a pas peu contribué à provoquer le terrible conflit que nous venons de traverser.

(iii)

Statements of President Wilson regarding the Disposition of Fiume.[1]

PARIS, *April* 23, 1919.

In view of the capital importance of the questions affected, and in order to throw all possible light upon what is involved in their settlement, I hope that the following statement will contribute to the final formation of opinion and to a satisfactory solution.

When Italy entered the war she entered upon the basis of a definite, but private, understanding with Great Britain and France, now known as the Pact of London. Since that time the whole face of circumstances has been altered. Many other Powers, great and small, have entered the struggle, with no knowledge of that private understanding. The Austro-Hungarian Empire, then the enemy of Europe and at whose expense the Pact of London was to be kept in the event of victory, has gone to pieces and no longer exists. Not only that. The several parts of that Empire, it is now agreed by Italy and all her associates, are to be erected into independent states and associated in a League of Nations, not with those who were recently our enemies, but with Italy herself and the Powers that stood with Italy in the great war for liberty. We are to establish their liberty as well as our own. They are to be among the smaller states whose interests are henceforth to be as scrupulously safeguarded as the interests of the most powerful states.

The war was ended, moreover, by proposing to Germany an armistice and peace which should be founded on certain clearly defined principles which should set up a new order of right and justice. Upon those principles the peace with Germany has been conceived, not only, but formulated. Upon those principles it will be executed. We cannot ask the great body of Powers to propose and effect peace with Austria and establish a new basis of independence and right in the states which originally constituted the Austro-Hungarian Empire and in the states of the Balkan Group on principles of another kind. We must apply the same principles to the settlement of Europe in those quarters that we have applied in the peace with Germany. It was upon the explicit avowal of those principles that the initiative for peace was taken. It is upon them that the whole structure of peace must rest.

If those principles are to be adhered to, Fiume must serve as the outlet and inlet of the commerce, not of Italy, but of the lands to the north and north-east of that port: Hungary, Bohemia, Rumania, and the states of the new Jugo-Slavic group. To assign Fiume to Italy would be to create the feeling that we had deliberately put the port upon which all these countries chiefly depend for their access to the Mediterranean in the hands of a Power of which it did not form an integral part and whose sovereignty, if set up there, must inevitably seem foreign, not domestic or identified with the commercial and industrial life of the regions which the port must serve. It is for that

[1] *Chicago Tribune*, Paris Edition, Thursday, April 24, 1919, p. 1.

reason, no doubt, that Fiume was not included in the Pact of London, but there definitively assigned to the Croatians.

And the reason why the line of the Pact of London swept about many of the islands of the eastern coast of the Adriatic and around the portion of the Dalmatian coast which lies most open to that sea was not only that here and there on those islands and here and there on that coast there are bodies of people of Italian blood and connexion, but also, and no doubt, chiefly, because it was felt that it was necessary for Italy to have a foothold amidst the channels of the eastern Adriatic in order that she might make her own coasts safe against the naval aggression of Austria-Hungary. But Austria-Hungary no longer exists. It is proposed that the fortifications which the Austrian Government constructed there shall be razed and permanently destroyed. It is part, also, of the new plan of European order which centres in the League of Nations that the new states erected there shall accept a limitation of armaments which puts aggression out of the question. There can be no fear of the unfair treatment of groups of Italian people there because adequate guarantees will be given, under international sanction, of equal and equitable treatment of all racial or national minorities.

In brief, every question associated with this settlement wears a new aspect,—a new aspect given it by the very victory for right for which Italy has made the supreme sacrifice of blood and treasure. Italy, along with the four other great Powers, has become one of the chief trustees of the new order which she has played so honorable a part in establishing.

And on the north and northeast her natural frontiers are completely restored, along the whole sweep of the Alps from northwest to southeast to the very end of the Istrian peninsula, including all the great watershed within which Trieste and Pola lie and all the fair regions whose face nature has turned towards the great peninsula upon which the historic life of the Latin people has been worked out through centuries of famous story ever since Rome was first set upon her seven hills. Her ancient unity is restored. Her lines are extended to the great walls which are her natural defence. It is within her choice to be surrounded by friends ; to exhibit to the newly liberated peoples across the Adriatic that noblest quality of greatness, magnanimity, friendly generosity, the preference of justice over interest.

The nations associated with her, the nations that know nothing of the Pact of London or of any other special understanding that lies at the beginning of this great struggle and who have made their supreme sacrifice also in the interest, not of national advantage or defence, but of the settled peace of the world, now unite with her older associates in urging her to assume a leadership which cannot be mistaken in the new order of Europe.

America is Italy's friend. Her people are drawn, millions strong, from Italy's own fair countrysides. She is linked in blood as well as in affection with the Italian people. Such ties can never be broken. And America was privileged, by the generous commission of her associates in the war, to initiate the peace we are about to consummate, —to initiate it upon terms she had herself formulated, and in which I was her spokesman. The compulsion is upon her to square every

decision she takes a part in with those principles. She can do nothing else. She trusts Italy, and in her trust believes that Italy will ask nothing of her that cannot be made unmistakably consistent with these sacred obligations. Interest is not now in question, but the rights of peoples, of states new and old, of liberated peoples and peoples whose rulers have never accounted them worthy of right; above all the right of the world to peace and to such settlements of interest as shall make peace secure.

These, and these only, are the principles for which America has fought. These, and these only, are the principles upon which she can consent to make peace. Only upon these principles, she hopes and believes, will the people of Italy ask her to make peace.

(iv)

Reply of Signor Orlando, Premier of Italy, regarding the Disposition of Fiume.[1]

PARIS, *April* 24, 1919.

Yesterday, while the Italian delegation was assembled discussing an alternative proposal sent to it from the British Prime Minister, which had as object the conciliation of the opposing tendencies manifested on the subject of the Italian territorial aspirations, the Paris newspapers published a message from Mr. Wilson, the President of the United States, in which he expressed his own opinion in regard to some of the most serious problems that have been submitted to the judgment of the Conference.

The employment of a direct appeal to the different peoples is certainly an innovation in international relations. It is not my intention to complain about it, but I take official notice of it in order to follow this principle in my turn, inasmuch as this new system without doubt will contribute to giving the peoples a broader participation in international questions, and inasmuch as I have always personally been of the opinion that such participation was a sign of a new era. However, if such appeals are to be considered as being addressed to peoples outside of the governments which represent them, I should say, almost in opposition to their governments, I should have great regret in calling to mind that this procedure, which, until now, has been used only against enemy governments, is today for the first time being used against a government which has been, and counts on remaining, a loyal friend of the great American Republic—against the Italian Government.

I could also complain that such a message, addressed to the people, has been published at the very moment when the Allied and Associated Powers were negotiating with the Italian Government, that is to say, with the very government whose participation had been solicited and appreciated in numerous and serious questions which, up to now, had been dealt with in intimate and complete solidarity.

[1] *New York Herald*, Paris Edition, April 25, 1919, p. 1.

To oppose, so to speak, the Italian Government and people would be to admit that this great free people could submit to the yoke of a will other than its own, and I shall be forced to protest vigorously against such suppositions, unjustly offensive to my country.

I now come to the contents of the President's message: it is devoted entirely to showing that the Italian claims, beyond certain limits defined in the message, violate the principles upon which the new régime of liberty and justice among peoples must be founded. I have never denied these principles, and President Wilson will do me the justice to acknowledge that in the long conversations which we have had, I have never relied on the formal authority of a treaty by which I knew very well that he was not bound. In these conversations I have relied solely on the force of reason and justice upon which I have always believed and still believe the aspirations of Italy are solidly based. I have not had the good fortune of convincing him: I regret it sincerely, but President Wilson himself has had the kindness to recognize, in the course of our conversations, that truth and justice are the monopoly of no one, and that all men are subject to error.

While remarking that more than once the Conference has been brought to change its sentiments radically when it was a question of applying these principles, I do not believe that I am showing disrespect towards this high assembly. On the contrary, these changes have been, and still are, the consequence of all human judgment. I mean to say only that experience has proved all the difficulties which are met in the application of these principles of an abstract nature to infinitely complex and varied concrete cases, Thus, with all deference, but all firmness, I consider the application made by President Wilson in his message of his principles to Italian claims is unjustified.

It is impossible for me, in a document of this nature, to repeat the detailed proofs which have been produced in great abundance. I shall only say that one cannot accept without reservation the statements according to which the downfall of the Austro-Hungarian Empire implies a reduction of the Italian aspirations. It is even permissible to believe the contrary, that is to say, that at the very moment when all the varied peoples which constituted that empire seek to organize themselves according to their ethnic and national affinities, the essential problem set by the Italian claims can and must be completely solved. Now this problem is that of the Adriatic, in which is summed up all the rights of Italy, both ancient and modern, all her martyrdom throughout the centuries and all the benefits which she is destined to bring to the great international community.

The presidential message affirms that with the concessions which she has received Italy would attain the barrier of the Alps, which are her natural defences. This is a concession of vast importance on condition that the eastern flank of that barrier does not remain uncovered and that there be included among the rights of Italy the line from Monte Nevoso separating the waters which flow toward the Black Sea from those which flow into the Mediterranean.

Without that protection a dangerous breach would remain open in that admirable natural barrier of the Alps, and it would mean the

rupture of that unquestionable political, historical and economic unity constituted by the peninsula of Istria.

I believe, moreover, that he who can proudly claim that it was he who proclaimed to the world the right of self-determination of nations, is the very person who must recognize this right to Fiume, ancient city, which proclaimed its Italianity even before the Italian ships were near; to Fiume, admirable example of national consciousness perpetuated throughout the centuries. To deny it this right for the sole reason that it has to do only with a small community, would be to admit that the criterion of justice toward nations varies according to their territorial expansion. And if, to deny this right, we fall back on the international character of this port, we see Antwerp, Genoa, Rotterdam—all international ports serving as an outlet for a variety of nations and regions without their being obliged to pay dearly for this privilege by the suppression of their national consciousness.

And can one describe as excessive the Italian aspiration for the Dalmatian coast, this boulevard of Italy throughout the centuries, which Roman genius and Venetian activity have made noble and great, and whose Italianity, defying all manner of implacable persecution throughout an entire century, today shares with the Italian nation the same feelings of patriotism? In regard to Poland, the principle is held forth that denationalization obtained by violent and arbitrary methods cannot constitute rights. Why not apply the same principle to Dalmatia?

And if we wish to support this rapid synthesis of our good national rights by cold statistical facts, I believe I can state that among the various national reorganizations which the Peace Conference has already brought about or may bring about in the future, none of the reorganized peoples will count within its new frontiers a number of people of another race proportionately less than that which would be assigned to Italy. Why, therefore, is it especially the Italian aspirations that are to be suspected of imperialistic cupidity?

Despite all these reasons, the history of these negotiations will demonstrate that the firmness which was necessary to the Italian delegation was always accompanied by a great spirit of conciliation in seeking the general agreement that we all wished for fervently.

The Presidential message ends by a warm declaration of friendship of America toward Italy. I answer in the name of the Italian people, and I proudly claim this right and this honor, which is due to me as the man who in the most tragic hour of this war uttered to the Italian people the cry of resistance at all costs: this cry was heard and answered with a courage and abnegation of which few examples can be found in the history of the world. And Italy, thanks to the most heroic sacrifices of the purest blood of her children, has been able to climb from an abyss of misfortune to the radiant summit of the most brilliant victory. It is, therefore, in the name of Italy that, in my turn, I express the Italian people's sentiment of admiration and deep sympathy for the American people.

(v)

Joint British, French, and American Memorandum of the 9th December, 1919.

At the moment when the Peace Conference is entering what it is hoped may be the last stage of its labours for the conclusion of peace with Germany, Austria and Hungary, the territorial settlement still remains incomplete in respect of regions where the continuance of uncertainty is calculated to affect gravely the vital interests of the countries directly involved, and might easily endanger the peace of Europe and of the world.

Being persuaded that this danger could only grow in intensity if the Peace Conference were to terminate before an agreement had been reached among the principal Allied and Associated Powers concerning the Adriatic question, the representatives at the Conference of America, Great Britain, and France desire to call the attention of their Italian colleague to the urgent necessity of finding a solution. They realise fully the difficulties with which the Italian Government is confronted in dealing with this problem, but it is precisely for this reason that they feel it would be unjust to all the parties concerned, and in the first place to Italy herself, were they any longer to delay putting frankly before the Italian Government a statement of the position such as they see it after many months of examination and reflection. The friends of Italy therefore feel impelled to make a further effort to reach a settlement which would reconcile the fulfilment of her legitimate aims and aspirations with the equitable claims of the neighbouring States as well as with the supreme interests of the peace of the world.

The three representatives accordingly venture to invite the Italian Government to proceed to a fresh survey of the field in the light of the statement which they have now the honour to make.

The British and French representatives have followed with earnest and sympathetic attention the negotiations which have passed between the Italian Government and the President of the United States. If they have hitherto refrained from tendering their direct advice to the Italian Government in the matter, it was because they had hoped the Italian Government would be able to reach an agreement with President Wilson to which the British and French Governments could readily subscribe. It will be remembered that the British and French Governments had already, more particularly by their note communicated to President Wilson on September 10th, used their best efforts to promote such an agreement which the President's answer to that note gave every reason to hope could be brought about. Though a complete agreement has not so far been arrived at, the points of difference still outstanding have been so much reduced as to justify an expectation that a complete accord will now be reached.

It may be well, with this view, to place on record, in the first place, the chief points on which agreement has been reached. This is all the more desirable as it would appear from recent official Italian state-

ments that some misapprehension may exist in regard to matters which can readily be cleared up, such, for instance, as the exact description of what is generally referred to as President Wilson's line. The points of agreement are, in the main, embodied in the American memorandum communicated to the Italian Delegation in Paris on the 27th October:

1. With regard to Istria, President Wilson had from the first agreed to a frontier running from the Arsa River to the Karawanken Mountains, which widely overstepped the recognised ethnical line between Italy and Jugo-Slavia, and which would have as a result to incorporate in Italy more than 300,000 Jugo-Slavs. Italy's geographical position, as well as her economic requirements, was held to justify this serious infringement of the ethnic principle, and President Wilson, anxious to give the fullest value to these important considerations, went still further in agreeing to an extension eastward in such a way as to give to Italy the region of Albona, in spite of the considerable additional number of Jugo-Slavs thereby incorporated.

   Moreover, to strengthen the strategic security of Italy, President Wilson, in agreement with the Italian Government, has endorsed the creation of a buffer State between the Italian territory in Istria and the Serb-Croat-Slovene Kingdom in which some 200,000 Jugo-Slavs, as against less than 40,000 Italians, will be placed under the control of the League of Nations. Anxious to remove any conceivable strategic menace that Italy might fear from the Serb-Croat-Slovene State, President Wilson has agreed, and the British and French Governments are glad to associate themselves with this agreement, that the so-called Assling region shall be permanently demilitarised. The three representatives would be happy to learn from the Italian Government whether slight modifications of the demilitarised zone between the Arsa River and Cape Promontore are deemed necessary to safeguard the security of the defences on Italian territory.
2. There is complete agreement concerning the creation, in the interest of Italy, of the buffer State to be known as the 'Free State of Fiume', and its control by the League of Nations. Ethnic considerations would demand that this State, containing 200,000 Jugo-Slavs, should be afforded an opportunity, by plebiscite, to decide its own fate. In deference to Italy's objection that the incorporation of this region in the Serb-Croat-Slovene State by free act of the inhabitants, might create a real menace, it is now agreed that the determination of the whole future of the State shall be left to the League of Nations, which, in conformity with Italian requirements, shall not fail to provide the full measure of autonomy which the city of Fiume enjoyed under Austro-Hungarian rule.
3. The three representatives are glad to record their appreciation of the wisdom and moderation which have marked the attitude of the Italian Government towards the difficult question of

Dalmatia. They feel that the Italian Government have acted on an enlightened view of their higher interests in officially withdrawing territorial claims to an area where to enforce them would have meant permanent discord with the inhabitants of the Serb-Croat-Slovene State, and prevented all possibility of friendly relations with them. In order, however, to safeguard every Italian racial and sentimental interest, it has been agreed that the city of Zara shall enjoy a special régime. Its geographical position indicates Zara as a part of the Jugo-Slav State, but, provided the town is left within the Jugo-Slav Customs Union, it is to be given complete sovereignty under the League of Nations, and freedom to control its own affairs.

4. The same wisdom and moderation as that which has marked the attitude of the Italian Government towards the Dalmatian question have characterised their attitude as regards the islands in the Adriatic. The Italian Government appear to be one with President Wilson in realising the necessary racial, geographic and political connection of the Dalmatian coastal islands with the Jugo-Slav State. On the other hand, the possession of certain outlying islands, though ethnically Jugo-Slav and economically connected with Jugo-Slavia, is considered by the Italian Government necessary to Italy's strategic control of the Adriatic, and the reasonableness of this claim has been accepted, the following islands being accorded to Italy, on a demilitarised status, namely :

   (*a*) The Pelagosa group.
   (*b*) Lissa and the small islands west of it.
   (*c*) Lussin and Unie.

   These islands are to pass in full sovereignty to Italy, who on her part is to make an agreement with the Slav population of Lissa, providing for their complete local autonomy.

5. Italy is to receive a mandate for the administration of the independent State of Albania, under the League of Nations. Attached to the present memorandum is an outline of the form which, in the opinion of the three representatives, such a mandate should take. The frontiers of Albania, on the north and east, at present, will be those fixed by the London Conference of 1913. The southern frontier is still a matter for negotiation. In order, however, not to delay a general settlement by such negotiations, the following provisional arrangement could be adopted :

   Greece shall occupy the territory west and south of a demarcation line, which shall run as follows (ref. 1,200,000 Austrian staff maps) :

   From Mount Tumba on the northern boundary of Greece north-westward along the crest of the Nemercha ridge to the Vojusa River ;
   Thence down that river to Tepeleni, Mirica, to point 98 ;

Thence south, passing between the villages of Lopsi-Martolozit and Zemblan;
Thence through points 1840 and 1225 to a point about two miles south by east of 1225;
Thence westward, passing just north of Poljana;
Thence south-east to point 1669;
Thence west and north-west to point 2025;
Thence south-westward to the coast just south of Aspri Ruga.

The triangle of territory from point 98 on the Vojusa River (between Baba and Sinanaj) north-eastward to Lake Malik, and southward to the Greek frontier and the demarcation line mentioned above, should be the subject of later negotiation between the three Allied representatives on the one hand and Italy and Greece on the other, the three Allied representatives acting for Albania.

6. The city of Valona, together with such hinterland as may be strictly necessary to its defence and economic development, is to be granted to Italy in full sovereignty.

The above six points, in their general aspects, are those on which, after many months' negotiation, the Italian Government have happily reached an agreement with the President of the United States. They appear to afford to Italy full satisfaction of her historic national aspirations, based on the desire to unite the Italian race; they give her the absolute strategic control of the Adriatic; they offer her complete guarantees against whatever aggression she might fear in the future from her Jugo-Slav neighbours—an aggression which the three representatives on their part consider as most improbable if the lines of a just and lasting settlement are reached. They have even carried their concern for Italian security to the point of neutralising the Dalmatian islands and adjacent waters from the northern border of the Ragusa region to Fiume. The three representatives therefore venture very earnestly to urge on the Italian Government in the most friendly spirit that they should reflect on the great advantages which the above settlement, following on that which gave to Italy the frontiers of the Alps, would bring her, and the great moral and material triumph with which its successful conclusion would now provide the Italian Government.

Anxious, however, to give the most sympathetic consideration to every Italian interest or sentiment, the three representatives have carefully examined in all their bearings certain further demands which the Italian Government have presented under the following four heads:

(*a*) Control by Italy of the diplomatic relations of Zara.

(*b*) An arrangement by which the city of Fiume, the so-called *corpus separatum*, should be dissociated from the Free State of Fiume and made completely independent, though its port and railway should be left to the Free State.

(*c*) Direct connection of the city of Fiume with the Italian Province of Istria by the annexation to Italy of a long, narrow strip of

territory running along the coast from Fiume to Volosca, between the railway and the sea, the Italian frontier in Istria being pushed eastwards so as to include the whole peninsula within Italy.

(*d*) Annexation to Italy of the island of Lagosta.

With regard to the first point, the representation of Zara, there ought to be no difficulty in satisfying the national Italian demand that this small historic Italian town shall preserve its Italian character, both in its internal administration and in its representation abroad. It is already conceded that (beyond such connection with Jugo-Slavia as Zara shall have by its incorporation in the Serb-Croat-Slovene Customs Union) the city shall be completely independent, under the League of Nations. The city will therefore be entirely free to decide, subject to the approval of the League of Nations, how it shall be diplomatically represented abroad. If, as is contended, the city is completely Italian, her choice will naturally be made in accordance with the Italian claim, and it is hoped that in this way entire satisfaction will be given to the desire of the Italian Government.

The Italian proposal to withdraw the city of Fiume, except its port, from the free State is one which has been found seriously perplexing. The main object of the creation of a buffer State between Italy and Jugo-Slavia was precisely to guarantee on the one hand Italian strategic security, and on the other the prosperity and development of Fiume. It is not understood how it would be possible for the so-called buffer State to exist without Fiume, and still less how it would be possible for Fiume to exist except within the buffer State. Fiume and the buffer State are absolutely dependent one on the other, and any arrangement which removed Fiume from the buffer State would put an end to the prosperity alike of the city and of its hinterland. Mindful of the sentimental feeling aroused in Italy by the question of Fiume, the three representatives have always believed that a practicable plan could be devised whereby the city of Fiume within the buffer State should enjoy a privileged position. With this object in view they propose for Fiume precisely the same degree of autonomy as the city had under Austro-Hungarian rule. It is believed that this provision and the watchful and sympathetic interest of the League of Nations will guarantee to Italy full protection for the Italian ethnic and cultural elements at Fiume. With absolute sovereignty vested in the League of Nations and with Italy represented in the Council of the League every Italian interest will be fully safeguarded. Moreover, to separate the city of Fiume from the buffer State could not fail to lead to a protest against the very establishment of such a buffer State which, under such conditions, would be inhabited almost exclusively by Jugo-Slavs.

With respect to the new Italian proposal for the annexation to Italy of the long narrow strip of coast from Fianona to the gate of the city of Fiume there are difficulties of a practical nature. The reason for which the Italian Government have made this demand is stated to be a purely sentimental one, namely, the desire that the city of Fiume should not be separated from Italy by any intervening foreign country. No doubt such a sentimental reason may be of great importance in the eyes of

the Italian Government, but it would appear to rest on a misapprehension of the real position of Fiume. The creation of the buffer State, which is to be completely independent of Jugo-Slavia, was, among other reasons, precisely intended to safeguard the position of Fiume; and the free State, of which Fiume must, as indicated in the preceding paragraph, form an essential part, is already in direct contact with the Kingdom of Italy not only by sea, but by a long land frontier of approximately 100 miles. Full effect, therefore, is already given to the sentimental considerations to which the Italian Government attach so much value. In fact, the new Italian plan would not achieve this object so well, as in practice it is to be feared that it would be quite unworkable. The Italian Government do not propose to interfere with the railway connecting Fiume with the north, which they admit is to remain within the Free State. This railway runs for a considerable distance along the coast, and the Italian proposal amounts, so far as this region is concerned, to cutting off from the Free State, and incorporating with Italy, the line of sandy and barren beach intervening between the railway and the sea. Whilst the injury to the Free State, which would in this eccentric way be entirely cut off from its only seaboard, is obvious and unmeasurable, it is not easy to understand what would be the benefit to Italy, unless it be considered a benefit to her that the Free State should be so crippled. Nor does it seem necessary to dwell on the extraordinary complexities that would arise as regards customs control, coastguard services, and cognate matters in a territory of such unusual configuration. The plan appears to run counter to every known consideration of geography, economics, and territorial convenience, and it may perhaps be assumed that if these considerations were overlooked by the Italian Government, this was due to their having connected it in their mind with the question of annexing to Italy all that remains of the Jugo-Slav portion of the peninsula of Istria.

This question of further annexation of Jugo-Slav territory is raised quite unambiguously both by the demand for the whole of Istria and by the proposal to annex the island of Lagosta. In neither case do even considerations of strategy arise. For the strategical command of the whole Adriatic is already completely assured to Italy by the possession of Trieste, Pola, the islands facing Fiume, Pelagosa, and Valona. Additional security is afforded by the proposed demilitarisation of the whole Free State of Fiume, together with a large zone lying to the north of it, and of the small portion of Istria remaining to the Free State of Fiume.

Economic considerations being equally excluded, there remains nothing but a desire for further territory. Now the territories coveted are admittedly inhabited by Jugo-Slavs, they contain practically no Italian elements. This being so, it is necessary to refer to the way in which President Wilson, with the cordial approval of Great Britain and France, has met every successive Italian demand for the absorption in Italy of territories inhabited by peoples not Italian, and not in favour of being so absorbed. On this point the following passage may be quoted from a telegram addressed to Signor Tittoni by the Secretary of State at Washington on the 12th November:

'Your Excellency cannot fail to recognize that the attitude of the American Government throughout the negotiations has been one of sincere sympathy for Italy and of an earnest desire to meet her demands. Italy claimed a frontier on the Brenner Pass, and the demand was granted in order to assure to Italy the greatest possible protection on her northern front, although it involved annexing to Italy a considerable region populated by alien inhabitants. Italy demanded further a strong geographic eastern frontier, and this likewise was granted in order to assure her abundant protection, although it involved incorporation within Italian boundaries of further territory populated by alien inhabitants. Italy demanded the redemption of her brothers under foreign sovereignty, and every effort was made to meet this wish even in certain cases where by so doing much greater numbers of foreign races were brought within Italian sovereignty. Italy demanded complete naval control of the Adriatic, and this was granted by according her the three keys of the Adriatic—Pola, Valona, and a central island base. When all this failed to satisfy Italian claims, there was added concession to concession at Sexten Valley, at Tarvis, at Albona, in the Lussin Islands, in the terms of the Fiume Free State and elsewhere. In our desire to deal generously, even more than generously, we yielded to Italy's demand for an Italian mandate over Albania, always hoping to meet from Italy's statesmen a generous response to our efforts at conciliation.'

To the considerations thus urged by Mr. Lansing, the three representatives desire to add another argument. In doing so they trust the Italian Government will not credit them with any desire to give advice on questions of Italian high policy, on which the Italian Government will rightly claim to be the best judge. But an appeal to an historical argument may be permitted to the representatives of three countries to whom the liberation of Italian territories from foreign domination has been a matter of unwavering concern and sympathy through generations of noble and often terrible struggles. Modern Italy won the place in the hearts of all liberty-loving peoples, which she has never since lost, by the pure spirit of her patriotism which set before her people the generous aim of uniting under the Italian flag those extensive provinces formerly within the ancient Italian boundaries which were and have remained essentially Italian territories in virtue of their compact Italian population. The sympathies of the world have accompanied Italy's advance to the outer borders of *Italia irredenta* in pursuit of the sacred principle of the self-determination of the peoples. This principle is now invoked by other nations. Not invariably is it possible, owing to the complicated interaction of racial, geographical, economic, and strategical factors, to do complete justice to the ethnic principle. Small isolated communities surrounded and outnumbered by populations of different race cannot, in most cases, be attached to the territory of their own nation from which they are effectively separated, but the broad principle remains that it is neither just nor expedient to annex, as the spoils of war, territories inhabited by an alien race, anxious and able to maintain a separate national State.

From this point of view the inclusion in Italy of purely Jugo-Slav territories where neither security nor geographical nor economic considerations compel annexation, is not in itself a commendable policy. It would be bound to create within the Italian borders a compact body of irredentism exactly analogous in kind to that which justified the demand of *Italia irredenta* for union with the Italian State.

The three representatives venture with all deference to express the opinion that, in declining to agree to the incorporation of more Jugo-Slav territory, they are acting in the highest interest of the Italian nation itself.

The three representatives would make an earnest appeal to the Italian Government to seize the present most favourable of opportunities for arriving at a friendly agreement with them for the immediate conclusion and permanent guarantee of a definite settlement on lines which they venture to think fully realise all the legitimate national aspirations of Italy and fully safeguard her pre-eminent position in the Adriatic. A settlement based on the foundations which Italy, in conjunction with her Allies, could thereby lay would serve as a means of reconciling interests at present divergent and of offering Italy an opportunity for rendering more cordial and solid her relations with the new nations who are her neighbours and to whom she could furnish such valuable assistance and economic support as her resources and experience entitle her to offer.

The spirit of moderation which has characterised the recent attitude of the Italian Government leads the three representatives to hope that this appeal from Italy's American, British, and French Allies will not pass unheeded, and that the Italian Government will, by assuring definite agreement with their Allies, place on firm foundations the great moral and material triumphs to which Italy's efforts and sacrifices throughout the war have so justly entitled her.

Paris, December 9, 1919. (Signed) G. CLEMENCEAU.
FRANK POLK.
EYRE A. CROWE.

Memorandum.

The United States, British, and French Governments desire to recognise the independence of the Albanian State. They consider that the State of Albania will require, to the extent indicated in paragraph 4 of article 22 of the Covenant of the League of Nations, 'the administrative advice and assistance' of one of the great Powers. For this task, Italy, by her geographical situation and economic capacity, is primarily indicated.

The United States, British, and French Governments are anxious, therefore, to entrust to Italy a mandate over the State of Albania under the conditions implied in the Covenant of the League of Nations. They consider that these conditions could form the basis of Italy's acceptance of this mandate, and should be embodied in a convention to be concluded between the Italian Government and the Governments

of the Principal Allied and Associated Powers. The headings of such a convention would be the following:

1. Albania is recognised as an independent State within the frontiers indicated in the body of the covering memorandum.

   Nothing in these stipulations shall, however, prevent the Albanian State from negotiating with the Serb-Croat-Slovene State such regional rectifications as may be in accord with local ethnographic and economic requirements.
2. The Serb-Croat-Slovene Government shall have the right to construct and operate railways through Northern Albania north of parallel 41° 15′, and otherwise to enjoy full privileges of international transport across Northern Albania.
3. The right to control the development of the Boyana River shall be vested in the Council of the League of Nations with power to delegate the work to either Italy or the Serb-Croat-Slovene State under proper restrictions. It is assumed for this purpose that Montenegro will form part of the Serb-Croat-Slovene State.
4. A commission shall forthwith be established consisting of a representative of the Italian Government, a representative of the League of Nations, and a representative of the Albanian State, who shall be designated by the Principal Allied and Associated Powers, for the purpose of elaborating (*a*) the terms of the mandate to be entrusted to Italy over Albania, and (*b*) the organic law of the future State of Albania. This Commission shall terminate its labours within five months from the signature of this Convention and will address a report thereon with the necessary recommendations to the Council of the League of Nations. The final decision as to the terms of the mandate and the organic law shall be made by the Council of the League acting by a majority vote.
5. The Commission foreshadowed in the above paragraph shall base its deliberations not only on the considerations above outlined but also on the following principles:

   (*a*) The freedom of conscience and the free and outward exercise of all forms of worship, the complete liberty in education and linguistic matters of all the inhabitants of the State of Albania.

   (*b*) The organisation, in so far as may be compatible with the traditions of the country and the exercise of efficient administration, of legislative and administrative bodies representing all sections of the population.

   (*c*) Prevention of the exploitation of the country or its colonisation in a manner liable to militate against the interests of the native inhabitants. Under this heading would be included any recommendations which the commission might make as to improvements in the existing system of land tenure.

   (*d*) The eventual creation of a local gendarmerie, the senior officers of which may be nationals of the mandatory

Power. The mandatory Power shall have the right, for a period of two years from the date on which the mandate is conferred and pending the organisation of the native gendarmerie, to maintain armed forces in the country. After that period the State of Albania shall be permanently demilitarised, and no Power shall be allowed to maintain regular forces in the country without the sanction of the Council of the League of Nations.

Paris, December 9, 1919. (Signed) G. CLEMENCEAU.
FRANK POLK.
EYRE A. CROWE.

(vi)

Signor Nitti to Mr. Lloyd George.—(Received January 6)

(Private and Confidential.)

My dear Prime Minister, *London, January* 6, 1920.

WITH reference to our conversation of this morning, I beg to enclose herewith a paper stating my suggestions which, on my advice, might lead to a satisfactory settlement of the Adriatic controversy.

Believe me, &c.
F. NITTI.

Memorandum

ITALY asks for the fulfilment of the Pact of London.

In order to eliminate the difficulties subsequently arisen and to reach a general agreement without any further delay, the Italian Government are prepared to accept the following compromise :

1. Free State of Fiume according to Wilson's plan, but with the frontier of the Pact of London in its south-western part towards Italy.

2. But in the Free State, the city of Fiume with its district (*corpus separatum*) must be guaranteed by a statute efficaciously safeguarding its 'Italianità', which, owing to the great Slav majority in the Free State, would be more threatened than it was under Hungary.

3. To the *corpus separatum* of Fiume within the Free State must be assigned the road to the west with the surrounding strip of territory up to the Italian frontier.

4. The islands of Cherso and Lagosta, besides those already assigned by Wilson, to be assigned to Italy.

5. Zara, free town, with freedom to select its diplomatic representation. Guarantees for the relations of the citizens of Zara with the Dalmatian territory.

6. Effective neutralization of the islands and also of the whole coast and of the ports of the Eastern Adriatic coast from Fiume down to the mouth of the Vojussa.

7. The Italians of the cities of Fiume and Dalmatia to have the freedom of choosing Italian citizenship without leaving the territory.

8. Guarantees for the existing economic enterprises in Dalmatia.

(vii)

Revised Proposals handed to M. Trumbitch and M. Pashitch by M. Clemenceau at a Meeting held at the Quai d'Orsay on the afternoon of January 14, 1920

1. THE *corpus separatum* of Fiume to be an independent State under the guarantee of the League of Nations, with the right to choose its own diplomatic representation. The town of Sushak to go to the Serb-Croat-Slovene State. The whole port and the railways terminating there, with all facilities for their development, to be handed over and to belong to the League of Nations, which will make such arrangements as it may see fit in the interests of the Serb-Croat-Slovene State, Hungary, and Transylvania, as well as of the town itself.

2. The free State to disappear and the boundary between Italy and the Serb-Croat-Slovene State to be drawn (*a*) so as to provide a connexion by road along the coast within Italian territory, but to leave the whole of the railway from Fiume northwards through Adelsberg within the Serb-Croat-Slovene State; where the railway from Fiume passes along the coast the boundary is drawn between the road and the railway; (*b*) so as to provide for the protection of Trieste, involving a readjustment of the Wilson line in the region of Senosecchia; (*c*) otherwise the frontier to be drawn as marked by the blue line on the map attached [1] so as to leave purely Jugo-Slav districts in the Serb-Croat-Slovene State.

3. Zara, within the limits of the municipality, to be an independent State under the guarantee of the League of Nations, with the right to choose its own diplomatic representation.

4. Italy to retain Valona, as provided for in the Treaty of London, and, in addition, to have a mandate over Albania. The boundaries of Northern Albania to be readjusted as shown on the map attached.[1] The Albanian districts which will thus come to be administered by the Serb-Croat-Slovene State will enjoy a special régime as an autonomous province, similar to that provided under the treaty with the Czecho-Slovak Republic for the autonomous Ruthenian province of Czecho-Slovakia. The southern boundary of Albania to be the line proposed by the French and British Delegations on the Greek Affairs Commission, leaving Argyrocastro and Koritza to Greece.

5. The following island groups to be assigned to Italy: Lussin, Pelagosa, and Lissa; the remainder of the islands to be under the sovereignty of the Serb-Croat-Slovene State.

6. All the islands of the Adriatic to be demilitarized.

7. Special provisions will be made permitting Italians in Dalmatia to opt for Italian nationality without leaving the territory.

8. Existing economic enterprises in Dalmatia should have their security safeguarded by an international convention.

Paris, January 14, 1920.

[1] Not reproduced.

(viii)

Serb-Croat-Slovene Reply, 20th January, 1920

QUESTION DE L'ADRIATIQUE

Réponse de la Délégation du Royaume des Serbes, Croates et Slovènes, d'après les instructions du Gouvernement Royal, aux Propositions remises à M. Pachitch et à M. Trumbitch, par M. Clemenceau, à la réunion tenue au Quai d'Orsay dans l'après-midi du 14 janvier 1920.

I

Le *corpus separatum* de Fiume ne serait pas sous la souveraineté yougo-slave et l'indépendance de Fiume est acceptée en principe.

En conséquence, le *corpus separatum* de Fiume sans les chemins de fer et sans le port sera un État indépendant sous la souveraineté de la Société des Nations, à qui appartiendra aussi la représentation diplomatique de Fiume.

Le port de Fiume, y compris le grand môle et les chemins de fer qui aboutissent à Fiume, ainsi que les installations qui dépendent de ces services, seront la propriété de la Société des Nations et placés sous la gestion de l'État des Serbes, Croates et Slovènes, à qui appartient le réseau des chemins de fer aboutissant à Fiume, dont ce port est le seul débouché commercial sur la mer. L'État des Serbes, Croates et Slovènes aura le droit de développer le port et les chemins de fer et devra conclure des arrangements avec la Roumanie, la Tchéco-Slovaquie et la Hongrie au profit du commerce de ces pays. En cas de désaccord, le différend sera résolu par le Conseil de la Société des Nations.

La ville de Souchak et le port de Baros, qui en fait partie intégrante et qui a été construit exclusivement en vue du commerce des bois provenant de la Croatie, seront attribués en propriété au Royaume des Serbes, Croates et Slovènes. Ce petit port serait la seule ouverture, au point de vue commercial, qui serait en pleine propriété à la Yougo-Slavie sur toute la longueur de l'Adriatique.

II

La frontière entre l'Italie et la Yougo-Slavie établie par la ligne Wilson depuis les Alpes juliennes jusqu'à l'Arsa est la seule frontière qui réponde aux conditions géographiques, stratégiques et économiques, et elle est entièrement au bénéfice de l'Italie. Cette frontière est acceptée, quoiqu'elle lèse gravement le principe des nationalités en laissant à l'Italie 400,000 Yougo-Slaves. Un si grand sacrifice, tel qu'aucun autre État allié n'en a subi de pareil, est pourtant consenti par le peuple yougo-slave dans l'intérêt de l'accord et de la paix.

L'annexion, que rien ne peut justifier, de territoires purement yougo-slaves au delà de la ligne Wilson constituerait une nouvelle et profonde violation du principe des nationalités. Elle aurait forcément pour résultat de créer à l'intérieur des frontières de l'Italie un foyer permanent d'irrédentisme, précisément de nature analogue à celui qui a justifié les revendications de l' ' Italia Irredenta ' demandant son

retour à la mère patrie, ainsi que cela a été excellemment souligné dans le mémorandum de Londres :

(*a*) En ce qui concerne l'endroit où le chemin de fer qui, partant de Fiume, longe la côte, si cet endroit était attribué à l'Italie il en résulterait des difficultés quotidiennes insurmontables au point de vue du contrôle douanier, du service côtier et des autres services analogues, sur un espace de configuration étrange, qui n'aurait que quelques mètres de largeur entre la mer et le chemin de fer constituant la frontière yougo-slave. Cela créerait inévitablement une source de difficultés quotidiennes.

(*b*) L'élargissement du territoire italien à l'est de la ligne Wilson dans la région de Senozetche, résultant d'un déplacement de la frontière de quelques kilomètres à l'est, ne peut être justifié par le désir de mieux protéger Trieste. Par contre, cette mesure aurait pour résultat de donner à l'Italie une nouvelle partie de terre yougo-slave sur le plateau de Senozetche et de rapprocher la frontière italienne à 5 ou 6 kilomètres seulement de l'important point de jonction de chemins de fer qu'est la station de Saint-Pierre. Cette ligne, artère vitale des pays yougo-slaves, ne serait ainsi que plus directement menacée.

(*c*) Les districts purement yougo-slaves ne sont pas seulement ceux qui se trouvent le long de la ligne bleue tracée sur la carte jointe au projet ; les districts purement yougo-slaves sont également ceux qui se trouvent au sud de Senozetche jusqu'à la mer, et qui représentent un territoire ayant à peu près la forme d'un triangle. Par la cession de ce territoire, 60,000 Yougo-Slaves encore seraient attribués à l'Italie. La côte depuis l'Arsa jusqu'à Voloska, longue de plus de 50 kilomètres, domine le golfe de Fiume, dans lequel l'Italie n'a aucun intérêt légitime. Par contre, le golfe de Fiume représente pour la Yougo-Slavie une condition essentielle d'existence, étant son seul débouché économique. Par la cession de ce territoire à l'Italie, tout l'hinterland, qui est habité, ainsi que la côte, par une population purement yougo-slave, serait séparé de la mer.

III

Quant à Zara, quoique cette ville n'ait que 12,000 habitants et ne représente qu'un point isolé au milieu du territoire yougo-slave, dont elle tire ses moyens d'existence, la Délégation n'insiste pas sur sa demande que cette ville soit placée sous la souveraineté yougo-slave et accepte le principe de son indépendance.

En conséquence, Zara (la ville seulement, sans le reste du territoire de la commune de Zara) deviendra un État indépendant sous la souveraineté de la Société des Nations, à qui appartiendra aussi sa représentation diplomatique.

On ne peut admettre que Fiume et Zara aient le droit de choisir leurs représentations diplomatiques ; ce choix, s'il se trouvait être dévolu à l'Italie, constituerait une annexion déguisée.

Cependant, nous attirons encore une fois, de la façon la plus sérieuse, l'attention sur le fait que Zara, qui ne possède aucun moyen d'existence indépendante, serait ruinée économiquement si, comme État indépendant, elle était séparée du reste de la Dalmatie, dont elle est, depuis des siècles, le centre administratif. Étant donné que rien ne s'opposait

à ce que la question fût résolue en accordant à Zara l'autonomie administrative la plus complète sous la protection de la Société des Nations, sa constitution en État indépendant, qui la séparerait du reste de la Dalmatie, n'est donc nullement justifiée.

Si l'on créait, néanmoins, cet État indépendant, l'État des Serbes, Croates et Slovènes aurait le droit de transférer de Zara le Crédit foncier de Dalmatie, les administrations provinciales, les archives, les bibliothèques et tout ce qui servait à l'administration de la province.

IV

Quant à l'Albanie, la Délégation du Royaume des Serbes, Croates et Slovènes fait remarquer à nouveau, comme elle l'a fait dès le début, que la meilleure solution serait de confier l'administration de l'Albanie, telle qu'elle a été créée par la Conférence des Ambassadeurs de Londres de 1913, à un Gouvernement local autonome sans ingérence d'aucune Puissance étrangère.

Au cas où cette solution ne serait pas acceptée, et si l'on adoptait définitivement l'attribution envisagée en faveur d'autres États de parties du territoire albanais, il faut que la frontière proposée en Albanie septentrionale soit l'objet des remaniements indiqués sur la carte ci-jointe. Les districts albanais jouiront, en tant que provinces autonomes, d'un régime spécial analogue à celui qui est stipulé, aux termes du Traité de Paix, avec la République tchéco-slovaque pour la province ruthène autonome de la Tchéco-Slovaquie.

V

Pour faciliter la solution, l'État des Serbes, Croates et Slovènes accepterait, éventuellement, la démilitarisation des îles, faisant ainsi un grand sacrifice, mais à la condition que l'île de Liesa (*sic*), qui est purement slave, et qui, au point de vue économique, est indissolublement liée au reste de la Dalmatie, soit attribuée au Royaume des Serbes, Croates et Slovènes. En conséquence, les îles de Lussing et de Pelagruza resteraient à l'Italie et seraient démilitarisées, comme les autres îles de l'Adriatique.

La démilitarisation consistera dans l'interdiction de fortifier les îles ; toutefois, les navires de guerre pourront librement circuler dans leurs eaux.

VI

L'État des Serbes, Croates et Slovènes reconnaît aux Italiens de Dalmatie la faculté d'opter pour la nationalité italienne, sans quitter le territoire du Royaume des Serbes, Croates et Slovènes.

VII

Une convention internationale garantira les droits acquis des sujets italiens en ce qui concerne leurs entreprises industrielles en Dalmatie.

VIII

De même, la pleine et entière protection de la nationalité, du langage et du développement économique et intellectuel de la population yougo-slave restant à l'Italie sera garantie.

IX

La question du partage de la flotte de guerre et de la flotte commerciale austro-hongroises est liée au problème adriatique.

En ce qui concerne la flotte commerciale, il est nécessaire que la Yougo-Slavie et l'Italie soient, dès à présent, autorisées à effectuer le partage des navires sur la base de la décision du Conseil suprême du 22 novembre 1919.

Quant à la flotte de guerre, la Délégation demande, conformément à ses lettres datées du 2 juin 1919 et du 8 janvier 1920, dont les copies sont ci-annexées, que les navires qui y sont mentionnés, et qui sont indispensables pour la défense élémentaire des côtes yougo-slaves, soient attribués au Royaume des Serbes, Croates et Slovènes.

Paris, le 20 *janvier* 1920.

(ix)

President Wilson's Note of 10*th February*, 1920

The following is the text of a communication from the Secretary of State of the United States of America to the American Ambassador in Paris, which, in accordance with the instructions therein contained, will be delivered by the American Ambassador in Paris to the French Foreign Office, and to the British Embassy in Paris, and which, pursuant to the request of Ambassador Wallace, is furnished to the Prime Ministers of Great Britain and France by the American Ambassador in London, in order that they may be informed thereof at the earliest practicable moment:

'Please communicate the following to British and French representatives:

'The President has carefully considered the joint telegram addressed to this Government by French and British Prime Ministers and communicated by the American Ambassador in Paris in regard to the negotiations on the Adriatic question. The President noted with satisfaction that the French, British and Italian Governments have never had the intention of proceeding to a definite settlement of this question except in consultation with the American Government. The President was particularly happy to receive this assurance, as he understood that M. Clemenceau and Mr. Lloyd George, in agreement with Signor Nitti, had decided upon a solution of the Adriatic question, which included provisions previously rejected by the American Government, and had called upon the Jugo-Slav representative to accept this solution on pain of having the Treaty of London enforced in case of rejection. The President is glad to feel that the Associates of this Government would not consent to embarrass it by placing it in the necessity of refusing adhesion to a settlement which in form would be an agreement by both parties to the controversy, but which in fact would not have that great merit, and one party was forced to submit to material injustice by

threats of still greater calamities in default of submission. The President fully shares the view of the French and British Governments that the future of the world largely depends upon the right solution of this question, but he cannot believe that a solution containing provisions which have already received the well-merited condemnation of the French and British Governments can in any sense be regarded as right. Neither can he share the opinion of the French and British Governments that the proposals contained in their memorandum delivered to the Jugo-Slav representatives on the 14th January leave untouched practically every important point of the joint memorandum of the French, British and American Governments of the 9th December, 1919, and that "only two features undergo alterations, and both these alterations are to the positive advantage of Jugo-Slavia". On the contrary, the proposal of the 9th December has been profoundly altered to the advantage of Italian objectives, to the serious injury of the Jugo-Slav people, and to the peril of world peace. The view that such positive advantages have been conceded to Italy would appear to be borne out by the fact that the Italian Government rejected the proposal of the 9th December and accepted that of the 14th January.

'The memorandum of the 9th December rejected the device of connecting Fiume with Italy by a narrow strip of coast territory as quite unworkable in practice, and as involving extraordinary complexities as regards customs control, coast-guard services, and cognate matters in a territory of such unusual configuration. The French and British Governments, in association with the American Government, expressed the opinion that "the plan appears to run counter to every consideration of geography, economics and territorial convenience". The American Government notes that this annexation of Jugo-Slav territory by Italy is nevertheless agreed to by the memorandum of the 14th January. The memorandum of the 9th December rejected Italy's demand for the annexation of all of Istria, on the solid ground that neither strategic nor economic considerations could justify such annexation, and that there remained nothing in defence of the proposition, save Italy's desire for more territory admittedly inhabited by Jugo-Slavs. The French and British Governments then expressed their cordial approval of the way in which the President has met every successive Italian demand for the absorption in Italy of territories inhabited by peoples not Italian, and not in favour of being absorbed, and joined in the opinion that "it is *neither* just nor expedient to annex as the spoils of war territories inhabited by an alien race." Yet this unjust and inexpedient annexation of all of Istria is provided for in the memorandum of the 14th January. The memorandum of the 9th December carefully excluded every form of Italian sovereignty over Fiume. The American Government cannot avoid the conclusion that the memorandum of the 14th January opens the way for Italian control of Fiume's foreign affairs, thus introducing a measure of Italian sovereignty over, and Italian intervention in, the only practicable port of a neighbouring people, and taken in conjunction with the extension of Italian territory to the gates of Fiume, paves the way for possible future annexation of the port by Italy in contradiction of compelling consideration of equity

and right. 'The memorandum of the 9th December afforded proper protection to the vital railway connecting Fiume northward with the interior. The memorandum of the 14th January establishes Italy in dominating military positions close to the railway at a number of critical points.

'The memorandum of the 9th December maintained in large measure the unity of the Albanian State. That of the 14th January partitions the Albanian people against their vehement protests, among three different alien Powers.

'These, and other provisions of the memorandum of the 14th January, negotiated without the knowledge or approval of the American Government, change the whole face of the Adriatic settlement, and, in the eyes of this Government, render it unworkable, and rob it of that measure of justice which is essential if this Government is to co-operate in maintaining its terms. The fact that the Jugo-Slav representatives might feel forced to accept, in the face of the alternative of the Treaty of London, a solution which appears to this Government so unfair in principle, and so unworkable in practice, would not in any degree alter the conviction of this Government that it cannot give its assent to a settlement which, both in the terms of its provisions and in the methods of its enforcement, constitutes a positive denial of the principles for which America entered the war.

'The matter would wear a very different aspect if there were any real divergence of opinion as to what constitutes a just settlement of the Adriatic issue. Happily, no such divergence exists. The opinions of the French, British and American Governments as to a just and equitable territorial arrangement at the head of the Adriatic Sea were strikingly harmonious. Italy's unjust demands had been condemned by the French and British Governments in terms no less severe than those employed by the American Government. Certainly the French and British Governments will yield nothing to their American associate as regards the earnestness with which they have sought to convince the Italian Government that fulfilment of its demands would be contrary to Italy's own best interests, opposed to the spirit of justice in international dealings, and fraught with danger to the peace of Europe. In particular, the French and British Governments have opposed Italy's demands for specific advantages which it is now proposed to yield to her by the memorandum of the 14th January, and have joined in informing the Italian Government that the concessions previously made "afford to Italy full satisfaction of her historic national aspirations based on the desire to unite the Italian race, give her the absolute strategic control of the Adriatic and offer her complete guarantees against whatever aggression she might fear in the future from her Jugo-Slav neighbours."

'While there is thus substantial agreement as to the injustice and inexpediency of Italy's claims, there is a difference of opinion as to how firmly Italy's friends should resist her importunate demands for alien territories to which she can present no valid title. It has seemed to the President that French and British associates of the American Government, in order to prevent the development of possibly dangerous com-

plications in the Adriatic region, have felt constrained to go very far in yielding to demands which they have long opposed as unjust. The American Government, while no less generous in its desire to accord to Italy every advantage to which she could offer any proper claims, feels that it cannot sacrifice the principle for which it entered the war to gratify the improper ambitions of one of its associates or to purchase a temporary appearance of calm in the Adriatic at the price of a future world conflagration. It is unwilling to recognise either an unjust settlement based on a secret treaty, the terms of which are inconsistent with the new world conditions, or an unjust settlement arrived at by employing that secret treaty as an instrument of coercion. It would welcome any solution of the problem based on a free and unprejudiced consideration of the merits of the controversy or on terms which the disinterested Great Powers agreed to be just and equitable. Italy, however, has repeatedly rejected such solutions. This Government cannot accept a settlement the terms of which have been admitted to be unwise and unjust but which it is proposed to grant to Italy in view of her persistent refusal to accept any wise and just solution.

'It is a time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms co-operate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war. This Government does not doubt its ability to reach amicable understandings with the Associated Governments as to what constitutes equity and justice in international dealings; for difference of opinion as to the best methods of applying just principles have never obscured the vital fact that in the main several Governments have entertained the same fundamental conception of what these principles are. But if substantial agreement to principle, if just and reasonable, is not to determine international issues; if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the Powers; if forcible seizure of coveted areas is to be permitted and condoned, and is to receive ultimate justification by creating a situation so difficult that decision favourable to the aggressor is deemed a practical necessity; if deliberately-incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of Powers, the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise; but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

'If it does not appear feasible to secure acceptance of the just and

generous concessions offered by the British, French and American Governments to Italy in the joint memorandum of those Powers of the 9th December, 1919, which the President has already clearly stated to be the maximum concession that the Government of the United States can offer, the President desires to say that he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France of the 28th June, 1919, which are now before the Senate and permitting the terms of the European settlement to be independently established and enforced by the Associated Governments.

'LANSING.'

American Embassy, London,
February 13, 1920.

(x)

Memorandum by the Prime Ministers of France and Great Britain in reply to President Wilson's communication received on 14*th February*, 1920.

The Prime Ministers of France and Great Britain have given their earnest attention to the communication made to them in regard to the Adriatic settlement on behalf of President Wilson. They are glad that the Government of the United States has set forth its views so fully and with such complete frankness. They do not, however, find it altogether easy to understand the steps by which the Government of the United States has arrived at its present attitude.

In the first place they believe that there is no foundation for the assumption which underlies the American communication, that the proposed settlement outlined in their telegram of the 20th January involves a capitulation to the Italian point of view as opposed to the Jugo-Slav and therefore constitutes a settlement with which the American Government can have nothing to do. The memorandum from the United States Government criticises the proposed settlement on four grounds. First, that it cedes to Italy the narrow strip of territory running along the coast as far as the *corpus separatum* of Fiume. Secondly, that this strip of territory coupled with the constitution of Fiume as a free city under the guarantee of the League of Nations clearly paves the way for its annexation to Italy. Thirdly, that the modification of the Jugo-Slav-Italian frontier operates to the detriment of Jugo-Slavia in its control of the northern railway from Fiume; and fourthly, that it provides for the partition of Albania. The memorandum of the United States Government would appear to have entirely ignored the great advantages conferred on Jugo-Slavia at the same time.

The origin of the proposal of the 20th January lies in the fact that when the Prime Ministers of Great Britain and France came to deal directly both with the representatives of Italy and Jugo-Slavia in Paris they found that nobody desired the constitution of the free state of Fiume, which had always been an essential part of the American pro-

posals for settlement. They discovered that Jugo-Slavia would prefer a settlement which did away with the free state, including as it does a population of 200,000 Slavs, and included as much as possible of its territory and population within its own borders. Accordingly the Governments of France and Great Britain, continuing the negotiations from the point at which they had been left on the 9th December, made the proposal under discussion including the rectification of the Wilson line and the cession to Italy of a strip of territory running along the shore so as to connect it with the free city of Fiume, the net upshot of which was that Jugo-Slavia was to gain, as compared with the American proposal, an additional 150,000 Jugo-Slavs, while agreeing to the inclusion within the Italian frontier of a further 50,000 Jugo-Slavs in addition to the 40,000 which President Wilson had already agreed to allot to that country.

As regards the suggestion that the proposal of the 20th January clearly paved the way for the annexation of the town of Fiume to Italy, the French and British Governments cannot possibly accept the implication that the guarantee of the League of Nations is worthless, and that the Italian Government has no intention of abiding by a Treaty which it enters into. As regards the railway, the proposal of the 20th January gives to the Jugo-Slav State the control of the whole line from the point where it leaves the port of Fiume, which is under the control of the League of Nations. The railway is a commercial and not a strategic railway. Under President Wilson's proposals it is commanded by Italian guns. According to either plan nothing could be easier than for Italy to cut it in the event of war. They do not, therefore, see that there is substance in this criticism of a proposal whose real effect is to transfer the whole railway to Jugo-Slavia instead of leaving it in the hands of the free state of Fiume which no one desires.

There remains the question of Albania. They are glad to receive the criticism of the American Government on this part of their proposal. They would point out, however, that their telegram of the 20th January states that, 'the details of the administration of this country by Jugo-Slavia, Italy and Greece have yet to be elaborated, and in working to this end sight will not be lost of the feelings and future interest of the Albanian people and every endeavour will be made to carry out the arrangements in full consultation with them.' Further they would point out that so far from this proposal being made in the interests of Italy it was made in the interests of Jugo-Slavia. The Jugo-Slavs pointed out that though under the proposal of the 20th January the northern part of their territory was guaranteed adequate access to the sea through the Port of Fiume, the southern part of Jugo-Slavia had no such access, and that the natural outlet was to build a line down the Drin river to the mouth of the Boyana river. The French and British Governments thought that there was force in this contention, and their proposal in regard to Albania was designed to enable Jugo-Slavia, inasmuch as Albania was unable to undertake the work for itself, to develop under international guarantee a railway and port serving the southern part of its territory. Inasmuch as the Albanian people have never been able to establish a settled Government for themselves, and

as the northern part of the population is overwhelmingly Christian and the southern part similarly Mahommedan, they thought it best to entrust the responsibility for government and development of these two parts to Jugo-Slavia and Italy respectively. They have, however, agreed that the whole of Albania should be brought under the mandatory system, and they believe that this will make it possible eventually to satisfy the aspirations of the Albanian people for unity and self-government.

The Governments of Great Britain and France, therefore, must repeat that they find difficulty in understanding the present attitude of the United States Government towards the proposals, and they hope that in view of these explanations that Government will see its way to reconsider its attitude. In their view these proposals are the natural outcome of the policy of the joint memorandum of the 9th December, once, with the consent of both parties concerned, the idea of the free state of Fiume was abandoned. In view of the absence of the American Representatives they had no option but to attempt to settle this question by themselves. It is not, however, the desire of the two Governments to force a settlement which is unacceptable to the President of the United States, and they will, therefore, not attempt to insist upon its acceptance until they have heard the view of the United States Government on this despatch. They have confined themselves, therefore, to asking the Jugo-Slav Government to give a definite answer to their memorandum of the 20th January, since they must know what the attitude of that Government is.

They feel bound, however, to ask the United States Government to consider the effect of their action. The proposal of the 9th December has fallen to the ground because nobody now wants to set up the artificial free state of Fiume. The proposal of the 20th January is objected to by the United States, which had no representative at the deliberations, and which cannot, therefore, be in close touch with the changes of opinion and circumstances which have taken place since its plenipotentiaries returned to America. They cannot help feeling that a large part of the misunderstanding is attributable to the difficulty of reaching a common understanding in the circumstances. How does the United States Government, which, to the regret of the Allies, still has no plenipotentiaries at the Conference, propose that this dispute, which prevents the reconstruction and threatens the peace of South-Eastern Europe, and whose settlement is urgently required, should ever be closed?

Further, the British and French Governments must point out that the failure to secure an agreed settlement between Italy and Jugo-Slavia must leave them no choice but to acknowledge the validity of the Treaty of London. They would recall to the United States Government that the Treaty of London was entered into in the spring of 1915 at a most critical and dangerous moment of the war. In thus entering the war on the side of human freedom Italy made it a condition that the Allies should secure for her as against Austria-Hungary strategic frontiers which would guarantee her against the retention by the Central Powers of the strategic command of the northern plains of

Italy. Had the Austro-Hungarian Empire remained in existence as the ally of Germany, the provisions of the Treaty of London would have been sound. Relying upon the word of her Allies, Italy endured the war to the end. She suffered a loss in killed of over 500,000 men and in wounded of three times that number, while her people are burdened by crushing debt. It was clearly impossible for her Allies to declare at the end of the war that their signature to the treaty meant nothing but a scrap of paper, and that they did not intend to apply the terms of their bond. They agreed with President Wilson that the circumstances under which the Treaty of London was concluded had been transformed by the war itself. The Austro-Hungarian Empire had disappeared, and the menace to Italy, against which the terms of the treaty were intended to provide, had largely diminished. They therefore entirely associated themselves with the efforts of President Wilson to negotiate a settlement between Italy and Jugo-Slavia which was more consonant with the new conditions and which was acceptable to both sides. But throughout these negotiations they never concealed from him the fact that they regarded themselves as bound by the Treaty of London in the event of a voluntary agreement not being arrived at. The fact, therefore, that when they made their proposals of the 20th January they informed both the Italian and the Jugo-Slav Governments that in the event of their not being accepted they would have no option but to allow the Treaty of London to come into force can have come as no surprise, and was, indeed, the obvious method of bringing this long controversy to a close. They would point out that this declaration is not, as the American Government would appear to think, an ultimatum to Jugo-Slavia on behalf of Italy. Under the Treaty of London, Italy has had to abandon Fiume altogether and hand it over to Jugo-Slavia. This part of the Treaty is as unacceptable to Italians as is the transfer of Dalmatia and the islands to Jugo-Slavia. The declaration, therefore, in regard to the enforcement of the treaty was an attempt to promote a prompt settlement of this dangerous controversy by pointing out to both sides that if they could not agree upon a settlement which after long negotiation seemed to be a fair compromise between their conflicting views, the only alternative was an arrangement which was less palatable to both.

Finally, the Governments of France and Great Britain feel bound to reply to the general observations contained in the latter part of the United States memorandum. They know well the sincerity of President Wilson's desire for the establishment of a better international order providing real guarantees against a repetition of the terrible events of the last five years. They are reluctant to believe that the President can consider that the modifications which they have made in the memorandum of the 9th December can constitute in themselves a justification for a withdrawal from all further co-operation with them in the attempt to adjust peaceably the world's affairs. They feel confident that the explanations contained in this reply will remove any misunderstandings as to the nature of the Adriatic proposals. At the same time they are deeply concerned that the United States should even contemplate the action to which they refer. One of the principal

difficulties encountered by the heads of Governments during the negotiations of peace was that of reconciling treaty obligations with national aspirations which had changed or come into being since the date on which the treaties were signed. It was obviously impossible to ignore these latter aspirations, many of them born during the war and formulated with unexampled clarity and elevation by the President of the United States himself. It was equally clearly impossible to ignore treaties. In fact, the war began in order to enforce upon Germany respect for the solemn treaty she had made nearly eighty years before in regard to the neutrality of Belgium. It is the task of the statesmen of the world to endeavour to adjust national aspirations and ideals, many of which are only transitory and ephemeral, with one another and with international treaties. The difficulty of the task, the patience required in order to effect it successfully, the uselessness of endeavouring to enforce preconceived ideas on refractory material, has been recognised by no one more clearly than by the President of the United States. In his address at the opening session of the Peace Conference he pointed out how impossible it was to expect imperfect human beings and imperfect nations to agree at once upon ideal solutions. He made it clear that in his judgment the only course before the Peace Conference was to do the best it could in the circumstances and to create machinery whereby improvements and rectifications could be effected by reason and common sense under the authority of the League of Nations instead of by resort to war. Accordingly not only was the League of Nations established, but Article IX was specially inserted in the Covenant providing that 'the Assembly may from time to time advise the reconsideration by members of the League of treaties which become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.' Thus an essential part of the Treaties of Peace has been the constitution of machinery for modifying and correcting those treaties themselves, where experience shows it to be necessary. The Governments of France and Great Britain, therefore, view with consternation the threat of the United States Government to withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement. The difficulty of reconciling ethnographic with other considerations is certainly not greater in the Adriatic case and does not produce more anomalous results than in the case of other parts of the general Treaties of Peace, difficulties which were recognised by President Wilson and his colleagues when they agreed to the best settlement practicable at the time, because the machinery for peaceful readjustment had come into being. That ethnographic reasons cannot be the only ones to be taken into account is clearly shown by the inclusion of 3,000,000 Germans in Czecho-Slovakia, and the proposals so actively supported by the United States Delegation for the inclusion within Poland of great Ruthenian majorities exceeding 3,500,000 in number hostile to Polish rule. Though the British Representatives saw serious objections to this arrangement, the British Government have not thought themselves justified in reconsidering on that account their membership of the League of Nations. The

Governments of France and Great Britain, therefore, earnestly trust that whatever the final view of the United States Government as to the Adriatic settlement may be, they will not wreck the whole machinery for dealing with international disputes by withdrawing from the treaties of 1919 because their view is not adopted in this particular case. That would be to destroy the hopes now entertained by countless millions of people all over the world that the most enduring and the most beneficent part of the Treaty of Peace was the constitution of machinery whereby the defects of treaties could be remedied and the changing conditions and aspirations of mankind could be adjusted by processes of reason and justice instead of by the balancing of armaments and resort to war. The Governments of Great Britain and France cannot believe that it is the purpose of the American people to take a step as far-reaching and terrible in its effects on a ground which has the appearance of being so inadequate.

MILLERAND.
D. LLOYD GEORGE.

London, February 17, 1920.

(xi)

Treaty of Rapallo, 12th November, 1920

BETWEEN THE KINGDOM OF ITALY AND THE SERB-CROAT-SLOVENE KINGDOM [1]

THE BOUNDARIES OF ISTRIA

Article I. The frontier between the Kingdom of Italy and the Kingdom of the Serbs, Croats, and Slovenes is established as follows:

From Mount Pec (Q. 1,511), which is common to the three frontiers of Italy, Austria and the Kingdom of the S.H.S. as far as Mount Jalovez (Q. 2,643), a line to be determined on the ground drawn roughly north and south, and passing through Q. 2,277 (Ponca).

Beyond Mount Jalovez, a line following the watershed between the basin of the Isonzo and that of the Sava da Wurzen as far as Mount Tricorno (Triglav, Q. 2,863); then the watershed between the basin of the Isonzo and that of the Sava da Wochein (Bohiny) as far as the north-eastern slopes of Mount Mosic (Q. 1,602), passing through Hills 2,348 (Vogel), 2,003 (Lavsevica) and 2,086 (Kuk).

From the north-eastern slopes of Mount Mosic and the eastern slopes of Mount Porzen (Q. 1,631) a line running roughly north and south to be determined on the ground.

From the eastern slopes of Mount Porzen (Q. 1,631) to the western slopes of Mount Blegos (Q. 1,562) a line running roughly east and west to be determined on the ground, leaving the hamlet of Dautscha to the S.H.S. Kingdom, and that of Novaka to Italy.

From the western slopes of Mount Blegos (Q. 1,562) to the eastern

[1] Text is taken from *Il Messagero*, Rome, 13th November, 1920.

slope of Mount Bevk (Q. 1,050) a line to be determined on the ground, with a general direction of N.E. and S.W., leaving to the S.H.S. Kingdom the hamlets of Loskovza, Kopacnica and Zaveden, and to Italy the two passes of Podlanischam.

From the eastern slopes of Mount Bevk (Q. 1,050) as far as immediately to the western boundary of the hamlet of Hotedrazica a line to be determined on the ground, leaving to the S.H.S. Kingdom the hamlets of Javerjudol, Ziri, Opale, Hlevische, Rvto, and Hotedrazica and to Italy, Mount Prapretni and the hamlets of Bresnike, Urednik, Zavratec and Madwedjeberdo.

Hereafter a line as far as the hamlet of Zelse, which at first follows the dyke beside the carriage road Hotedrazica–Planina, leaving accordingly to the S.H.S. Kingdom the hamlets of Planina, Unek, Zelse and Radek.

From the hamlet of Zelse to Cabranska a line to be determined on the ground, running roughly N.W. and S.E. which at first turns aside along the lower slopes of Mount Pomario (Javornik Q. 1,268), leaving to the S.H.S. Kingdom the hamlets of Dolenia, Vas, Dolenje, Jezero and Otok, and to Italy the summits of Hills 875, 985 and 968; then along the eastern lower slopes of the Bicka-Gora (Q. 1,236) and of the Pieka Gora (Q. 1,067), assigning to Italy the hamlets of Lescova, Dolina, and the road junction of Hill 912 to the west of Skodnik and of Hill 1,146 to the east of Cifri (Q. 1,399), as far as Cabranska, which will remain Italian territory, together with the carriage road running along the lower slopes of Mount Nevoso from Lescova Dolina to Cabranska.

From Cabranska to Griza (Q. 502) a line to be determined on the ground, running roughly N.E. and S.W. passing to the east of Mount Trestenico (Trstenek, Q. 1,243) and touching Hill 817 to the south of Suhova; passing to the south of Zidovje (Q. 660) and then to the east of Griza (Q. 502), leaving to Italy the hamlets of Clana and Bresa and to the S.H.S. Kingdom the district of Studena.

From Griza (Q. 502) to the boundary of the State of Fiume a line to be determined on the ground running roughly north and south until it reaches the carriage road of Rupa Castua about half-way between Jossici and Spincici; afterwards it cuts this road and encircling to the west the hamlets of Miseri and Trinaiatici (which are left to the S.H.S. Kingdom), meets the Mattuglie–Castua carriage road, at the height of the cross-road to the east of Mattuglie, then on the Fiume–Castua road it meets the north boundary of the Free State of Fiume, and precisely at the north boundary of the hamlet of Robesi (where it is crossed by the cart-track from Croce di Tomatici at a point about 500 metres south of the cross-roads west of Castua). Until, however, the regular road communications in Italian territory are in working order the said carriage roads and the cross-roads to the west of Castua may be fully and freely used by the Kingdom of Italy as well as the State of Fiume.

Italian Sovereignty of Zara

Article II. Zara and the territory hereinafter described are recognized as forming part of the Kingdom of Italy.

The territory of Zara under Italian sovereignty comprises the city and the commune of Zara and the commune (section) of Borgo Erizzo, Cerno, Boccagnazzo, and that part of the commune (section of Diclo), determined by a line starting from the sea at about 700 metres S.E. of the village of Diclo and going in a straight line towards the N.E. as far as Hill No. 66 (Gruz).

A special convention will make the necessary dispositions for this Article as regards the commune of Zara and its relations with the district and the province of Dalmatia and will regulate the reciprocal intercourse between the territory assigned to Italy and the rest of the territory hitherto forming part of the same communes, district and province belonging to the S.H.S. Government, including therein the just division of provincial and communal property and of the archives relative thereto.

Article III. Equally recognized as forming part of the Italian Kingdom are the Islands of Cherzo and Lussin with the smaller islands and reefs included in their respective administrative districts, as well as the smaller islands and reefs included in the administrative boundaries of the Province of Istria in so far as they are attributed by the above terms to Italy, and the islands of Lagosta and Pelagosa with the adjacent islets.

All the other islands which belonged to the former Austro-Hungarian Monarchy are recognized as forming part of the S.C.S. Kingdom.

The Free State of Fiume

Article IV. The Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes recognize the full liberty and independence of the State of Fiume and pledge themselves to respect it in perpetuity. The State of Fiume is constituted:

(*a*) Of the *corpus separatum*, which is at present bounded by the limits of the City and of the District of Fiume.

(*b*) Of a strip of territory, hitherto part of Istria, bounded as follows:

To the north—by a line to be settled on the ground which, starting immediately to the south of the village of Castua, meets on the San Mattia–Fiume road the boundary of the *corpus separatum*, leaving the villages of Serdoci to the north of Nosti to the S.C.S. Kingdom, and leaving all the carriage road, which to the north of the railway to Mattuglie and across hill No. 377 to the west of Castua leads to Rupa, to the State of Fiume.

To the west—by a line descending from Mattuglie to the sea at Proluca, leaving the railway station and the locality of Mattuglie in Italian territory.

Article V. The boundaries of the territories referred to in the preceding articles shall be traced on the ground by a Delimitation

Commission composed half of Italian and half of S.C.S. delegates. In case of dispute the arbitration of the President of the Swiss Republic shall be requested, and from this arbitration there shall be no appeal.

For clearness and greater accuracy a map (scale 1/200,000) is annexed to the present treaty, and on it is marked the line of the boundaries referred to in articles I and IV.

Article VI. The Italian and S.C.S. Kingdom will convoke a conference composed of technical and competent authorities of the two countries within two months of the entry into force of the present treaty. The said conference should with the least possible delay place before the two Governments precise proposals on all the plans for establishing the most cordial economic and financial relations between the two countries.

Protection of Italians of Dalmatia

Article VII. The S.C.S. Kingdom declares its recognition in favour of Italian citizens and Italian interests in Dalmatia as follows:

(1) Concessions of an economic character granted by the Government or by public bodies of the States, to which the S.C.S. Kingdom succeeds, to Italian companies or citizens, and held by the latter in virtue of legal title deeds up to November 12th, 1920, are fully respected, and the S.C.S. Government bind themselves to keep all the pledges given by former Governments.

(2) The S.C.S. Kingdom agrees that Italians, who up to November 3rd, 1918, belonged to former Austro-Hungarian territory, which in virtue of the Treaties of Peace with Austria and with Hungary, and of the present treaty, is recognized as forming part of the S.C.S. Kingdom, will have the right of opting for Italian citizenship within a year from the entry into force of the present treaty; and exempts them from the obligation of transferring their domicile outside the territory of the above-mentioned Kingdom. They will preserve the free use of their own language and the free practice of their own religion, with all the attributes connoted by such freedom.

(3) Degrees and other university diplomas already obtained by the citizens of the S.C.S. Kingdom in Universities or any of the other higher educational institutions of Italy, will be recognized by the S.C.S. Government as valid in its territory, and will confer professional rights equal to those derived from degrees and diplomas obtained in the higher Universities of the S.C.S. Kingdom.

The validity of the higher studies completed by S.C.S. subjects in Italy will form the subject of a further agreement.

Article VIII. In the interests of the good intellectual and moral relations between the two peoples, the two Governments will as soon as possible establish a convention with the object of intensifying the intimate reciprocal development of the cultural relations between the two countries.

Article IX. The present Treaty is drawn up in duplicate: one text in Italian and one in Serbo-Croat. Should there be any divergence

between the two, the text to be followed will be that in Italian as the language known to all the plenipotentiaries.

RAPALLO,
November 12*th*, 1920.

Signed

GIOVANNI GIOLITTI,
CARLO SFORZA,
IVANOE BONOMI,
MILENKO R. VESNITCH,
ANTE TRUMBIĆ,
COSTA STOIANOVITCH.

APPENDIX IV

THE MINORITY TREATIES

TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, AND POLAND [1]

Signed at Versailles, June 28, 1919.

Letter addressed to M. Paderewski by the President of the Conference transmitting to him the Treaty to be signed by Poland under Article 93 of the Treaty of Peace with Germany.

SIR, *Paris, June* 24, 1919.

ON behalf of the Supreme Council of the Principal Allied and Associated Powers, I have the honour to communicate to you herewith in its final form the text of the Treaty which, in accordance with Article 93 of the Treaty of Peace with Germany, Poland will be asked to sign on the occasion of the confirmation of her recognition as an independent State and of the transference to her of the territories included in the former German Empire which are assigned to her by the said Treaty. The principal provisions were communicated to the Polish Delegation in Paris in May last, and were subsequently communicated direct to the Polish Government through the French Minister at Warsaw. The Council have since had the advantage of the suggestions which you were good enough to convey to them in your memorandum of the 16th June, and as the result of a study of these suggestions modifications have been introduced in the text of the Treaty. The Council believe that it will be found that by these modifica-

[1] Treaty Series (1919), No. 8, Cmd. 223. NOTE.—This Treaty *came into force* 10*th January* 1920. Cf. p. 166.

tions the principal points to which attention was drawn in your memorandum have, in so far as they relate to specific provisions of the Treaty, been adequately covered.

In formally communicating to you the final decision of the Principal Allied and Associated Powers in this matter, I should desire to take this opportunity of explaining in a more formal manner than has hitherto been done the considerations by which the Principal Allied and Associated Powers have been guided in dealing with the question.

1. In the first place, I would point out that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such State should, in the form of a binding international convention, undertake to comply with certain principles of government. This principle, for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of European Powers—the Congress of Berlin—the sovereignty and independence of Serbia, Montenegro, and Roumania were recognised. It is desirable to recall the words used on this occasion by the British, French, Italian, and German Plenipotentiaries, as recorded in the Protocol of the 28th June, 1878:

> 'Lord Salisbury recognises the independence of Serbia, but is of opinion that it would be desirable to stipulate in the Principality the great principle of religious liberty.
>
> * * * * * * *
>
> 'Mr. Waddington believes that it is important to take advantage of this solemn opportunity to cause the principles of religious liberty to be affirmed by the representatives of Europe. His Excellency adds that Serbia, who claims to enter the European family on the same basis as other States, must previously recognise the principles which are the basis of social organisation in all States of Europe and accept them as a necessary condition of the favour which she asks for.
>
> * * * * * * *
>
> 'Prince Bismarck, associating himself with the French proposal, declares that the assent of Germany is always assured to any motion favourable to religious liberty.
>
> 'Count de Launay says that, in the name of Italy, he desires to adhere to the principle of religious liberty, which forms one of the essential bases of the institutions in his country, and that he associates himself with the declarations made on this subject by Germany, France, and Great Britain.
>
> 'Count Andrassy expresses himself to the same effect, and the Ottoman Plenipotentiaries raise no objection.
>
> 'Prince Bismarck, after having summed up the results of the vote, declares that Germany admits the independence of Serbia, but on condition that religious liberty will be recognised in the Principality. His Serene Highness adds that the Drafting Committee, when they formulate this decision, will affirm the connection

established by the Conference between the proclamation of Serbian independence and the recognition of religious liberty.'

2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition. In this connection I must also recall to your consideration the fact that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established over the territories in question and that the inhabitants of these territories are being incorporated in the Polish nation. It is on the support which the resources of these Powers will afford to the League of Nations that for the future Poland will to a large extent depend for the secure possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most permanent and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection whatever changes may take place in the internal constitution of the Polish State.

It is in accordance with this obligation that Clause 93 was inserted in the Treaty of Peace with Germany. This clause relates only to Poland, but a similar clause applies the same principles to Czecho-Slovakia, and other clauses have been inserted in the Treaty of Peace with Austria and will be inserted in those with Hungary and with Bulgaria, under which similar obligations will be undertaken by other States, which under those Treaties receive large accessions of territory.

The consideration of these facts will be sufficient to show that by the requirement addressed to Poland at the time when it receives in the most solemn manner the joint recognition of the re-establishment of its sovereignty and independence and when large accessions of territory are being assigned to it, no doubt is thrown upon the sincerity of the desire of the Polish Government and the Polish nation to maintain the general principles of justice and liberty. Any such doubt would be far from the intention of the Principal Allied and Associated Powers.

3. It is indeed true that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.

I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its pro-

visions may be brought before the Court of the League of Nations. In this way differences which might arise will be removed from the political sphere and placed in the hands of a judicial court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided.

4. The particular provisions to which Poland and the other States will be asked to adhere differ to some extent from those which were imposed on the new States at the Congress of Berlin. But the obligations imposed upon new States seeking recognition have at all times varied with the particular circumstances. The Kingdom of the United Netherlands in 1814 formally undertook precise obligations with regard to the Belgian provinces at that time annexed to the kingdom which formed an important restriction on the unlimited exercise of its sovereignty. It was determined at the establishment of the Kingdom of Greece that the Government of that State should take a particular form, viz., it should be both monarchical and constitutional; when Thessaly was annexed to Greece, it was stipulated that the lives, property, honour, religion and customs of those of the inhabitants of the localities ceded to Greece who remained under the Hellenic administration should be scrupulously respected, and that they should enjoy exactly the same civil and political rights as Hellenic subjects of origin. In addition, very precise stipulations were inserted safeguarding the interests of the Mohammedan population of these territories.

The situation with which the Powers have now to deal is new, and experience has shown that new provisions are necessary. The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated. Unfortunately, the races have been estranged by long years of bitter hostility. It is believed that these populations will be more easily reconciled to their new position if they know that from the very beginning they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, materially help the reconciliation which all desire, and will indeed do much to prevent the necessity of its enforcement.

5. To turn to the individual clauses of the present Treaty. Article 2 guarantees to all inhabitants those elementary rights, which are, as a matter of fact, secured in every civilised State. Clauses 3 to 6 are designed to insure that all the genuine residents in the territories now transferred to Polish sovereignty shall in fact be assured of the full privileges of citizenship. Articles 7 and 8, which are in accordance with precedent, provide against any discrimination against those Polish citizens who by their religion, their language, or their race, differ from the large mass of the Polish population. It is understood that, far from raising any objection to the matter of these articles, the Polish Government have already, of their own accord, declared their firm intention of basing their institutions on the cardinal principles enunciated therein.

The following articles are of rather a different nature in that they provide more special privileges to certain groups of these minorities: In the final revision of these latter articles, the Powers have been impressed by the suggestions made in your memorandum of the 16th June, and the articles have in consequence been subjected to some material modifications. In the final text of the Treaty it has been made clear that the special privileges accorded in Article 9 are extended to Polish citizens of German speech only in such parts of Poland as are, by the Treaty with Germany, transferred from Germany to Poland. Germans in other parts of Poland will be unable under this article to claim to avail themselves of these privileges. They will therefore in this matter be dependent solely on the generosity of the Polish Government, and will in fact be in the same position as German citizens of Polish speech in Germany.

6. Clauses 10 and 12 deal specifically with the Jewish citizens of Poland. The information at the disposal of the Principal Allied and Associated Powers as to the existing relations between the Jews and the other Polish citizens has led them to the conclusion that, in view of the historical development of the Jewish question and the great animosity aroused by it, special protection is necessary for the Jews in Poland. These clauses have been limited to the minimum which seems necessary under the circumstances of the present day, viz. the maintenance of Jewish schools and the protection of the Jews in the religious observance of their Sabbath. It is believed that these stipulations will not create any obstacle to the political unity of Poland. They do not constitute any recognition of the Jews as a separate political community within the Polish State. The educational provisions contain nothing beyond what is in fact provided in the educational institutions of many highly organized modern States. There is nothing inconsistent with the sovereignty of the State in recognising and supporting schools in which children shall be brought up in the religious influences to which they are accustomed in their home. Ample safeguards against any use of non-Polish languages to encourage a spirit of national separation have been provided in the express acknowledgment that the provisions of this Treaty do not prevent the Polish State from making the Polish language obligatory in all its schools and educational institutions.

7. The economic clauses contained in Chapter II of the Treaty have been drafted with the view of facilitating the establishment of equitable commercial relations between independent Poland and the other Allied and Associated Powers. They include provisions for reciprocal diplomatic and consular representation, for freedom of transit, and for the adhesion of the Polish Government to certain international conventions.

In these clauses the Principal Allied and Associated Powers have not been actuated by any desire to secure for themselves special commercial advantages. It will be observed that the rights accorded to them by these clauses are extended equally to all States who are members of the League of Nations. Some of the provisions are of a transitional character, and have been introduced only with the necessary object of bridging over the short interval which must elapse before general

regulations can be established by Poland herself or by commercial treaties or general conventions approved by the League of Nations.

In conclusion, I am to express to you on behalf of the Allied and Associated Powers the very sincere satisfaction which they feel at the re-establishment of Poland as an independent State. They cordially welcome the Polish nation on its re-entry into the family of nations. They recall the great services which the ancient Kingdom of Poland rendered to Europe both in public affairs and by its contributions to the progress of mankind which is the common work of all civilized nations. They believe that the voice of Poland will add to the wisdom of their common deliberations in the cause of peace and harmony, that its influence will be used to further the spirit of liberty and justice, both in internal and external affairs, and that thereby it will help in the work of reconciliation between the nations which, with the conclusion of Peace, will be the common task of humanity.

The Treaty by which Poland solemnly declares before the world her determination to maintain the principles of justice, liberty, and toleration, which were the guiding spirit of the ancient Kingdom of Poland, and also receives in its most explicit and binding form the confirmation of her restoration to the family of independent nations, will be signed by Poland and by the Principal Allied and Associated Powers on the occasion of, and at the same time as, the signature of the Treaty of Peace with Germany.

I have, &c.

CLEMENCEAU.

The UNITED STATES OF AMERICA, the BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

The Principal Allied and Associated Powers,

on the one hand;

And POLAND,

on the other hand;

Whereas the Allied and Associated Powers have by the success of their arms restored to the Polish nation the independence of which it had been unjustly deprived; and

Whereas by the proclamation of March 30, 1917, the Government of Russia assented to the re-establishment of an independent Polish State; and

Whereas the Polish State, which now in fact exercises sovereignty over those portions of the former Russian Empire which are inhabited by a majority of Poles, has already been recognised as a sovereign and independent State by the Principal Allied and Associated Powers; and

Whereas under the Treaty of Peace concluded with Germany by the Allied and Associated Powers, a Treaty of which Poland is a signatory, certain portions of the former German Empire will be incorporated in the territory of Poland; and

Whereas under the terms of the said Treaty of Peace, the boundaries of Poland not already laid down are to be subsequently determined by the Principal Allied and Associated Powers;

The United States of America, the British Empire, France, Italy and Japan, on the one hand, confirming their recognition of the Polish State, constituted within the said limits as a sovereign and independent member of the Family of Nations, and being anxious to ensure the execution of the provisions of Article 93 of the said Treaty of Peace with Germany;

Poland, on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to the inhabitants of the territory over which she has assumed sovereignty;

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:
- The Honourable Woodrow WILSON, PRESIDENT OF THE UNITED STATES, acting in his own name and by his own proper authority;
- The Honourable Robert LANSING, Secretary of State;
- The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
- The Honourable Edward M. HOUSE;
- General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:
- The Right Honourable David LLOYD GEORGE, M.P., First Lord of His Treasury and Prime Minister;
- The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;
- The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;
- The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;
- The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio;

And

for the DOMINION OF CANADA, by:
- The Honourable Charles Joseph DOHERTY, Minister of Justice;
- The Honourable Arthur Lewis SIFTON, Minister of Customs;

for the COMMONWEALTH OF AUSTRALIA, by:
- The Right Honourable William Morris HUGHES, Attorney General and Prime Minister;
- The Right Honourable Sir Joseph COOK, G.C.M.G., Minister for the Navy;

for the UNION OF SOUTH AFRICA, by:
- General the Right Honourable Louis BOTHA, Minister of Native Affairs and Prime Minister;
- Lieutenant-General the Right Honourable Jan Christiaan SMUTS, K.C., Minister of Defence;

for the DOMINION OF NEW ZEALAND, by:
The Right Honourable William Ferguson MASSEY, Minister of Labour and Prime Minister;
for INDIA, by:
The Right Honourable Edwin Samuel MONTAGU, M.P., His Secretary of State for India;
Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of BIKANER, G.C.S.I., G.C.I.E., G.C.V.O., K.C.B., A.D.C.;
THE PRESIDENT OF THE FRENCH REPUBLIC, by:
Mr. Georges CLEMENCEAU, President of the Council, Minister of War;
Mr. Stéphen PICHON, Minister of Foreign Affairs;
Mr. Louis Lucien KLOTZ, Minister of Finance;
Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;
Mr. Jules CAMBON, Ambassador of France;
HIS MAJESTY THE KING OF ITALY, by:
Baron S. SONNINO, Deputy;
Marquis G. IMPERIALI, Senator, Ambassador of His Majesty the King of Italy at London;
Mr. S. CRESPI, Deputy;
HIS MAJESTY THE EMPEROR OF JAPAN, by:
Marquis SAÏONZI, formerly President of the Council of Ministers;
Baron MAKINO, formerly Minister of Foreign Affairs, Member of the Diplomatic Council;
Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;
Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;
Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;
THE PRESIDENT OF THE POLISH REPUBLIC, by:
Mr. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister of Foreign Affairs;
Mr. Roman DMOWSKI, President of the Polish National Committee;

After having exchanged their full powers, found in good and due form, have agreed as follows:

CHAPTER I

ARTICLE 1.

Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

Poland undertakes to assure full and complete protection of life

and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognised as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 4.

Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

ARTICLE 6.

All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

ARTICLE 7.

All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 8.

Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage, and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.

Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

ARTICLE 10.

Educational Committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds

allocated to Jewish schools in accordance with Article 9, and for the organisation and management of these schools.

The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

ARTICLE 11.

Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision however shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

ARTICLE 12.

Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Poland further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Polish Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II

ARTICLE 13.

Each of the Principal Allied and Associated Powers on the one part and Poland on the other shall be at liberty to appoint diplomatic representatives to reside in their respective capitals, as well as Consuls-

General, Consuls, Vice-Consuls, and Consular agents to reside in the towns and ports of their respective territories.

Consuls-General, Consuls, Vice-Consuls and Consular agents, however, shall not enter upon their duties until they have been admitted in the usual manner by the Government in the territory of which they are stationed.

Consuls-General, Consuls, Vice-Consuls and Consular agents shall enjoy all the facilities, privileges, exemptions and immunities of every kind which are or shall be granted to consular officers of the most favoured nation.

ARTICLE 14.

Pending the establishment of an import tariff by the Polish Government, goods originating in the Allied and Associated States shall not be subject to any higher duties on importation into Poland than the most favourable rates of duty applicable to goods of the same kind under either the German, Austro-Hungarian or Russian Customs Tariffs on July 1, 1914.

ARTICLE 15.

Poland undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

Poland also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which she may grant during the same period of five years to any State with which since August, 1914, the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the Treaty of Peace to be concluded with Austria.

ARTICLE 16.

Pending the conclusion of the general agreement referred to above, Poland undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated States which accord similar treatment to Polish vessels.

By way of exception from this provision, the right of Poland or of any other Allied or Associated State to confine her maritime coasting trade to national vessels is expressly reserved.

ARTICLE 17.

Pending the conclusion under the auspices of the League of Nations of a general Convention to secure and maintain freedom of communications and of transit, Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation

or ownership, as regards facilities, charges, restrictions, and all other matters.

All charges imposed in Poland on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties. Tariffs for transit traffic across Poland and tariffs between Poland and any Allied or Associated Power involving through tickets or waybills shall be established at the request of that Allied or Associated Power.

Freedom of transit will extend to postal, telegraphic and telephonic services.

It is agreed that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

If within a period of five years from the coming into force of the present Treaty no general Convention as aforesaid shall have been concluded under the auspices of the League of Nations, Poland shall be at liberty at any time thereafter to give twelve months' notice to the Secretary-General of the League of Nations to terminate the obligations of this Article.

ARTICLE 18.

Pending the conclusion of a general Convention on the International Régime of waterways, Poland undertakes to apply to the river system of the Vistula (including the Bug and the Narev) the régime applicable to International Waterways set out in Articles 332 to 337 of the Treaty of Peace with Germany.

ARTICLE 19.

Poland undertakes to adhere within twelve months of the coming into force of the present Treaty to the International Conventions specified in Annex I.

Poland undertakes to adhere to any new convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the International instruments specified in Annex I.

The Polish Government undertakes within twelve months to notify the Secretary General of the League of Nations whether or not Poland desires to adhere to either or both of the International Conventions specified in Annex II.

Until Poland has adhered to the two Conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the industrial, literary and artistic property of nationals of the Allied and Associated States. In the case of any Allied or Associated State not adhering to the said Conventions Poland agrees to continue to afford such effective protection on the same conditions until the conclusion of a special bi-lateral treaty or agreement for that purpose with such Allied or Associated State.

Pending her adhesion to the other Conventions specified in Annex I, Poland will secure to the nationals of the Allied and Associated Powers the advantages to which they would be entitled under the said Conventions.

Poland further agrees, on condition of reciprocity, to recognise and

protect all rights in any industrial, literary or artistic property belonging to the nationals of the Allied and Associated States in force, or which but for the war would have been in force, in any part of her territories before transfer to Poland. For such purpose she will accord the extensions of time agreed to in Articles 307 and 308 of the Treaty with Germany.

Annex I

TELEGRAPHIC AND RADIO-TELEGRAPHIC CONVENTIONS

International Telegraphic Convention signed at St. Petersburg, July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraph Conference, signed at Lisbon, June 11, 1908.

International Radio-Telegraphic Convention, July 5, 1912.

RAILWAY CONVENTIONS

Convention and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

Agreement of May 15, 1886, regarding the technical standardisation of railways, as modified on May 18, 1907.

SANITARY CONVENTION

Convention of December 3, 1903.

OTHER CONVENTIONS

Convention of September 26, 1906, for the suppression of night work for women.

Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Convention of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

Convention of May 4, 1910, regarding the suppression of obscene publications.

International Convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

International Convention of Berne of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the Additional Protocol signed at Berne on March 20, 1914, for the Protection of Literary and Artistic Work.

Annex II

Agreement of Madrid of April 14, 1891, for the Prevention of False Indications of origin on goods, revised at Washington in 1911, and

Agreement of Madrid of April 14, 1891, for the international registration of trade marks, revised at Washington in 1911.

Article 20.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated States shall be accorded equally to all States members of the League of Nations.

ARTICLE 21.

Poland agrees to assume responsibility for such proportion of the Russian public debt and other Russian public liabilities of any kind as may be assigned to her under a special convention between the Principal Allied and Associated Powers on the one hand and Poland on the other, to be prepared by a Commission appointed by the above States. In the event of the Commission not arriving at an agreement the point at issue shall be referred for immediate arbitration to the League of Nations.

The present Treaty, of which the French and English texts are both authentic, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Germany.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

(*No signatures given.*)

II

TREATY BETWEEN THE PRINCIPAL ALLIED AND ASSOCIATED POWERS AND THE SERB-CROAT-SLOVENE STATE [1]

Signed at Saint-Germain-en-Laye, September 10, 1919.

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN,

the Principal Allied and Associated Powers,

on the one hand;

And THE SERB-CROAT-SLOVENE STATE,

on the other hand;

Whereas since the commencement of the year 1913 extensive territories had been added to the Kingdom of Serbia, and

Whereas the Serb, Croat and Slovene peoples of the former Austro-

[1] Treaty Series (1919), No. 17, Cmd. 461. NOTE.—This Treaty *came into force before end of 1920.* Cf. p. 166.

Hungarian Monarchy have of their own free will determined to unite with Serbia in a permanent union for the purpose of forming a single sovereign independent State under the title of the Kingdom of the Serbs, Croats and Slovenes, and

Whereas the Prince Regent of Serbia and the Serbian Government have agreed to this union, and in consequence the Kingdom of the Serbs, Croats and Slovenes has been constituted and has assumed sovereignty over the territories inhabited by these peoples, and

Whereas it is necessary to regulate certain matters of international concern arising out of the said additions of territory and of this union, and

Whereas it is desired to free Serbia from certain obligations which she undertook by the Treaty of Berlin of 1878 to certain Powers and to substitute for them obligations to the League of Nations, and

Whereas the Serb-Croat-Slovene State of its own free will desires to give to the populations of all territories included within the State, of whatever race, language or religion they may be, full guarantees that they shall continue to be governed in accordance with the principles of liberty and justice;

For this purpose the High Contracting Parties have appointed as their Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

The Honourable Frank Lyon POLK, Under-Secretary of State;
The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;
General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs:
The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;
The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;
The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio;

And

for the DOMINION of CANADA:

The Honourable Sir Albert Edward KEMP, K.C.M.G., Minister of the Overseas Forces;

for the COMMONWEALTH of AUSTRALIA:

The Honourable George Foster PEARCE, Minister of Defence;

for the UNION of SOUTH AFRICA:

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G.;

for the DOMINION of NEW ZEALAND:
The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for INDIA:
The Right Honourable Baron SINHA, K.C., Under-Secretary of State for India;

THE PRESIDENT OF THE FRENCH REPUBLIC:
Mr. Georges CLEMENCEAU, President of the Council, Minister of War;
Mr. Stephen PICHON, Minister for Foreign Affairs;
Mr. Louis-Lucien KLOTZ, Minister of Finance;
Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;
Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY:
The Honourable Tommaso TITTONI, Senator of the Kingdom, Minister for Foreign Affairs;
The Honourable Vittorio SCIALOJA, Senator of the Kindgom;
The Honourable Maggiorino FERRARIS, Senator of the Kingdom;
The Honourable Guglielmo MARCONI, Senator of the Kingdom;
The Honourable Silvio CRESPI, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN:
Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;
Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris:
Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES:
Mr. Nicholas P. PACHITCH, formerly President of the Council of Ministers;
Mr. Ante TRUMBIĆ, Minister for Foreign Affairs;
Mr. Ivan ZOLGER, Doctor of Law;

Who, after having exchanged their full powers, found in good and due form, have agreed as follows:

The Principal Allied and Associated Powers, taking into consideration the obligations contracted under the present Treaty by the Serb-Croat-Slovene State, declare that the Serb-Croat-Slovene State is definitely discharged from the obligations undertaken in Article 35 of the Treaty of Berlin of July 13, 1878.

CHAPTER I

ARTICLE 1.

The Serb-Croat-Slovene State undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognized as fundamental laws, and that no law, regulation or official action shall

conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

The Serb-Croat-Slovene State undertakes to assure full and complete protection of life and liberty to all inhabitants of the Kingdom without distinction of birth, nationality, language, race or religion.

All inhabitants of the Kingdom of the Serbs, Croats and Slovenes shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.

Subject to the special provisions of the Treaties mentioned below the Serb-Croat-Slovene State admits and declares to be Serb-Croat-Slovene nationals *ipso facto* and without the requirements of any formality, Austrian, Hungarian or Bulgarian nationals habitually resident or possessing rights of citizenship (*pertinenza, Heimatsrecht*) as the case may be at the date of the coming into force of the present Treaty in territory which is or may be recognised as forming part of the Serb-Croat-Slovene State under the Treaties with Austria, Hungary or Bulgaria respectively, or under any Treaties which may be concluded for the purpose of completing the present settlement.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in the territory of the Serb-Croat-Slovene State. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 4.

The Serb-Croat-Slovene State admits and declares to be Serb-Croat-Slovene nationals *ipso facto* and without the requirement of any formality persons of Austrian, Hungarian or Bulgarian nationality who were born in the said territory of parents habitually resident or possessing rights of citizenship (*pertinenza, Heimatsrecht*) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Serb-Croat-Slovene authorities in the country in which they are resident, stating that they abandon Serb-Croat-Slovene nationality,

and they will then cease to be considered as Serb-Croat-Slovene nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

The Serb-Croat-Slovene State undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Austria, Bulgaria or Hungary, to choose whether or not they will acquire Serb-Croat-Slovene nationality.

ARTICLE 6.

All persons born in the territory of the Serb-Croat-Slovene State who are not born nationals of another State shall *ipso facto* become Serb-Croat-Slovene nationals.

ARTICLE 7.

All Serb-Croat-Slovene nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Difference of religion, creed or confession shall not prejudice any Serb-Croat-Slovene national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Serb-Croat-Slovene national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Serb-Croat-Slovene Government of an official language, adequate facilities shall be given to Serb-Croat-Slovene nationals of other speech than that of the official language for the use of their own language, either orally or in writing, before the courts.

ARTICLE 8.

Serb-Croat-Slovene nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Serb-Croat-Slovene nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.

The Serb-Croat-Slovene Government will provide in the public educational system in towns and districts in which a considerable proportion of Serb-Croat-Slovene nationals of other speech than that of the official language are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children

of such Serb-Croat-Slovene nationals through the medium of their own language. This provision shall not prevent the Serb-Croat-Slovene Government from making the teaching of the official language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Serb-Croat-Slovene nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

The provisions of the present Article apply only to territory transferred to Serbia or to the Kingdom of the Serbs, Croats and Slovenes since the 1st January, 1913.

ARTICLE 10.

The Serb-Croat-Slovene State agrees to grant to the Musulmans in the matter of family law and personal status provisions suitable for regulating these matters in accordance with Musulman usage.

The Serb-Croat-Slovene State shall take measures to assure the nomination of a Reiss-Ul-Ulema.

The Serb-Croat-Slovene State undertakes to ensure protection to the mosques, cemeteries and other Musulman religious establishments. Full recognition and facilities shall be assured to Musulman pious foundations (Wakfs) and religious and charitable establishments now existing, and the Serb-Croat-Slovene Government shall not refuse any of the necessary facilities for the creation of new religious and charitable establishments guaranteed to other private establishments of this nature.

ARTICLE 11.

The Serb-Croat-Slovene State agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the consent of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

The Serb-Croat-Slovene State agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

The Serb-Croat-Slovene State further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Serb-Croat-Slovene State and any one of the Principal Allied and Associated Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an

international character under Article 14 of the Covenant of the League of Nations. The Serb-Croat-Slovene State hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II

Article 12.

Pending the conclusion of new treaties or conventions, all treaties, conventions, agreements and obligations between Serbia on the one hand, and any of the Principal Allied and Associated Powers on the other hand, which were in force on the 1st August, 1914, or which have since been entered into, shall *ipso facto* be binding upon the Serb-Croat-Slovene State.

Article 13.

The Serb-Croat-Slovene State undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general convention for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

The Serb-Croat-Slovene State also undertakes to extend to all the Allied and Associated Powers any favours or privileges in customs matters which it may grant during the same period of five years to any State with which since August 1914 the Allied and Associated Powers have been at war, or to any State which in virtue of Article 222 of the Treaty with Austria has special customs arrangements with such States.

Article 14.

Pending the conclusion of the general convention referred to above, the Serb-Croat-Slovene State undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated Powers which accord similar treatment to Serb-Croat-Slovene vessels. As an exception from this provision, the right of the Serb-Croat-Slovene State or of any other Allied or Associated Power to confine its maritime coasting trade to national vessels is expressly reserved. The Allied and Associated Powers further agree not to claim under this Article the benefit of agreements which the States obtaining territory formerly belonging to the Austro-Hungarian Monarchy may conclude as regards coasting traffic between the ports of the Adriatic Sea.

Article 15.

Pending the conclusion under the auspices of the League of Nations of a general convention to secure and maintain freedom of communica-

tions and of transit, the Serb-Croat-Slovene State undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Serb-Croat-Slovene territory, including territorial waters, and to treat them at least as favourably as Serb-Croat-Slovene persons, goods, vessels, carriages, wagons and mails respectively or those of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

All charges imposed in the territory of the Serb-Croat-Slovene State on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties.

Tariffs for transit across the Serb-Croat-Slovene State and tariffs between the Serb-Croat-Slovene State and any Allied or Associated Power involving through tickets or waybills shall be established at the request of the Allied or Associated Power concerned.

Freedom of transit will extend to postal, telegraphic and telephonic services.

Provided that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

If within a period of five years from the coming into force of the present Treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, the Serb-Croat-Slovene State shall be at liberty at any time thereafter to give twelve months' notice to the Secretary-General of the League of Nations to terminate the obligations of this Article.

ARTICLE 16.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated Powers shall be accorded equally to all States Members of the League of Nations.

The present Treaty, in French, in English and in Italian, of which in case of divergence the French text shall prevail, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Austria.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which

authenticated copies will be transmitted to each of the Signatory Powers.

(L.S.) FRANK L. POLK.
(L.S.) HENRY WHITE.
(L.S.) TASKER H. BLISS.
(L.S.) ARTHUR JAMES BALFOUR.
(L.S.)
(L.S.) MILNER.
(L.S.) GEO. N. BARNES.
(L.S.) A. E. KEMP.
(L.S.) G. F. PEARCE.
(L.S.) MILNER.
(L.S.) THOS. MACKENZIE.
(L.S.) SINHA OF RAIPUR.

(L.S.) G. CLEMENCEAU.
(L.S.) S. PICHON.
(L.S.) L.-L. KLOTZ.
(L.S.) ANDRÉ TARDIEU.
(L.S.) JULES CAMBON.
(L.S.) TOM. TITTONI.
(L.S.) VITTORIO SCIALOJA.
(L.S.) MAGGIORINO FERRARIS.
(L.S.) GUGLIELMO MARCONI.
(L.S.) S. CHINDA.
(L.S.) K. MATSUI.
(L.S.) H. IJUIN.

III

TREATY BETWEEN THE PRINCIPAL ALLIED AND ASSOCIATED POWERS AND ROUMANIA[1]

Signed at Paris, December 9, 1919.

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN,

The Principal Allied and Associated Powers,

on the one hand ;

And ROUMANIA,

on the other hand ;

Whereas under Treaties to which the Principal Allied and Associated Powers are parties large accessions of territory are being and will be made to the Kingdom of Roumania, and

Whereas Roumania desires of her own free will to give full guarantees of liberty and justice to all inhabitants both of the old Kingdom of Roumania and of the territory added thereto, to whatever race, language or religion they may belong, and[2]

Have, after examining the question together, agreed to conclude the present Treaty, and for this purpose have appointed as their Plenipotentiaries, the following, reserving the right of substituting others to sign the Treaty :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

The Honourable Frank Lyon POLK, Under-Secretary of State ;

The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris ;

General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council ;

[1] Treaty Series (1920), No. 6, Cmd. 588. NOTE.—This Treaty *came into force before end of 1920.* Cf. p. 166.

[2] This word is an obvious error in the text.

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

Sir Eyre CROWE, K.C.B., K.C.M.G., Minister Plenipotentiary, Assistant Under-Secretary of State for Foreign Affairs:

And

for the DOMINION of CANADA:

The Honourable Sir George Halsey PERLEY, K.C.M.G., High Commissioner for Canada in the United Kingdom;

for the COMMONWEALTH of AUSTRALIA:

The Right Honourable Andrew FISHER, High Commissioner for Australia in the United Kingdom;

for the DOMINION of NEW ZEALAND:

The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for the UNION of SOUTH AFRICA:

Mr. Reginald Andrew BLANKENBERG, O.B.E., Acting High Commissioner for the Union of South Africa in the United Kingdom;

for INDIA:

Sir Eyre CROWE, K.C.B., K.C.M.G.;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;
Mr. Stephen PICHON, Minister for Foreign Affairs;
Mr. Louis-Lucien KLOTZ, Minister of Finance;
Mr. André TARDIEU, Minister for the liberated regions;
Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY:

Sir Giacomo de MARTINO, Envoy Extraordinary and Minister Plenipotentiary;

HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

HIS MAJESTY THE KING OF ROUMANIA:

General Constantin COANDA, Corps Commander, A.D.C. to the King, formerly President of the Council of Ministers;

WHO HAVE AGREED AS FOLLOWS:

CHAPTER I

ARTICLE 1.

Roumania undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and

that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

Roumania undertakes to assure full and complete protection of life and liberty to all inhabitants of Roumania without distinction of birth, nationality, language, race or religion.

All inhabitants of Roumania shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order and public morals.

ARTICLE 3.

Subject to the special provisions of the Treaties mentioned below, Roumania admits and declares to be Roumanian nationals *ipso facto* and without the requirement of any formality all persons habitually resident at the date of the coming into force of the present Treaty within the whole territory of Roumania, including the extensions made by the Treaties of Peace with Austria and Hungary, or any other extensions which may hereafter be made, if such persons are not at that date nationals of a foreign state other than Austria or Hungary.

Nevertheless, Austrian and Hungarian nationals who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Roumanian territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 4.

Roumania admits and declares to be Roumanian nationals *ipso facto* and without the requirement of any formality persons of Austrian [1] Hungarian nationality who were born in the territory transferred to Roumania by the Treaties of Peace with Austria and Hungary, or subsequently transferred to her, of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Roumanian authorities in the country in which they are resident, stating that they abandon Roumanian nationality, and they will then cease to be considered as Roumanian nationals. In this connection a declaration by a husband will cover his wife, and a

[1] The word 'or' is evidently omitted here.

declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

Roumania undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Austria or Hungary, to choose whether or not they will acquire Roumanian nationality.

ARTICLE 6.

All persons born in Roumanian territory who are not born nationals of another State shall *ipso facto* become Roumanian nationals.

ARTICLE 7.

Roumania undertakes to recognise as Roumanian nationals *ipso facto* and without the requirement of any formality Jews inhabiting any Roumanian territory, who do not possess another nationality.

ARTICLE 8.

All Roumanian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Roumanian national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Roumanian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Roumanian Government of an official language, adequate facilities shall be given to Roumanian nationals of non-Roumanian speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 9.

Roumanian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Roumanian nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 10.

Roumania will provide in the public educational system in towns and districts in which a considerable proportion of Roumanian nationals of other than Roumanian speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Roumanian nationals through the medium of their

own language. This provision shall not prevent the Roumanian Government from making the teaching of the Roumanian language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Roumanian nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

ARTICLE 11.

Roumania agrees to accord to the communities of the Saxons and Czecklers in Transylvania local autonomy in regard to scholastic and religious matters, subject to the control of the Roumanian State.

ARTICLE 12.

Roumania agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Roumania agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Roumania further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Roumanian Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Roumania hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II

ARTICLE 13.

Roumania undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general convention for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

Roumania also undertakes to extend to all the Allied and Associated Powers any favours or privileges in Customs matters which she may grant during the same period of five years to any State with which since August, 1914, the Allied and Associated Powers have been at war, or to any State which in virtue of Article 222 of the Treaty with Austria has special Customs arrangements with such States.

ARTICLE 14.

Pending the conclusion of the general convention referred to above, Roumania undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated Powers which accord similar treatment to Roumanian vessels. As an exception from this provision, the right of Roumania or of any other Allied or Associated Power to confine her maritime coasting trade to national vessels is expressly reserved.

ARTICLE 15.

Pending the conclusion under the auspices of the League of Nations of a general convention to secure and maintain freedom of communications and of transit, Roumania undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Roumanian territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Roumanian or of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

All charges imposed in Roumania on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties.

Tariffs for transit across Roumania and tariffs between Roumania and any Allied or Associated Power involving through tickets or way-bills shall be established at the request of the Allied or Associated Power concerned.

Freedom of transit will extend to postal, telegraphic and telephonic services.

Provided that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject-matter.

If within a period of five years from the coming into force of this Treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, Roumania shall be at liberty at any time thereafter to give twelve months' notice to the Secretary-General of the League of Nations to terminate the obligations of the present Article.

ARTICLE 16.

Pending the conclusion of a general convention on the international régime of waterways, Roumania undertakes to apply to such portions of the river system of the Pruth as may lie within, or form the boundary

of, her territory, the régime set out in the first paragraph of Article 332 and Articles 333 to 338 of the Treaty of Peace with Germany.

ARTICLE 17.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated Powers shall be accorded equally to all States Members of the League of Nations.

The present Treaty, in French, in English and in Italian, of which in case of divergence the French text shall prevail, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Austria.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

Done at Paris, the ninth day of December one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

Plenipotentiaries who in consequence of their temporary absence from Paris have not signed the present Treaty may do so up to December 20, 1919.

IN FAITH WHEREOF the hereinafter-named Plenipotentiaries, whose powers have been found in good and due form, have signed the present Treaty.

(L.S.) FRANK L. POLK.
(L.S.) HENRY WHITE.
(L.S.) TASKER H. BLISS.
(L.S.) EYRE A. CROWE.
(L.S.) GEORGE H. PERLEY.
(L.S.) ANDREW FISHER.
(L.S.) THOMAS MACKENZIE.
(L.S.) R. A. BLANKENBERG.
(L.S.) EYRE A. CROWE.

(L.S.) G. CLEMENCEAU.
(L.S.) S. PICHON.
(L.S.) L. -L. KLOTZ.
(L.S.) ANDRÉ TARDIEU.
(L.S.) JULES CAMBON.
(L.S.) G. DE MARTINO.
(L.S.) K. MATSUI.
(L.S.) GL. C. COANDA.

IV

(A)

TREATY BETWEEN THE PRINCIPAL ALLIED AND ASSOCIATED POWERS AND CZECHO-SLOVAKIA [1]

Signed at Saint-Germain-en-Laye, September 10, 1919.

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN,
the Principal Allied and Associated Powers,

on the one hand ;

And CZECHO-SLOVAKIA,

on the other hand ;

Whereas the union which formerly existed between the old Kingdom of Bohemia, the Markgraviate of Moravia and the Duchy of Silesia on the one hand and the other territories of the former Austro-Hungarian Monarchy on the other has definitely ceased to exist, and

Whereas the peoples of Bohemia, of Moravia and of part of Silesia, as well as the peoples of Slovakia, have decided of their own free will to unite, and have in fact united, in a permanent union for the purpose of forming a single sovereign independent State under the title of the Czecho-Slovak Republic, and

Whereas the Ruthene peoples to the south of the Carpathians have adhered to this union, and

Whereas the Czecho-Slovak Republic in fact exercises sovereignty over the aforesaid territories and has already been recognized as a sovereign independent State by the other High Contracting Parties,

The United States of America, the British Empire, France, Italy and Japan on the one hand, confirming their recognition of the Czecho-Slovak State as a sovereign and independent member of the Family of Nations within the boundaries which have been or may be determined in accordance with the terms of the Treaty of Peace with Austria of even date ;

Czecho-Slovakia on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to all the inhabitants of the territories over which she has assumed sovereignty ;

The High Contracting Parties, anxious to assure the execution of Article 57 of the said Treaty of Peace with Austria,

Have for this purpose named as their Plenipotentiaries, that is to say :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :
The Honourable Frank Lyon POLK, Under-Secretary of State ;
The Honourable Henry WHITE, formerly Ambassador Extra-

[1] Treaty Series (1919), No. 20, Cmd. 479. NOTE.—This Treaty *came into force before end of 1920.* Cf. p. 166.

ordinary and Plenipotentiary of the United States at Rome and Paris;

General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honourable Arthur James BALFOUR, O.M., M.P., His Secretary of State for Foreign Affairs;

The Right Honourable Andrew BONAR LAW, M.P., His Lord Privy Seal;

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

The Right Honourable George Nicoll BARNES, M.P., Minister without portfolio;

And

for the DOMINION of CANADA:

The Honourable Sir Albert Edward KEMP, K.C.M.G., Minister of the Overseas Forces;

for the COMMONWEALTH of AUSTRALIA:

The Honourable George Foster PEARCE, Minister of Defence;

for the UNION of SOUTH AFRICA:

The Right Honourable Viscount MILNER, G.C.B., G.C.M.G.;

for the DOMINION of NEW ZEALAND:

The Honourable Sir Thomas MACKENZIE, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for INDIA:

The Right Honourable Baron Sinha, K.C., Under-Secretary of State for India;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

Mr. Stephen PICHON, Minister for Foreign Affairs;

Mr. Louis-Lucien KLOTZ, Minister of Finance;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

Mr. Jules CAMBON, Ambassador of France;

HIS MAJESTY THE KING OF ITALY:

The Honourable Tommaso TITTONI, Senator of the Kingdom, Minister for Foreign Affairs;

The Honourable Vittorio SCIALOJA, Senator of the Kingdom;

The Honourable Maggiorino FERRARIS, Senator of the Kingdom;

The Honourable Guglielmo MARCONI, Senator of the Kingdom;

The Honourable Silvio CRESPI, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN:

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;
Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by:
Mr. Karel KRAMÁŘ, President of the Council of Ministers;
Mr. Edward BENEŠ, Minister for Foreign Affairs;

Who, after having exchanged their full powers, found in good and due form, have agreed as follows:

CHAPTER I

ARTICLE 1.

Czecho-Slovakia undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognized as fundamental laws and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.

Czecho-Slovakia undertakes to assure full and complete protection of life and liberty to all inhabitants of Czecho-Slovakia without distinction of birth, nationality, language, race or religion.

All inhabitants of Czecho-Slovakia shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.

Subject to the special provisions of the Treaties mentioned below Czecho-Slovakia admits and declares to be Czecho-Slovak nationals *ipso facto* and without the requirement of any formality German, Austrian or Hungarian nationals habitually resident or possessing rights of citizenship (*pertinenza—Heimatsrecht*) as the case may be at the date of the coming into force of the present Treaty in territory which is or may be recognized as forming part of Czecho-Slovakia under the Treaties with Germany, Austria or Hungary respectively, or under any Treaties which may be concluded for the purpose of completing the present settlement.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife, and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Czecho-Slovak territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connexion with the removal of such property.

ARTICLE 4.

Czecho-Slovakia admits and declares to be Czecho-Slovak nationals *ipso facto* and without the requirement of any formality persons of German, Austrian or Hungarian nationality who were born in the territory referred to above of parents habitually resident or possessing rights of citizenship (*pertinenza—Heimatsrecht*) as the case may be there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident or did not possess rights of citizenship there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Czecho-Slovak authorities in the country in which they are resident, stating that they abandon Czecho-Slovak nationality, and they will then cease to be considered as Czecho-Slovak nationals. In this connexion a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.

Czecho-Slovakia undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria or Hungary to choose whether or not they will acquire Czecho-Slovak nationality.

ARTICLE 6.

All persons born in Czecho-Slovak territory who are not born nationals of another State shall *ipso facto* become Czecho-Slovak nationals.

ARTICLE 7.

All Czecho-Slovak nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Czecho-Slovak national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Czecho-Slovak national of any language in private intercourse, in commerce, in religion, in the press or publications of any kind, or at public meetings.

Notwithstanding any establishment by the Czecho-Slovak Government of an official language, adequate facilities shall be given to Czecho-Slovak nationals of non-Czech speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 8.

Czecho-Slovak nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Czecho-Slovak nationals. In particular they shall have an equal right to establish, manage and control at their own

expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.

Czecho-Slovakia will provide in the public educational system in towns and districts in which a considerable proportion of Czecho-Slovak nationals of other than Czech speech are residents adequate facilities for ensuring that the instruction shall be given to the children of such Czecho-Slovak nationals through the medium of their own language. This provision shall not prevent the Czecho-Slovak Government from making the teaching of the Czech language obligatory.

In towns and districts where there is a considerable proportion of Czecho-Slovak nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

CHAPTER II

ARTICLE 10.

Czecho-Slovakia undertakes to constitute the Ruthene territory south of the Carpathians within frontiers delimited by the Principal Allied and Associated Powers as an autonomous unit within the Czecho-Slovak State, and to accord to it the fullest degree of self-government compatible with the unity of the Czecho-Slovak State.

ARTICLE 11.

The Ruthene territory south of the Carpathians shall possess a special Diet. This Diet shall have powers of legislation in all linguistic, scholastic and religious questions, in matters of local administration, and in other questions which the laws of the Czecho-Slovak State may assign to it. The Governor of the Ruthene territory shall be appointed by the President of the Czecho-Slovak Republic and shall be responsible to the Ruthene Diet.

ARTICLE 12.

Czecho-Slovakia agrees that officials in the Ruthene territory will be chosen as far as possible from the inhabitants of this territory.

ARTICLE 13.

Czecho-Slovakia guarantees to the Ruthene territory equitable representation in the legislative assembly of the Czecho-Slovak Republic, to which Assembly it will send deputies elected according to the constitution of the Czecho-Slovak Republic. These deputies will not, however, have the right of voting in the Czecho-Slovak Diet upon legislative questions of the same kind as those assigned to the Ruthene Diet.

ARTICLE 14.

Czecho-Slovakia agrees that the stipulations of Chapters I and II so far as they affect persons belonging to racial, religious or linguistic

minorities constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Czecho-Slovakia agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Czecho-Slovakia further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Czecho-Slovak Government and any one of the Principal Allied and Associated Powers, or any other Power a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Czecho-Slovak Government hereby consents that any such dispute shall, if the other party hereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER III

Article 15.

Each of the Principal Allied and Associated Powers on the one part and Czecho-Slovakia on the other shall be at liberty to appoint diplomatic representatives to reside in their respective capitals, as well as Consuls-General, Consuls, Vice-Consuls and Consular agents to reside in the towns and ports of their respective territories.

Consuls-General, Consuls, Vice-Consuls and Consular agents, however, shall not enter upon their duties until they have been admitted in the usual manner by the Government in the territory of which they are stationed.

Consuls-General, Consuls, Vice-Consuls and Consular agents shall enjoy all the facilities, privileges, exemptions and immunities of every kind which are or shall be granted to consular officers of the most favoured nation.

Article 16.

Pending the establishment of an import tariff by the Czecho-Slovak Government, goods originating in the Allied or Associated States shall not be subject to any higher duties on importation into Czecho-Slovakia than the most favourable rates of duty applicable to goods of the same kind under the Austro-Hungarian Customs Tariff on July 1, 1914.

ARTICLE 17.

Czecho-Slovakia undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

Czecho-Slovakia also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which it may grant during the same period of five years to any State with which since August, 1914, the Allied and Associated States have been at war, other than favours or privileges which may be granted under the special customs arrangements provided for in Article 222 of the Treaty of Peace of even date with Austria.

ARTICLE 18.

Pending the conclusion of the general agreement referred to above, Czecho-Slovakia undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated States which accord similar treatment to Czecho-Slovak vessels.

ARTICLE 19.

Pending the conclusion under the auspices of the League of Nations of a general convention to secure and maintain freedom of communications and of transit, Czecho-Slovakia undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Czecho-Slovak territory, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Czecho-Slovak or of any other more favoured nationality, origin, importation or ownership as regards facilities, charges, restrictions, and all other matters.

All charges imposed in Czecho-Slovakia on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties.

Tariffs for transit traffic across Czecho-Slovakia and tariffs between Czecho-Slovakia and any Allied or Associated Power involving through tickets or waybills shall be established at the request of that Allied or associated Power.

Freedom of transit will extend to postal, telegraphic and telephonic services.

Provided that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject-matter.

If within a period of five years from the coming into force of the present Treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, Czecho-Slovakia shall be at liberty at any time thereafter to give twelve months' notice to the Secretary-General of the League of Nations to terminate the obligations of the present Article.

ARTICLE 20.

Czecho-Slovakia undertakes to adhere within twelve months of the coming into force of the present Treaty to the International Conventions specified in Annex I.

Czecho-Slovakia undertakes to adhere to any new Convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the international instruments specified in Annex I.

The Czecho-Slovak Government undertakes within twelve months to notify the Secretary-General of the League of Nations whether or not Czecho-Slovakia desires to adhere to either or both of the International Conventions specified in Annex II.

Until Czecho-Slovakia has adhered to the two Conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the industrial, literary, and artistic property of nationals of the Allied and Associated States. In the case of any Allied or Associated State not adhering to the said Conventions Czecho-Slovakia agrees to continue to afford such effective protection on the same conditions until the conclusion of a special bilateral treaty or agreement for that purpose with such Allied or Associated State.

Pending her adhesion to the other Conventions specified in Annex I, Czecho-Slovakia will secure to the nationals of the Allied and Associated Powers the advantages to which they would be entitled under the said Conventions.

Czecho-Slovakia further agrees, on condition of reciprocity, to recognise and protect all rights in any industrial, literary or artistic property belonging to the nationals of the Allied and Associated States in force or which but for the war would have been in force, in any part of her territory. For such purpose she will accord the extensions of time agreed to in Articles 259 and 260 of the Treaty of Peace with Austria.

Annex I

POSTAL CONVENTIONS

Conventions and agreements of the Universal Postal Union signed at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

TELEGRAPHIC AND RADIO-TELEGRAPHIC CONVENTIONS

International Telegraphic Convention signed at St. Petersburg, July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraph Conference of Lisbon, June 11, 1908.

International Radio-Telegraphic Convention, July 5, 1912.

RAILWAY CONVENTIONS

Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 15, 1907.

Agreement of May 15, 1886, regarding the technical standardisation of railways, as modified on May 18, 1907.

SANITARY CONVENTIONS

Conventions of Paris and Vienna of April 3, 1894, March 19, 1897, and December 3, 1903.

OTHER CONVENTIONS

Convention of September 26, 1906, for the suppression of night work for women.

Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

Convention of May 4, 1910, regarding the suppression of obscene publications.

International Convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

International Convention of Berne of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the Additional Protocol signed at Berne on March 20, 1914, for the protection of literary and artistic works.

Annex II

Agreement of Madrid of April 14, 1891, for the Prevention of False Indications of origin on goods, revised at Washington in 1911.

Agreement of Madrid of April 14, 1891, for the international registration of trade marks, revised at Washington in 1911.

Article 21.

All rights and privileges accorded by the foregoing Articles to the Allied and Associated States shall be accorded equally to all States Members of the League of Nations.

The present Treaty, in French, in English and in Italian, of which the French text shall prevail in case of divergence, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Austria.

The deposit of ratifications shall be made at Paris.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A procès-verbal of the deposit of ratifications will be drawn up.

The French Government will transmit to all the Signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain

deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

(L.S.)	FRANK L. POLK.	(L.S.)	S. PICHON.
(L.S.)	HENRY WHITE.	(L.S.)	L.-L. KLOTZ.
(L.S.)	TASKER H. BLISS.	(L.S.)	ANDRÉ TARDIEU.
(L.S.)	ARTHUR JAMES BALFOUR.	(L.S.)	JULES CAMBON.
(L.S.)		(L.S.)	TOM. TITTONI.
(L.S.)	MILNER.	(L.S.)	VITTORIO SCIALOJA.
(L.S.)	GEO. N. BARNES.	(L.S.)	MAGGIORINO FERRARIS
(L.S.)	A. E. KEMP.	(L.S.)	GUGLIELMO MARCONI.
(L.S.)	G. F. PEARCE.	(L.S.)	S. CHINDA.
(L.S.)	MILNER.	(L.S.)	K. MATSUI.
(L.S.)	THOS. MACKENZIE.	(L.S.)	H. IJUIN.
(L.S.)	SINHA OF RAIPUR.	(L.S.)	D. KAREL KRAMÁŘ.
(L.S.)	G. CLEMENCEAU.	(L.S.)	DR. EDUARD BENEŠ.

(B)

CZECHO-SLOVAK LANGUAGE LAW OF 29th FEBRUARY, 1920[1]

1. 'The Czecho-Slovak language is the state (official) language of the Republic.' This clause of course represents a legal fiction, since there is no such thing as a Czecho-Slovak language, but only two intimately related dialects, enjoying full parity in the administration, justice and education. As, however, the name 'Czecho-Slovak' had won general recognition and already stood as the symbol of unity, it appears to have been felt that to refer to the 'Czech and Slovak language' or 'languages' would have been not only a contradiction in terms, but actually a step away from fusion.

2. In districts containing a racial minority of at least 20 per cent., the authorities are bound to transact business with any of its members in their own language, and to issue all proclamations and official notices in the language of the minority as well as in Czecho-Slovak. The Public Prosecutor is bound to bring his indictment in the language of the accused.

3. The authorities are everywhere bound to accept oral and written communications in the Czecho-Slovak language and to sanction its use at any meeting: in other languages, only where these are spoken by 20 per cent. of the population of the particular district.

4. Czech and Slovak are treated as alternative.

5. The mother-tongue is to be the language of instruction in all minority schools.

6. Linguistic provisions for Carpatho-Ruthenia are provisional, until its provincial Diet can meet and decide the question.

7. Linguistic disputes are to be decided as ordinary matters of administrative inquiry.

8. Practical executive details are to be issued by decree.

[1] See Vol. IV, Chap. IV, pt. III, pp. 266–7.

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TOPICAL INDEX TO AUSTRIAN, HUNGARIAN AND BULGARIAN TREATIES

ABBREVIATIONS

A. = Austrian Treaty.
A. & A.P. = Allied and Associated Powers.
Ann. = Annex.
B. = Bulgarian Treaty.
Cov. = Covenant of League, in all Treaties (Text in Vol. III, pp. 111–23).
H. = Hungarian Treaty.
Lab. = Labour. International Clauses of, in all Treaties (Text in Vol. III, pp. 314–28).
L. of N. = League of Nations.
P.A. & A.P. = Principal Allied and Associated Powers.
Pre. = Preamble (to one or other Treaty).
S.C.S. = Serb-Croat-Slovene Kingdom.
Note. Reference is to Articles in each Treaty, not to pages.
Thus B. 166 = Bulgarian Treaty, Article 166.

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A HISTORY OF THE PEACE CONFERENCE OF PARIS

First printed 1924

PRINTED IN ENGLAND
AT THE OXFORD UNIVERSITY PRESS
BY FREDERICK HALL

A HISTORY OF THE PEACE CONFERENCE OF PARIS

EDITED BY

H. W. V. TEMPERLEY

VOL. VI

Published under the auspices of the British Institute of International Affairs

LONDON
HENRY FROWDE AND HODDER & STOUGHTON
THE *LANCET* BUILDING
1 & 2 BEDFORD STREET, STRAND, W.C. 2
1924

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EDITORIAL FOREWORD

A FOREWORD, which closes a six-volumed survey, should be brief. The work has undergone considerable modifications as it progressed, owing partly to the advice and suggestions of critics and reviewers, partly to modifications of plan caused by the progress of events and certain unexpected modifications in the international situation. More could have been told in the first three volumes had the revelations of certain writers been available at that time. The last three volumes have been able to profit by these fortunate indiscretions. In the main, moreover, the original design has been carried out, which was to give a description of the work of the Peace Conference by writers who knew their subjects at first hand and had not infrequently influenced the events they describe.

Endeavours have been made, so far as possible, to make use of the work of American as well as of British participants in the Peace Conference, and, whenever possible, use has also been made of the works of writers of other nationalities such as Nitti and Tardieu. It is probable however, and indeed inevitable, that the work displays a certain bias in favour of British and, to a less extent, of American policies. But the reader, being warned of the tendencies of the compass, should be able to steer his course aright. In the documents given and in the quotations made from the German and other enemy documents there should be enough material wherewith to check and to criticize any tendencies of this kind.

The last and most agreeable duty of an Editor is to make acknowledgments to those who have been of service to the work for which he is responsible. Without the aid of the Committee of the British Institute of International Affairs this work could not have been produced at all. Among those who were specially active and helpful with regard to the

production of Volumes IV and V, it is right to mention the names of Lord Meston the Chairman, of the two Honorary Secretaries, Mr. Lionel Curtis and Mr. G. M. Gathorne-Hardy, of Mr. J. W. Headlam-Morley, of Professor A. F. Pollard, and of Sir J. Cecil Power. It is due to the latter's generosity and public spirit that the publication of the sixth volume has been rendered possible.

It would be alike impossible and invidious to make acknowledgments to all those who have given valuable advice and help in regard to these volumes as a whole. But the editor must mention three names distinguished in history and in diplomacy, those of Sir Ernest Satow, of Sir Adolphus Ward, Master of Peterhouse, and of Sir Valentine Chirol, whose ripe judgment and profound knowledge of history and politics have always been ungrudgingly placed at his disposal. In this volume, as in all the others, the skilled aid of Miss Lilian Mattingly has been invaluable in correcting and verifying the numerous references and statements which occur in the History. Mr. J. A. Steers has acted as geographical adviser in the sixth volume.

At the same time it should be understood that, while the work of those mentioned (and of many others not mentioned) has been of the greatest assistance, they should not be held responsible for any errors which the volume may contain.

It is certain that the views expressed in these volumes will not be those of posterity. But it is hoped that a sufficient contemporary record has been given of the events and motives which prevailed at the Peace Conference.

PLAN OF THE WORK

THE sixth volume deals with the various aspects of the Treaties in Northern and Eastern Europe and outside Europe. The first chapter deals with the Turkish Empire. No military or diplomatic account of its collapse has been thought necessary, for the defeat was for the moment complete, and the armistice, as related elsewhere, necessitated an unconditional surrender. The serious aspect of the question here lay in the various obligations and commitments of the Allies, first, to one another, then to King Husein and other Arab Chiefs, to Zionism, and to Greece. The nature and extent of these commitments, as will be seen, involved the encouragement of Arab nationalism in Mesopotamia, Syria, and Arabia, of Jewish nationalism in Palestine, and the penetration of Greeks into Asia Minor. These attempts in return provoked a Turkish nationalistic movement in Anatolia which was of so strenuous a nature as ultimately to transform and to revise the Treaty of Sèvres piece by piece and step by step. The great problem of the future of Constantinople was shirked and not settled in this Treaty, and the results of this inability to face the question are described to the end of 1922.

The story of the Turkish Treaty is the story of a Treaty which the Supreme Council momentarily forced on a defeated and discredited government, only to find that the provisions were unworkable because the Great Powers were not prepared to enforce them. On the other hand in Poland, with which the second chapter deals, there was a serious attempt by the Great Powers to reconstruct that great Polish nation, which had been for a century and a half partitioned between the three despotic Eastern Monarchies. As the Great Powers were prepared to enforce their views, this experiment has for the time being, at any rate, been successful. As a result of the

execution of the treaties Poland has not been threatened by Germany, and has been able even to expand at her expense by the Upper Silesian decision. Contrary to all expectation she has also repelled the Bolshevik danger. The ultimate success of the experiment must depend upon time. It seemed to be necessary in the *History of the Peace Conference* to call special attention to this great constructive experiment on the part of the Allies. Contrary to the usual plan of this History a short historical introduction has been here given, for in this case, more than in any other, it was to history that the Conference appealed. Attention has also been concentrated on the ideas actually prevalent at the Conference itself and underlying the attempted solution. Developments subsequent to the Treaty of Versailles are more lightly treated, for in this, more than in any other part of the History, it becomes important to give the views of the reconstructors of the map of Europe. For just as the idea of 'Break Austria' has determined the fate of one part of Central Europe for a generation, so has that of 'Reconstitute Poland' for another. It is these ideas, not the patched or fumbling expedients by which statesmen subsequently sought to lessen their force or to delay their application, which settled the weal or woe of Central Europe. Therefore, it is the origin of these ideas and their interpretation in the Treaties which is of the greatest importance.

While chapter two deals with the still incomplete Polish experiment, chapter three deals with experiments in forming or recognizing nationalities which are still more incomplete. The shadow of the once vast Russian Empire hung over the Conference, for it was not considered impossible that it might be shortly reconstituted. Hence the Conference was slow in recognizing the Baltic nationalities and made only tentative attempts to re-establish them. As regards the Bolsheviks themselves the treatment followed has been different. For they set out by denying the authority of the Peace Conference, and hence have but a limited relation to its history. They come

into it simply in so far as they conform to or approach the ordinary commercial and diplomatic relations of international society as interpreted by the Peace Conference or by individual Powers present at it. With the Bolshevik attempt to reconstruct Society in Russia and to inaugurate a world-revolution elsewhere we are only slightly concerned.

In chapter four an attempt is made to deal with the World outside Europe. The development of nationalities and of nations within the British Empire, is certainly one of the most startling of the direct, and indirect, results of the war and of the peace. Whether in Canada or Egypt, in India or in South Africa, in Malta or in Australasia the swell and pulse of new movements and new ideas can be traced. It was deeply affected by the sacrifices made and the consequent privileges claimed by the Dominions, and by the surprising solution made by admitting them to the League. For that constituted their introduction, as it were, into the family of nations. The privileges claimed by, and the duties imposed upon, a member of the League seem, in fact, hardly compatible with a dependent status, and hence admission to the League constitutes a phenomenon in the history of the Empire of the most decisive importance.

Apart from the British Empire, Japan played a most important part at the Conference. It assumed on certain occasions the status of a fifth Great Power, so that the destinies of Europe have been permanently affected by an Asiatic State. The complicated problem of Shantung, as decided at the Conference, is here fully described. The diplomatic attitude of the United States, in this as in such matters as the Russian situation or Mandates, has been outlined, while the American Treaty with Germany is published, as is believed, for the first time in this country. In the case of the United States it has been found possible in chapter five to sketch its internal disputes which have so deeply influenced diplomacy and international affairs. The omission to treat another problem, and an almost equally fascinating one, that of the influence of the war and

the peace on Latin America, is regrettable. But such topics would require a volume in themselves.

The last chapter of this concluding volume is devoted to analysing the developments under that great constructive experiment, known as the League of Nations. It opens with an account of the different ideas which led to its formation and with a general description of its constitution and aims. Certain special features—Labour, Justice, Mandates, guarantees against war—are then separately considered. It is believed that the stress laid upon this feature is justified by the fact that it is now certain that some of the original provisions of the Peace Treaties are clearly obsolete and that more are obsolescent. But the League contains within itself the possibilities of a great and permanent international instrument, and provides for those necessities of growth and adaptation, for which all experience shows that no rigid treaty articles can provide. In concluding this survey it may perhaps be as well to emphasize the fact that the League could not have existed in its present form, or perhaps in any form at all, without the support and the advocacy of President Wilson.

By way of epilogue a short survey of some of the more important principles and lessons of the Peace Conference has been made. It is hoped that this will be found of some value and that some of the newer information, not previously available, has been incorporated in it. Attention has been called particularly to Mr. Lloyd George's remarkable Memorandum of the 25th March 1919, and to the manner in which the League is attempting to handle some of the problems left unsolved by the Supreme Council.

The appendices in this volume are designed to exhibit the secret Allied Agreements and certain other instruments affecting the future of the Turkish Empire; the final award as to Upper Silesia; the secret Allied Agreements with reference to China and Japan. In addition the text of the Treaty of the United States with Germany is added. Two other appendices give

the present position of the Covenant of the League and the texts of some typical Mandates.

It has been thought necessary to add editorial notes in some cases to bring chapters up to date (i. e. to December 1922),[1] but the chapters themselves are, in general, studies of the work of the Peace Conference and not primarily of any later developments.

A separate index of names is given in this, as in every other, volume. This volume includes a general subject-index to the whole six volumes. This subject-index deals only with subjects treated in the narrative and text. The inquirer will find the complete official index of names and subjects to the German Treaty in Vol. III, pp. 380–457; and a topical index to the Austrian, Hungarian, and Bulgarian Treaties in Vol. V, pp. 477–83. It is hoped that it will be possible, by the aid of these various indices, not only to find the chief subjects of importance readily but to test the accuracy of all statements in the text by comparison with the original articles of the treaties and with other important documents.

Of passion and prejudice there has already been enough and it is hoped that the History may serve to assuage and calm rather than to inflame them. Thirty years hence men will not only view this turbulent scene with more detachment, but they will know more than we do of the darker secrets of the Peace Conference. But it is only in this generation, and by the evidence of contemporary writers, that the knowledge of certain facts and opinions can be preserved. If only a few of these are recorded or indicated in this history its purpose will have been amply achieved.

HAROLD TEMPERLEY.

[1] In the case of the Treaty of Lausanne (v. pp. 114–7) the story has been carried into 1923 for the sake of completeness, as in some other instances (v. pp. 192, 283, 616).

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CHAPTER I

THE NEAR AND MIDDLE EAST

PART I

A. THE SECRET AGREEMENTS AFFECTING THE NEAR AND MIDDLE EAST (1915–17)

1. *The Four Secret Agreements.* The Secret Treaties and Agreements, four in number, forming the subject of this Chapter, are those relating to the Near and Middle East, into which the Allies entered as exigencies inseparable from the war. In chronological order they are:

(*a*) *The Constantinople Agreement, 18th March 1915.* The 'Constantinople Agreement' regarding the future of Constantinople, the Straits, and Persia, between Great Britain, France, and Russia, completed on the 18th March 1915.

(*b*) *Secret Treaty of London, 26th April 1915.* The Secret Treaty of London, under which Italy entered the war on the side of the Entente, signed on behalf of Great Britain, France, Russia, and Italy on the 26th April 1915. This treaty had a wider scope than the other agreements, for it dealt also with Italian territorial demands in Austria-Hungary.

(*c*) *Sykes-Picot Agreement, 16th May 1916.* The Agreement between Great Britain, France, and Russia (more commonly known as the 'Sykes-Picot Agreement') relating to the future of certain portions—chiefly the Arab regions—of the Ottoman Empire, completed on the 16th May 1916.

(*d*) *St. Jean de Maurienne Agreement, 17th April 1917.* The Agreement of St. Jean de Maurienne respecting Italian territorial claims in Asia Minor, made between Great Britain, France, and Italy on the 17th April 1917. This Agreement was a result of the secret pact of the 16th May 1916, from which Italy was excluded.[1]

[1] Public knowledge of these secret undertakings has been gained chiefly from Russian sources. Soon after the Bolshevik Government came into power—in October 1917—they published to the world, in an attempt to discredit the so-called capitalist Governments of Western Europe, the documents found in the archives of the Russian Foreign Office which related to these and other

In this chapter it is sought to outline, as fully as documents and other material now available render possible, the secret Agreements relating to the Near and Middle East to which various Allies subscribed during the war; and, further, to place these commitments in their proper perspective, and to exhibit them in the setting to which they inseparably belong—the gigantic struggle for national survival, which required of the nations involved in it the use of every expedient permissible in diplomacy and war. Unless considered in their true historical setting the secret Treaties and Agreements bear a distorted and entirely misleading aspect, and possess little relationship with reality.

2. *The first stage of the war, 1914–15.* The outbreak of war in 1914 between Great Britain, France, and Russia, and Germany and Austria-Hungary, left Turkey, Bulgaria, Greece, Italy, and Rumania in a position of doubtful or precarious neutrality. All expected to realize their large national ambitions at the cost of one or more of their neighbours. Each believed that participation in the war on the side of the victors would secure the attainment of these ambitions, and that upon a scale more satisfying than imagination had ever suggested during the long preceding years of peace. On the other hand, in an upheaval so wide, engaging forces so vast, and containing such ominous signs of being a struggle to the death, alliance with the losing side might well involve irreparable national disaster. Nor would a policy of indefinite neutrality be free from risk. For these neutrals undue delay in making their decision, to support one alliance or the other, might obviously land them in dangers hardly less than would unconsidering precipitancy.

(*a*) *Turkish Treaty with Germany, 4th August 1914.* The Young Turk leaders of the Ottoman Empire had, as we now know, already made their decision, and committed their country beyond recall to support of the Central Powers by a secret Treaty with Germany, signed on the 4th August 1914.

(*b*) *Bulgaria.* Bulgaria, too, under the Tsar Ferdinand, had also gone far in the same direction, though not as yet irrevocably. The part Bulgaria could play in the war was of profound

secret commitments of foreign Governments and Tsarist Russia. The revelations so made, though giving much important information, were incomplete, and in details not always quite accurate. Cp. R. S. Baker, *Wilson and World Settlement* (1922), I, 43–72; and text of discussion of the 20th March 1919, III, 1–19.

importance to each of the great hostile alliances, whichever she might decide to join. Repeated efforts, therefore, were made by the Entente Powers and by M. Venizelos, the Greek Prime Minister, to secure the adherence of Bulgaria; but she was not to be moved, even by promises of large territorial adjustments in her favour. Nothing short of decisive military successes by the Entente would have sufficed to shake the confidence of Ferdinand and his satellites in the ultimate triumph of German arms. Ferdinand adopted a policy of neutrality in outward form which moved steadily towards action with the Central Powers; and when, at last, the Entente effort to reach Constantinople had plainly failed, he caused his country to begin hostilities against Serbia on the 14th October 1915.[1]

(*c*) *Greece.* In Greece, during the earlier stages of the war, the situation was more complicated. There, indeed, King Constantine and his pro-German supporters were following a policy not unlike that of Ferdinand in Bulgaria. But Greek public opinion was divided, for M. Venizelos and his party were in favour of siding with the Entente, and the King had to go warily and with many temporizations. Thus for some time Greece was regarded as a possible ally, both by the Entente and by the Central Powers, and could be neglected by neither.

(*d*) *Italy.* At the outbreak of war Italy was the ally of Germany and Austria-Hungary, a partner of long standing in the Triple Alliance, and her position, in consequence, was one of exceeding delicacy. The sympathies of her people, however, were less with her Allies than with the Powers of the Entente. Undeniably, too, she stood to gain more by helping to defeat her age-long enemy, Austria-Hungary, than by assisting that enemy to victory and aggrandisement. Her allies, it further appeared, had decided upon their policy of war without consulting Italy, and thus had not fulfilled a precedent condition to obtaining her support under the terms of the alliance. Faced with this breach of etiquette—committed because it served the German purpose at the time—her Government held that Italy was under no valid treaty obligation to join the Central Powers, and, on the 3rd August 1914, issued a Declaration of Italian neutrality. Thenceforward, as the one Great Power of Europe remaining neutral, Italy held a commanding position in relation to both groups of belligerents.

[1] For relations of Bulgaria and Greece in 1915 *v.* Vol. IV, pp. 452–3.

(*e*) *Rumania.* Rumania was another neutral state which, by geographical position and military strength, would be able to exert a considerable influence upon the course of the war. She too had come within the orbit of the Triple Alliance, to which she had secret contingent commitments.[1] Here again the policy of the sovereign, King Charles, a Hohenzollern, was opposed by the Prime Minister, M. Bratianu, who saw that his country's interests lay with the Entente. Geographically, however, Rumania was badly placed. So long as Constantinople and the Straits were under Turco-German control she could be munitioned only precariously—or perhaps not at all—through the ports of Arctic Russia. Rumanian neutrality, therefore, was long-continued, and not until the time seemed altogether favourable did that state join the Entente under a secret treaty, signed on the 17th August 1916, with Great Britain, France, Italy, and Russia.[2] The Treaty calls for no further remark here, having already been examined in an earlier volume of the present work.

In addition to treaties and agreements designed to secure the support of neutrals for the Entente, various grave questions —which existed, or from time to time arose—between the Powers of the Entente, also had to be regulated by secret compacts. To this class belong the Agreement regarding Constantinople and the Straits; the so-called Sykes-Picot Agreement, and the Agreement of St. Jean de Maurienne. They represent, on the whole, concessions upon policy by the Allies between themselves, in order to harmonize their aims, and to maintain the unity of the Alliance in prosecution of the war. They dealt with the future at a time when the outcome of the war could not be assured. The fulfilment of each, therefore, was made contingent upon the ultimate success of the Allies being complete enough to allow of the pact being executed.

3. *The 'Constantinople Agreement' of the 18th March 1915, between Great Britain, France, and Russia, regarding Constantinople, the Straits, and Persia.* The grouping into which the belligerent Powers fell in the first week of August 1914, seemed to indicate for Russia a possibility of realizing her traditional ambitions in Constantinople and the Straits. And when, during the first week in November, hostile acts by Turkey compelled

[1] *v.* Vol. IV, pp. 213–14.
[2] Cf. Text in Vol. IV, pp. 515–17; *v.* also ibid., pp. 216–19.

the Entente Powers to declare war upon her, it was evident that a momentous approach towards the realization of Russia's dearest ambition had taken place. Between this step and complete attainment, however, much remained to be carried through. It was necessary for the Entente to obtain complete victory in the war; it was necessary for Russia to secure in advance the Agreement of Great Britain and France to her contingent annexation of Constantinople. The first lay in the lap of time, and the final decision could not be hastened, could not be prejudged. Negotiations for the second, however, might be begun—and, from the Russian point of view, the sooner the better, lest untoward developments should jeopardize success.

The matter, indeed, grew urgent when, in January and February 1915, the Russian position in Trans-Caucasia threatened to become precarious—notwithstanding the disastrous defeat inflicted on Turkish arms at Sarykamish, during the first week of January. In seeking the assistance of her allies, by suggesting an Allied expedition against Constantinople, the question of the city's future was bound to arise.

The course of the negotiations upon which Russia now entered, and the claims she and her Allies in turn put forward, may be gathered best by quoting from a secret memorandum of the Russian Foreign Office, drawn up just before Italy had entered the war on the 23rd May 1915.[1]

On the 19th February (4th March N.S.) 1915 the Minister of Foreign Affairs handed to the British and French Ambassadors a memorandum which set forth the desire to add the following territories to Russia as the result of the present war:

> 'The town of Constantinople, the western coast of the Bosporus, the Sea of Marmara, and the Dardanelles; Southern Thrace as far as the Enos-Midia line; the coast of Asia Minor between the Bosporus and the river Sakaria and a point on the Gulf of Ismid to be defined later; the islands in the Sea of Marmara, and the Islands of Imbros and Tenedos. The special rights of England and France, in the above territories are to remain inviolate.'

The claims as thus defined do not, it may be pointed out, include the Asiatic shores of the Sea of Marmara (except a small

[1] Published in the Bolshevik *Pravda* on the 20th December 1917, and in the *Manchester Guardian* on the 22nd February 1918; and see map opposite p. 6.

portion along the Ismid peninsula) nor of the Dardanelles. The memorandum continues:

'Both the British and French Governments express their readiness to agree to our wishes, provided the war is won, and provided a number of claims made by England and France, both in the Ottoman Empire, and in other places, are satisfied.

'As far as Turkey is concerned these claims are as follows:

(1) 'Constantinople to be recognized as a free port for transit of goods not proceeding from or to Russia, and a free passage is to be given through the Straits to merchant ships.

(2) 'The rights of England and France in Asiatic Turkey to be defined by Special Agreement between England, France, and Russia are recognized.

(3) 'The Sacred Mohammedan places are to be protected, and Arabia is to be under an independent Mohammedan [rule].

'The neutral zone in Persia established by the Anglo-Russian Agreement of 1907 is to be included in the English sphere of influence.

'While recognizing these demands in general as satisfactory, the Russian Government made several reservations.

'In view of the formulation of our wishes with regard to the Sacred Mohammedan places it must now be made clear whether these localities are to remain under the Sovereignty of Turkey with the Sultan keeping the title of Caliph, or whether it is proposed to create new independent states. In our opinion it would be desirable to separate the Caliphate from Turkey. In any case freedom of pilgrimage must be guaranteed.

'While agreeing to the inclusion of the neutral zone of Persia within the sphere of English influence, the Russian Government considers it right to declare that the districts round the towns of Isfahan and Yezd should be secured by Russia, and also that part of the neutral zone which cuts a wedge between the Russian and Afghan frontiers and goes as far as the Russian frontier at Zulfagar should be included in the Russian sphere of influence.

'The Russian Government considers it desirable that the question of the frontiers between Russia and Northern Afghanistan should simultaneously be solved according to the wishes expressed at the time of the negotiations in 1914.

'After the entrance of Italy into the war, our wishes were communicated to the Italian Government also, and the latter expressed its agreement, provided the war ended in the successful realization of Italian claims in general, and in the East in particular, and in the recognition by us for Italy within the territories ceded to us of the same rights as those enjoyed by England and France.'

This Russian memorandum gives a coherent summary of what had been done. Faced by an almost irresistible combination of circumstances making for Russian possession of Constantinople, Great Britain and France had safeguarded

their own interests as best they could. Great Britain, in consideration for reversing her long-standing policy of opposition to Russian domination of Constantinople and the Straits, had secured an advantageous revision of the zones of influence in Persia. Of special interest, also, are clauses (2) and (3) in the section of the memorandum reciting the claims of Great Britain and France in Turkey as admitted by Russia. Clause (2) foreshadows the subsequent Sykes-Picot Agreement of the 16th May 1916. Clause (3) bears indirectly but pertinently upon the same agreement by requiring an independent Arabia under a Mohammedan sovereign. How these matters fell out will be shown later in reviewing the 'Sykes-Picot Agreement'.

The summary is supported by the contents of two official and secret telegrams revealed by the Bolshevik Government, and is further borne out by an authoritative statement in the Duma by the Russian Prime Minister of the time.

The first telegram is of the 18th March 1915, from M. Sazonoff, the Russian Minister of Foreign Affairs, to the Russian Ambassador at Paris. It recounts the favourable reception accorded, especially by Great Britain and France, to the Russian proposals contained in the memorandum of the 4th March 1915, the gist of which we have already given. The telegram in question says:

'On the 8th March the French Ambassador, on behalf of his Government, announced to me that France was prepared to take up a most favourable attitude in the matter of realization of our desires as set out in my telegram to you, No. 937, in respect of the Straits and Constantinople, for which I charged you to tender Delcassé my gratitude.

'In his conversations with you Delcassé had previously more than once given his assurance that we could rely on the sympathy of France, and only referred to the need of elucidating the question of the attitude of England, from whom he feared some objections, before he could give us a more definite assurance in the above sense. Now the British Government has given its complete consent in writing to the annexation by Russia of the Straits and Constantinople within the limits indicated by us, and only demanded security for its economic interests and a similar benevolent attitude on our part towards the political aspirations of England in other parts.

'For me, personally, filled as I am with most complete confidence in Delcassé, the assurance received from him is quite sufficient, but the Imperial Government would desire a more definite pronouncement of France's assent to the complete satisfaction of our desires, similar to that made by the British Government.'

The second telegram is one from M. Sazonoff to the Russian Ambassador in London, and is dated the 20th March 1915:

'Referring to the Memorandum of the British Embassy here of the 12th March, will you please express to Grey the profound gratitude of the Imperial Government for the complete and final assent of Great Britain to the solution of the question of the Straits and Constantinople, in accordance with Russia's desires. The Imperial Government fully appreciates the sentiments of the British Government, and feels certain that a sincere recognition of mutual interests will secure for ever the firm friendship between Russia and Great Britain.

'Having already given its promise respecting the conditions of trade in the Straits and Constantinople, the Imperial Government sees no objection to confirming its assent to the establishment (1) of free transit through Constantinople for all goods not proceeding from or proceeding to Russia and (2) free passage through the Straits for merchant vessels.

'In order to facilitate the breaking through of the Dardanelles undertaken by the Allies, the Imperial Government is prepared to co-operate in inducing those States whose help is considered useful by Great Britain and France to join in the undertaking on reasonable terms.

'The Imperial Government completely shares the view of the British Government that the Holy Moslem places must also in future remain under an independent Moslem rule. It is desirable to elucidate at once whether it is contemplated to leave those places under the rule of Turkey, the Sultan retaining the title of Caliph, or to create new independent States, since the Imperial Government would only be able to formulate its desires in accordance with one or other of these assumptions. On its part the Imperial Government would regard the separation of the Caliphate from Turkey as very desirable. Of course the freedom of pilgrimage must be completely secured.

'The Imperial Government confirms its assent to the inclusion of the neutral zone of Persia in the British sphere of influence. At the same time, however, it regards it as just to stipulate that the districts adjoining the cities of Isfahan and Yezd, forming with them one inseparable whole, should be secured for Russia in view of the Russian interests which have arisen there. The neutral zone now forms a wedge between the Russian and Afghan frontiers, and comes up to the very frontier line of Russia at Zulfagar. Hence a portion of this wedge will have to be annexed to the Russian sphere of influence. Of essential importance to the Imperial Government is the question of railway construction in the neutral zone, which will require further amicable discussion.

'The Imperial Government expects that in future its full liberty of action will be recognized in the sphere of influence allotted to it, coupled in particular with the right of preferentially developing in that sphere its financial and economic policy.

'Lastly, the Imperial Government considers it desirable simultaneously to solve also the problems in Northern Afghanistan adjoining

'Russia in the sense of the wishes expressed on the subject by the Imperial Ministry in the course of the negotiations last year.'

The penultimate paragraph of this telegram throws aside all pretence that Russia's intentions in her Persian sphere of influence were anything less than annexation in the long run. 'Full liberty of action' was the compensation she took for agreeing to the extension of the British zone of influence.[1]

The allusion to Afghanistan covered a proposal put forward before the war for improving the irrigation of Russian territory in that region. Lord Islington stated in the House of Lords on the 9th January 1918, that no suggestion affecting the territorial integrity of Afghanistan had ever been made. He also stated that the Ameer had been assured that no such proposal would be made or agreed to at the Peace Conference.

4. *Later Russian developments over the Constantinople Agreement, 1916–21.*

(*a*) *The 2nd December 1916, Trepoff's Declaration.* The first official statement that the Agreement we have just outlined existed was made in the Russian Duma, on the 2nd December 1916, by M. Trepoff, the Prime Minister. The revelation was made with the express purpose of reviving if possible, the national spirit of the Russian people, and strengthening the position of the Throne and the Imperial Government. Russia was by this time far advanced in revolution, and Throne and Government alike were on the eve of downfall. The Prime Minister's statement was:

'An Agreement which we concluded in 1915 with Great Britain and France, and to which Italy has adhered, established in the most definite fashion the right of Russia to the Straits and Constantinople.... I repeat that absolute Agreement on this point is firmly established among the Allies.'

How far the Russian people had moved from their old beliefs and ideals was shown by the failure of this announcement to stir them. The fatuous self-sufficiency and blind incompetence, not only of their rulers, but of the whole ruling class in general, and the rank corruption which permeated classes yet wider, had caused the Russian State, as then organized, to become rotten. The people were turning eagerly to new ideals. They had lost faith and hope, they were, too, already war-weary; and when the moment arrived, as it were unexpectedly and

[1] *v.* also p. 200.

suddenly, in which the greatest of their national aims came within resolute grasp, that generation of Russians proved incapable of seizing it.

(*b*) *Bolshevik attitude, 1917.* After the Revolution the Bolshevik Government formally declared, in accordance with their theories, that Russia no longer had any ambitions to be satisfied by the occupation of Constantinople and the Straits. With the withdrawal of Russia from the war and from her alliances the Agreement between her and the Western Powers lapsed, and the future of Constantinople and its great water-way, a subject of endless contention and rivalry, remained for the solution of Time. It is of interest, however, to glance at subsequent Bolshevik action in Persia and Turkey relating to the Allied Agreement of the 18th March 1915.

(*c*) *Bolshevik Treaty with Persia, 27th February 1921.* By the Russo-Persian Treaty signed at Moscow on the 27th February 1921 (the text of which was published in the *Manchester Guardian* of the 31st March 1921) the 'Government of the Russian Socialist Federate Soviet Republic' formally and definitely denounced all Treaties and Agreements concluded between Imperial Russia and Persia, and all Agreements of the Imperial Government with other Powers relating to Persia.[1]

(*d*) *Bolshevik Treaty with Kemalists, 16th March 1921.* By another Treaty signed at Moscow on the 16th March 1921, between the Russian Soviet Republic and the Great National Assembly of Turkey (in other words the Turkish Angora Government), Bolshevik Russia made a similarly disinterested gesture towards Nationalist Turkey. The Treaty frees Turkey from all Agreements concluded with the Tsarist Government, and from the consequences arising from international treaties or agreements by that Government. Russia and Turkey further agree to open the Straits to the shipping of all nations, and to confide the preparation of an International Agreement on the freedom of the Straits to a Conference of Delegates from the coastal states concerned. The findings of the Conference, however, were not to be of a kind to affect the independence of Turkey, nor the security of Constantinople.

5. *The 'Secret Treaty of London', signed on the 26th April 1915, between Great Britain, France, Russia, and Italy, regarding*

[1] For further details *re* Persia *v. infra*, pp. 214–15.

the entry of Italy into the War. The Treaty of London laid down the terms on which Italy entered the War on the side of the Entente Powers.[1]

Italy had, in fact, long-standing and growing ambitions to realize. Territories peopled by the Italian race were still under the rule of the Hapsburgs; the north-eastern frontier imposed upon her by Austria after previous wars was no better than that of a defeated state. Nor was she without memories of her ancient past. She desired, from motives of security and sentiment, to make of the Adriatic an Italian Sea. With a teeming population and high birthrate she saw a great and constant emigration of her people to lands not under the Italian flag. At one time she had looked to Tunis, traditionally the nearest and wealthiest African province of old Rome, as an ideal field for Italian colonization; but there she had seen herself forestalled by France. Taught by this experience she had then, at the cost of war with Turkey, made sure of Tripolitana, another of her ancient African possessions, only to find that whatever it might have been under Rome it now presented few opportunities for Italian settlement. Italy, in truth, was under all the disadvantages of being a late arrival among the Powers anxious to acquire colonial possessions.

However, farther afield was Mediterranean Asia Minor, a rich and fertile region, sparsely peopled, its great natural resources undeveloped, its climate not very unlike that of Southern Italy, its coast not three days' voyage from Italian ports. It, too, had once been Roman territory. Towards this land Italian attention had for some time been directed, as a promising field for Italian commercial activity—perhaps even, under favourable circumstances, for Italian expansion. With wise prevision, Italy was, already, as the result of her war with Turkey in 1911, in occupation of the Dodecanese Islands, in part covering the western coast of Asia Minor. More and more, however, during recent years, it had become apparent that Germany was likely to dominate Asia Minor. The entry of Turkey, therefore, into the War on the 31st October 1914 in alliance with Germany, did not make for Italian support being eagerly thrown in the same direction.

After the Declaration of Italian neutrality on the 3rd August 1914, Italian opinion speedily hardened to the view that Italy

[1] Text is in Vol. V, pp. 384–93.

should seek the full realization of her national aims by every means in her power; and that her policy should be characterized by severe practicality—that it should, in fact, deal only with realities, and be influenced neither by prejudice nor by sentiment. Obviously Italy's claims could be more fully satisfied if she found herself on the side of the victorious Entente than on the side of the victorious Central Powers, provided that the Entente had recognized her claims in advance and undertaken to secure their fulfilment. A policy of realities, therefore, called for support of the Entente, but for support to be given under bond.

Germany, nevertheless, did not allow Italian policy to be shaped against her without making efforts to guide it in German interests. Prince Bülow was dispatched on a mission to Rome in January 1915, where he used every artifice to influence the Italian Government and Italian opinion. His efforts, however, were hampered by the fact that Italian ambitions could be satisfied only at the expense of Germany's ally Austria, and her prospective ally, Turkey.

We are not concerned here with the various articles of this long and elaborately drawn London Pact except as applying to the Near and Middle East.[1] Suffice it to say that the Treaty provided for the immediate conclusion of military and naval conventions; the first between Italy and the three other Great Powers of the Entente, the second between Italy and Great Britain and France alone; and that Italy undertook to prosecute the War with all her resources, and to conduct her operations jointly with her allies against *all* enemy powers. Other articles define with careful exactitude the huge territorial additions Italy was to receive from Austria and her position in Albania:

ARTICLE 8. 'Italy shall receive entire sovereignty over the Dodecanese Islands which she is at present occupying.

ARTICLE 9. (This article is of great importance but is fully quoted below under § 10 *a*.)

ARTICLE 10. 'All rights and privileges in Libya at present belonging to the Sultan by virtue of the Treaty of Lausanne are transferred to Italy.'

ARTICLE 12. 'Italy declares that she associates herself in the declaration made by France, Great Britain, and Russia to the effect

[1] For other treatment *v.* Vol. IV, pp. 288–91, and for Albania, ibid., p. 340.

that Arabia and the Moslem Holy Places in Arabia shall be left under the authority of an independent Moslem Power.

ARTICLE 16. 'The present arrangement shall be held secret.'

In addition to this Italy acceded on the 26th April 1915 to the Anglo-French-Russian Declaration of the 5th September 1914 by which the three Governments agreed not to conclude a separate peace, and that, 'whenever there may be occasion to discuss the terms of peace, none of the Allied Powers shall lay down any conditions of peace, without previous agreement with each of the other Allies'. It was further agreed that after the declaration of war by Italy, a new declaration of the Four Powers on the above lines should be signed and published.

With her desired expansion in Europe clearly defined and covenanted for, her interest in maintaining the balance of power in the Mediterranean recognized, and the assurance of receiving a proportionate equality of treatment with her great Allies in any partition or disposal of Ottoman territory in Asia that might result from the struggle, Italy declared war on Austria-Hungary on the 23rd May, and on Turkey on the 20th August 1915.

How far the provisions of the Treaty of London were realized in regard to Turkey-in-Asia, and the influence they exercised, will best be seen when we consider the Sykes-Picot Agreement and the Agreement of St. Jean de Maurienne.

6. *The Sykes-Picot Agreement and the Sherif of Mecca.* To make the origins and purposes of the Sykes-Picot Agreement clear it becomes necessary now to glance at a still earlier secret understanding.

Faced with the realities just described, and in prosecution of the War in the East on behalf of herself and her Allies, Great Britain, during the year 1915, obtained the support of the Sherif of Mecca against the Turks. The Sherif was already covertly hostile to the Young Turk Government of Turkey, and had refused his backing to the *Jihad* decreed by the Turkish Sultan as Caliph of Islam. He already had large ambitions for himself, his family, and the independence of the Arab race. He aimed at nothing less than the creation of an Arab State, or a Confederation of Arab States, which should embrace the Arab peoples of Syria, Mesopotamia, and the greater part of Arabia, with himself as Sovereign or Suzerain.

The understanding with the Sherif was arrived at in a series

of letters between him and Sir H. McMahon, who at that time was British High Commissioner in Egypt. The correspondence remains unpublished, but has been officially described, both in the House of Lords and the House of Commons during 1921 and 1922, as being of a somewhat 'inconclusive' nature. That it pledged Great Britain to large measures of policy has never been disputed, though questions have arisen regarding certain details. These, however, do not concern us here.[1]

While undertaking to support the scheme of Arab independence Great Britain excluded from its operation the Turkish vilayet of Adana, containing the towns of Alexandretta, Adana, and Mersina, and the Syrian districts lying west of the line Aleppo–Homs–Hama–Damascus. The reasons given for excluding these territories were that they contained a non-Arab population and that there France had special claims.

Subject to these reservations, and to the Sherif of Mecca making an effective rising against the Turks, Great Britain pledged herself to freeing the Arab population from Turkish rule, and to establishing, not necessarily over the whole area, an independent Arab State. In this guarantee France subsequently joined. Important results were expected from an Arab rising led by the Sherif of Mecca—Warden of the Holy Places—not only in a military sense, but still more for its effect upon the World of Islam and the prestige of the Sultan-Caliph at Constantinople. Nor can it be said that expectation was not justified by results, for the rising proved to be of incalculable advantage to the Allied Cause.

(*a*) *French attitude.*[2] Although France concurred, and gave her support to the projected rising, she viewed with distrust and anxiety the prospect of far-reaching military successes being achieved by the Arabs themselves. When the rising seemed likely to come about she pressed her demands upon Great Britain for an Agreement regarding Asiatic Turkey. She desired execution of the provision in the Constantinople Agreement—of the 18th March 1915—which required the definition of Anglo-French rights in these regions by agreement between Great Britain, France, and Russia. She desired, in fact, to obtain of Great Britain a binding and definite recognition of French ambitions in Syria and Cilicia. Not-

[1] *v.* Part III of this Chapter, *passim.*
[2] *v.* also Chap. I, Part III, A, § 4, pp. 127–28.

withstanding the presence of German armies on French soil, French public opinion and the French Government supported these claims with remarkable energy and persistence.

In a way there was abundant reason for this urgency on the part of France. The Arab leaders already held her in deep suspicion, and made no secret of their hostility to her pretensions in Syria. They knew that Great Britain had nothing except goodwill for the Arab aims, and for the unification of the Arab race; they knew that for these aims France had nothing but irremovable hostility. In short they recognized that Arab and French aspirations in Syria were entirely incompatible.

(*b*) *Franco-British compromise.* The general situation, therefore, was somewhat as follows:

Honour demanded that previous British undertakings to the Sherif of Mecca and the Arabs should be amply fulfilled. It was at the same time urgently necessary to maintain concord and unity of effort between the chief European Allies, and—more difficult still—between European Allies and Arab Allies. It was necessary to harmonize the territorial ambitions of France and Russia with the vital and traditional interests of Great Britain, not only in the Ottoman hinterland of the Persian Gulf, but also in the international water-way formed by the Suez Canal and the Red Sea. And it was necessary to provide for the future of Palestine—or at least of Jerusalem—without placing this region, held in world-wide sanctity, under unqualified Arab rule. At this time, too, the clash of interests between France and the Arabs, and, therefore, between France and Great Britain, threatened to become acute.

In these circumstances of difficulty the British and French Government respectively appointed, towards the end of 1915, the late Sir Mark Sykes and M. Georges Picot, to prepare the terms of settlement as far as might be possible. The outcome of their labours was a draft of the so-called Sykes-Picot Agreement.

The draft represented no more than the compromises capable of attainment at the time, compromises between interests that were in almost direct and unvarying opposition. In this form the Agreement was then submitted to the Tsarist Government of Russia, who recognized, subject to certain restrictions, the arrangement come to between Great Britain and France. The conclusion of the Agreement by the several Powers concerned

was effected during the end of April and the month of May 1916. It well may be that maintenance of the interests for which Great Britain stood, Arab interests, as well as British, had not been rendered less difficult during the early months of 1916 by the contemporaneous desperate struggle for life in which France was engaged before Verdun.

7. *Terms of the Sykes-Picot Agreement, 16th May 1916.* Secrecy was regarded as essential to the usefulness of the Agreement. Knowledge of its terms, even of its existence was kept, at the time, both from the Italian Government and the Sherif of Mecca. But of this Secret Agreement, as of others into which the Tsarist Government of Russia had entered, the Bolsheviks published details [1] as soon as they came into power. The Secret Memorandum of the Russian Foreign Office, dated 6th March 1917 and giving these particulars, runs as under:

'As a result of negotiations which took place in London and Petrograd in the spring of 1916 the Allied British, French, and Russian Governments came to an Agreement as regards the future delimitation of their respective zones of influence and territorial acquisitions in Asiatic Turkey, as well as the formation in Arabia of an independent Arab State, or a federation of Arab States. The general principles of the Agreement are as follows:

'(1) Russia obtains the provinces of Erzerum, Trebizond, Van, and Bitlis, as well as territory in the southern part of Kurdistan, along the line Mush–Sairt–Ibn Omar–Amadjie–Persian frontier. The limit of Russian acquisitions on the Black Sea coast will be fixed later at a point lying west of Trebizond.

'(2) France obtains the coastal strip of Syria, the vilayet of Adana, and the territory bounded on the south by a line Aintab–Mardin to the future Russian frontier, and on the north by a line Ala Dagh, Kaisariya, Ak-dagh, Jildiz-dagh, Zara, and Egin–Kharput.

'(3) Great Britain obtains the southern part of Mesopotamia with Baghdad, and stipulates for herself in Syria the ports of Haifa and Akka.

'(4) By Agreement between France and England, the zone between the French and British territories forms a confederation of Arab States, or one independent Arab State, the zones of influence in which are determined at the same time.

'(5) Alexandretta is proclaimed a free port.

'With a view to securing the religious interests of the Entente Powers, Palestine, with the Holy Places, is separated from Turkish territory and subjected to a special régime to be determined by agreement between Russia, France, and England.

'As a general rule the contracting Powers undertake mutually to

[1] In the *Izvestia* on the 24th November 1917, reproduced in translation in the *Manchester Guardian* on the 19th January 1918.

recognize the concessions and privileges existing in the territories now acquired by them which have existed before the War.

'They agree to assume such portions of the Ottoman debt as correspond to their respective acquisitions.'

8. *Relation to Treaty of Sèvres and Tripartite Agreement.* The Sykes-Picot Agreement exercised a patent influence upon the course of subsequent events in the regions to which it applied, notwithstanding that the Russian Revolutionary Government repudiated the provision concerning Russia. The disclosure of its existence and terms led speedily to the collateral Agreement of St. Jean de Maurienne between Italy, France, and Great Britain. The disclosure also strained the loyalty of the Sherif of Mecca and his sons towards their Western Allies, and, in particular, fanned Arab hostility against the French. But for the larger and more serious problems to be solved it served its purpose well enough for the time—it provided a working arrangement between Great Britain and France which abated causes of dangerous friction, and, in some degree, determined the course of future developments.

With certain variations the Agreement became the basis of territorial change and control imposed by the Treaty of Sèvres and the related Tripartite Agreement, upon the Ottoman Empire in Asia.

The more important of these variations were:

(*a*) That Ottoman territory assigned to Russia remained Turkish; and that the greater part of the vilayet of Adana assigned to France likewise remained under Turkish sovereignty.

(*b*) That in place of annexation the system of mandates was adopted by the Peace Conference for the Arab areas in occupation by France and Great Britain; and that these two Powers were invited to become the mandatories.

(*c*) That Palestine, instead of being placed under international control, was made a separate mandated area, under Great Britain as mandatory, with special provision for the creation of a National Home for the Jews.

(*d*) And that, by arrangement between Great Britain and France, the Mosul district was transferred from the

French area of the Sykes-Picot Agreement to the British area.

A later development was that by the Agreement of Angora[1] France retroceded to Turkey some 10,000 square miles of the territory intended to be placed under mandate, including nearly the whole part of the Baghdad Railway which the Treaty of Sèvres had withdrawn from Turkish sovereignty.

The shortcomings of the Agreement in providing for the complete fulfilment of Arab territorial and political aims do not require more than passing mention in this chapter. They are fully treated elsewhere. As has been shown, these shortcomings were inevitable in the presence of imperative French claims to Syria. But the Anglo-French pledge to redeem the Arab peoples from Turkish rule has been carried to completion beyond doubt or question, as also the undertaking to set up a Sovereign Arab State or States. In this matter Great Britain, at least, has honoured her promises to the full extent of the obligations she undertook. The Sherif of Mecca, as King Husein, rules over the Sovereign Arab State of the Hejaz. His son Feisal has been crowned King of Iraq with Baghdad as capital, and the British mandated territory of Mesopotamia, extending from the Persian Gulf to Syria, as his realm. And in Trans-Jordan, an Arab country included in the mandate for Palestine, another son, Abdullah, has been established as ruler. That the various Arab States of Central and South-Western Arabia should not be anxious to come under the rule or suzerainty of King Husein is a matter for Arab settlement alone, and is entirely outside the operation of British undertakings.

But the outstanding grievance of Arab Nationalists against the Sykes-Picot Agreement remains unabated, and without prospect of remedy, that the admission of France to Syria, even in the position of mandatory, places the Arab peoples under the control of two separate foreign powers, with the obviously consequent loss of Arab unity and of the hope of ever attaining it. In order to show his opinion of the Allied treatment of the Arab question King Husein of the Hejaz forbade his representatives at Paris to sign the Treaty of Sèvres, and has not joined the League of Nations.

9. *The Agreement of St. Jean de Maurienne, 17th April 1917,*

[1] 20th October 1921 ; for text *v. infra*, pp. 33–4.

between France, Great Britain, and Italy, regarding Italian claims in Turkey-in-Asia. The Agreement of St. Jean de Maurienne defined the gains, territorial and economic, to be received by Italy in Asiatic Turkey in fulfilment of the undertaking contained in Article 9 of the Agreement of London, completed on the 26th April 1915. Already, Great Britain, France, and Russia had settled between themselves, by the Sykes-Picot Agreement, what were to be their own gains in Asiatic Turkey; the Agreement of St. Jean de Maurienne was intended to be the corollary instrument between the same Powers and Italy in respect of Italian rights. How it failed of its intended purpose forms an episode of war-time diplomatic history not as yet disclosed, though report makes no secret of the cause of failure. Nor have the terms of the Agreement ever been published. But there is no difficulty in piecing together from a variety of sources a broad outline of its origin, purposes, and chief provisions.

As has been said, the Sykes-Picot Agreement was negotiated and completed without the knowledge of the Italian Government, who seem to have remained ignorant of its very existence for several months. It is evident, however, that at the beginning of the year 1917 that Government were already in possession of the Agreement, and were negotiating with the other chief Allies for a precise and binding recognition of Italian claims in South-Western Asia Minor, admitted in principle in Article 9 of the Treaty of London. It is evident, moreover, that the Italian Government were pressing their demand for this definition and recognition with no little insistence. They were seeking, in fact, to secure that Italian interests in Asiatic Turkey should be placed on the same definite and explicit footing, between the several Allies, as had been secured for the interests of France, Russia, and Great Britain by the Sykes-Picot Agreement.

(*a*) *Treaty of London, 26th April 1915.* The governing passages of Article 9 runs as follows:

'Generally speaking, France, Great Britain, and Russia recognize that Italy is interested in the maintenance of the balance of power in the Mediterranean, and that in the event of a total or partial partition of Turkey-in-Asia, she (Italy) ought to obtain a just share of the Mediterranean region adjacent to the province of Adalia, where Italy has already acquired rights and interests which formed the subject of an Italo-British Convention. The zone which shall eventually be

allotted to Italy shall be delimited, at the proper time, due account being taken of the existing interests of France and Great Britain.

'The interests of Italy shall also be taken into consideration in the event of the territorial integrity of the Turkish Empire being maintained and of alterations being made in the zones of interest of the Powers.

'If France, Great Britain, and Russia occupy any territories in Turkey-in-Asia during the course of the War, the Mediterranean region bordering on the province of Adalia within the limits indicated above shall be reserved to Italy, who shall be entitled to occupy it.'

It will be well now to see just what Ottoman territory falls within the operation of these vague terms. 'The Province of Adalia' is clear enough—it could only mean the independent sanjak of Adalia. But 'the Mediterranean region adjacent to the province of Adalia', and 'the Mediterranean region bordering on the province of Adalia', contain sweeping possibilities. These definitions might certainly be held to include the independent sanjak of Itchili and the vilayet of Adana to the east, and the independent sanjak of Menteshe and the great and wealthy vilayet of Smyrna (or Aidin), in the north-west. It might even be possible to make these definitions cover the whole or part of the inland vilayet of Konia and the independent sanjak of Karahissar, both of which border the narrow, coastal 'province of Adalia' on the north, and come within the Mediterranean region. Further uncertainty was introduced—though not, perhaps, to the complete advantage of Italy—by use of the words 'just share'. On what basis, for instance, was Italy's 'just share' to be computed? The principle of Italian rights admitted in the Treaty of London had, in fact, been given an application so elastic and uncertain, that when exact definition of such rights was attempted the widest discrepancies of interpretation appeared.

10. *Italy and the St. Jean de Maurienne Agreement*, 17th April 1917. Discussions with Italy on these various points came to a head in April 1917. On the 17th of that month the Prime Ministers of France, Great Britain, and Italy met at St. Jean de Maurienne and there endeavoured to hammer out terms of agreement upon the questions at issue. The conflict of national interests and aims which had arisen and required solution before agreement could be reached is partially revealed in the comments of the Italian press at the time. Thus the Rome *Tribuna* of the 25th April indicated how large were the Italian

claims with which the meeting of Prime Ministers had to deal. This journal spoke of:

'. . . the zone from Smyrna inclusive through the vilayet Konia up to the limit Adana', as the 'zone adapted for the satisfaction of those Italian interests of which the first stone was laid by the concession of Adalia and the possession of the Dodecanese.'

And on the 27th April the *Corriere della Sera* of Milan wrote:

'. . . while English interests mainly centre on Mesopotamia, French on Syria, and Italian on the vilayets of Smyrna, Konia, and Adana, there was a lively difference and discussion . . . on certain points, and, more especially, on Smyrna, Adana, and Alexandretta . . . French opinion claimed all Syria up to the Anti-Taurus, while English opinion pointed to Alexandretta as the natural Mesopotamia outlet to the Mediterranean. To settle these differences, reciprocal and conciliatory arrangements were necessary, giving compensations and indemnities, where occasion arose, on the general principle of keeping to prevailing agreements with a minimum of renunciations.'

Reading between the lines of these comments it appears that Italian claims included the sanjaks of Adalia, Menteshe, and Itchili, and the vilayets of Smyrna and Adana—all on the Mediterranean seaboard—and part at least of the huge inland vilayet of Konia. These areas, apparently, were proposed as a zone for Italian occupation or annexation. But it appears, further, that Italian claims included an additional zone, a sphere for exclusively Italian interests though remaining under Turkish sovereignty. This second zone must have comprised portions of the vilayets of Brusa and Konia, and of the independent sanjaks of Kutahia, Karahissar, Nigde, and Kaisari. The two zones together covered the southern half of the whole Anatolian peninsula; the zone proposed for annexation formed by much the greater part of this immense territory, and included the whole southern and south-western coast-line (*v. infra* p. 25).

11. *Adjustment of conflicting claims.* Other matters apart, Italian claims were in serious conflict with the Sykes-Picot Agreement, for the vilayet of Adana and a portion of the sanjak of Kaisari had already been ear-marked for France by that instrument. It was such directly opposing interests that had to be harmonized at St. Jean de Maurienne. And neither the British nor the French Prime Minister was in a strong position to deny to Italian demands advantages similar to those already secured to Great Britain and France.

The Agreement of St. Jean de Maurienne, so far as we know its terms, rejected the Italian claim to the vilayet of Adana and part of the sanjak of Kaisari, but conceded wellnigh everything else. It assigned with these exceptions, to Italy, the annexable zone she sought, including the vilayet and city of Smyrna—these alone a gain of inestimable importance—the sanjaks of Menteshe, Adalia, and Itchili, and the greater portion of the inland vilayet of Konia. It conceded, too, the wide zone of special Italian interest.

But, as has been said, these enormous Italian gains were never brought to realization. Just why, and in what circumstances, has not been officially disclosed, even by the Italian Government whose hopes had been disappointed. Report, however, is not silent on the matter, and credits the Russian Government with the cause. The story is, in brief, that Russian consent to the Agreement of St. Jean de Maurienne was necessary; that this consent was not given; and that, therefore, the instrument which might have placed some 70,000 square miles of Asia Minor under Italian sovereignty failed to attain validity.

The influence of this dead Allied compact survives only in the Tripartite Agreement annexed to the Treaty of Sèvres—of which both have since been profoundly modified (*v.* pp. 114–17). Under this Agreement Italy was accorded, not an annexable zone, but 'an area in which the special interests of Italy are recognized'.[1] This area covers nearly the same territory which, under the Agreement of St. Jean de Maurienne, was assigned to Italy in the two zones of annexation and of interest.

[1] For Text *v.* App. I, Part II. For Mosul Secret Agreement *v.* this chapter Part III, C, § 4.

CHAPTER I

THE NEAR AND MIDDLE EAST

PART I

B. BRIEF SKETCH OF TURKISH TERRITORIAL SETTLEMENTS PUBLICLY PROPOSED SINCE THE ARMISTICE[1]

1. *Speeches of Mr. Lloyd George, 5th January, and of President Wilson, 8th January 1918.* An account has been given of the actual secret obligations and commitments of the Allied Powers with regard to the ultimate territorial settlement of the Turkish Empire. A short summary will here be made of the attempts to translate these agreements into practice and to announce them in public. The first Allied public announcement, indicating their commitments was in the Balfour Note to President Wilson of the 18th December 1916, which referred to one of the Allied 'war-aims' as the 'setting free of the populations subject to the bloody tyranny of the Turks; and the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization'. Whatever this meant or did not mean, it certainly meant depriving the Turks of Constantinople and Eastern Thrace. On the 5th January 1918, Mr. Lloyd George, in a speech defining British 'war-aims', said 'nor are we fighting to deprive Turkey of its capital, or of the rich and renowned lands of Asia Minor and Thrace, which are predominantly Turkish in race . . . while we do not challenge the maintenance of the Turkish Empire in the homelands of the Turkish race, with its capital at Constantinople—the passage between the Mediterranean and the Black Sea being internationalized and neutralized—Arabia, Armenia, Mesopotamia, Syria, and Palestine are, in our judgment, entitled to a recognition of their separate national conditions. What the exact form of that recognition in each particular case should be need not here be discussed, beyond stating that it would be impossible to restore to their former sovereignty the territories to which I have already referred'.

[1] Complete to December 1922.

Whatever else this meant it meant that the Turks were not going to be turned out of Constantinople and Eastern Thrace. Mr. Lloyd George added that conditions had been 'changed' by 'new circumstances, like the Russian collapse and the separate Russian negotiations'.[1] He claimed, both then and since, that the chief representatives of other parties, including Labour, agreed with him.

Mr. Lloyd George's proposed assignment of Eastern Thrace and Constantinople to the Turks, committed Great Britain alone. But on the 8th January 1918 President Wilson made the famous speech of 'the Fourteen Points', which stated that 'the Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an . . . unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened . . . to the ships and commerce of all nations under international guarantees'.

This was a definite pledge, and formed part of the pre-Armistice Agreement which both Germany and the Principal Allied and Associated Powers agreed to be morally binding for the Peace Settlement. It is not very clear what it means, for Wilson apparently retained the Turkish formal suzerainty even over Arabia, Mesopotamia, etc., and gave only a 'secure sovereignty' to 'the Turkish portions of the Ottoman Empire'. But 'the Turkish portions of the Ottoman Empire' are hard to define. Are Thrace and Constantinople, for instance, such 'Turkish portions'? We know what Mr. Lloyd George thought on the 5th January 1918. For on the 22nd March 1920 he declared to an Indian deputation that both the Greek and Turkish censuses 'put the Mussulman population of Thrace in a considerable minority', and, on the 27th February 1920, he declared that the majority of the population of Constantinople was Turkish, in each case referring to his speech of the 5th January 1918. Thus he thought most of East Thrace Greek, and perhaps Western Thrace as well.

2. *Arrangements between the Armistice and the Peace Conference, 1919–20.* The Armistice with the Turks of the 30th

[1] On the 10th November 1914, Mr. Lloyd George spoke of the Turks as 'a human cancer, a creeping agony in the flesh of the lands which they misgovern, rotting every fibre of life. . . . I am glad that the Turk is to be called to a final account for his long record of infamy against humanity'.

October 1918 was a purely military arrangement, stipulating for the surrender of all Turkish forces and permitting the Allies to occupy all necessary strategic points, notably such as were necessary to the command of the Bosporus, and Dardanelles. It will perhaps make the situation clearer if we divide the actual territorial arrangements under the following headings: (*a*) Arabia, Mesopotamia, Palestine, Syria; (*b*) Smyrna; (*c*) Constantinople and the Straits; (*d*) Thrace; (*e*) Armenia.

(*a*) *Arabia, Mesopotamia, Palestine, Syria.* The Allied Powers were already in effective occupation of these areas at the Armistice, and the Turkish forces had been hopelessly defeated by Generals Allenby and Marshall. The severance of these areas from Turkish sovereignty was practically accepted by all parties. But President Wilson's views to a certain extent prevailed, for the Peace Conference agreed to have Mandates for Syria, Palestine, and Mesopotamia.[1] As regards other Arab territories these had been practically promised independence on the basis of self-determination by the joint Franco-British declaration of the 7th November 1918 which referred vaguely to their national aspirations.

(*b*) *The decision to allow the Greeks to occupy Smyrna, 6th May 1919.* This area might have been held to be assigned to Italy under the St. Jean de Maurienne Agreement. But the consent of Russia was necessary to the validity of this instrument and, as it had never been given, the agreement lapsed. On the 3rd and 4th February M. Venizelos appearing before the 'Ten' definitely claimed the Smyrna area. In the Greek Territorial Commission the French and British supported the Greek claim to Smyrna, while the Americans denied the Greeks any claim to the sovereignty of any part of Asia Minor. The Italians were hostile, and practically withdrew from the Commission.[2] Shortly afterwards the Italian Delegation left Paris in consequence of President Wilson's attitude over Fiume (24th April).[3] This was the opportunity of M. Venizelos and he used it with the greatest ability. Unknown apparently to the American expert advisers, unknown naturally to the Italians, the 'Big Three', as they now were, in deep secrecy not only authorized but invited

[1] Wilson refused to accept the Secret Agreements and wished arrangements to go by consent of the peoples, *v.* R. S. Baker, *loc. cit.* I, 73–5, 79.

[2] Bowman—in House and Seymour, *What Really Happened at Paris*, New York, 1921, p. 194.

[3] *v.* Vol. IV, pp. 300–1.

Venizelos to occupy Smyrna with Greek troops.[1] This decision appears to have been taken between the 5th and the 11th May, and it was carried into effect on the 15th May with the support of British, French, and American warships. It resulted at once in horrible atrocities and massacres of the Turks by the Greeks, but, serious as these were, they were not the worst result. Venizelos appeared before the Council of Five on the 16th July to explain these circumstances, and, as is well known, appeased them by suggesting that insults to French troops marching into Strasburg might have provoked similar measures of retaliation. But these terrible incidents were not the most serious part of the business. It is, of course, technically true that, under the Armistice the Allies had the right to occupy any area in the Turkish dominions, which they might consider necessary for the enforcement of order. Technically, too, it was an Allied and not a Greek, occupation. But every one knew, as is more fully explained below (p. 44), the real meaning of this move. It was an admission of the Greek claim to Smyrna and to the surrounding hinterland. Whether that claim was to take the form of annexation or mandate or merely occupation, was immaterial. It was a definite assertion of Greek claims on some territory in Asia Minor and, as such, necessarily provoked the vigorous resistance of Turkish nationalists, as well as the vigorous protests of Italy.[2] It was significant that Mussulmans of India, with the Maharajah of Bikanir in the foreground, at once brought protests before the Peace Conference. The 'Smyrna affair' is also important as showing that the American attitude, as laid down in the 'Fourteen Points', was beginning to be modified by events.

(*c*) *The American Mandate for Constantinople and the Straits.* As regards the 'Freedom of the Straits', as laid down both by Wilson and Lloyd George, there seems to have been no dispute. France seems to have been equally firm.[3] A special point was made of securing this in the Armistice, though that might of course refer to purely temporary measures. But the principle seems to have been generally accepted as both desirable and necessary. It was, however, largely dependent

[1] House and Seymour, op. cit., pp. 194–5, R. S. Baker, *op. cit.* II, 192–5. The American figures for Smyrna sanjak were 375,000 Greeks, 325,000 Mohammedans, and 8,000 others. *v.* Statistics at end of this Part for figures dealing with Smyrna zone as defined in Sèvres Treaty.

[2] On 12th May Italy was permitted to send a land force to Adalia.

[3] Poincaré, *Revue des Deux Mondes*, 12th February 1920, says that a French memo to this effect was presented to the Conference.

on one condition, and that was that a large force should be maintained in European Turkey under the control of a single Power. That could only be done by the United States. The idea was mooted as early as February 1919, and seems to have been regarded with some favour by President Wilson, though he always made it clear that such a matter could be determined only by the people of the United States themselves. Later, on the 16th April, Colonel House is reported as saying, 'they have all come to think that the only true solution is to have the United States take it; for while they all oppose each other, none of them opposes the United States. But I don't know that our people in America want any mandates at all in Europe or Asia'.[1] The Peace Conference bore this in mind. The Viceroy of India in May 1919 informed the British Government, 'Moslem feeling is already deeply stirred. Educated opinion is probably prepared for extensive territorial losses, but not for the loss of Constantinople, especially in view of the recent announcements made by the Prime Minister and Lord Robert Cecil'.[2] The meaning of these utterances was, however, obscured by the fact that the Allies in their reply of the 16th June to the Germans went out of their way to proclaim their adherence not only to the 'setting free of the populations subject to the bloody tyranny of the Turks' but also to 'the turning out of Europe of the Ottoman Empire as decidedly foreign to Western civilization'. These phrases of the former letter of the 10th January 1917 to Wilson, once intended to cover a Russian annexation of Constantinople, were now apparently invoked to provide an opportunity for an American Mandate. It must, however, have been very confusing to the Turks, especially as their delegates had about the same time received a severe public letter, signed Clemenceau, which represented their aims and aspirations in no very amiable light. In private, however, the French Government advocated the retention of the Sultan in Constantinople at this time.[3] According to Lord Robert Cecil 'no one ever suggested turning the Caliph out of Constantinople',[4] and he was in a position to know the truth in 1919. But these utterances must certainly have suggested this

[1] 16th April 1919, Col. House *v.* C. T. Thomson, *The Peace Conference Day by Day*, pp. 310–11; Lloyd George in Commons, 27th February 1920.

[2] Quoted by Mr. Lloyd George in House of Commons, *The Times*, 27th February 1920.

[3] Pichon in *Revue des Deux Mondes* of the 12th February 1920.

[4] House of Commons, *The Times*, 27th February 1920.

possibility. In fact the design seems to have been to 'Vaticanize' the Sultan, and to govern the Straits and Constantinople through the Agency of a Mandatory Power.

(i) *America refuses the Mandate.* On the 27th June President Wilson stated to some press representatives that he personally favoured the United States Mandate for Constantinople, but that this was, primarily, a matter for the American people to decide. But the very hostile reception of the President's peace proposals in America soon made it doubtful even in early autumn as to whether they would accept any mandates at all or even exercise any serious influence over the Turks.

(ii) *Franco-British decision as to Constantinople, December 1919–February 1920.* That the uncertainty of the American attitude delayed the signing of the Turkish Treaty is evident from the speech of Mr. Lloyd George at Sheffield (17th September 1919) 'We cannot settle Turkey till we know what the United States is going to do'. By the end of September, however, Wilson's serious illness practically ended any hope of securing American influence. This caused great fluctuations in Allied policy. According to Poincaré, Clemenceau actually discussed a suggestion of Lloyd George for turning the Turks out of Constantinople during his visit to London at the end of December 1919.[1] On his return to France, however, Clemenceau reverted to his former view, and Mr. Lloyd George speedily adopted it. On the 18th February 1920, Admiral de Robeck, British High Commissioner at Constantinople, officially announced that he had been instructed to make public 'the fact that the Allies had decided not to deprive Turkey of Constantinople'. Mr. Lloyd George in a speech in the House of Commons on the 27th February 1920, endorsed this pledge and, according to M. Poincaré, 'advanced the most brilliant arguments in support of those previously made to him by M. Clemenceau, but which the French Prime Minister had subsequently been induced courteously to abandon'. Meanwhile the Allies (March) sent strong forces to Constantinople and expelled the Kemalists.

The decision as to Constantinople was now final,[2] but the results of the vacillation were not. To quote M. Poincaré once more 'these changes of view gave renewed vigour to our worst

[1] *Revue des Deux Mondes*, 12th February 1920.

[2] The Allied ultimatum to Turkey of the 19th July 1920 suggested the question would be reconsidered if the Turks refused to sign the Treaty of Sèvres.

enemies, supplied elements which irritated them, and favoured their resistance to the Peace Conference'. But in fact the provisions of the Treaty of Sèvres were decided at San Remo on the 24th April 1920.

(*d*) *Thrace.* On the 5th January 1918, Mr. Lloyd George had said 'nor are we fighting to deprive Turkey of the rich and renowned lands of ... Thrace, which are predominantly Turkish in race'. The Western Thrace question was settled by the Bulgarian Treaty which ceded it to the Allied and Associated Powers, Art. 48, 27th November 1919: that of Eastern Thrace was bound up with Constantinople. It is well known that the British members of the Greek Territorial Commission backed the claims of Greece to Eastern Thrace, to which Western Thrace was necessarily an adjunct.[1] It is also known that the American Delegation, always tender to Bulgaria with whom the United States were not at war, did not support these claims, and even advocated advancing the Bulgarian frontier to the Enos–Midia line.[1] The Italians appear steadily to have opposed all concessions to Greece in this area. On the 22nd March 1920, Mr. Lloyd George stated to an Indian Caliphate Delegation that, according to both Greek and Turkish censuses, the Mussulman population was in a considerable minority. 'If that is true, and the principle of self-determination is to be applied, the whole of Thrace would certainly be taken away from Turkish rule.' In point of fact Greek forces had just occupied Eastern Thrace with the consent of the Allies. This principle was maintained in the Allied ultimatum to Turkey on the 19th July 1920. 'The Allies can make no modification in the clauses of the Treaty which detach Thrace and Smyrna from Turkish rule, for in both areas the Turks are in a minority.'[2]

3. *The Territorial Terms of the Treaty of Sèvres and related Agreements, 10th August 1920.* The Treaty of Sèvres was finally signed on the 10th August 1920. Representatives of the United States and the Kingdom of Hejaz were not present, and the Serb-Croat-Slovene representatives refused to sign.

[1] Bowman in Seymour and House, *What Really Happened at Paris*, p. 192. According to Tardieu, *L'Illustration*, 11th December 1920, pp. 452–3, the French in 1919 did not agree to the British 'tracé de la frontière gréco-turque en Thrace'. They seem, however, to have favoured some Greek extension to part of Eastern Thrace.

[2] *v.* Statistical Tables end of this section, p. 39.

The Territorial terms were as follows:

(*a*) Arabia, Palestine, Mesopotamia, and Syria.[1]

(i) *Arabia.* The King of Hejaz was recognized as independent and the Holy Places placed under his care. The boundaries of Turkey were drawn so as to exclude her from control of any other Arabian States or of Syria, Palestine, and Mesopotamia, and Turkey also renounced in favour of the Principal Allied Powers any rights over territory outside Europe that lay beyond her new frontiers (Art. 132).

(ii) *Palestine and Mesopotamia.* Palestine was to be entrusted to a Mandatory Power selected by the Principal Allies who were also to define her boundaries. Syria and Mesopotamia were 'provisionally recognized as independent states' and to be 'advised and assisted' by a Mandatory Power in each case. The frontiers and selection of Mandatories was to be arranged for by the Principal Allies. It had already been practically arranged in 1919 that France should be the Mandatory of Syria, and Great Britain of Palestine and Mesopotamia. The boundaries of the latter had also been extended to include Mosul, though originally assigned to the French sphere under the Sykes-Picot Agreement.[2] The Powers had anticipated matters at San Remo on the 5th May 1920 when France was definitely selected as the Mandatory for Syria and Great Britain for Palestine and Mesopotamia. These arrangements were, therefore, in a sense confirmed at Sèvres. Simultaneously on the 10th August 1920 another arrangement was made for extending the sphere of economic (and to some extent) political interests of certain powers in parts of the new Turkey. This Tripartite Agreement between France, Italy, and Great Britain arranged for certain spheres of 'special interest' for Italy in what was, roughly, the south-west part of Asia Minor lying outside the Smyrna area, and a similar sphere of 'special interest' for France in Cilicia (i.e. north of the Syrian boundary). The new Franco-Turkish frontier now gave up to France the whole Gulf of Alexandretta (Iskanderun) and the important section of the Baghdad railway from Karakein as far as Nisibin.

(*b*) *Smyrna and the Greek Isles.* The town of Smyrna and

[1] Turkey also renounced all rights over Egypt, Sudan, Cyprus, Libya (Tripoli), Morocco, Tunis.

[2] Tardieu, *L'Illustration*, pp. 452–53. These boundaries together with the Franco-British boundary of Palestine were adjusted by a Franco-British Convention of the 23rd December 1920 (Cmd. 1195, Misc. No. 4, 1921), Parl. Paper.

the Ionian hinterland were to be under Greek administration for five years, at the end of which a plebiscite was to decide their fate. Various arrangements were also made as to certain Greek islands.[1]

(*c*) *Constantinople and the Straits.* Full provision was made for the internationalization of the Straits and for the demilitarization of contiguous areas. The Turkish boundary was drawn in the west near the Chatalja lines, Constantinople remaining under Turkish sovereignty.

(*d*) *Thrace.* Western Thrace had already been ceded to the Allies as a whole, and was now ceded by the Allies to Greece by a separate Treaty of the date the 10th August 1920. Eastern Thrace was ceded to Greece up to the Chatalja lines.

(*e*) *Armenia and Kurdistan.* Turkey agreed to recognize Armenia as 'a free and independent State', and to accept a frontier for Armenia to be decided by the President of the United States in the area of the vilayets of Erzerum, Trebizond, Van, and Bitlis.

Kurdistan was to receive an autonomous government, with a possible modification of its frontier in favour of Persia.

4. *Results of the Sèvres Treaty.* This general arrangement was characterized by Mr. Lloyd George in the House of Commons on the 24th June 1920 as 'a policy of releasing all non-Turkish populations from Turkish sway. . . . If we allowed Mustapha Kemal or any man of his type to break down that policy Europe would have failed dismally in its duty'. It was easy enough to coerce the Government at Constantinople, but Kemal had revolted and stirred up the army. He could defy anybody in Anatolia and declined either to accept the Treaty or to be coerced. It seems clear that he began threatening both the British positions on the Ismid peninsula and the Greek ones to the east of Smyrna in June 1920. With Allied support and a British loan the Greeks then proceeded to attack Kemal and not only defeated him but captured Brusa the old Turkish capital. These brilliant operations ended with the parliamentary

[1] Turkey ceded Imbros and Tenedos to Greece and recognized Greek sovereignty in Lemnos, Samothrace, Mytilene, Chios, Samos, and Nikaria. The Dodecanese were ceded to Italy in the Sèvres Treaty. But an agreement between Italy and Greece had been signed the 14th May 1920 by which all of them except Rhodes were ceded by Italy to Greece, and this was itself an adaptation of a previous agreement signed the 29th July 1919 between Venizelos and Tittoni. Rhodes was to return to Greece when Great Britain returned Cyprus. *v. infra*, pp. 37–40.

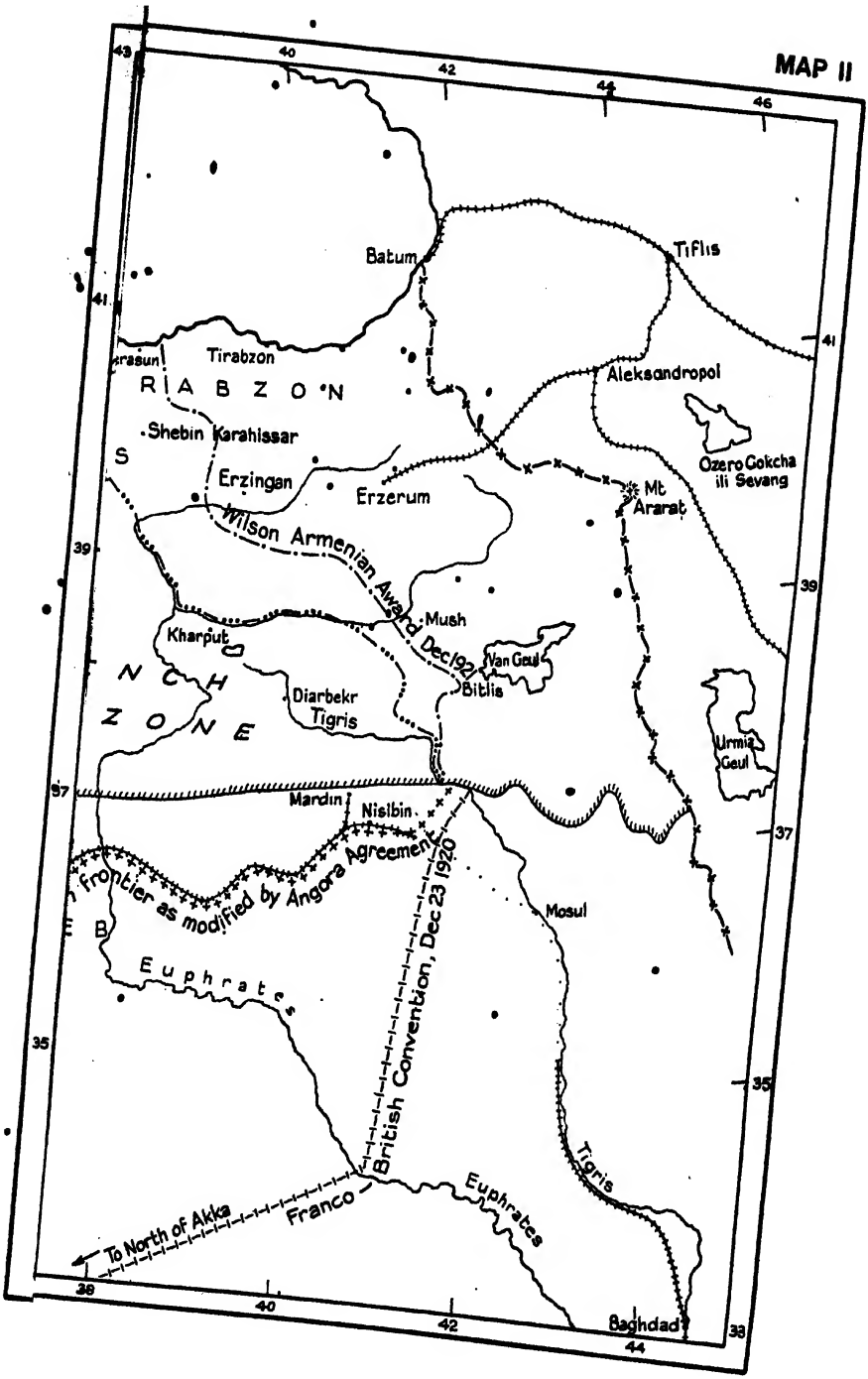
defeat and fall of Venizelos (November 1920). The return of ex-king Constantine to Greece in face of Allied opposition for a time compromised the situation. Mr. Lloyd George, however, continued to lend moral support to Greece, declaring with reference to Asia Minor, 'The friendship of the Greek people was vital to us in that part of the world, a part of the world which was vital to Great Britain, more vital than to any other countries of the world' (22nd December 1920).[1] The signs of strong Turkish resentment of this attitude became apparent in January 1921. The Kemalists now defied their own Constantinople Government and adopted "the National Pact', a document originally drawn up by some Turkish deputies at Constantinople in January 1920. It was adopted as a national programme by the Angora National or Kemalist Assembly early in 1921.[2] They demanded 'the security of Constantinople' and the union under Turkish sovereignty of all parts of the Ottoman Empire 'inhabited by an Ottoman Moslem majority'. This certainly meant, in Kemalist eyes, that both Smyrna and Eastern Thrace should be returned to Turkey, while they claimed that a free plebiscite should be held in Western Thrace to determine 'its juridical status'. The situation at the beginning of 1921 was that the Greeks had won brilliant but precarious successes in Asia Minor, and that the Kemalist tide was slowly gathering in intensity. Kemal at Angora was defying Constantinople, the Greeks, and the Allies at once.

5. *The London Conference, February–March 1921.* (i) With the view of obtaining some settlement a Conference of the Great Powers was held in London in February 1921, to which both Greek, Turkish Constantinopolitan, and Kemalist or Angoran, representatives were summoned. The terms offered by the Great Powers to the parties were, in reality, a revision of the Treaty of Sèvres in favour of the Turks. The military clauses were whittled down.

(ii) As regards Smyrna it was proposed to retain a Greek force in the town itself, but to place the Ionian area under a gendarmerie controlled by the Allies, and to have a Christian Governor of the whole area under the League of Nations. The

[1] As at this period a Greek division in the Ismid peninsula was actually under the command of General Harington, the British Commander at Constantinople, there was some Greek-British co-operation. This arrangement ended in March 1921, *v.* Lord Crawford, House of Lords, 21st April 1921.

[2] Text in App. II, Part II.


MAP II
Batum
Tiflis
Tirabzon
R I A B Z O N
Aleksandropol
Shebin Karahissar
Ozero Gokcha ili Sevang
Erzingan
Erzerum
Mt Ararat
Wilson Armenian Award Dec 1921
Mush
Kharput
Van Geul
Bitlis
Diarbekr
Tigris
Urmia Geul
Mardin
Nisibin
Frontier as modified by Angora Agreement
British Convention, Dec 23 1920
Mosul
Euphrates
Tigris
Franco
To North of Akka
Baghdad

arrangement was to be subject to review by the League of Nations on the demand of either party at the end of five years.

(iii) The demilitarized area round the Straits reduced in extent, and an early evacuation of Constantinople (though not of Gallipoli and Chanak) was offered.

(iv) As regards Eastern Thrace it was proposed to hold a statistical inquiry into the character of its population. But internationalization was definitely refused.

(v) As regards Armenia certain threats were made as to not evacuating Constantinople if Armenian massacres continued.

It is known, however, that at this time negotiations took place between the Kemalists and France and Italy respectively, which suggested separate agreements. These are the true origin of the later Agreement of Angora.

Both Greeks and Turks rejected these terms, and at the end of March hostilities were resumed. The Allied Governments declared their intention of observing a perfect neutrality between the contending parties. It was made clear, however, that Constantinople was excluded from the field of operations and that the Allies would not sanction its capture by the Greeks.[1] Ultimately the Greeks penetrated far into the interior of Asia Minor and even got within measurable distance of Angora. But their offensive wave had become exhausted and by the autumn the attempt had failed, and the Greek situation had become extremely serious.

6. *France and the Angora Agreement, 20th October 1921.* The situation had rapidly worsened from the point of view of the Allies. The Italians had been negotiating as early as April 1921 for the withdrawal of their troops from Asia Minor, and this evacuation had already advanced far by June. In that same month a Conference of the Allies at Paris offered once more to mediate between Greece and Turkey but without effect. Then France sent out M. Franklin-Bouillon to the Kemalist Government at Angora. According to Lord Curzon assurances were given by M. Briand that he 'had been forbidden to discuss with the Angora Government the larger question of peace',[2] and was only negotiating for the French evacuation of Cilicia

[1] Mr. Lloyd George in reply to Col. Aubrey Herbert, Commons, 18th April 1921.

[2] These and subsequent quotations in Parl. Paper Cmd. 1570. Correspondence respecting the Angora Agreement. The text of the Angora Agreement will be found in App. II, Part II, b.

together with such matters as exchange of prisoners, protection of minorities, etc. To the amazement of the world it was announced shortly afterwards that, on the 20th October 1921, France had concluded a separate Agreement with the Angora Government. This Agreement had, however, been already foreshadowed by the Franco-Kemalist negotiations of March 1921.

(*a*) *Lord Curzon's protest, 5th November 1921.* Lord Curzon addressed a note on the 5th November to the French Government protesting against this Agreement. He pointed out that Article 1 provided that 'the state of war will cease between the high contracting parties'. This meant more than a local armistice for that 'is still technically a state of war'. The Agreement also implied 'formal recognition of the Grand National Assembly at Angora as the sovereign authority in Turkey, in which case a peace concluded with Angora would be contrary to the Franco-British Treaty of the 4th September 1914, and to the London Pact, of November 1915'. He recorded his opinion also that Articles 3 and 6 ran counter to the provisions of the Treaty of Sèvres for the protection of minorities and ignored the responsibilities assumed by the French Government for the protection of minorities in the zone of their special interests under the Tripartite Agreement. He next referred to the revision of the North Syrian frontier by which the area of the Gulf of Alexandretta and the Baghdad railway from Adana to Nisibis and Jeziret Ibn 'Umar had been handed back to Turkey by France. Great Britain had not been consulted though the area in question had been conquered by British forces. The arrangement might involve 'serious strategic consequences to her (Great Britain's) position in Mesopotamia'. In conclusion Lord Curzon suggested that the arrangement 'has the appearance of being a separate Agreement concluded by one of the Allies with an enemy Government without consultation with the remainder'.

(*b*) *French explanation, 17th November 1921.* In reply on the 17th November the French Government denied that it had ever agreed to remain in Cilicia under the Tripartite Agreement and that evacuation was a 'necessity'. They denied also that this local agreement constituted either a *de facto* or *de jure* recognition of the Angora Government. As regards the Baghdad railway the French Government pointed out that a section of it

actually was in French Mandated territory (the Maidan Ekbez to Chobun Bey section) and that this section would be closed to the Turks in case of hostilities between them and Great Britain. They denied further that there were any secret clauses in the Agreement. Lord Curzon, in reply to this not very convincing apologia, maintained his objections to the transfer of the Baghdad railway. He declined, however, explicitly to reserve the attitude of the British Government, as 'The French Government admits that when peace is finally concluded the different agreements which have been negotiated up to date, including the Angora Agreement, will require to be adjusted with a view to taking their place in a general settlement'. The division between the Allies was thus made evident, and gave great encouragement to the Turks. It probably does a good deal to explain the failure of the renewed attempt at mediation between the belligerents made in February and March of 1922. A further pressure was provided by the premature disclosure of the views of the Indian Government which demanded the Allied evacuation of Constantinople, the placing of the Holy Places under the Sultan, and the surrender of Eastern Thrace by the Greeks.

7. *The Paris Conference, February–March 1922.* As has recently been revealed, the situation of the Greeks was known by the negotiators to be desperate in February 1922.[1] Consequently the terms finally offered to both belligerent parties by the Principal Allies exhibited a still further modification of the Treaty of Sèvres in favour of the Turks. They included (i) a proposal for an armistice which the Greeks had already accepted, together with permission to the Turks to have a total peace-army of 85,000 men, as compared with 50,000 only under the Treaty; (ii) the whole Smyrna area was to revert to Turkey; (iii) the Straits question was altered by the proposed restitution of Turkish sovereignty over the Asiatic side of the Straits. But the demilitarized zone was to extend sixty miles east of Chanak. The European shores of the Straits were to be constituted a zone of Allied military occupation as far as Rodosto, on the Sea of Marmara. An early evacuation by Allied troops of Constantinople was promised; (iv) a compromise was offered over Eastern Thrace. It was to be partitioned between Greeks and

[1] *v.* The Gounaris Correspondence. Debates in Commons and Lords, 7th, 11th–12th December 1922.

Turks, the Turkish frontier being advanced westward from the Chatalja lines to Rodosto; (v) in the case of the Armenians certain vague formulae were used about 'the satisfaction of their traditional aspirations for a national home' invoking, of course, the aid of the League of Nations. These concessions were accepted by the Greeks and the Turkish Government, but the Kemalists demanded that Greek evacuation of Anatolia should begin at once and be completed within four months. Failing that the Kemalists refused to grant an armistice. On the 15th April the Allies replied that they could not agree to immediate evacuation. After this the negotiations languished.

8. *The Italian separate Agreement, April 1922, and the Kemalist capture of Smyrna, September 1922.* Matters were not improved by the announcement, made to the British Government on the 24th April, by the Italians, that they had concluded an agreement with the Constantinople Government 'by which the latter undertook to examine favourably Italian applications for railways, mines, and public works in Asia Minor'. They gave, however, 'formal assurances that the Agreement contained no counter concessions or undertakings on their part'.[1] This was, however, a further indication of the growing Kemalist power and the difference of Britain's policy from that of her two great Allies.

In May the Kemalists were reported to have committed appalling atrocities 'as part of a systematic policy for the extermination of Christian minorities in Asia Minor'. But the British Government once more endeavoured to intervene by sending a Commission of inquiry to Trebizond and threatening a reconsideration of the Paris proposals in case these measures had no effect.[2] These negotiations remained practically without result. Hostilities were resumed. The Kemalists began to move down in force against the Greeks, the latter retaliated by threatening Constantinople. On the 4th August Mr. Lloyd George stated that, while the Allies would not allow the Greeks to attack Constantinople, protection of the Christian minorities in Asia Minor would be insisted on. The general tone of the speech was unfavourable to the Kemalists and highly eulogistic of the Greek Army. Within little more than a month from this date the Kemalists had swept the Greeks

[1] Mr. Chamberlain, House of Commons, 3rd May 1922.
[2] Mr. Chamberlain, House of Commons, 15th May 1922.

out of Asia Minor and captured Smyrna. The Turkish sword had cut the diplomatic knots, and the dream of Greek expansion in Asia was over.

9. *Results of non-ratification of Sèvres Treaty.*

(*a*) *Mesopotamia, Syria, and Palestine.* The results of the non-ratification of the Sèvres Treaty had now become very serious. The formal cession of territory, such as that of Mesopotamia, Syria, and Palestine, did not really take effect until the coming into force of the Treaty. None the less in the latter part of July 1922 the Council of the League assigned the Mandates for Syria to France and for Palestine to Great Britain as from the 1st August. The view was apparently now advanced that, despite the non-ratification of the Treaty, these areas had ceased to be under Turkish sovereignty.[1]

(*b*) *The Dodecanese.* The Italian Government took a different view as regards the Dodecanese. They announced on the 8th October 1922 that they considered their agreement with Greece (14th May 1920) to cede to her these islands had lapsed owing to the non-ratification of the Sèvres Treaty. On the 14th October it was stated that Great Britain had sent a note to Italy, protesting against this denunciation having

[1] The assignment of the Mesopotamian Mandate was delayed for technical reasons, but it appears to have been held that its independence of Turkey was established. The change of view necessitated by the non-ratification of the Sèvres Treaty is illustrated below in the change in the preamble of the Palestine Mandate. A similar change was made in the preamble of the French Mandate for Syria.

Draft of the Mandate for Palestine as submitted by Mr. Balfour on the 7th December 1920, to the Secretariat-General of the League of Nations for the approval of the Council of the League of Nations.

'Whereas by Article 132 of the Treaty of Peace signed at Sèvres on the 10th day of August 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said Treaty the High Contracting parties agreed to entrust by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers; and'

Mandate for Palestine as confirmed by the Council of the League, 12th August 1922.

'Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and'

been made without previous consultation with the other Principal Allies.

(*c*) *Armenia.* The boundaries of Armenia as defined by President Wilson at the end of 1920, gave a large extension of territory to her. But it was impossible to execute the award in face of the anarchy in the country and the Kemalist and Bolshevist resistance.

10. *The Agreement of Mudania, 11th October 1922.* Events marched as rapidly as the Kemalist troops, who entered the neutral zone and came within fighting distance of the British troops at Chanak. The French troops withdrew, and on the 17th September Italy announced in a semi-official *communiqué*, that, while 'defending the principle of the liberty of the Straits . . . she could not contribute with her own military contingent in case of the spread of the hostilities'. The British Government, however, stood firm, reinforced her troops and her fleet, and on the 16th September issued an invitation to the British Dominions and to the Balkan States 'to take part in the defence of the zones'. They also announced that the Turkish troops would not be allowed to cross into Europe. On the 21st the French and Italian troops withdrew from Chanak. On the 25th Mr. Lloyd George informed the press that the freedom of the Straits would be defended, but that 'we are not putting up any fight about the sovereignty in Eastern Thrace'. This indicated a concession to the Turks which they could not have obtained by force of arms.[1]

On the 11th October an Agreement was signed at Mudania between the three Allied Generals at Constantinople, the Kemalist General Ismet Pasha, and the Greek General Mazarakis. The preamble announced that the Allied Governments had 'decided to hand over Eastern Thrace and Adrianople to the Grand National Assembly of Turkey'. An armistice was to be enforced as from midnight on the 14th–15th October. On that date the Turks were to retire to stated distances from Chanak and the Ismid peninsula in Asia. In Eastern Thrace the Greek evacuation was to begin at once, and the Turks were to occupy up to the right bank of the Maritza. The Allies were temporarily to hold that bank and the Karagach suburb of Adrianople, pending settlement at a Conference. The Turks

[1] It had in fact already been made in a Note of the Allied Powers to the Kemalists of the 23rd September inviting them to a Conference.

had been prepared to fight for Eastern Thrace, the British for the 'Freedom of the Straits'. The British had surrendered Eastern Thrace, and the Turks in effect promised to guarantee the 'Freedom of the Straits'.

11. *The Lausanne Conference, November–December 1922.* The Conference, held at Lausanne in November–December, did not register any serious departure from these territorial concessions. The Allies proposed the following:

(i) The exclusion of the Turks from Syria, Mesopotamia, Palestine, and Arabia was maintained.
(ii) Smyrna was handed back unconditionally to the Turks.
(iii) Constantinople was evacuated but provisions made for small demilitarized zones on the Gallipoli peninsula.
(iv) Eastern Thrace was handed back unconditionally to the Turks.
(v) Vague stipulations for providing 'a national home' for Armenians and protecting Christian Minorities in Asia were made.

On the last day of December 1922 (the concluding date of this volume) the Turks had not assented to these terms.

The net result is that the problem is likely to work itself out in terms of force, the only influence to which the Turks submit or which they fully understand. (*v. infra* pp. 114–17).

STATISTICAL TABLES

RELATING TO SMYRNA, WESTERN AND EASTERN THRACE

(*Note.* It was accepted by the Peace Conference as a principle that Turkish figures subsequent to 1912, in view of massacres, emigration, &c., could not be relied on.)

SMYRNA.

Greek zone as defined in Sèvres Treaty.

	Greeks.	*Turks.*	*Others.*	*Total.*
Greek figures (1912)	553,500	310,000	91,000	954,500
		Moslems.		
Turkish figures (1914)	300,000	540,000	44,000	894,000
American Dr. Magie (1914)	509,000	470,000	78,000	1,057,000

THRACE.

Western.*

	Greeks.	*Turks.*	*Bulgars.*	*Others.*	*Total.*
(Bulgarian Thrace)	44,000	124,000	29,500	3,000	200,500

* *N.B.* Above are Greek figures of 1912, of which the accuracy is not seriously disputed.

	Greeks.	*Turks.*	*Bulgars.*	*Others.*	*Total.*
Eastern. (West of Chatalja.) (Turkish Thrace.)					
Greek figures of 1912 .	395,515	344,011	67,843		805,369
Turkish official of 1894 [1]	304,537	265,359	72,758		642,654
Grand Total Greek figures 1912 (Eastern and Western Thrace)	439,515	468,011	97,343		1,002,869

[1] Except for sanjak of Chatalja where the Turkish figures are dated 1897.

Note on certain Aegaean islands. The islands of Imbros and Tenedos were ceded to Greece under the Treaty of Sèvres. Certain other islands, including Lemnos, Samothrace, Mytilene, Chios, Samos, and Nikaria, were left by Article 5 of the Treaty of London (30th May 1913) to the decision of certain Powers, who assigned them to Greece in a note of 13th February 1914. Turkey, however, refused to recognize this decision, but was obliged to cede them to Greece in the Treaty of Sèvres (Article 84). These cessions did not include the Dodecanese and islands within three miles of the coast of Asia.

CHAPTER I

THE NEAR AND MIDDLE EAST

PART II

THE NON-ARAB TERRITORIES OF THE OTTOMAN EMPIRE SINCE THE ARMISTICE OF THE 30TH OCTOBER 1918[1]

1. *The Nature of the Settlement in the Near and Middle East.* The making of peace in the non-Arab territories of the former Ottoman Empire was like the weaving of Penelope's web. The material was unravelled as fast as it was put together. Two additional features in the story have, however, to be considered, if the metaphor is to be worked out. In the first place, the threads successively unpicked from the original design were straightway taken and woven into another, and a more durable, pattern; and, in the second place, there was a transposition of the mythical tasks of night and day. Penelope used to weave by day and unweave during the secret watches. But the Supreme Council after the Armistice, like the Allied Governments during the War, generally wove their Oriental policies in darkness and mystery, while the contrary process of disintegration and recomposition, which remorselessly overtook their handiwork, went forward in comparative publicity.

The unravelling began at the very moment when the preliminary sketch of the official design was being completed. In April 1917, the Secret Agreement contracted[2] at St. Jean de Maurienne by the British, French, and Italian Prime Ministers, determined the prospective share of Italy in the direct and indirect partition of the Ottoman dominions. In the same month, two successive Liberal Russian ministries, holding office before the second or Bolshevik Revolution and indisputably entitled to speak in the name of the Russian people, solemnly and publicly renounced all annexations and indemnities. Thus

[1] *This part deals only with the situation up to June* 1922.

[2] In pursuance of Art. 9 of the Agreement of London, dated the 26th April 1915. *v.* Part I, § 9. pp. 19–20.

Russia abandoned her Eastern claims under the Secret Treaties [1] at the moment when Italy was staking hers out; and from that time onward the political destinies of the East shaped themselves simultaneously on two distinct planes, which came to bear less and less relation to one another. The Secret Agreements made before the Armistice governed the negotiations at Paris and thereafter, and the substance of them was embodied in the Treaty of Peace with Turkey, signed at Sèvres on the 10th August 1920, and still more faithfully in the Tripartite Agreement of the same date, between the British Empire, France, and Italy, respecting Anatolia. On the other hand, the self-denying ordinance of Russia, to which successive Russian Governments adhered throughout the subsequent internal convulsions of the Russian state and people, set in motion a train of very different forces.

(*a*) *Results of Russia's collapse.* The disappearance of the Russian military power, while relieving the peace-makers at Paris of some obvious embarrassments, involved them at the same time in others. If Russia had not collapsed, her geographical and strategical position would have enabled her to enforce with ease whatever settlement the victorious Powers might have agreed upon for the northern provinces of Turkey. But her fall had left an immense gap in the iron ring of hostile armies by which Turkey had previously been encircled. The Western members of the Alliance, though able to break the Turkish resistance on the two southern fronts, to impose a severe armistice, to occupy the Arab provinces effectively, and to control the remainder of the Empire as far as this could be done from the sea, had not a sufficiently long arm to hold the Turkish population down by force in the Anatolian interior. Here they could only establish a military and administrative supervision—a supervision which was, as it happened, quite effective during the six months that elapsed between the Armistice of the 30th October 1918 and the disembarkation of Greek troops at Smyrna on the 15th May 1919, but which depended, in the last resort, not upon adequate military force but upon the prestige of the victors and the willingness of the

[1] Claim to Constantinople and certain territories commanding the Bosporus and Dardanelles, recognized by the British and French Governments in 1915 (*v. supra* pp. 5–8); and claim to the north-eastern territories of Asiatic Turkey, recognized in the Secret Sykes-Picot Agreement of 16th May 1916. *v. supra* pp. 16–17),

vanquished to accept a just verdict at their hands. In this situation, the Allied statesmen ought to have made peace with Turkey quickly, and to have offered her terms which were scrupulously moderate and equitable, seeing that, in this region at any rate, the consent of the conquered was indispensable for any genuine settlement. In fact, however, they procrastinated and failed to agree. First, the settlement of accounts with Germany (a far more urgent matter from a Western point of view) absorbed the thoughts and energies of the few individuals in whose hands political power was unduly concentrated as a result of the War. Then, the ghosts of old rivalries, dating back not only to the generation immediately before the Anglo-French Entente but to the Napoleonic Wars and even to the diplomatic encounters of Francis I and Henry VIII, rose up disconcertingly between them, found voice in a war-stricken and hysterical Press, and repeatedly frightened the negotiators away from this haunted Oriental ground. In consequence, the settlement with Turkey was perpetually postponed; but events did not wait upon the leisure or the moral courage of the Allied and Associated plenipotentiaries. Every month of diplomatic inactivity rendered the British, French, and Italian troops which had been retained, since the Armistice, in Mesopotamia, Syria and Cilicia, Trans-Caucasia and Constantinople, more and more impatient to be demobilized. The cordon drawn round the unoccupied continental core of the Turkish Empire began to wear thin. Some sections of it were breaking. Would the control-officers scattered over Anatolia still be able to keep command of the situation?

This was the practical problem with which the Supreme Council at Paris were confronted as a result of their procrastination, and their policy regarding it was the critical issue in the Eastern Question as it shaped itself after the Armistice. Two sharply opposed alternatives were open to them. Either they could make peace immediately upon terms which, while putting an end to Turkish dominion in the Arab and Balkan countries, would leave the Turkish 'homelands' substantially intact, and would not drive the Turkish nation to despair. Or, on the other hand, they could postpone the settlement until such time as they felt more capable of grappling with it, and could retain their eventual power of enforcing their will by commissioning one or more of their lesser Eastern Allies to undertake military

commitments which their own soldiers and tax-payers were becoming increasingly unwilling to shoulder. This second alternative had the supreme attraction of putting off a comparatively uninteresting and at the same time delicate and even dangerous task. But political, like monetary, bills have to be sold at a discount, and Greece, the small Power from whom a military sacrifice in ready money was solicited, would naturally not be prepared to perform services without receiving a commission. Hence, on the 6th May 1919, the Supreme Council (in agreement with M. Venizelos), decided that the military commitments in Northern Turkey which the Russian Empire (had it survived) would have undertaken in return for the acquisition of Turkish Armenia and Constantinople, and which the Western Powers, in the absence of Russia, could not undertake themselves, should be taken over by Greece on consideration of her acquiring Smyrna and an adjacent zone on the mainland of Anatolia.

(*b*) *The bargain with Greece.* The territory contemplated as the reward for the services of Greece, and eventually assigned to her (provisionally) under the Treaty of Sèvres, was not large compared with the areas respectively ear-marked by Russia, France, Italy, and Great Britain in the previous Secret Treaties. Moreover, Greece had a claim on grounds of nationality which was not possessed by these other Powers. At Smyrna, and in other parts of the Sèvres zone, there was a substantial Greek element in the population. The percentage of Greek inhabitants was unknown, for no census had ever been taken, and, two years after sending the Greek troops to Smyrna, the Allied Governments confessed their ignorance on this point by proposing themselves to appoint a commission to inquire into statistics of population both in the Smyrna zone and in Eastern Thrace.[1] Still, the Greek element was admittedly important, and the collation of existing estimates (nearly all of them *ex parte*) enabled the Supreme Council to maintain, at the time when they were drafting the Treaty, that in the Smyrna zone the Greeks were actually in a majority. This belief will hardly be shared by any one who has travelled over the district. In 1921, the Turks still had the appearance of being in a strong majority in the countryside, and of constituting approximately half the population of Smyrna city. At the same time, even

[1] Conference of London, February–March 1921, *v. supra* p. 33.

when the question of this Greek population is regarded (as it should be) as an item in the problem of minorities, it is an important and difficult example of this problem, and the Greek kingdom had a legitimate interest in the satisfactory solution of it.

Here, however, the fatal error in the policy of the Supreme Council came in, for, when full weight had been given to the claims of the Greek minorities in Anatolia and to the right of Greece to do her best for them, it remained a fact that the disembarkation of Greek troops at Smyrna was the worst conceivable means of attempting to meet the situation. In the first place, Smyrna, though it has not the same hold upon the imagination and sentiment of the Turks as Constantinople, is of greater importance than the capital to the economic life of Anatolia (the 'homeland' of the Osmanli nation). It is of infinitely greater importance than the north-eastern provinces claimed simultaneously by the Russian Empire and by the Armenians. In the second place, Turkish fear and resentment were bound to be aroused by the encroachment of Greece upon Anatolia far more keenly than by that of any other Power. Of course, if Russia had actually acquired the Armenian vilayets and Constantinople (as her Allies had recognized her right to do in 1915 and 1916), the remnant of a nominally independent Turkey would have fallen almost as completely under her control as Khiva and Bokhara. But for a century and a half before the European War, the Turks had become more and more conscious of the strength of the old Russia. Since the Russo-Turkish War of 1768–74, a prophecy had been current that the sceptre of Osman would pass to a fair-haired dynasty; the Russian protectorate, so nearly established over Northern Turkey during the 'thirties' of last century, had been regarded ever since as inevitable by the Turkish population of Anatolia. They might fear and loathe the prospect; but, had Russia emerged victorious from the European War, they would neither have been surprised at the doom imposed on them, nor have attempted to resist it. Nor, again, did they attempt—before the Greek landing in May 1919—to resist the imposition of British, French, and Italian military and political control, for though (as has been explained above), that control rested on rather slender foundations, it did not inflict any deadly wound on Turkey's pride or menace the vital interests of the Turkish

people. The Turks admitted to themselves that the Western Powers were in every way their superiors; their control (even if exercised largely in their own interest) would be a lighter yoke than the rule of Abdu'l-Hamid or that of the Committee of Union and Progress; and, above all, the Western nations were not likely to send swarms of colonists to Anatolia and to expropriate the Turks from their homeland and last citadel.[1] For these reasons, the Turks showed as little inclination to resist Western control as, under other circumstances, they would have shown to resist Russian annexation.

(c) *Effects of the Greek landing at Smyrna, 15th May 1919.* The Greek landing produced an utterly different reaction. The Turks did not regard the Greeks as their superiors or even as their equals; they were mortally afraid of the consequences if the Greek State were to gain a foothold on the Anatolian mainland; and, on the other hand, they were not afraid of meeting Greece in single combat. The fear that a Turkish population would be supplanted, in the literal physical sense, by a Greek, was the strongest element in their emotions. For a century, Greece had steadily been acquiring Ottoman provinces in Rumelia, and in these provinces the Turkish element had subsequently dwindled away. From the Turkish point of view this was bad enough, even when it was only affecting Turkish minorities overseas. It became a question of life and death when the process began in Anatolia. If once Greece pushed her frontier on to the Anatolian mainland, the Turks foresaw that she would continue to advance, engulfing territories in which the Turkish element was still in the majority, and beyond which the Turkish nation had no city of refuge into which it could retire. For these reasons, the news of the Greek landing at Smyrna on the 15th May 1919 (and of the regrettable excesses which accompanied it) produced an electric effect upon the Turkish population through the length and breadth of Anatolia (an effect which the Supreme Council and M. Venizelos had failed to foresee). The 'will-to-war' was again aroused; a national consciousness (in the full Western sense of the term) was awakened; and eventually a Government of National Defence was established at Angora, which was not (as its opponents declared) a hoax staged by a few adventurers,

[1] Except possibly the Italians, and they were the least capable of the three Powers of imposing their will by force.

but the organized and formidable effort of a nation fighting for its existence.

The outcome of this was a new war, for the Greeks, on their side, were not prepared to give in. They hated and looked down upon the Turks as much as the Turks hated and looked down upon them. They felt it an obligation of honour to protect the Anatolian Greeks (who had been compromised by their landing); they had the elation of having been on the victorious side in the War and at the Peace Conference, and the expectation (produced by the experience of a century) that Greece must increase and Turkey must decrease. Finally, they had a romantic tradition that everything that had belonged to the Mediaeval East Roman Empire, or even to the Ancient Greek World of city-states in its widest extension, was theirs by right of inheritance. Thus, the Turkish efforts to resist the Greek invasion aroused corresponding efforts on the part of Greece to break the resistance of the Nationalists. Both parties mobilized their resources until, at the beginning of the campaign of July 1921, each had 200,000 soldiers under arms. The military conflict was indecisive (for inevitable reasons which are irrelevant here) and resulted in stale-mate. But, long before this, the Anatolian War had swept away almost every vestige of Allied control. As early as March 1920 the control officers disappeared from the scene, on both sides of the front; by February 1921 the Powers (with no means of action left except diplomacy) were unsuccessfully attempting to mediate between the belligerents. In May 1921, two months before the beginning of the chief military operations in Anatolia, they officially declared their neutrality in a joint proclamation issued by their High Commissioners at Constantinople.

This confession of impotence was utterly incompatible with the assumption of omnipotence that pervades the text of the Treaty of Sèvres. The two planes of development had diverged so far that they could never again merge into one another, and it was evident that the statesmen could not much longer straddle between the two, but would have definitely to abandon one in favour of the other. At the date when this chapter was written (mid-June 1922), the drama had not yet been played out, but the *dénouement* could already be foreseen with reasonable certainty. The plane of the Secret Treaties was doomed, for, although a number of imposing and voluminous state

papers had been produced upon its surface, they had not seriously affected the lives and sentiments of nations or individuals. On the other hand, the plane of action upon which the Russians had entered when they repudiated annexations in April 1917, upon which the Supreme Council had entered when they sent Greek troops to Smyrna in May 1919, and upon which the Turks had entered when they resisted this step by force of arms and organized their National Movement, had proved itself to be the plane of reality, to which the ideals in the minds of diplomatists would have to conform. Even in the realm of state papers, this plane of action had asserted its superiority. State papers must be judged, not as potential archives, but as instruments of the will of human beings; and, from this point of view, the two Russian manifestos of April 1917, the Angora National Pact of January 1920, the Russo-Turkish Treaty of March 1921, and the Franco-Turkish Angora Agreement of the 20th October, (*v.* pp. 33–4) were of greater importance than the stately edifice of the Treaty of Sèvres and its pendants. The Supreme Council's original design was destined to be supplanted by the new web woven on a plane not of their choosing, and in a pattern not to their taste.

The broad lines of this pattern were becoming visible. It was not going to be a product which could exactly be described as a 'peace-settlement' or be brought into a precise and exclusive relation to the foregoing European War. In the Near and Middle East, at any rate, that War (overwhelming catastrophe though it had proved itself to be there also) was indivisible from a long series of events preceding it. Hence the re-establishment of equilibrium after these events, rather than after the specific upheaval of the War, was the essence of a settlement, if there was to be one. As a matter of fact, if one examines more closely the confused, painful, and long drawn-out drama, which held the Oriental stage after the brief interval between the 30th October 1918 and the 15th May 1919, one can discern that, amid the waste and suffering and destruction, a settlement (in the wider sense of the word) was emerging. Its nature can be made clearer by a recital of its principal concrete features.

2. *Liquidation of the Ottoman Empire.*

(*a*) *Western nationalistic influences.* The liquidation of the old Ottoman Empire (which began as early as 1699) was entering

upon its final phase. This Empire, with its internal 'cultural autonomies' and its external economic, juridical, and even political servitudes to foreign states, had been completely non-Western in its structure. It was now giving place to a mosaic of sovereign, independent, 'self-coloured' national states consciously constructed on the Western model. Hitherto, the process had gone no farther than the secession and reorganization of the non-Turkish populations in the border provinces, leaving the trunk of the Empire maimed and bandaged, but not itself inwardly transformed. But the appearance of a Turkish National consciousness in Anatolia, and the formation of a Turkish National State by the same procrustean methods as had been employed in the creation of Serbia, Greece, Rumania, and Bulgaria, changed the character of the conflict and foreshadowed its termination, by assimilating the conflicting forces to one another. The truceless struggle between the Western and the Middle Eastern tradition, between the new and the old, was now replaced by the less hopeless strife of molecules approximating to one another in structure, which, in the process of nature, might eventually arrive at an organic harmony.

This definite triumph of Western Nationalism (which was affecting not only the Turks but the Arab populations south of them, the Persians and Afghans to the east, and even the 'Turanian' kinsmen of the Osmanli in Transcaucasia and Central Asia) was, in the truest sense, the settlement of an issue which had long been doubtful and had always been important. The political development of these peoples had not been bound to take this peculiar turn. Down to the last quarter of the seventeenth century, it seemed that the original institutions of the Ottoman Empire—under which the nationalities, while distinguished by religion and economic employment, were not segregated geographically nor divided by unbridgeable linguistic gulfs—might arrive at an equilibrium by working out a satisfactory system of cultural autonomy. Then, from 1699 to 1814, it seemed as though the Ottoman Empire would be wholly dismembered, and the gobbets swallowed and digested by other multi-national empires (the Hapsburg, Romanoff, and Bourbon Powers) of the dynastic and bureaucratic type then prevalent in Western Europe. Indeed, when, after 1814, the 'nationality solution' entered into competition with the other

two, and produced the embryos of modern Yugo-Slavia and Greece, the new tendency seemed to be hopelessly overmatched by the forces already in the field. For a century, however, it gained ground upon them, and the rise of the Turkish National Movement, coinciding in date with the break-up of the Hapsburg and Romanoff monarchies, decided the issue.

(*b*) *Need of stabilizing frontiers.* One important aspect of this triumph of a particular political principle was that the abnormal instability of frontiers in the East, which had characterized the conflict of incompatible principles during two full centuries, might now die down.

(*c*) *The minorities problem.* The most valuable consequence of such a stabilization of frontiers would be that the problem of minorities might become soluble for the first time since 1699. The progressive changes of frontier, brought about by the operation of the Western concept of political nationality in Near and Middle Eastern minds during the preceding two centuries, had been causally related (in several ways) to the progressive worsening of the position of minorities, during the same period, both in the pollarded trunk of the Ottoman Empire and in the new national states fashioned out of its former branches. In the first place, the ideal of a nationally homogeneous population exclusively occupying a sharply defined national territory—an ideal which arose naturally out of West European conditions—acts as a subversive and even a homicidal force among populations in which nationalities happen to be geographically intermingled and economically interdependent. The mere introduction of the idea into such an environment almost inevitably entails violence and bloodshed, and when once the geographical segregation of national groups, by these methods, has begun, the process generates a chronic condition of fear, which in turn generates violence and bloodshed by a vicious circle of states of mind. The evil becomes more acute as the process approaches completion, for when the various local majorities have respectively succeeded in organizing themselves into national states, their chief remaining opportunity of expanding at one another's expense is to lay hands on territories adjoining their frontiers, in which the presence of minorities of their own nationality gives them a certain pretext and a certain leverage. As the struggle for existence goes on and the tension increases, the presence of alien minorities in border

provinces, or even in the interior, becomes a constant source of anxiety to the ruling majority in every national state, especially in the case of states which have been losing rather than gaining ground. In such cases, fear creates a temptation first to oppress the minorities, then to evict them, and in the last resort to exterminate them by systematic massacre. This horrible tendency, which has been increasing during the past two centuries, not only among the Turks but among all the non-Western populations of the area affected by the Western nationality idea, can only be combated by removing its cause. If frontiers became stable, the fear prevalent on either side of them would diminish with time, and effective machinery for the protection of minorities would become easier to put into operation.

(*d*) *New religious outlook.* A fourth element in a permanent settlement, which had to be taken into consideration at the time when this chapter was written, was a possible change of Western sentiment towards the Turks and the Greeks, or, on a wider range, towards the Islamic and the Oriental Christian worlds. For centuries the development of the 'Eastern Question' had been profoundly influenced by the traditional sympathy of the Western public for 'Christians' and 'Europeans' and by their antipathy towards 'Moslems' and 'Asiatics'. But, between 1914 and 1922, many factors had been unsettling this ancient habit of mind. The European War had made an almost unprecedented schism in Western society. The Entente nations on the one side, and the Germans, Austrians, and Magyars on the other, had persuaded themselves, in the heat of the struggle, that their Western adversaries of the moment were more barbarous and 'unspeakable' than their non-Western allies. Their mutual disillusionment had shattered their ancient common faith in the unity and superiority of Western civilization, and after the Armistice they had each begun to realize that they were not altogether innocent themselves of the crimes of which they believed their opponents to be guilty. In this chaos of moral valuations, 'Philhellenism' and 'Turcophobia' were also losing their sharpness of outline. Englishmen found themselves disinclined to believe that Greeks were nobler than Irishmen or Turks baser than Germans. Moreover, the victorious Western nations, which had not only retained but enlarged their Oriental dependencies, had

concrete motives for levelling the old moral barriers. There was not merely the motive of expediency (a motive which was not necessarily unscrupulous, since the maintenance of internal peace in these dependencies during the critical post-war period was of great importance to the world). There was also a genuine sentiment of gratitude towards those Indian and North African Moslem soldiers who had helped the French and British to defeat the Germans. This comradeship in arms with Moslem fellow-citizens made it difficult thenceforth for the Western peoples to feel that the Turk, merely because he was a Moslem, was therefore beyond the pale. Thus, at the time of writing, the old prejudices and predilections were in process of transformation, and it was difficult to foretell how they would reshape themselves. They might either kindle still more destructive passions, or else give place to more liberal and rational relationships than had previously subsisted between the great divisions of mankind.

3. *Boundaries and character of the area with which this section is concerned.* These considerations no doubt appear vague and general, yet they are important in themselves, and in June 1922 it was difficult yet to discern the form of the coming settlement in the East with greater precision or in fuller detail. The section is concerned not only with a limited period—that subsequent to the 30th October 1918—but with a limited area. Egypt and the Arab countries in Asia—areas which did, after the European War, experience something more like a peace settlement in the usual sense of the word—have been dealt with elsewhere.[1] There remains, however, to be considered the whole northern half of the former Ottoman Empire, an area with an extreme length of little less than a thousand miles, and an extreme breadth of nearly four hundred. Its boundaries on the west were the European hinterland of the Black Sea Straits (known as 'Eastern Thrace') and the Aegean Sea; on the north-east the Trans-Caucasian territories retained or recovered *de facto* by Russia; on the east Persia, a country which between 1907 and 1917 had seemed doomed to partition, and which had been unable to prevent the belligerents from fighting all over its territory during the War, but which had been miraculously reprieved by the break-down of Russia; and on the south by the Mediterranean and (further east) by the Arab provinces of

[1] Part III, *passim*, Arabs; Part IV, Egypt; and Part V, Persia.

the old Ottoman Empire, the independence of which had been recognized, on the one hand, by the Turkish Nationalists in the first article of their National Pact (28th January 1920), and on the other hand by the victorious Western Powers in the Treaty of Sèvres (10th August 1920), in the Covenant of the League of Nations, and, to a partial extent, even in the Secret Treaties.

(*a*) *Geographical unity of Anatolia; Angora Agreement,*[1] *20th October 1921.* This area had certain important features of unity. The first of these was geographical, and was discovered, at points widely distant from one another, by the French and the Greek General Staffs, when, after the Armistice, they attempted, in Cilicia and the Smyrna zone respectively, to occupy militarily certain limited lowland districts along the littoral. They found that the lowlands were not divided by any pronounced physical barrier from the central plateau. This plateau, with its pendant strips of coast, forms a peninsula washed on three sides by the sea; and, before this section was written, the Turkish Nationalist Government at Angora had extended their frontiers, and established their effective authority, up to the edge of the plateau at almost every point where it abutted on to the main mass of the Asiatic continent. On the north-eastern rim of the Anatolian table-land, they had forced the Armenian Republic of Erivan, in December 1920, to cede to them the two districts of Kars and Ardahan, which the Russian Empire had conquered from the Ottoman Empire in 1878. This cession had been confirmed in the Russo-Turkish Treaty signed in March 1921 at Moscow, and re-confirmed in a Treaty signed in the following October at Kars, on the one side by the Angora Government, and on the other by the three Soviet Republics in Transcaucasia, which were nominally the allies of, but actually the dependents of, the Soviet Government at Moscow. On the southern flank of the plateau, the whole situation was changed by the Agreement signed on the 20th October 1921, at Angora, by M. Franklin-Bouillon for the French Republic and by Yusuf Kemal Bey for the Government of the Great National Assembly.[1] Not only did it procure the French evacuation of the Cilician plain (a district which the Treaty of Sèvres had left under Turkish sovereignty), but it also brought about the retrocession by France to Turkey of a long strip of territory

[1] *v.* Text, App. II, Part 2, *b.*

running, west to east, from the Gulf of Alexandretta to the left bank of the Tigris opposite Jeziret-ibn-'Umar. The Turkish frontier was thus not only pushed southward again to within a few miles of the port of Alexandretta and the city of Aleppo, but the Amanus tunnel, and the entire track of the Baghdad railway, from the bridge over the River Jaihan in Eastern Cilicia to the temporary terminus at Rasu'l-'Ain in Northern Mesopotamia, were brought once more under Turkish sovereignty, except for the loop running down to Aleppo.

The geographical unity of the region was thus emphasized by the fact that on the land side, where the physical boundaries of the plateau-peninsula are of course least sharply drawn, the political and military frontiers of the Turkish National Government had been carried up to, but nowhere very far beyond, the foot of the escarpment. A second feature of unity was that, throughout this area, adherents of Islam were in a decided majority; a third, that these Moslem majorities were also almost entirely Turkish [1] in their vernacular language and in their national sentiment, except in the extreme north-east, between Trebizond and Batum, where the Moslem majority consisted of Lazes (a nationality speaking a Georgian dialect), and in the south-east (the vilayets of Kharput, Diarbekr, Bitlis, and Van), where it consisted of Kurds.

A fourth feature of unity was the fact that the whole of this region was claimed for Turkey in Art. I of the National Pact. In this article, the members of the Ottoman Parliament, subscribing to the Pact, first renounced the claims of Turkey to ex-Ottoman provinces inhabited by Arab majorities and situated south of the Armistice-line laid down on the 30th October 1918. On the other hand, they claimed that the non-Arab Ottoman Moslem population north of this line constituted an indivisible political unit, *de facto* and *de iure*, and, since the element thus defined was in a majority throughout the rest of the Empire, they demanded the whole of that area for the new Turkey on the principle of self-determination. In other articles they called for a plebiscite in Western Thrace, where there was a Moslem (partly Turkish and partly Pomak Bulgarian) majority, and assented to the taking of a second plebiscite in the Transcaucasian districts of Kars, Ardahan, and Batum—

[1] The chief exceptions being Greek-speaking refugees from Crete and Circassians from the Caucasus.

districts in which the Moslem (Turkish and Georgian) population may possibly have been more numerous than the Georgian and Armenian Christians, though no light had been thrown upon this by the first plebiscite, taken under almost farcical conditions,[1] during the Turkish military occupation in 1918.

(*b*) *Armenia and the Harbord Report, 16th October 1919.* A fifth feature of unity, which is of permanent historical interest and might have been of the utmost practical importance, was the view presented in the report (dated the 16th October 1919) of a military mission, under the command of Major-General James G. Harbord, which the United States Government had dispatched to Armenia.

'The Covenant of the League of Nations contemplates that "certain communities *formerly* belonging to the Turkish Empire" shall be subject to a mandatory power for an unstated period, thus appearing to recognize in advance the dismemberment to some degree of that Empire. [The italic is ours] . . .

'A power which should undertake a mandatory for Armenia and Trans-Caucasia without control of the contiguous territory of Asia Minor —Anatolia—and of Constantinople, with its hinterland of Rumelia, would undertake it under most unfavourable and trying conditions, so difficult as to make the cost almost prohibitive, the maintenance of law and order and the security of life and property uncertain, and ultimate success extremely doubtful. With the Turkish Empire still freely controlling Constantinople, such a power would be practically emasculated as far as real power is concerned . . .

'Conceded that there shall be a mandate for Armenia and Trans-Caucasia and one for Constantinople and Anatolia, there are many considerations that indicate the desirability of having such mandates exercised by the same power. If separate powers exercised such mandate, the inevitable jealousies, hatreds, exaggerated separatist tendencies, and economic difficulties would compel failure. With all its faults, the Turkish Empire is an existing institution, and it has some rusty blood-stained political machinery which, under control of a strong mandatory, can be made to function. The peoples in question live in adjacent territory and, whether they wish it or not, are neighbours. A single mandatory for the Turkish Empire and the Trans-Caucasus would be the most economical solution. No intelligent scheme for development of railroads for Trans-Caucasia and Armenia can be worked out without extension into Anatolia . . .

'It has been very evident to this Mission that Turkey would not object to a single disinterested power taking a mandate for her territory as outlined in the Armistice with the Allies, and that it could be accomplished with a minimum of foreign soldiery, where an attempt to carve

[1] Practically the whole Christian population having previously fled the country.

out territory for any particular region would mean a strong foreign force in constant occupation for many years . . .

'Syria and Mesopotamia, however, not being considered essential to the settlement of the Armenian question or as being the field for possible American responsibilities and interests in the Near East as contemplated in the instructions to the Mission . . ., have been considered by us as excluded from our considerations, as is for a similar reason Arabia.'[1]

The above passages have not been quoted in order to prejudge the very controversial political questions with which they deal. At the time when this section was written, both official and unofficial opinion in the West was inclined to feel that, on the balance, the arguments in favour of establishing a territorially segregated 'National Home' for the Armenians were stronger than those against this method of handling the Armenian problem. The purpose of the quotation is, first, to show why this area was treated as a unit in the History of the Peace Conference after the European War; and, secondly, to enable the reader to see in advance why the attempts which were actually made, after the Armistice, to deal with the region piecemeal, turned out in many ways so disastrously, notwithstanding the strong countervailing reasons for embarking upon these experiments. Even for the historian, the dissection of this unit into subdivisions is not altogether satisfactory, and the classification adopted in the following survey is given with the warning that each topic is only artificially abstracted and has an intimate bearing upon every other. At the same time, the subject can probably be treated with least inconvenience under the following headings: The Straits and Constantinople, with their European hinterland in Eastern Thrace; the Greek minority in the area and the disposal of Smyrna; the Armenian minority in the area and the establishment of an Armenian 'National Home'. The constitution of the future Turkish National State. And lastly, the problem of protecting the considerable minorities, of almost every nationality and denomination in the Near and Middle East. These are bound to be left on the wrong side of the line after any partition of the region, or of some particular part of it, into sovereign independent territorial national states,

[1] General Harbord's Report, 16th October 1919, is printed in full in No. 151, June 1920, pp. 275–302, *American Association for International Conciliation.*

however disinterestedly and equitably the frontiers may be drawn.

4. *The Boundaries in detail.*

(*a*) *The Straits, Constantinople, and Eastern Thrace* (*Treaty of Sèvres*, Arts. 36–61, 84, 178–80). The problem of the Black Sea Straits, to which those of Constantinople and Eastern Thrace are incidental, is a point of very much greater international importance than the others with which this section is concerned. Warfare between Greeks and Turks in Anatolia may arouse dangerous passions in the Western World on the one side and in the Islamic World on the other; the fate of the Armenians may touch the conscience of all mankind; but the control of the Straits is a matter of life and death for half Europe, and of grave concern for half the nations and states of the world. There are great countries inside the Straits which have no other available channel for exchanging their products with those of the rest of the world; and these products are so important (especially during the post-war reconstruction period) that the rest of the world cannot do without them. The control of the Straits has been a vital question since the dawn of history. The Trojan War was probably fought on account of it; the issue of the Peloponnesian War was decided by it; the ancient Greek colony of Byzantium was founded, and afterwards transformed into the imperial capital of Constantinople, in order to secure it; the commercial prosperity of mediaeval Venice and Genoa largely depended upon it. The question has grown more acute in modern times, as the improvement in artillery has made it more and more difficult to force a passage against the will of a Power occupying the shores. The invention of floating mines has made the position of any party in possession practically impregnable—at any rate, against attacks from the outer or Aegean side, that is, in a direction contrary to the current maintained by the discharge of the Black Sea water.

The changes produced by the European War in the map of Central and South-Eastern Europe and of Russia complicated the question still further, by depriving large land-locked areas (like the basins of the Danube, Dnieper, and Volga) of easy alternative outlets to the Adriatic and the Baltic. Austria and Hungary were now cut off politically from Trieste and Fiume, Russia from Libau, Riga, and Reval, and Bulgaria from the Aegean. When the new frontiers were drawn, it was evident

that, however successfully these political barriers might eventually be overcome by economic co-operation, a certain diversion of trade was inevitable, and the stream thus diverted was bound to seek an exit into the Black Sea, and out through the Straits into the Mediterranean.

Geologically, the Bosporus and the Dardanelles are both ex-river valleys, ultimately turned into salt-water straits by the subsidence below sea-level of the area in which they were situated. Geographically, it is illuminating to regard them as a river still, with the Sea of Marmara and the Black Sea as lakes strung along their course, and with the Danube and the rivers of Southern Russia as their tributaries. When the Straits are envisaged in this way, the immensity of their 'basin' becomes apparent, and the watershed of this 'basin' is far from being the boundary of the commercial hinterland dependent on the lowest reaches of the water-way, that is, on the section between the northern entrance to the Bosporus and the southern exit from the Dardanelles.

The economic problem, and the political problems which it carries in its train, were dormant, however, during the sixteenth and seventeenth centuries, when the Ottoman Empire included Budapest, Bukarest, and the Crimea, as well as Varna and the still undeveloped sites of modern Constanza, Odessa, Nikolayev, Kherson, and Novorossisk. The 'basin' of the Straits, vast though it was, was largely under the direct or indirect sovereignty of the state which commanded the Straits by maintaining its capital at Constantinople. Those Russian portions of the 'basin' which lay outside the Ottoman sphere of influence were still economically undeveloped, and traded little (at least in bulky commodities) with the outer world. The difficulties began after 1699, when Austria had started to push down the Danube and Russia to obtain a footing on the Sea of Azov. They became acute towards the close of the eighteenth century, when Rumania and the Crimea were partly or wholly detached from Turkey, while at the same time the steppes were opened up to agriculture, to supply food for the new industrial urban populations of Western Europe. It was as if, when the Middle West of North America was opened up by settlers coming from the Atlantic sea-board across the Alleghanies, New Orleans had still remained under the French flag, so that the new farming population of the prairie states could never be sure

whether, in any given year, it would be able to export its grain, and import its agricultural machinery and other manufactured goods, by the water-way of the Mississippi. That situation would have led to bloodshed, as the parallel situation in the 'basin' of the Straits has led to it repeatedly during the last two hundred years. In America, however, where society was recently planted and was still capable of transplantation and grafting, it was comparatively easy to erase frontiers and to make the territories of states coincide with the units of economic geography. The whole Mississippi basin was incorporated into the United States, the prairie hinterland of the St. Lawrence into the Dominion of Canada. An attempt to attain similar 'natural frontiers' was the economic and social force behind the old imperialism of Tsarist Russia. But in this part of the world human life was old, and, with the progress of time, political frontiers have furrowed the map more and more deeply and thickly, like the wrinkles of age. During the eighteenth century, it looked as though the dominion over the 'basin' of the Straits would pass from the Osmanli to either the Romanoff or the Hapsburg. But the control of a strategic position is difficult to divide; the rivalry between the two expanding empires checked the progress of both; and under the shadow of the 'Balance of Power' the new-fangled Western doctrine of nationality seeded itself in the minds of the native populations and produced the phenomenon of 'Balkanization'. Russia grasped, once more, at Constantinople in 1915, but in reality her prospects of acquiring it had vanished with the establishment across her path of the sovereign independent national state of Rumania (1861–78), just as the *Drang nach Osten* of the Hapsburg Monarchy had its way stopped by the rise of the national state of Serbia. The break-up of the Hapsburg and the Romanoff Empires in 1917–18 removed, once and for all, the possibility of solving the question of the Straits by any kind of political reunification of their hinterland. In this part of the world, as has been explained above, nationalism definitely triumphed, as a consequence of the European War. But that only made a solution of the Straits Question much more difficult as well as much more necessary. Without some international control of the Straits, in which the principal maritime Powers should participate as well as all the riverains of the 'basin', the political map resulting from the War could not fail to reduce the

economic situation *ad absurdum*. Under the Treaty of Sèvres, Constantinople was to remain the capital of Turkey, and, in June 1922, it was probable that Turkey would obtain more rather than less of the European littoral of the Straits assigned to her under the Treaty. But even if all the territorial claims set out in the Turkish National Pact were realized, Turkey, while retaining her sovereignty over all the shores of the vital water-way, would still only possess an insignificant portion of the economic hinterland. It would include that part of Anatolia, possibly a third of the whole peninsula, which finds its commercial outlet at ports along the coasts of the Marmara, the Bosporus, and the Black Sea. The remainder of the hinterland—Trans-Caucasia, Southern Russia, the Danube Basin, and Bulgaria—would be under other sovereignties, and nothing but some effective international control of the Straits would make the situation tolerable either for them or for the shipping interests of Great Britain, France, Italy, and the United States.

The difficulty was concrete. It had arisen before the War and would recur after it, if and whenever Turkey again became a belligerent. The capital of a belligerent state is one of the principal objectives of its enemies; and, under modern conditions of warfare, an attack on Constantinople, whether by sea or by land, would almost inevitably entail the closure of the Straits to commercial traffic. Thus a local war between Turkey and Greece or Turkey and Bulgaria might paralyse the economic and financial organization of Russia and Rumania, ruin great shipping interests in distant countries, and adversely affect the prosperity of the world. The 'Freedom of the Straits', if it meant anything, meant that commerce should be able to count on a free passage through them, whether the riverain Power or Powers were at peace or at war.

(i) *The 'Freedom' of the Straits'*. The 'Freedom of the Straits', in this sense, was provided for in the Treaty of Sèvres. The relevant provisions fall under three heads. In the first place, the sovereignty over the Gallipoli Peninsula and all Eastern Thrace up to the Chatalja lines was transferred from Turkey to Greece, in order to ensure that, whether or not it should prove possible to inaugurate a successful scheme of international control, no single state, at any rate, should thereafter exercise sovereignty over the entire littoral. Greece and Turkey were unlikely to find themselves on the same side in any

war, and if either Power attempted at any time to use its command of part of the shore-line in order to hold up the traffic, it would be comparatively easy to bring it to reason by military operations based on the territory of the other state, whereas a state commanding the entire littoral had been proved, during the European War, to possess the power of closing the Straits with impunity. This redistribution of territory was certainly open to grave objections on other grounds. It was of doubtful justice from the point of view of nationality, and if Constantinople was to remain the Turkish capital, it was hardly wise to bring the frontier of a hostile state up to within a few miles of its suburbs. At the same time, it did afford a practical, if crude, guarantee for the maintenance of the freedom of the Straits, and, in so far as it did this, it promoted an international interest of first rate importance. In June 1922, it was becoming evident that the dispositions of the Treaty of Sèvres in regard to Thrace[1] would have to be altered, but it remained none the less clear that, in considering the nature and extent of these alterations, the maintenance of the freedom of the Straits could not be left out of account.

The second head comprises those articles in the Treaty (178–80) which placed a military sanction in the hands of Great Britain, France, and Italy. A zone of territory was laid down, including the whole of the Asiatic and the European shores of the Dardanelles, Marmara, and Bosporus, and the adjoining territorial waters,[2] within which the three principal Allied Powers alone were to have the right of maintaining armed forces, while Turkey and Greece, the territorial sovereigns, were prohibited from doing the same (with two insignificant exceptions). All fortifications in this zone were to be dismantled permanently.

A third group of articles (37–61) defined the freedom of the Straits and set up a 'Commission of the Straits' to regulate it. The definition (which agrees with that given above, in the present section) ran as follows (Art. 37):

'The navigation of the Straits, including the Dardanelles, the Sea of Marmara, and the Bosporus, shall in future be open, both in peace

[1] These dispositions were given practical effect a month before the Treaty was signed, by a military occupation of the territory on the part of Greece with the sanction of the Allied Governments.

[2] Art. 178. Also the islands of Lemnos, Imbros, Samothrace, Tenedos, and Mitylene, and all those in the Sea of Marmara. (*v.* p. 40).

and war, to every vessel of commerce or of war and to military and commercial aircraft, without distinction of flag.

'These waters shall not be subject to blockade, nor shall any belligerent right be exercised nor any act of hostility be committed within them, unless in pursuance of a decision of the Council of the League of Nations.'

The 'Commission of the Straits' was to be composed (Art. 40) of representatives appointed respectively by the United States of America (if and when that Government was willing to participate), the British Empire, France, Italy, Japan, Russia (if and when Russia became a member of the League of Nations), Greece, Rumania, and Bulgaria and Turkey (if and when the two latter states became members of the League of Nations). Each Power was to appoint one representative. The representatives of the United States of America, the British Empire, France, Italy, Japan, and Russia were each to have two votes. The representatives of Greece, Rumania, and Bulgaria and Turkey were each to have one vote.

The Commission, so constituted, was to have two distinct though logically connected functions. On the one hand, it was to organize and administer the freedom of the Straits; on the other hand, it was to report upon any interference with it.

The first and normal function of the Commission was conceived in very wide terms. On the analogy of the older Danube Commission, everything relating to 'conservancy' was brought within its jurisdiction. It was charged (Art. 43) with the execution of harbour works and with lighting and buoying, and with the control of pilotage and towage, anchorages, wrecks and salvage, and lighterage, as well as with the application in the ports of Constantinople and Haidar Pasha of the régime prescribed in Arts. 335–45 of the Treaty for 'ports of international concern'. It might raise loans, buy out existing rights and concessions, and take up concessions on its own account. It was to levy dues from merchant shipping passing through the waters under its control, and to exercise jurisdiction over their crews (Arts. 50–3), though alterations in existing dues were only to be made with the prior assent of the Council of the League of Nations and for the execution of duties specifically assigned to the Commission by the Treaty. The Commission was further empowered to raise a special police force under foreign officers (Art. 48); to enjoy diplomatic privileges and

immunities (Art. 41); to exercise its powers in complete independence of the local authority; and to have its own flag, its own budget, and its separate organization (Art. 42).

Thus, in its administrative functions, the Commission was endowed by the Treaty with something approaching to sovereignty, but, on the other hand, it did not acquire the sanction, possessed by most sovereign bodies, of imposing its own will by force. In this sphere, its function was passive and advisory. By Art. 44, the Commission, in the event of its finding that the liberty of passage was being interfered with, was to inform the representatives at Constantinople of the Allied Powers furnishing the occupying forces provided for in Art. 178. These representatives were thereupon to concert with the naval and military commanders of the said forces such measures as might be deemed necessary to preserve the freedom of the Straits. Similar action was to be taken by the said representatives in the event of any external action threatening the liberty of passage of the Straits.

These articles relating to the Straits, Constantinople, and Eastern Thrace were the least unsatisfactory part of the Treaty of Sèvres (as far as it related to the non-Arab part of the former Ottoman Empire, which is the subject of this section). In view of the unwillingness of the American nation to undertake responsibilities in this part of the world, these provisions represented an honest and not incompetent attempt to grapple with a difficult problem, and the instrument embodying them was duly signed by the Governments of Athens and Constantinople, as well as by those of the principal and minor Entente Powers (with the exception of the Serb-Croat-Slovene Kingdom and the Hejaz). But the Treaty was not ratified, and the problem itself was not necessarily capable of solution in the settlement after the European War. There were at least four obstacles. The most immediate was the traditional rivalry between France and Great Britain; behind that there were the fears and ambitions of Turkey and Greece; and farthest in the background, though ultimately the most formidable of all, lay the interests of Russia, resting on permanent geographical factors which could not be affected by the substitution of Lenin for Nicholas or of the works of Karl Marx for the Orthodox Liturgy.

(ii) *Anglo-French rivalry.* The Anglo-French rivalry was the

first obstacle to assert itself. The trouble began immediately after the Armistice, with the sudden elimination of the overwhelming common fear of Germany, and the joint occupation of Syria and Constantinople. The question of which nation was to exercise the military command over the various Allied contingents at Constantinople became the subject of interminable and ill-humoured diplomatic negotiations, but this did less harm than the accomplished fact of the naval ascendancy of Great Britain. Sea-power was bound to be the principal sanction for maintaining in the Straits that régime which the Treaty envisaged, chiefly for technical reasons of strategy, but partly also because the three guarantor Powers could keep warships on the spot with relatively little increase in their normal expenditure on their Mediterranean squadrons, while the maintenance of military garrisons would involve totally new expenditure which none of the Governments concerned could permanently persuade their tax-payers to provide. It was evident, therefore, that if the provisions of the Treaty were to be maintained by material sanctions, those sanctions would practically be co-extensive with the respective naval forces of Great Britain, France, and Italy, operating in the ratio of their relative strength. Such a sanction, however, could be expressed as 'British naval predominance in the Straits' from an Anglophobe point of view, and this view gradually gained strength in France. This current of French feeling was partly fed by traditional beliefs (probably erroneous, but none the less disquieting to those who held them) regarding the circumstances in which an Anglo-French condominium in Egypt had once given place to a solely British occupation. Resentment at the alteration of the Secret Treaties in favour of Great Britain, on the questions of Mosul and Palestine, also played its part. But the most important factor was the actual diplomatic and administrative ascendancy of Great Britain at Constantinople and in the Straits after the Armistice, an ascendancy which was not only unmistakable but impressive, whether or not British naval predominance was the cause of it. Before the Treaty was signed by the French Government, a section of French public opinion had made up its mind that, in the interests of France, even a restoration of unfettered Turkish sovereignty over the Straits was preferable to the confirmation of this British ascendancy, which appeared to be

the only alternative. This party in France did not, after the signature of the Treaty, either cease to preach its doctrine or fail to gain fresh adherents.

(iii) *Greek attitude.* The mental reservations of the Greeks regarding the Treaty offered a certain justification for such an attitude on the part of France. It is true that M. Venizelos, in laying the claims of his country before the Peace Conference, had pointedly refrained from asking for Constantinople and the other strategic positions commanding the Straits, on the express assumption that some kind of international control would be established there. That, however, did not mean that either Greece or her Prime Minister had abandoned their ultimate aspirations in that quarter. They calculated that if Eastern Thrace were annexed to Greece and the frontier carried up to Chatalja, while at the same time Turkish sovereignty at Constantinople were subordinated, in effect even more than in theory, to foreign military and administrative control, the Greek element was bound very soon to become predominant, in every respect, in the population of the city. If the situation created by the Treaty continued long enough, Constantinople might, therefore, pass to Greece by a bloodless and perhaps hardly perceptible revolution. But many Greek observers thought that they discerned a short cut to their goal. In their sanguine imagination, that British naval ascendancy in the Straits, which the French feared but which the Greeks welcomed, was bound to become, if it had not already become, a conscious object of British policy. In that event they were confident that Great Britain could not dispense with the local support of Greece. Mr. Lloyd George, they thought, would assign to Greece the place in the British scheme of world-policy which Disraeli had assigned to Turkey. The seeds of this relationship, they believed, were sown in the provisions of the Treaty, and if only they were given a chance to germinate, the Treaty would involve ultimate advantages for Greece far greater than those allotted to her explicitly in the text of it. Thus the Greeks did not desire the permanent working of the régime laid down in the Treaty, though they looked forward to a process of evolution, and not to a violent reversal.

(iv) *Conferences of London, February–March 1921, and of Paris, March 1922; Turkish attitude.* The Turks, on the other hand, naturally desired a reversal, because they took the same

view of the facts as the Greeks and the French, and had an interest identical with that of France, and contrary to that of Greece, on the assumption that the facts had been correctly interpreted by these three parties. It is true that, as a result of the Conferences held respectively at London in February and March 1921, and at Paris in March 1922, a number of modifications of the Treaty were proposed by the Allied Powers, in order to make the terms more palatable from the Turkish point of view. The contingent expulsion of Turkey from Constantinople (Art. 36) in the event of her failing to execute certain provisions of the Treaty, was to be waived. The zone reserved exclusively for military occupation by the three principal Allied Powers was to be confined to the positions commanding the Dardanelles, and Turkey was to be allowed to maintain an effective garrison in Constantinople. As regards the Commission of the Straits, while no diminution of its functions or of the area in which they were to be exercised was suggested, Turkey was to be given not only two votes, like the principal Powers represented, but the permanent presidency. Finally, the frontier between Turkey and Greece in Eastern Thrace was to be carried substantially further westward, so as to give Turkey a militarily defensible line, out of range of Constantinople, running from Ganos on the Sea of Marmara in a north-north-easterly direction to a point on the Bulgarian frontier.

These concessions, in the aggregate, were very considerable, but they could hardly satisfy the Turks because they would not fundamentally alter the general situation. The British aspiration to naval ascendancy (if correctly diagnosed) and the Greek aspiration to eventual sovereignty over Constantinople would not be inhibited, and the Turks were encouraged to be intransigent by the (possibly correct) belief that these modifications were likewise inadequate from the French point of view. The rival Turkish Governments, of Constantinople and of Angora, agreed in holding out for the retrocession of: (i) Adrianople; and (ii) the Gallipoli Peninsula. If the Allies satisfied the latter claim they would, of course, not only exclude Greece from the possession of any territory militarily commanding the Straits, but they would replace all such territories under the sovereignty of Turkey. If these territorial claims were conceded, both Constantinople and Angora expressed themselves ready to agree to the freedom of the Straits; but, at any rate in the

National Pact, this concession was accompanied by a significant reservation.[1]

'The security of Constantinople, the capital of the Empire and the seat of the Caliphate and of the Ottoman Government, must be beyond the reach of any infringement. When once this principle has been formulated and admitted, the undersigned are ready to subscribe to any decision which may be taken, in common accord, by the Imperial Government on the one hand and by the interested Powers on the other, in order to assure the opening of the Straits to world commerce and to international communications' (Art. 4).

This claim involved, and consciously involved, the restoration of full Turkish naval and military control over the water-way and its littoral, and such control, as has been explained already, is incompatible with the freedom of the Straits in the only genuine meaning of the phrase. In peace-time, perhaps, there might be little danger that Turkey would use such military and naval control in order to interfere with the Commission of the Straits in the exercise of its rights and duties as laid down by the Treaty. In peace-time, even under the old régime, when the functions assigned to the Commission were still attributes of Turkish sovereignty, the Turkish Government did not unduly interfere with the shipping which availed itself of the waterway. The fundamental, and insuperable, difficulty of the Turkish claim lay in the proneness of Turkey to be involved in any war which arises anywhere east of the Atlantic and west of the Straits of Malacca. It would be quite unsafe to assume that Turkey will be more immune from war in the future than she has been in the past; and, under the conditions specified by her, the freedom of the Straits would invariably be interrupted whenever she was at war. If the zone of the Straits were to return within the military (as distinct from the political) frontiers of Turkey, it would become the legitimate, and indeed the essential, military objective of her adversaries. The only means of permanently neutralizing this zone is to prohibit the military utilization of it by Turkey herself as well as by her potential enemies, and to place it, instead, under the naval and military control of other parties representing the general interests of the world. The logic of these facts can hardly be questioned, and the Turkish attitude regarding the provisions

[1] Text of National Pact of Angora in App. II, Part 2 a.

of the Treaty relating to this question was, therefore, a serious obstacle to a settlement.

(v) *The Russian attitude.* The particular settlement envisaged by the Treaty might possibly find its most serious opponent in Russia. Between May 1919 and June 1922, the relations of Russia to Turkey had approximated to those which prevailed during the interval between the Russo-Turkish Treaty of Unkiar-Skelessi (8th July 1833) and the Anglo-Austro-Prusso-Russian Agreement concerning the Pacification of the Levant (15th July 1840). There was, in fact, an extraordinary similarity between the two situations in which these peculiar relations arose. In the earlier period, the Turks had lost their Arab provinces to Mehmed Ali, and were threatened in their 'homelands' by the advance of the Pasha of Egypt's forces to Kiutahia, the strategic centre of Western Anatolia. After the Armistice of 1918, the Arab provinces were again lost, and the Turkish 'homelands' again threatened by a foreign military invasion, though on this occasion Kiutahia was occupied, not by the same military Power as had driven the Turkish forces out of Syria, but by a separate enemy, the Greeks, conducting an independent campaign from a base on the Aegean coast. In the two cases, a broadly parallel situation produced a parallel *rapprochement* on Turkey's part towards Russia. The loss of the Arab provinces made Turkey too weak to stand alone, and the hegemony of the great Northern Power, however alarming, was at least preferable to the conquest and subjection of the remnant of Turkey by a neighbouring people formerly subject to her. In both cases, again, Turkey was driven into Russia's arms by the fact that her local enemy enjoyed the formidable support of another Great Power—France having stood behind Mehmed Ali, as Great Britain afterwards stood behind Greece. In the earlier instance, the growing ascendancy of Russia over Turkey, to which the *rapprochement* between two parties of such unequal strength inevitably led, was interrupted by the successful conclusion of a general understanding between all the Great Powers, which resulted in a relaxation of the local pressure upon Turkey and in a general resettlement of Near and Middle Eastern affairs. In June 1922, it was impossible to say whether the current situation would eventually resolve itself in a similar *dénouement*, or whether, on this second favourable occasion, Russia would establish her suzerainty permanently over the

area dealt with in this section, including the Straits and Constantinople. In consequence of the Revolution, Russia enjoyed two advantages which she had never possessed before. By abandoning centralization in favour of local national autonomies in the vast block of territory and population under her sovereignty, she had given way at last to the spirit of the times, and so improved her chances of making that block still larger—in the form of a multi-national federation. In the second place, a number of the minor nationalities in Russian territory which had thus acquired territorial autonomy, spoke Turkish vernaculars and were adherents of Islam. Indeed, the Moslem Turkish population of Russia was more than twice as numerous as that of Turkey herself, and now that these Turkish Moslems had obtained opportunities for self-expression inside the Russian State, it was conceivable that the lesser mass of Turks would be attracted by the greater. The ancient question of the Straits might yet be solved by a federation of riverain national states, including Turkey, under Russia's presidency. One thing only was certain. The solution would not take the exact form contemplated in the Treaty of Sèvres.

(*b*) *The Greek Minority and the Disposal of Smyrna* (Arts. 65–83).

(i) *The Greek Minority.* The two points comprised in this heading were linked together in the policy of the Supreme Council and in the dispositions of the Treaty of Sèvres; but they were not essentially connected, and, in June 1922, it seemed probable that they would be settled, if at all, independently of one another. Certainly the zone on the Anatolian mainland delimited round Smyrna in the Treaty (Art. 66) and provisionally assigned to Greece (Art. 69), contained some of the districts of Anatolia in which the Greek element was at its highest percentage of the total local population, and even spots (such as the towns of Aivali and Moskhonisia, parts of the Cheshmé peninsula, and certain quarters of Smyrna city) in which it was in an overwhelming majority. But it also contained important districts, like those of Bayndyr, Tiré, and Ödemish in the upper basin of the Cayster river, in which the Greeks were in an insignificant minority; while, on the other hand, important Greek minorities were to be found far beyond its boundaries. In the absence of census-returns, any figures are conjectural, but it is at any rate probable that, of all the Greeks resident in

Anatolia at the time of the Peace Conference at Paris, when the frontiers of the 'Smyrna zone' were plotted out, 66 per cent., at the lowest estimate, were resident in districts outside those frontiers. Moreover, the separation of the Smyrna zone from Turkey and the attachment of it to Greece could not be defended on the ground that it was to be a 'reservation' for all the Greeks of Asiatic Turkey, on the analogy of the 'Indian Reservations' of the United States. The North American Indians were a nomadic and also a dwindling race. The Anatolian Greeks were sedentary, they were increasing in number, and they were scattered among a non-Greek majority for a definite economic reason. It is true that there were Greek peasant communities along the littoral of the Trebizond and Samsun provinces, and a very few similar communities in the neighbourhood of Kaisari and Konia, which might have been transplanted to vacant agricultural lands elsewhere—with great economic loss and personal suffering, no doubt, but still without altogether depriving them of their means of livelihood. But even if the transplantation of these populations were really contemplated by the Supreme Council and by M. Venizelos at the time of the Peace Conference, there was no special reason for settling them in the neighbourhood of Smyrna. In soil, in climate, in distance from their homes (measured by what is the only practicable route in the East for successful mass-migrations on a large scale, that is, the passage by sea), Smyrna was as alien to them as Macedonia or Thrace, and they might just as well have been settled in the great vacant spaces existing in those fertile but under-populated European provinces. These peasant communities, however, were not the main problem. The bulk of the Greek element in Anatolia, inside the Smyrna zone as well as outside it, in Smyrna city as much as at Amasia or Trebizond, consisted of people engaged in commerce (great and small) and in the professions. They were differentiated from the surrounding majority not only by their nationality but also by their economic occupation, and while their national consciousness (a state of mind borrowed at a recent date from Western Europe and adjusted to totally different conditions) might incline them to segregate themselves from the Turks and to live exclusively among their own kind, the necessity of gaining a livelihood made it imperative for them to stay in the environment to which economic motives had originally attracted

them. To concentrate all the Greeks of Anatolia in the Smyrna enclave would be rather like collecting the representatives of half a dozen professions in the United Kingdom into a single county and removing from that county all other previous residents, in order to make room for the new-comers. Such a *tour de force* would be still more fantastic if the county selected for this experiment were London or Lancashire, and if this 'reservation' were then divided from the rest of the country by a political frontier. Yet this is not an unfair hypothetical parallel to the actual provisions of the Treaty in regard to Smyrna.

Smyrna was, in fact, the most inappropriate site which could be selected for the centre of such an enclave. If the statesmen were bent on making the experiment, they could have discovered districts in Anatolia where it might at least have had more chance of success from the geographical and economic point of view. On the Aegean coast, for example, not very far north of Smyrna, there was the purely Greek town of Aivali [1]—a community subsisting on the produce of its olive groves, and in the commercial sense almost isolated from the hinterland. Or there was the district of Trebizond, isolated from the rest of Anatolia by a wall of mountains parallel to the coast of the Black Sea, where, during the Middle Ages, a Greek State had maintained a separate existence for more than two and a half centuries. It is true that, at the time of the Peace Conference, the Greek element in this district probably did not amount to more than 10 per cent. of the local population, but at any rate the geographical and economic difficulties here might possibly not have proved insuperable. The selection of Smyrna, however, as the centre of the Greek enclave in Anatolia meant the ruin of the chief port in the country and a corresponding dislocation of the economic life of the interior. In May 1919 Smyrna was a commercial city with a mixed population (Turkish, Greek, and Western), in which no single element possessed an unmistakable absolute majority, though such a majority was claimed by both the Turks and the Greeks. Smyrna had risen to this eminence not as a local administrative capital, but as the *entrepôt* of trade between the Anatolian peninsula on the one hand, and Western Europe and America on the other. This trade had attracted Greeks and had largely

[1] Just within the northern boundary of the Smyrna zone as actually demarcated.

increased the Greek element in the population of the city during the preceding 150 years. But the commercial connexions between Anatolia and the West through the port of Smyrna had been built up, since the latter part of the sixteenth century, by colonies of French, Dutch, British, and other Western merchants who had settled there; and the producers and consumers who indirectly came into contact with one another at this mart, were not Greeks for the most part. They were the Western World on the one side and the predominantly Turkish population of the interior of Anatolia on the other. The commercial hinterland of Smyrna in the interior had been steadily extended by Western enterprise, the chief instruments of this extension being the two railways, built respectively with French and British capital, which had been started after the Crimean War and successively prolonged and ramified until the outbreak of the European War. In all this economic development, the Greeks took little more than a middleman's part, and even in this they were overshadowed in importance (though not, of course, in numbers) by the local Western colony.

Thus the occupation of Smyrna by Greek troops in May 1919 was immediately felt over more than half Anatolia. The Turks, realizing that it portended the separation of Smyrna from Turkey in the forthcoming Treaty, resisted the Greek invasion by force of arms, as has already been mentioned. The consequence was a new war, which spread all over Western Anatolia and which paralysed the commerce of Smyrna by setting up a military front between the port and the hinterland.[1]

The prejudicial effect of these events upon the position of the Christian minorities on the Turkish side of the front was analysed in General Harbord's report:

> 'The events of Smyrna have undoubtedly cheapened every Christian life in Turkey, the landing of the Greeks there being looked upon by the Turks as deliberate violation by the Allies of the terms of their armistice and the probable forerunner of further unwarranted aggression. The moral responsibility for present unrest throughout Turkey is very heavy on foreign Powers.'

By June 1922, the forebodings of the American Mission of Inquiry had not only been fulfilled, but the Turkish populations in the Smyrna area had also been ill-treated by the Greeks.

[1] Organized atrocities started in April 1921 on the Greek side, in June 1921 on the Turkish.

The consequences for the minorities would, indeed, have been bad enough even if the decisions of the Supreme Council could have been carried into effect instead of being frustrated by resulting in war. If this fresh war had not broken out, the Smyrna zone would almost certainly have become a Greek 'reservation', whether that was the Allied intention or no. By gentle or by violent pressure the Turkish population in the zone would have been squeezed out, while, on the other hand, the Greek village-shopkeepers and urban merchants, professional men and artisans from all the rest of Anatolia would have been herded into it, with the result of bringing economic ruin to both these sets of enforced emigrants, and of undermining the prosperity of the entire country. In the light of what actually happened, however, such a *dénouement* would have been relatively a happy one. By June 1922 it had become probable that, wherever the frontiers might eventually be drawn, some such inter-migration of minorities would have to be arranged. The inconclusive military operations had degenerated into a war of extermination, and feeling on both sides had been so much embittered that it was hardly credible that Greek and Turkish elements could continue to live together in the same towns and villages, as they had done in the past.

The picture is one of almost unrelieved gloom; and yet the Smyrna question, if rightly handled, ought neither to have been so important nor so difficult to solve as the problem of the Straits. Great and growing though the commerce of Smyrna was, it did not concern half the world, like the traffic passing through the Bosporus and Dardanelles. Turkey and Greece were the only parties politically involved, and the issue was comparatively simple. The Smyrna question acquired the paramount importance that it did through the accident that the Supreme Council committed a greater blunder in dealing with it than in their handling of any other part of the Eastern settlement—a blunder so hopeless that it produced a fresh war, and a protracted one. This Graeco-Turkish War in Anatolia, and its adverse influence upon the relations between the Western and the Islamic Worlds, were the features which invested the Smyrna question with the historical importance to which it undoubtedly attained.

(ii) *Projected constitution of the Smyrna zone.* It remains to glance at the details of the constitution sketched out in the

Treaty (Arts. 65–83) for the Smyrna zone, but the reader must bear in mind that these articles have no more than an academic interest. They had not been put into effect, though two years had passed since the Treaty had been signed. On the one hand, the Treaty had never been ratified; and, on the other, the territory of the zone had become a theatre of war, in consequence of the Greek landing, long before the relevant part of the Treaty was cast into its final form. As early as February 1921, all parties saw that at any rate this portion of the Treaty could not stand. In the meantime, the districts actually under Greek military occupation, which extended far beyond the Sèvres frontiers, were governed partly by a Greek Civil High Commissioner with dictatorial powers and partly by the Greek military authorities.

The Smyrna zone, as defined geographically in Art. 66 of the Treaty, lay wholly within the two areas in which the right of Italy to establish her direct and indirect authority respectively had been recognized by the French and British Governments in the Secret Agreement of St. Jean de Maurienne (April 1917). This instrument, however, contained a legal flaw, as has been mentioned in a preceding section, and the claims of Italy were still further weakened in May 1919 by the *de facto* occupation of Smyrna on the part of Greece, which was accomplished with the approval and assistance of the three other principal Allied and Associated Powers. The occupation occurred at a time when the relations between Italy and her Allies were strained almost to breaking point over the question of the Adriatic, and it was precipitated by a belief that she was intending to create a *fait accompli* at Smyrna in her own favour. Eventually, Italy acquiesced in the assignment of the zone to Greece, and the signatures of her plenipotentiaries were not withheld from the Treaty of Sèvres, in which the title of Greece was given recognition. Various reasons for this remarkable self-effacement on Italy's part may be conjectured. Her own title was weak; M. Venizelos had made concessions to her in other directions; but the determining factor may well have been the danger—very real during 1920—of revolution at home, and the unmistakable repugnance of the Italian working-class towards any further adventures in overseas imperialism involving fresh sacrifices of soldiers' lives. In June 1920, only two months before the signature of the Treaty of Sèvres, Italian troops at

Trieste and elsewhere, when ordered to Albania as reinforcements, refused to embark; and the Italian Government had virtually to capitulate to the Albanian national leaders.[1] In these circumstances, the claims to territory in Anatolia which had been staked out by Italy at St. Jean de Maurienne, had little intrinsic value; and, besides this, the experience of the Greeks, since their landing, had already demonstrated that the prize of Smyrna could only be secured, if at all, at a formidable cost in blood and treasure. Italian statesmen found it better policy to let the Greeks be, to take advantage of them as a foil, and to play for future benefits by assuming towards the Angora Government the rôle of a friend in need. Whether this policy would have borne fruit, as far as the competition between Italy and Greece was concerned, will never be known, for it failed through an omission to reckon with France. At the critical moment, after the labours of nearly three years, Italy was eclipsed in the favour of the Turks by the brilliant diplomatic triumph of M. Franklin-Bouillon.[2]

Meanwhile, the Treaty of Sèvres awarded to Greece, not indeed the immediate and absolute sovereignty over the whole vilayet of Aidin except the sanjak of Denizli (the area which M. Venizelos had claimed when he laid his case before the Council of Ten), but the provisional administration of a smaller territory. The boundaries of this territory (laid down in Art. 66) included, approximately, the two sanjaks of Smyrna and Manisa, less the port and district of Scala Nuova on the south, but with the addition, on the north, of Aivali and Moskhonisia. The frontiers were artificial. They cut river-valleys and railways at right-angles, and bore little or no relation to the distribution of nationalities. Towards the south, alone, they followed a physical line of division. On this side, they coincided with the water-shed of the Cayster valley, but in order to conform here to what was the natural line from the physical point of view, they had to include in their sweep a particularly large district containing an almost purely Turkish population.

In the zone thus carved out of Anatolia, Turkish sovereignty was technically not abolished but suspended. Turkey was made to transfer to the Greek Government the exercise of her rights

[1] *v.* Vol. IV, pp. 343–5.

[2] Franco-Turkish Agreement at Angora of the 20th October 1921. Text in App. II, Part 2 b. *v. supra* pp. 33–5.

of sovereignty over the city of Smyrna and the said territory (Art. 69). The Greek Government was to be responsible for the administration (Art. 70), to appoint the officials who were to conduct it (Art. 70), to maintain military forces in the zone (Art. 71), to establish (if it chose) a customs boundary along the frontier line and to incorporate the zone in the Greek customs system (Art. 76). As for the inhabitants, such of them as were of Turkish nationality and could not claim any other nationality under the terms of the Treaty were to be treated on exactly the same footing as Greek nationals, and Greece was to provide for their diplomatic and consular protection abroad (Art. 79). These provisions make it evident that, had the Treaty been ratified and thereby been brought into operation, the provisional nature of the Greek administration would have been somewhat fictitious, and that Greece would have had treaty sanction for assimilating the administration of the zone, to all intents and purposes, to that of her own dominions.

There were, however, certain qualifying provisions of genuine importance. A local parliament was to be set up with an electoral system calculated to ensure proportional representation of all sections of the population, including racial, linguistic, and religious minorities. Within six months of ratification, the Greek Government was to submit an electoral scheme to the Council of the League of Nations, whose approval was obligatory (Art. 72); but since Greece was already occupying the zone *de facto*, any difference of opinion between the Council of the League and the Greek Government would merely have the effect of leaving the zone for a longer period under arbitrary Greek administration, without any constitution at all. The value of the electoral law was also diminished by the provision that the relations between the Greek administration and the local parliament were to be determined by the said administration in accordance with the principles of the Greek Constitution (Art. 73). What if that Constitution were to prove incompatible with local franchises!

A more valuable safeguard was contained in Arts. 75 and 86, which, taken together, extended to the Smyrna zone the benefits of the 'Minorities Treaty' which was signed by Greece on the one part and by the principal Allied Powers on the other on the same date and at the same place as the Treaty of Peace with Turkey.

Finally, when a period of five years [1] should have elapsed after the coming into force of the Treaty, the local parliament might, by a majority of votes, ask the Council of the League of Nations for the definitive incorporation in the Kingdom of Greece of the city of Smyrna and the zone. The Council might, as a preliminary, require a plebiscite under conditions which it would lay down. In the event of incorporation in these circumstances, Turkish sovereignty was to cease (Art. 83). Apparently, a request for the reincorporation of the zone in Turkey was not placed within the competence of the local parliament, and the choice was to be confined to one between complete incorporation in Greece or the continuance (for an unspecified period) of the interim régime. Since, however, even this latter contingency was not expressly provided for, it was apparently presumed that, after the five years, the complete incorporation of the zone in Greece was a certainty. This article deserves more severe stricture than almost any other in the Treaty, for, in order to save the faces of the Supreme Council, it exposed the non-Greek population of the zone to possible dangers of the gravest character. The logical dilemma is absolute. Either the makers of the Treaty expected that the population of the zone would not appreciably change in composition during the five years' interval, or that a substantial change would occur.[2] In the former alternative, why did they not ascertain the wishes of the population at the earliest possible date,[3] as they arranged to do in Masuria, Upper Silesia, the Klagenfurt district, and other plebiscite areas? In the latter alternative, by what means was a change, so substantial as possibly to produce a different verdict on the question of 'self-determination', expected to be brought about? In nearly all instances in which the Supreme Council decided that the local population was to be consulted, it generally arranged, that the consultation should take place at the earliest possible moment, and also that, during the necessary interval, the district in question should be brought under effective inter-

[1] During this interim period, citizens of the zone were not to be subjected to compulsory military service (Art. 74), but, as the Treaty was not ratified, this safeguard did not come into force, and, by June 1922, Ottoman Greeks had been conscripted in considerable numbers for the Greek Army.

[2] The repatriation of Greeks deported by the Turkish Government before the Armistice has not to be taken into account, as Art. 72 provides that the local parliament itself shall not be constituted until this has been carried out.

[3] i.e. immediately after the completion of repatriation.

Allied supervision, and even in some cases under military control. It was obvious that the prospect of a plebiscite would be an incitement to the outbreak of violence between the rival nationalities, if they were left to themselves. But these statesmanlike precedents, established by the Supreme Council itself, were ignored in the case of the Smyrna zone. The final decision was deferred till a date five years later than the ratification of the Treaty, and in the meantime the local nationalities were not merely left uncontrolled, but a sovereign state akin to one of them was deliberately placed in full command of the territory during the critical period of waiting. Under such conditions, few states could have resisted the temptation to misuse their power. It is not, of course, suggested that the Supreme Council exposed Greece to this temptation with the intention that she should succumb to it. The charge against them is rather that they carelessly introduced into the Treaty a piece of shocking diplomatic workmanship through a loss of nerve. Conscious of the unsoundness of their policy, and of the improper considerations (suggested at the beginning of this section) on which it was largely based, they shrank, at the last moment, from awarding the zone to Greece outright. From their point of view, Art. 83 was no more than a tactful circumlocution, and they did not trouble to think out its possible consequences for parties that were far more vitally concerned than they were.

(iii) *International Clauses.* The most creditable provisions of the Treaty with regard to Smyrna were those which attempted to preserve the intercourse between the port and its former economic hinterland, irrespective of the much narrower political frontiers which the Treaty had set up. In Arts. 335–45, a liberal régime was prescribed for the administration of a number of ports (including both Smyrna and Constantinople) which were scheduled as being 'ports of international concern'. Not only was the free use of these ports, on a footing of equality, secured to all states members of the League of Nations, but provision was made (Arts. 341–4) for the establishment of a 'Free Zone' in each of them. Goods imported into this zone were to be exempt from the customs of the state locally sovereign, and to pay nothing but a 'statistical duty' not exceeding 1 per mille *ad valorem* (Art. 342). Persons, goods, postal services, ships, vessels, carriages, wagons and other means of transport coming from or going to the 'Free Zone'

and crossing the territory of the state under whose sovereignty or authority the port was placed, were to be deemed to be in transit[1] across that state if they were going to or coming from the territory of any other state whatsoever.

In addition to this, freedom of transit (extending to postal, telegraphic, and telephonic services) was accorded to Turkey over the territories and in the ports detached from her, in order to ensure to her free access to the Mediterranean and Aegean Seas (Art. 349). Moreover, in the case of Smyrna, it was laid down specifically, in a special article (Art. 350), that Turkey should be accorded a lease in perpetuity, subject to determination by the League of Nations, of an area which should be placed under the general régime of free zones laid down in Arts. 341–4, and should be used for the direct transit of goods coming from or going to that state (Art. 350).

These arrangements were excellent in themselves. Indeed, economic agreements on this model are essential in all those regions of the Near and Middle East in which multi-national empires have been superseded by a mosaic of comparatively small national states as a result of the triumph of the Western nationality idea. At the same time, the benefit of such attempts to make political frontiers innocuous from the economic point of view can only be secured in cases in which the political settlement itself has been more or less peaceably accepted by the several parties concerned. In the present instance, if the Turks had resigned themselves to the provisional establishment of Greek administration in the Smyrna zone, and to the prospective annulment of Turkish sovereignty over this territory after the lapse of five years, the economic arrangements of the Treaty might have operated to reduce the dislocation which the political dispositions of the Treaty would inevitably have caused. On the other hand, from the moment that the attempt to enforce these political dispositions had precipitated a new war, the economic safeguards were bound to become a dead letter. In June 1922, they were inoperative both *de iure* and *de facto*—*de iure* because the Treaty had never been ratified, *de facto* because the economic hinterland of Smyrna was devastated by military operations and cut in two by a military 'front'.

[1] By Art. 328, goods in transit were exempted from customs duties and from discriminating freight-charges.

(c) *The Armenian Minority and the Armenian 'National Home'* (Arts. 88–93).

(i) *Armenia up to the Treaty of Sèvres.* The position of the Armenians in Anatolia was in most respects parallel to that of the Greeks. They were a widely distributed minority, consisting partly of peasant communities [1] and partly of urban colonies, exercising the same professions and performing the same economic functions as the Greek urban communities in other districts. In general, the Armenians and the Greeks filled the same rôle in the eastern and western portions, respectively, of the area with which this section is concerned, though the distribution of the two communities overlapped in Pontus, Central Anatolia, Smyrna, and Constantinople.

The Armenians had attained their greatest prosperity in the period between 1821 and 1878. After the outbreak of the Greek War of Independence, which compromised the vast Greek interests in the Ottoman dominions outside the frontiers of the new Greek national state, the Armenians to a large extent inherited the position which the Ottoman Greeks had formerly enjoyed in the public and private service of their Turkish masters. At the same time, that part of the Armenian nation which lived in Trans-Caucasia, beyond the Ottoman frontiers, greatly benefited by the establishment of Russian rule south of the Caucasus Mountains (1783–1864). Their position changed for the worse, however, after the Russo-Turkish War of 1877–8. During the negotiation of the San Stephano and Berlin Treaties, the Armenians became a pawn in the game of Anglo-Russian rivalry in Asia. At San Stephano the Russians stipulated for reforms, in favour of the Armenians, in the north-eastern provinces of Asiatic Turkey which they had occupied during the war, and for the continuance of the Russian military occupation of these provinces until the reforms had been carried out. The British negotiators at Berlin insisted that the Russian evacuation of the provinces in question should be immediate and unconditional, but they could not dismiss the project of ameliorating the condition of the local Christian minority, when once the Russians had put it forward. They therefore introduced provisions for reforms into the Treaty of Berlin,

[1] Which were at their highest percentage in the vilayet of Van and in parts of Bitlis and Erzerum, as the Greek peasants were in Pontus and in the neighbourhood of Smyrna. *v.* Harbord Report above cited.

though in vaguer terms than those employed in the Treaty of San Stephano, and without adequate guarantees. The Russian military occupation, the attraction of the Armenian Question into the orbit of Western international politics, and the momentary concentration of public attention in the West upon the 'Eastern Question', had somewhat the same effect upon the Armenians as the Anglo-French struggle in the Levant, and the military occupation of the Ionian Islands, had had upon the Greeks during the Napoleonic Wars (1798–1814). It produced a mental ferment and a sudden influx of Western ideas. Western political nationalism infected the Armenians, just as it had previously infected the Greeks, Serbs, Rumanians, and Bulgars, and was afterwards to infect the Turks and the Arabs. The Ottoman Government began to look upon Armenian aspirations with fear and hostility, and at the same time Armenian Nationalism made itself obnoxious to the Russian Tsardom, a Power still organized on the eighteenth-century dynastic and not yet on the nineteenth-century nationalistic Western model. Indeed, the Russian Government, being more energetic and efficient than the Turkish, usually repressed the Armenians with a heavier hand; and in 1895–7, when the Armenians in Turkey were massacred, they received no succour from the two Great Powers morally responsible for looking after them. Russia ostentatiously held aloof, and the naval power of Great Britain was impotent to produce any effect in the interior of the Anatolian plateau. The massacres recurred again in Cilicia, during 1909, and then, on an unprecedented scale, during the European War, when Russia and Great Britain were united against Turkey, when the Armenians had been alienated by past atrocities and the fortunes of the Ottoman Empire in greater jeopardy than they had ever been. The war of extermination was not initiated or even approved by the mass of the Turkish population, and some officials ventured to oppose it, but it was deliberately organized and put into execution by the 'Union and Progress' Government at Constantinople.

Thus, though the process by which multi-national empires in the East were replaced by national states, did not seriously affect the Armenians until it had entered upon its last phase, they suffered from it more severely than any other local population during the forty years between the Treaty of Berlin and the

Armistice of 1918. The reason for this was that the geographical distribution and economic functions of the Armenians were particularly unsuitable for the constitution of an Armenian national state. When the Greek national movement began, there were at any rate some districts, like the Islands and the Morea, in which there was a homogeneous, or very nearly homogeneous, Greek population, and such districts could be made, and in fact were made, the nucleus for a Greek national state on the French pattern. The Armenians, however, had no such local base of operations. It is true that they were in a plurality in the Ottoman vilayet of Van [1] and in the Russian Government of Erivan, as well as in parts of the adjoining districts; but even in this region the Turkish, Kurdish, Georgian, and Azerbaijani elements were so strong that there was nothing approaching a homogeneous Armenian population. Moreover, while in the Greek, Serbian, Rumanian, and Bulgarian cases, the doctrine of the Balance of Power had decreed that territories detached from Turkey should be formed into independent states, and should not be added to the dominions of any Western Empire, the Trans-Caucasian borderland between the Russian and Ottoman Empires was so remote from the West-European centre of gravity that Russia was able, even in 1878, to take for herself what Turkey lost in this quarter, without encountering insurmountable opposition from Great Britain or the Hapsburg Monarchy. Thus the Ottoman Armenians, in their almost impracticable aspirations for territorial independence, had behind them, not a sympathetic independent state of their own nationality, as the Anatolian Greeks had in the Greek Kingdom, but an alien Russia—willing to use the Armenians to further her own ambitions, but thoroughly hostile to Armenian national aims. Indeed, while the nucleus of an independent Greek national state has existed since 1821, the independent Armenian national Republic of Erivan only came into existence at the close of 1917, as a consequence of the Bolshevik Revolution and the dissolution of the old Russian Empire.[2]

A representative of the Armenian Republic signed the

[1] The Moslem population being split between the Turkish and the Kurdish nationalities.

[2] The gain to the Armenians, however, was largely cancelled by the blow to Armenian interests in Tiflis, Baku, Batum, and other commercial centres in Trans-Caucasia outside the boundaries of Erivan, which the simultaneous creation of the national states of Georgia and Azerbaijan involved.

Treaty of Sèvres, and provision for an independent Armenia was made in that instrument (Arts. 88–93). It must be noted in passing that, if the Secret Treaties had stood, the Armenian Question could never have been raised at the Peace Conference. The utmost extent of territory that was ever claimed by the Armenians themselves, had been swallowed up in the two conterminous zones, carved respectively out of north-eastern and south-eastern Anatolia, which had been placed at the disposal of Russia and France in the Sykes-Picot Agreement of May 1916. It must not be assumed, however, that this abortive arrangement would have been entirely to the Armenians' disadvantage. It was no doubt discreditable to the Entente Powers, which, at that very time, were exploiting Armenian atrocities in their propaganda and were encouraging Armenians to enlist in their armies by affecting to favour their national aspirations. If the Sykes-Picot Agreement had come into force, an Armenian national state would never have come into existence. On the other hand, the principal area of distribution of the Armenian nationality would have been brought under the comparatively effective and impartial rule of nations foreign to the area, and the Armenians would thus have been shielded from the worst eventualities.[1] As things actually turned out, these eventualities overtook them. This area, like the remainder of the area dealt with in this section, escaped from external control (except for the anarchic influence of the Western idea of nationality working in Eastern minds), and there was a renewal of the merciless struggle for existence between the local nationalities, in which the Armenians, being the weakest numerically[2] and the most widely scattered, inevitably went to the wall.

(ii) *President Wilson's arbitration.* The Treaty of Sèvres did much for Armenia on paper. Turkey, in accordance with the action already taken by the Allied Powers, had to recognize Armenia as a free and independent state (Art. 88); and Turkey and Armenia agreed to submit to the arbitration of the President

[1] Though this cannot be asserted with confidence of the Russian zone, since, during the Russian military occupation of 1916–17, General Yudenich assigned lands, left vacant by the deportation of the Armenians at the hands of the Ottoman Government to Cossack colonies, for which Trans-Caucasians (i.e. practically all Russian Armenians) were ineligible.

[2] Since the atrocities of 1915 in Turkey and the consequences in Trans-Caucasia of the Bolshevik Revolution and the Turkish invasion.

of the United States of America the question of the frontier to be fixed between their respective territories in the Ottoman vilayets of Erzerum, Trebizond, Van, and Bitlis and to accept his decision thereupon, as well as any stipulations he might prescribe as to access for Armenia to the sea (Art. 89). The frontiers between Armenia and Azerbaijan and Georgia respectively were to be determined by direct agreement between the states concerned. If in either case the states concerned had failed to determine the frontier by agreement at the date fixed by the decision of the President of the United States, the frontier line in question was to be determined by the Principal Allied Powers (Art. 92).

President Wilson accepted the task of arbitration which the Principal Allied Powers (aware of their inability to employ effective sanctions) had shrunk from undertaking themselves. In due course, he announced a line which awarded to Armenia the major part of the four provinces specified in the Treaty. It started from the Black Sea coast, well to the west of Trebizond (which was thus awarded to Armenia), and described the arc of a circle, running in a south-easterly direction, so as to include in Armenia Erzerum, Mush, and Van, before it finally impinged upon the Turco-Persian frontier.[1] This award would have provided a territory capable, from the economic and administrative point of view, of constituting an independent state, though, for years to come, the Armenians could not have risen to be a majority of the population. But neither the President's award, nor the articles of the Treaty in virtue of which it was made, bore any relation to the events which were actually taking place in the districts in question.

(iii) *The Bolsheviks and Armenia.* The permanent geographical features of Anatolia and Trans-Caucasia could not be affected by the victory of the Western Powers in Palestine, in France, and on the sea, or by the drafting of the Treaty of Sèvres, which ultimately followed. As before, the political destinies of this region remained in the hands of Turkey and Russia, and other Powers could only have a voice in the local settlement indirectly, through possessing either Turkey or

[1] The cynical reader will be amused to learn that the territory thus assigned, by a disinterested arbitrator, to an independent Armenia, almost precisely coincided with the zone placed by France and Great Britain at the absolute disposal of Russia in the Secret Agreement of May 1916.

Russia as their ally. Had the Tsardom survived, or had General Denikin's campaign succeeded, Great Britain and France and Italy would have had a *de facto* Government of Russia as their partner (though it is evident that, in either case, they would have had little actual influence over Russian policy as far as the Armenian Question was concerned). As it turned out, they not only lost their Russian partner, but manœuvred the revolutionary Governments at Moscow and Angora into forming a counter-entente for resistance to the eastern aims of the victorious Entente of the West. On the wide plane of international politics, this strange regrouping of forces resulted in an inconclusive trial of strength, and in June 1922 it seemed that the Western Entente on the one hand, and the Russo-Turkish Entente on the other, were bound sooner or later to come to an understanding. But, long before this, Armenia had fallen a victim to this conflict of greater Powers. The Government of the new Republic of Erivan had been of a 'Tashnakist' (or in Russian terminology 'Menshevik') complexion. Like Georgia and Azerbaijan, it had broken with the Bolsheviks; but, unlike them, it took care to keep on good terms with Denikin, because from the Armenian point of view a 'White' Russian restoration was a less unpleasant alternative than conquest by the Turks, while the chief menace to Georgia and Azerbaijan was from the side of Russia. The Erivan Government were also devoted adherents of the Western Powers, to whom they continued, with pathetic persistence, to look for salvation. These affiliations, however, were equally obnoxious to Moscow and to Angora, to whom a 'pro-Denikin' and 'pro-Entente' state, intervening between their territories, was a common danger. At that time the Bolsheviks, having disposed of Denikin, had got possession of the Black Sea port of Novorossisk and of the overland railway route to Trans-Caucasia via Baku. From Novorossisk they immediately began to send the Turkish Nationalists munitions, money, and other sinews of war. But the sea-route to Trebizond was precarious. The Entente navies still commanded the Black Sea, and the Greek fleet might at any moment blockade the north-eastern ports of Anatolia. It was essential, on military grounds, to open up an alternative route by land, and these considerations sealed the doom of Armenia. In the autumn and early winter of 1920, the Red Army and the Turkish Nationalist Army simultaneously

took the offensive. Kiazym Kara Bekir Pasha captured Kars, and imposed on the Erivan Republic a treaty[1] ceding the western and south-western half of its exiguous territory to Turkey.[2] On the other flank, the Soviet troops, which had already conquered Azerbaijan and were about to conquer Georgia, invaded Erivan from the north-east, bringing with them a Soviet Armenian Government. The Tashnakists fell, the Armenian Bolsheviks reigned in their stead, and it was they who signed the treaty with Kara Bekir.

(iv) *The situation in 1921–2.* These deplorable events were taken into account by the Western Powers at the London Conference of February–March 1921. Among the concessions which they offered to Turkey on this occasion was the abandonment of the 'Wilson Line', on condition that the Turks would agree to the establishment of an Armenian 'National Home'. The phrase was borrowed from the famous 'Balfour Declaration' promising a 'National Home' to the Jews in Palestine. Its meaning was impenetrably obscure, and while no doubt that was an advantage in a war-time promise, it was already proving very awkward in Palestine now that the occasion had arrived for honouring the bond. The importation of this ambiguity into the Armenian Question might therefore be considered a doubtful blessing. On the other hand, the 'Wilson Award' was still-born, for the Allied statesmen would not have referred the question to the President if they had felt capable of solving it themselves, and the American people had already displayed in the most decisive fashion their determination to incur no further commitments west of the Atlantic. The new proposal was therefore at any rate not more impracticable than its predecessor, and, in the case of the Armenians, there was a crying need which fixed and defined the meaning of the Balfourian phrase.

As has been suggested above, it would have been better

[1] Signed at Alexandropol, and afterwards confirmed in the Russo-Turkish Treaty signed at Moscow in March 1921, and in the Treaty signed at Kars in the following October between Angora on the one part and the three Soviet Republics of Trans-Caucasia on the other.

[2] The Turkish Nationalists aimed at recovering the three districts of Kars, Ardahan, and Batum, which Russia had taken from Turkey in 1878. The cession of these three districts was one of the provisions of the Treaty of Brest-Litovsk, which, as between the Nationalists and the Bolsheviks, had never become invalid. Under the new treaties of 1920–1, Turkey acquired Kars and Ardahan, while Batum was placed under a Russo-Turkish condominium.

for the Armenians if Nationalism had never gained an entrance into the Eastern consciousness. But, for good or evil (and, in the case of the Armenians, hitherto wholly for evil), that momentous event had occurred. The Armenian minorities in Anatolia and Trans-Caucasia had already suffered all possible evil from the progress of Nationalism among the Turks, Georgians, and Azerbaijanis. They had been ruined, evicted, and massacred. The survivors of the atrocities of 1915 in Turkey, who had escaped at the time to the Russian lines, were still crowded, in June 1922, on to the remnant of the Erivan territory. There were over 300,000 of these refugees; the territory was quite unable to support such an addition to its population; and the mortality from starvation and disease was terrible. The numbers were swelled by refugees from Azerbaijan and Georgia. Moreover, the evacuation of the Cilician plain by the French in the early winter of 1921, in accordance with the Franklin-Bouillon Agreement, was accompanied by the departure from that province of almost all the Armenians who had been repatriated there since the Armistice. Some of these refugees found a temporary shelter in Northern Syria, and a few in Greece, but they had no prospects of permanent settlement. The scattered Armenian nationality had been uprooted everywhere. The only chance of preserving the lives of the survivors was to concentrate them in some territorial 'reservation', however small, which they might call their own. If the East was to be reorganized in a mosaic of national blocks, an Armenian block must be inserted somewhere in the pattern, or the nation would perish altogether.

At the Conference held at Paris in March 1922 the Foreign Ministers of the three Western Powers referred the question of the Armenian 'National Home' to the League of Nations, and, by June 1922, no further action had been taken. The Armenian colonies in Western Europe favoured a site in Cilicia, on the ground that a 'Home' established there could be protected by the sea-power of the Entente, while a 'Home' in the region of Erivan would be at the mercy of Turkey and Russia. The first part of this argument was disproved by the precedents. Sea-power had done nothing for the Cilician Armenians in 1909, 1915, or 1922.[1] The second proposition was true, but not

[1] The diplomatic difficulties were also insuperable, for Great Britain had surrendered her title to intervene in Cilicia to France in the Tripartite Agreement

necessarily fatal to the establishment of the 'Home' in that quarter. In the first place, the greater part of the surviving Armenians was already concentrated there. It would be far easier to transport 50,000 Cilician refugees to Erivan than three-quarters of a million Armenians[1] from Erivan to the south. Concentration was their only hope of survival, and the argument in favour of settling Greek emigrants from Pontus or Karaman in Macedonia rather than in an enclave round Smyrna told equally in favour of gathering the Armenians together in the neighbourhood of Erivan rather than starting an alternative national centre round Adana. The principal argument, however, concerned Russia. It is true that a national home round Erivan would be in the power of Turkey and Russia, but would these two states always exercise their power for the same ends in the future, and if their policy diverged, would not the power of Russia inevitably be exercised in favour of Armenia? If an Armenian National Home were established in this quarter, it was evident that Russia would have a vital interest in its preservation. Russia (whatever her constitution and her foreign relations) could hardly live without controlling the oil-field of Baku. If Azerbaijan (in which Baku is situated) were to join forces with Turkey, that control would be in jeopardy. The establishment of an Armenian 'National Home' between Turkey and Azerbaijan would, therefore, be a valuable safeguard from the Russian point of view. There was much to be said in favour of establishing the 'Home' in proximity to a Great Power which would have not only the means of protecting it, but an interest in doing so. But in June 1922 the settlement of this question still lay beyond the horizon.

5. *The Future Turkish State.* The subjects hitherto discussed in this section did not occupy the major part of the Treaty of Sèvres. The majority of the articles were concerned with what was to be left of Turkey—with the territorial extent, sovereign rights, and political, economic, and juridical obligations of the future Turkish State. But in June 1922 these portions of the Treaty were even more difficult to discuss than the others, because the uncertainty regarding them was still greater. On the one hand, the Treaty imposed so comprehensive a system of servitudes as to extinguish the sovereign independence of

of the 10th August 1920, and France had surrendered hers to Turkey in the Angora Secret Agreement of 20th October 1921.

[1] Including the original Armenian inhabitants and the refugees.

Turkey in fact if not in name. On the other hand, the Turks themselves, captivated by the Western doctrine of Nationalism and stimulated by the comparative freedom of action which they had enjoyed during the War,[1] were demanding the abolition even of pre-war shackles and restraints, and were altogether refusing to contemplate the imposition of additional restrictions. The Turkish attitude (which was not a new phenomenon, but had been taking shape during the past two generations), was summed up in the sixth and last article of the National Angora Pact:

> 'In order to ensure our national and economic development, and with the object of endowing the country with a systematic up-to-date administration, the signatories of the present Pact consider the enjoyment of an entire independence and a complete liberty of action as a *sine quâ non* of national existence.'

This proposition was quite irreconcilable with the principles underlying the Treaty of Sèvres, and it was difficult to see how any compromise could be effected. In June 1922 the issue was still being fought out by force. In the Turkish territories occupied by the Greeks and by the three Western Powers, Turkish sovereignty was effaced even more completely than the Treaty had intended—these territories being still (June 1922) under a foreign military occupation. On the other hand, the complete sovereign independence claimed in the Angora Pact had been established *de facto* in the vastly larger territories controlled by the Nationalist Government at Angora. Neither party recognized the legality of the other's position, and the position of neither was ultimately tenable if that of the other remained unchanged. It was impossible to forecast how long this situation would continue, but if a conjecture were permissible in regard to the ultimate result, it might be prophesied that, however far short the Turks might fall of attaining the ideal put forward in the Angora Pact, they would at least recover more substantial mastery in their own house than they had enjoyed at any time since the signature of the Treaty of Kuchuk Kainarjy in 1774. As early as the London Conference of February–March 1921 the Allied Powers offered Turkey concessions in regard to the restrictions upon her sovereignty

[1] The Ottoman Government denounced the Capitulations before they intervened in the War, in respect not only of the Entente Powers but of Germany and Austria-Hungary. Germany subsequently negotiated with Turkey a fresh series of treaties, to replace the Capitulations, on a basis of reciprocity.

which the unratified and unexecuted Treaty had sought to impose, and though these suggestions led to no agreement at the moment, they pointed to the direction which an adjustment would inevitably take if it were made. In this state of uncertainty, it is useless to do more here than briefly to summarize the provisions of the Treaty under this head, in order to present the reader with a starting-point for studying the revision which was bound to follow. The relevant provisions may conveniently be analysed under the following sub-headings: (1) Territorial extent of Turkey; (2) Local diminutions of her sovereignty; (3) Allied Control over her Army and Navy (Treaty, Part V, Arts. 152–207); (4) Allied Control over her Finance (Treaty, Part VIII, Arts. 231–60, +2 Annexes); (5) The Capitulations (espy. Arts. 128, 136, 149, 261, 264, 316, 426), Minorities (Art. 140–51).

(*a*) *Territorial Extent.* This has been described by implication, in the other sections of this chapter dealing with Syria and Mesopotamia, and in the previous portions of this section dealing with Eastern Thrace and the Straits, the Smyrna Zone, and Armenia. According to the Treaty, the territory of Turkey was to be coextensive with the area with which this section is concerned, except for the Smyrna Zone and the ex-Ottoman districts assigned by the 'Wilson Award' to Armenia. It was, however, doubtful in reality whether either of these regions would ultimately be detached from Turkey, while under the Franklin-Bouillon Agreement of the 20th October 1921 Turkey had already recovered a strip of territory along the Syrian border.

(*b*) *Local Diminutions of Turkish sovereignty.* These were imposed, without extinguishing Turkish sovereignty altogether, in the Zone of the Straits, in Kurdistan, and in the 'areas of special influence' assigned to Italy and France in the Tripartite Anglo-Franco-Italian Agreement which was signed simultaneously with the Treaty of Peace.[1] The Zone of the Straits has been dealt with (*v.* pp. 60–5).

In the case of Kurdistan, an inter-Allied Commission was, within six months from the coming into force of the Treaty, to draft a scheme of local autonomy for the predominantly Kurdish areas lying east of the Euphrates, south of the southern

[1] The Smyrna Zone does not fall within this category, as the permanent extinction of Turkish sovereignty was contemplated there at the end of five years.

boundary of Armenia, as determined by the 'Wilson Award', and north of the frontier of Turkey with Syria and Mesopotamia—that is, in effect, for all territories east of the Euphrates over which Turkish sovereignty was otherwise to continue (Art. 62). If within one year from the coming into force of the Treaty the Kurdish peoples within the areas thus defined were to address themselves to the Council of the League of Nations in such a manner as to show that a majority of the population of these areas desired independence from Turkey, and if the Council then considered that these peoples were capable of such independence and recommended that it should be granted to them, Turkey was to renounce all rights and title over these areas. In that event, no objection would be raised by the Principal Allied Powers to the voluntary adhesion to such an independent Kurdish State of the Kurds inhabiting that part of Kurdistan which had hitherto been included in the Mosul vilayet (Art. 64). The last clause in this article was interesting, since it involved a possible diminution of the area included in the British mandate for Mesopotamia—though the principal Kurdish (and oil-bearing) districts under that mandate would not be affected, since they fell within the boundaries of the ex-Ottoman vilayet of Baghdad. These clauses must not, however, be taken too seriously, since in March 1921 the Allied Governments declared themselves ready, in regard to Kurdistan, 'to consider a modification of the Treaty in a sense in conformity with the existing facts of the situation.'

The territorial provisions of the Tripartite Agreement were, diplomatically, on a weaker basis than those embodied in the Treaty of Peace, for Turkey herself was not a party to this instrument, and was therefore under no obligation to facilitate its execution to her own detriment. On the other hand, territories of more vital importance than Kurdistan, both to her and to the Allies, were at stake. In Art. 5 of this Agreement, and in the map officially attached to it, two zones in Anatolia were demarcated which corresponded respectively to the zone at the absolute disposal of France in the Sykes-Picot Agreement of May 1916, and to the two zones placed severally at the absolute and the restricted disposal of Italy in the Secret Agreement of April 1917. In the case of the French zone, the coincidence of area was exact. The Italian zone was diminished by the excision of the districts round Smyrna (see pp. 74–5 above),

but extended, as if in compensation, towards the north-west. In every aspect, however, except the cartographical one, there was a great gulf fixed between the provisions of the public Tripartite Agreement and those of its secret predecessors. Under the new instrument, the Contracting Powers undertook, in the event of the Turkish Government, or the Government of Kurdistan, being desirous of obtaining external assistance in the local administration or police of the areas in which the special interests of France and Italy were respectively recognized, not to dispute the preferential claim of the Power whose special interests in such areas were recognized to supply such assistance. This assistance was to be specially directed towards enhancing the protection afforded to racial, religious, or linguistic minorities in the said areas (Art. 2). These arrangements represented a half-hearted attempt, on the part of France and Italy, to secure the benefits promised to them in the Secret Agreements, crossed with an effort, on the part of Great Britain, to secure additional protection for minorities as a *quid pro quo*. Whether, under certain circumstances, the provisions of the Tripartite Agreement might have led to the establishment, *de facto*, of the very different situation avowedly contemplated in the Secret Agreements, seems doubtful. In the present instance, however, the issue was speedily determined by the fact that the Turkish nation still had the 'will-to-war' for territorial stakes in Anatolia, while no such will existed among the populations of Italy and France. The title acquired by France in the Tripartite Treaty was tacitly abandoned in the Franklin-Bouillon Agreement with Angora, a diplomatic *coup* which incidentally cut away the ground from under the feet of Italy. By June 1922, it already seemed safe to regard the Tripartite Agreement as a dead letter in so far as Turkey was concerned, though it might still give any one of the signatories an advantage over the others in questions affecting its special zone.

(*c*) *Allied Control over the Turkish Army and Navy.* The provisions under this head did not differ in principle from those imposed on other defeated ex-enemy states. The numbers of the Turkish Army were to be limited, voluntary enlistment only was to be allowed (Art. 165), and an Allied control was to be established to see that the details of these stipulations were carried out.

Apart from the Sultan's bodyguard, the armed forces at the disposal of Turkey were to consist of two elements: troops of gendarmerie intended to maintain order and security in the interior and to ensure the protection of minorities and special elements intended for the reinforcement of the troops of gendarmerie in case of serious trouble and eventually to ensure the control of the frontiers. The former were to be limited to 35,000 and the latter to 15,000 men, including all ranks and services (Arts. 152–7). Officers supplied by the various Allied or Neutral Powers were to collaborate, under the direction of the Turkish Government, in the command, the organization and the training of the gendarmerie (Art. 159). Enlistment was to be open to all subjects of the Turkish state equally, without distinction of race and religion, the Moslem and non-Moslem elements of the population of each region being, so far as possible, represented on the strength of the corresponding legion of gendarmerie (Art. 165). Stocks of munitions, and the output of fresh stocks by local manufacture, were also to be limited in amount (Arts. 173–4). The naval (Arts. 181–90) and air (Arts. 191–5) clauses corresponded to the military. All these clauses were to be executed by Turkey and at her own expense under the control of inter-Allied 'Commissions of Control and Organization' (Art. 196), and the rights, duties, and emoluments of these commissions were elaborately provided for (Arts. 197–205).

Though the Treaty was never ratified, the Allied Powers established their control effectively over the naval and air forces of the Ottoman Empire, and, during the first six months after the Armistice, they succeeded in bringing the old Ottoman Regular Army down to 19,000 men. But this process was interrupted and reversed after the Greek landing at Smyrna, and by July 1921 there were 200,000 Turkish and 200,000 Greek troops on a war-footing on the mainland of Anatolia. In these circumstances, any prediction regarding the eventual size, organization, and control of the Turkish Army was impossible.

(*d*) *Allied Control over Turkish Finance.* While the military, naval, and air clauses of the Treaty of Sèvres were in general conformity with those contained in the Treaties of Versailles, St. Germain, Trianon, and Neuilly, the financial clauses were very much more drastic—not in respect of the amount of reparation which it was proposed to extract from Turkey, but

in view of the fact that there was a virtually complete suppression of her financial independence. Even when the pre-war financial servitudes of the Ottoman Empire were taken into consideration, the Treaty contained a startling innovation of principle. It is true that Turkey had been partly in the hands of her foreign creditors since 1881, but these creditors had been private individuals; the Ottoman Government had compounded with them by transferring to the service of the Debt the proceeds of certain specific revenues; and though those revenues were thenceforth administered by the Council of the Ottoman Public Debt, a body representing the creditors, the Council was in law a private corporation, whose privileges and activities did not conflict with Turkish sovereignty. The test of this arrangement was its practical working, and it is generally admitted that, during the thirty-three years previous to the European War, the relations between the Council of the Debt and the Government had been harmonious, and the system mutually advantageous to the creditors and to Turkey. The Treaty, however, thrust the Council of the Debt into the background, and even contemplated its eventual dissolution (Art. 246), in favour of a Financial Commission representing the British, French, and Italian Governments and armed with extraordinary powers.

By the Treaty of Versailles (Part VIII, Annex 1), Germany had been made responsible for the reparations due from her former Allies, and the Entente Powers, therefore, waived[1] their claims for reparation from Turkey in the Treaty of Sèvres (Art. 231). At the same time, 'desiring to afford some measure of relief and assistance to Turkey,' they 'agreed with' the Turkisk Government that the Financial Commission abovementioned should be appointed, and proceeded to define its powers, of which the principal were the following. The budget to be presented annually by the Minister of Finance to the Turkish Parliament was to be submitted, in the first instance, to the Financial Commission, and was to be presented to Parliament in the form approved by that Commission. The Commission was to supervise the execution of the budget and the financial laws and regulations of Turkey. This supervision was to be exercised through the medium of the Turkish Inspectorate of Finance, which was to be placed under the

[1] With certain reservations.

direct orders of the Financial Commission, and whose members were only to be appointed with the approval of the Commission (Art. 232). The Commission was also to have the last word in the regulation of the Turkish currency (Art. 233), and the Turkish Government was not to contract any internal or external loan (Art. 234), or to grant any new concession either to a Turkish subject or otherwise (Art. 239), without its consent. The Turkish Government was to transfer to the Financial Commission all its rights under the provisions of the Decree of Mouharrem [1] and subsequent Decrees. The Council of the Debt, after being purged of the representatives of bond-holders belonging to states which were 'ex-enemy' from the point of view of the Allied Powers, was to continue to operate as in the past. Indeed, the services of the Council were to be used by the Commission as widely as possible for the collection of Ottoman revenues, beyond the limits of the revenues assigned to the service of the Debt.[2] The administration of the Customs was to be under a Director-General appointed by and revocable by the Financial Commission and answerable to it. No change in the schedule of the Customs charges was to be made except with the approval of the Commission. In order to increase the Commission's powers, its creators even contemplated setting aside the rights of private property. The three Governments were to decide, by a majority and after 'consulting' the bond-holders, whether the Council should be maintained or replaced by the Financial Commission on the expiry of the current term of the Council (Art. 246). The Commission was given authority to propose, at a later date, the substitution for the pledges at present granted to bond-holders, in accordance with their contracts or existing decrees, of other adequate pledges, or of a charge on the general revenues of Turkey (Art. 247).[3] Further,

[1] Of December 1881, establishing the Council of the Debt, and transferring certain Ottoman revenues to its administration.

[2] There were good precedents for this, and it was a fruitful suggestion.

[3] After the ratification of the Treaties of Versailles, St. Germain, and Trianon, the former holdings of German, Austrian, and Hungarian nationals in the Ottoman Debt passed to the Reparations Commission, and the bulk of the remainder was held by private corporations or individuals of Allied nationality. In regard to these holdings, the powers assumed by the Allied Governments in Arts. 246–7 of the Sèvres Treaty were no doubt justified, for private Allied creditors would never have got anything out of Turkey at all but for the power and willingness of their respective Governments to coerce her. But as regards neutral (e.g. Dutch) creditors, these Articles could hardly be legally binding.

the Commission was to be entitled to assume, in agreement with the Turkish Government and independently of any default of the latter in fulfilling its obligations, the control, management, and collection of all indirect taxes (Annex II, Art. 3).

No member of the Commission was to be responsible, except to the Government appointing him, for any action or omission in the performance of his duties (Annex II, Art. 4). On the other hand, a certain safeguard was provided by the stipulation that the Commission should publish annually detailed reports on its work, its methods, and its proposals for the financial reorganization of Turkey, as well as regarding its accounts for the period (Annex II, Art. 5). Its existence was to come to an end as soon as the claims of the Allied Powers against the Turkish Government, as laid down in Part VIII of the Treaty, had been satisfied and the Ottoman pre-war Public Debt had been liquidated (Treaty, Art. 257). The date thus prescribed would have been so distant as hardly to be worth taking into account, and the Financial Commission would have become, to all intents and purposes, a permanent institution, had not circumstances prevented it from ever taking up in fact the powers so lavishly conferred upon it on paper.

(*e*) *The Capitulations.* This technical term covers a body of relationships between Turkey and certain foreign Powers which, by long tradition, have come to be regarded as a coherent whole, though it would be almost impossible to codify them in a precise and logical form. The Capitulations consist partly of written treaties, partly of customary rights; they concern not only the diplomatic relations of states, but the personal status of individuals; and they extend from the political into the juridical, financial, and economic spheres of social intercourse. Their main common characteristic is that they are a peculiar relationship only to be found existing between parties belonging respectively to two different classes: Western or Westernized States and their nationals, on the one hand, and non-Western States like Turkey, on the other. The relationship which they establish is essentially unequal and lacking in reciprocity. They impose servitudes on the inferior party without securing to it any corresponding rights as against the other. This inequality, however, has grown imperceptibly, and was not inherent in the relationship from the beginning. It has developed in consequence of a differentiation in the power, efficiency, and

degree of civilization of the respective parties, and being thus based on a broad and genuine diversity, it is more difficult to remove than if it were nothing but an arbitrary injustice. The problem of the Capitulations presents itself, in fact, as a dilemma. It is generally admitted that some, at any rate, of the privileges thereby secured, in Turkish territory, to the Governments, nationals, and 'protected persons' of foreign Powers are indefensible; and that, in general, the existence of the Capitulations is a formidable barrier to Turkish administrative and judicial reform. On the other hand, until reform in these spheres is effected, foreign interests in the country (which have established themselves there in reliance upon the Capitulations, and which in some cases perform valuable if not indispensable services to Turkey) can hardly be expected to surrender the privileges which alone safeguard them against the dangers of still unremedied misgovernment. The Turks have long felt that they cannot breathe until the strangle-hold of the Capitulations is broken, and they accordingly denounced them, unilaterally, as soon as the Great Powers of Europe had begun to fight one another. On the other hand, the Allies, after the Armistice, refused to recognize a denunciation which could not be justified in international law. The Turks, however, persist in regarding the abolition of the Capitulations as only second in importance, from their point of view, to their territorial claims in the first five articles of the National Pact of Angora.[1] It is evident that no satisfactory solution can be found except through negotiation and compromise, but the provisions concerning the Capitulations which were inserted in the Treaty of Sèvres erred in the same direction as the Turkish denunciation of 1914. They took a high line on a matter in which neither party was sufficiently master of the situation to be able to practise high-handedness with any permanent success.

According to the Treaty, the capitulatory régime resulting from treaties, conventions, or usage was to be re-established in favour of the Allied Powers which directly or indirectly enjoyed the benefit thereof before the 1st August 1914, and was to be extended to the Allied Powers which did not enjoy the benefit thereof on that date (Art. 261). The Allied Powers did, at the same time, provide in the Treaty for the replacement of the Capitulations, on their judicial side, by a new system; but they proposed to carry this change through on their own motion,

[1] For text *v.* pp. 605–6.

without giving Turkey herself so much as a vote in deciding what was perhaps the most important outstanding problem of her domestic politics. An Anglo-Franco-Italo-Japanese Commission was to be set up within three months of the coming into force of the Treaty, to prepare, with the assistance of technical experts representing the other Capitulatory Powers, Allied or Neutral, a scheme of judicial reform to replace the existing capitulatory system in judicial matters in Turkey. This Commission might recommend, after consultation (i.e. not necessarily agreement) with the Turkish Government, the adoption of either a mixed or a unified judicial system. As soon as the Principal Allied Powers had approved the scheme, they would inform the Turkish Government, which was to accept the new system in advance. The Principal Allied Powers reserved the right to agree among themselves, and if necessary with the other Allied and Neutral Powers concerned, as to the date on which the new system was to come into force (Art. 136). Thus Turkey might have imposed upon her a substitute more objectionable to her than the Capitulations themselves, with no means of opposing the change other than by communicating her views to the all-powerful inter-Allied Commission.

On the other hand, Turkey was offered the prospect of certain compensations. The traditional prerogatives and immunities granted by past Sultans to the non-Moslem races of Turkey, while reconfirmed in a general manner by the Treaty, were to be overridden (if the case arose) by any modification of the Turkish judicial system which the Treaty might introduce (Art. 149). Even more important was the provision that (subject to certain reservations and conditions) the Financial Commission should be entitled to authorize the application by Turkey to the persons or property of the nationals of the Allied Powers of any taxes or duties which should similarly be imposed on Turkish subjects in the interests of the economic stability and good government of Turkey (Art. 264).

All judicial decisions given in Turkey by a judge or court of an Allied Power between the 30th October 1918 and the coming into force of the new judicial system referred to in Art. 136 were to be recognized by the Turkish Government, and the latter was, if necessary, to secure the execution of such decisions (Art. 426). This provision was intensely humiliating to Turkish pride, but might otherwise have had no serious

permanent consequences. Far more serious was the provision that any company incorporated in accordance with Turkish law and operating in Turkey which was at the time, or should thereafter be, controlled by Allied nationals, should have the right, within five years from the coming into force of the Treaty, to transfer its property, rights, and interests to another company incorporated in accordance with the law of one of the Allied Powers whose nationals controlled it, all this being without prejudice to the full transmission to the new company of the original company's rights and privileges (Art. 316). More momentous still was the stipulation that—notwithstanding any provisions of Turkish law to the contrary—Turkey must recognize any new nationality which had been or might be acquired by her nationals under the laws of the Allied Powers or new states, and must regard such persons as having, in consequence, in all respects severed their allegiance to their country of origin (Art. 128). If advantage were taken of this clause on any large scale by foreign Governments (e.g. by Greece or Italy) on the one hand, and by Turkish nationals (e.g. by those of Greek or Armenian race), on the other, it was evident that the effective exercise of Turkish sovereignty in Turkish territory might become impossible. Certainly this clause had the effect upon the Turks of exasperating them against all the provisions of the Treaty regarding the Capitulations, thus making an agreed settlement of this problem still more difficult to achieve than it would in any case have been.

(*f*) *The Protection of Minorities* (Arts. 140–51). Provisions falling under this head have already come under consideration in previous parts of this section. The dangerous facilities for change of nationality, discussed just above, were of course introduced into the Treaty on this account (though the ultimate effect, when the all-important factor of the psychology of the Turkish majority is taken into account, might well be the opposite of that intended). Additional local sanctions for the protection of minorities were incorporated, as has been mentioned, in the Tripartite Agreement (Arts. 1, 8, and 9). A special stipulation in favour of the Assyro-Chaldeans and other racial or religious minorities scattered among the Kurds was included in the provisions relating to Kurdistan (Art. 62); and the Allied Governments were careful to repeat this when they offered concessions to Turkey regarding other aspects of the

Kurdish question in March 1921. The protection of minorities was, indeed, one of the most difficult and at the same time urgent problems raised by the political remoulding of the Near and Middle East on the lines of nationality, because, as has been emphasized already, the nationalities in this area were intimately intermingled, and could never be completely sorted out into homogeneous and territorially segregated blocks of population. Subject minorities of every nationality were therefore bound to find themselves, at the end of the process, left outside the boundaries of their national state; and, conversely, every national state was bound to find alien minorities still embedded in it. The welfare of these several minorities, and loyalty on their part towards the respective majorities and the majority Governments, were therefore desirable in the interest of all parties concerned, and these objects could only be secured by general provisions applied to, and accepted by, each minority and each state in the area, without distinction of nationality or denomination. Common interest, however, did not actually produce an atmosphere of reasonableness and moderation, and this owing to several causes.

In the first place, these Eastern peoples, with the fanaticism of converts, were carrying the Western creed of nationalism to extremes from which the Western World, with its greater experience and common sense, had generally recoiled. In their uncontrollable thirst for absolute sovereign independence within the frontiers of their own national state, they were ready to sacrifice the kindred minorities abroad rather than to allow rights secured to these to become precedents for the establishment of similar rights for the aliens domiciled in their own territories. During the post-armistice period, the Turks, Greeks, and Armenians displayed a remarkable and profoundly discouraging unanimity of feeling on this point. It was almost the only doctrine upon which they agreed, and they could hardly have chosen a more disastrous one for the purpose. Everywhere the minorities succumbed, and their tragedy seldom became known to the world until it was too late to avert it. Genuine horror at their fate, and sincere attempts to devise and bring into operation some general scheme for saving the remnants of them from extinction, emanated, for the most part, not from their more fortunately situated kindred who found themselves in a local majority and were absorbed in the

ruthless exploitation of their advantage, but from the public and the statesmen of Western Europe and North America.

In the second place, there were two rival and hardly compatible concepts of the status of minorities in the field. On the one hand, there was the traditional Middle Eastern system of cultural autonomy, evolved under the ancient Persian and Arab Empires and reproduced in the 'millets' set up by the Osmanlis. A 'millet' (which may be translated 'nation' or 'denomination' with equal inexactness) was a minority corporation recognized by the public law of the land and enjoying far more extensive ecclesiastical, scholastic, and even judicial autonomy than modern Western Governments, with their zeal for uniformity, have ever tolerated. On the other hand, the 'millet' organization, while securing to its members great liberty of action in their mutual relations, generally left them on a footing of gross inequality with the ruling denomination or nation in the state, and offered them almost no protection at all against illegal oppression or against occasional outbreaks of homicidal violence. In contrast to this Middle Eastern tradition, the improvement in the position of minorities in the West (which set in very tardily and did not become a strong current in Western politics until after the French Revolution) proceeded on quite different lines. The modern Western state, always jealous of rival forms of corporate life, did not show much enthusiasm for giving the minorities the opportunity of self-protection and self-expression in their corporate capacity. It preferred to give the individual equality with all other individuals in the eye of the law. In other words, it reconciled the enfranchisement of minorities with the preservation of its own full sovereignty by tacitly excluding from the purview of the state those sides of social life in which the differences dividing minority from majority happened to express themselves.

This principle was at the bottom of the minority clauses incorporated, after the European War, in the main treaties of peace, or else embodied separately in subsidiary instruments. Inasmuch, however, as these safeguards were to apply, for the most part, to Oriental or semi-Oriental countries and populations, provisions were freely borrowed from the Oriental system; and the result was a syncretism which betrayed its origin in a sudden, overwhelming need, and lacked the surety of touch which can only be derived from experience and tradition.

This characteristic was apparent in Part IV of the Sèvres Treaty, which was put together out of the three following elements: (1) Special and most essential provisions for righting, to the small degree possible, the wrongs committed against Ottoman Greeks and Armenians since the outbreak of the European War (Arts. 142–4); (2) Provisions more or less closely corresponding[1] to those of the standard 'Minority Treaty' evolved by the Peace Conference, as exemplified in the Treaty signed at Sèvres, on the same date as the Treaty of Peace with Turkey, by the Principal Allied Powers on the one part and by Greece on the other (e.g. Arts. 140, 141, 145, 147, 148, 150); (3) A stipulation that the Turkish Government should confirm and uphold in their entirety the prerogatives and immunities of an ecclesiastical, scholastic, or judicial nature granted by the Sultans to non-Moslem races in virtue of special orders or imperial decrees, as well as by ministerial orders or orders of the Grand Vizier (Art. 149).

This combination of incongruous elements was a weakness; and, indeed, it might have been perceived *a priori* that the 'millet' system had become an anachronism. It was part and parcel of the old Oriental conception of society which the invasion of Western nationalism had overthrown. That system, with its defects and its good qualities, had grown up as a unity, and it was impracticable to preserve one fragment of it while accepting the ruin of the remainder.

The Turkish Nationalists, very significantly, took their stand without hesitation on the new ground, and made their attitude public in Art. 5 of the National Pact of Angora:

> 'The rights of minorities will be confirmed by us on the same basis as those established to the profit of minorities in other countries by the *ad hoc* conventions concluded between the Entente Powers, their adversaries, and certain of their associates. On the other hand, we cherish the firm conviction that Moslem minorities in neighbouring countries will enjoy the same guarantees where their rights are concerned.' (*v.* p. 606).

Thus the Turks repudiated the 'millet' system in the same instrument in which they abandoned their prescriptive title

[1] The correspondence was not complete. For example, freedom of religious practice was only secured to all inhabitants of Greece so long as the practices of the particular religion were 'not inconsistent with public order or public morals' (Minority Treaty, Art. 2). In the case of Turkey, the same freedom was introduced, but without the qualification (Peace Treaty, Art. 141).

to be an imperial people ruling over alien majorities. The two steps were consistent, for both were logical corollaries of the Western nationality idea. It was evident that Part IV of the Treaty would have to undergo corresponding modifications, and that safeguards for minorities in Turkey could in practice only be secured as parts of a charter of universal application. Even on this basis, however, it must be confessed that, already by June 1922, the outlook was not promising. Rigid reciprocity of conditions might overcome the obstacle of pride, and might induce Oriental nations to accept restrictions on their sovereignty, for the benefit of minorities, which they would obstinately reject so long as there was any suspicion of differential treatment. But it was to be feared that, even if a common charter were drafted amicably, and in conference, by the several states concerned, they would concur in restricting its provisions to the utmost degree possible, in their common infatuation for the sovereignty of the national state. This, too, is on the supposition that the Eastern settlement took the most favourable course. In reality, however, any round table conference between the states concerned did not appear, in June 1922, to be a very likely contingency. It seemed more probable that the Near and Middle East would remain, for an indefinite period, in a state of war, and that the mixed nationalities would become more and more exasperated against one another. In these circumstances, the protection of minorities *in situ* might prove impossible, and statesmanship might have to resort to intermigration—a desperate remedy in the East, where it involves an appalling amount of mortality and of economic destruction. In regard to territories undergoing a change of sovereignty, the Treaty of Sèvres contained the customary clauses regarding the right to opt, within a given period of time, for whichever nationality the individual inhabitants of the transferred territory might prefer, with the proviso that persons opting for a state other than that which was in future to be sovereign over their homes, must transfer their residence to the country of their choice (Arts. 123–7). This represented the ordinary practice of Western Europe, with the additional feature that Turkey was bound over to carry out any measures which might be prescribed with this object by the Council of the League of Nations (Art. 127). At the same time, the principle was wisely extended in the Treaty of Sèvres so as

to cover, not merely territories undergoing a change of sovereignty, but the whole area with which this section is concerned. Turkey was to recognize such provisions as the Allied Powers might consider opportune with respect to the reciprocal and voluntary emigration of persons belonging to racial minorities. Within six months of the coming into force of the Treaty, *Greece and Turkey were to enter into a special arrangement* relating to the reciprocal and voluntary emigration of the populations of Turkish and Greek race in the territories transferred to Greece and remaining Turkish respectively. In case agreement could not be reached as to such arrangement, Greece and Turkey were to be entitled to apply to the Council of the League of Nations, which was to fix the terms of such arrangement (Art. 143). At the Conference held in Paris in March 1922, the Allied Powers referred the question of minorities to the League once again. It was fraught with difficulty, yet the League was in a better diplomatic position than any other party concerned for discovering a solution.

EPILOGUE, AUGUST 1923

6. (*a*) *Defeat of Greeks and Armistice at Mudania, 11th October 1922.*

By mid-June 1923, just a year after the preceding sections of this Part were written, Penelope's web had been unravelled almost to the last threads, and the rougher fabric woven out of the torn and tangled materials progressively discarded from the first design was on the verge of completion. Long before the Treaty of Lausanne was signed, however, the Treaty of Sèvres had become an historical curiosity, and the space devoted to it in the present work might therefore at first sight seem disproportionate. Yet the preservation of historical curiosities is one of the functions of history, and the Treaty of Sèvres, while its positive provisions fall under that category, was at the same time, in its negative aspect, a phenomenon of permanent historical importance. A treaty thus conceived was doomed from the outset to failure, but the impossible experiment need never have been attempted, and in that case the relations between the victorious Western Powers and the Near and Middle Eastern peoples after the Armistice of 1918 would undoubtedly have taken a very

different course from that which they actually followed. From this point of view, the attempt and the error embodied in the abortive diplomatic instrument exercised an enduring influence upon international affairs, and students of its after-effects might, for many years to come, turn back with interest to a 'scrap of paper' which had stimulated such practical and effective opposition.

Between June 1922 and June 1923 the attempt to impose peace terms upon Turkey by force through the agency of the Greek Army, upon which the Principal Allied Powers had embarked in 1919, had ended in a sensational disaster. On the 26th August 1922 the military stale-mate, which had characterized the preceding eleven months of the Graeco-Turkish War in Anatolia (since the failure of the Greek offensive against Angora), was terminated by a complete collapse of the Greek Army's *moral*. An attack launched by the Turkish Nationalist forces encountered no serious resistance; a fortnight's marching carried the victors from Afiun Kara Hissar to Smyrna; within a few days more, every Greek soldier on the Anatolian mainland had been either taken prisoner or shipped away; and the screen which the military effort of Greece had interposed, since the summer of 1920, between the Turkish Army and the meagre Allied garrisons at the Straits and Constantinople, was suddenly torn down. During the three weeks following the Turkish reoccupation of Smyrna, the Principal Allied Powers, who were not yet formally at peace with the impotent Government of the Sultan-Caliph at Constantinople, found themselves in imminent danger of war with the Government of the Great National Assembly at Angora, with whom they had as yet established no definite relations either of amity or of belligerency. The tension was not really relaxed till the 11th October 1922, when a new Armistice Convention was signed at Mudania by General Harington on behalf of the Allied Powers and Ismet Pasha on behalf of Angora—a Convention to which Greece acceded three days later.[1] The object of the Mudania Armistice was to prepare the way for a fresh peace conference, in which a settlement was genuinely to be negotiated with the Turks by the Allies instead of being nominally imposed upon them. In the meantime, the diplomatic situation was simplified by the

[1] *v.* also §§ 10–11 of Part I B. pp. 38–9.

formal abolition of the Sultanate and of the Sublime Porte at the hands of the Great National Assembly. The Assembly vested the sovereignty of Turkey in its own corporate personality on the 1st November, and the ex-Sultan-Caliph Vahyd-ed-Din Khan was evacuated from Constantinople on board a British warship on the 17th of the same month. The revisionary peace conference between the Allied signatories to the Treaty of Sèvres and the now sole and undisputed Nationalist Government of Turkey was opened on the 20th November 1922 at Lausanne, and its second session was still dragging on, owing to a temporary deadlock over a single remaining point at issue, at the time when the present postscript was written, seven months later.

(b) 20th November 1922, Opening of Lausanne Conference.

At that date the situation was still technically indeterminate, since no general treaty in substitution for that of Sèvres had been signed or ratified; but in reality a peace settlement was this time in sight and a formula for agreement had been found on the most important questions. A new draft was in fact put into shape at Lausanne by the Allied Delegations before the close of the first session; and although this session eventually broke down on certain issues, many sections of the Allied draft, particularly those dealing with territorial questions and with the future régime at the Straits, proved acceptable to the Turkish representatives. A settlement of the frontier between Turkey and Iraq in Kurdistan—the single major territorial issue on which there had been no agreement—was provided for by an informal arrangement (described below) between the British and the Turkish Governments; and separate instruments concerning the exchange of Greek and Turkish populations, the release of able-bodied men, and the reciprocal restitution of interned civilians and the exchange of prisoners of war and interned civilians, were signed by the two Governments concerned. By June 1923 it was thus possible to give, in brief, a substantially correct account of what the settlement was to be. In attempting this, it seemed simplest to take the arrangement of the previous sections as a guide, and to note in order the principal changes produced by the intervening twelve months in the situation as there described.

(c) *Territorial arrangements.*

(i) *General.*

The events of these months had primarily been disastrous to Greece, and the renunciation on her part of virtually all the territorial gains assigned to her by the Sèvres Treaty at Turkey's expense was no longer an open question at the Lausanne Peace Conference, since it had been one of the essential preliminary conditions of the Mudania Armistice. Since, however, Greece had originally embarked upon her unfortunate enterprise in Anatolia on the initiative and for the benefit of the Allied Powers, her defeat carried with it the frustration of the Allies' war aims against Turkey as well as her own; and although the Allies had by successive steps abandoned and disavowed their agent before the final disaster overtook her, they were themselves overtaken by poetic justice before the new conference had run its tedious and laborious course. Having exacted the sacrifice of the Greek claims to the Smyrna zone and Eastern Thrace as the price of the Mudania Armistice, the Turks compelled the Allied Powers at Lausanne to surrender in succession their contemplated control over the Straits, their traditional privileges under the Capitulations, and even to some extent the contractual rights of their nationals who happened to be the Turkish Government's concessionnaires or creditors, before they could be brought to sign a peace treaty. If Turkey's success was to be measured in terms of her Angora Pact, her triumph was absolute, but it also had its tragic side; for the parties most intimately affected by the deplorable events of the past four years had not been the Greek, Turkish, and Principal Allied Powers and Governments but the populations of the Graeco-Turkish war zone. These unhappy people, who had not had the least voice in the drafting of the Treaty of Sèvres, were ruined, uprooted, and destroyed by its consequences with no discrimination whatever of nationality or religion. Turkey, with her depopulated territory and devastated villages, towns, and railways, emerged from the ordeal in hardly less miserable a condition (judged by any practical or human criterion) than Greece with her multitudes of destitute, bereaved, and disease-stricken refugees; and a fraction even of the Allied nations was involved in a comparable

disaster through the ruin of the western colonies at Smyrna and the prospective ruin of those at Constantinople.

(ii) *Minorities.*

In general outline the liquidation of the old Ottoman Empire, as sketched in a previous section, had proceeded during these twelve months according to expectation. Almost the last vestiges of the earlier system had been obliterated by the rising tide of Western Nationalism; on a basis of national majorities, frontiers had made a distinct approach towards stabilization; the few surviving minorities (e. g. the Turks in Western Thrace and the Greeks and Armenians in Constantinople) seemed likely on the whole to benefit (though precariously) by the relaxation of tension; and the attitude towards one another of the Western, Near Eastern, and Middle Eastern peoples had changed or was changing beyond recognition.

(iii) *Territorial Unity.*

The territorial unity of the area with which this section is concerned, which has been discussed previously from several points of view, was asserted politically at Lausanne by the complete realization of Article I of the Turkish National Pact.[1]

(iv) (1) *Constantinople and Thrace, Smyrna, Armenia.*

In detail the Pact was realized on the North-West by the re-establishment of unrestricted Turkish sovereignty over Constantinople and Eastern Thrace up to the Bulgarian frontier and the Talweg of the Maritsa, and by the practical restoration of Turkish naval and military control over the coasts and waters of the Bosporus, the Sea of Marmara, and the Dardanelles. Along the new European frontiers of Turkey, her sovereignty was only to be limited by the creation of a neutral zone to a depth of about 30 kilometres (a zone of equal depth being created simultaneously on the Greek and Bulgarian side). The demand (Pact, Art. III)[1] for a plebiscite in Western Thrace was waived, but Turkey succeeded in recovering a fragment of this territory also. During the first

[1] *v.* p. 605.

session she was assigned, on the western bank of the Maritsa opposite Adrianople, the terminus of the tramway running to the nearest station on the broad-gauge main line of the Oriental Railway at Karagach. During the second session Greece further retroceded to Turkey, by direct agreement, the suburb and railway-station of Karagach itself, together with several miles of the railway on either side, in settlement of the Turkish claim to reparations for devastation which Greece acknowledged herself to have committed in the Anatolian campaign. As regards the 'Freedom of the Straits', the territorial guarantee consisting of the division of the sovereignty over the European and Asiatic shores of the Dardanelles and the Marmara between two different states was of course extinguished by the retrocession of Eastern Thrace to Turkey. The military sanction previously placed in the hands of Great Britain, France, and Italy likewise disappeared. Four zones (one on each side of the Bosporus and the Dardanelles) were taken over from the Sèvres scheme, though with important reductions in their area, but they were no longer to be open to the Allied and closed to the Turkish forces, but were to be demilitarized for all parties (as well as the Aegean islands commanding the southern entrance to the waterway); and demilitarization was interpreted in terms far less favourable to the Allies than to Turkey. Any right of the Allies to the potential occupation or precautionary inspection of these zones was forfeited *ab silentio*; while on the other hand it was expressly stipulated that Turkey might maintain a garrison in Constantinople, as well as in its insular and Asiatic suburbs, up to a maximum strength of 12,000 men; that she might utilize the demilitarized zones for lines of communication between her forces in Asia and Europe; and that she might anchor her fleet in the demilitarized waters. The Commission of the Straits was likewise maintained, though with diminished functions and powers, and was placed under Turkish presidency and under the auspices of the League of Nations. The three Principal European Allied Powers and Japan further pledged themselves to resist any violation of the security of the demilitarized zones or of the freedom of navigation (elaborately provided for, in the case of warships as well as merchant-ships, according to the possible permutations and combinations of belligerency or neutrality on the part of the various parties concerned).

Whether this Convention saved the faces of the Principal Allied Powers is a question that must be left to the reader; but it is obvious that it did not settle the concrete problem of the Black Sea Straits as sketched at the beginning of the previous Section 4 (i).

(iv) (2) *Smyrna; The Migratory Clauses.*

The disposal of Smyrna no longer presented the Allied diplomatists with the insoluble difficulties that had baffled them at Sèvres, having been accomplished by the worst possible method (that is, by war) in the only possible sense, that is, by the reunion of the artificial enclave of the Smyrna Zone with the remainder of the Anatolian Peninsula under the full sovereignty of the Turkish State. Unhappily, however, the violent solution of this wantonly created problem had already proved fatal to the Greek minority in Anatolia, the wholesale flight or expulsion of which to Greek territories overseas had accompanied the evacuation of the Anatolian mainland by the Greek Army. During the first session at Lausanne the Greek and Turkish Governments signed a separate convention for the compulsory interchange of Turkish nationals of the Greek Orthodox religion and of Greek nationals of the Moslem religion established on their respective territories as delimited by the new frontiers. The only parties exempted were the Greek inhabitants of Constantinople and the Turkish inhabitants of Western Thrace. The deportees were to be free to take with them their movable property without restriction or charge. Unportable as well as juridically 'immovable' property was to be registered and valued in both countries by a mixed commission, which was to include three neutral members chosen by the Council of the League of Nations and was always to operate under neutral chairmanship; the proceeds of liquidation were to be paid over to the Government in whose territory the property was situated and credited to the Government into whose territory the former private owner had migrated; and the two accounts were to be balanced, any difference between the total amounts debited and credited respectively to the two Governments having to be paid over in cash by the Government to which the balance proved adverse. At the same time the individual emigrants were to be informed

by the Commission of the valuation at which their former property had been liquidated, and were to be entitled to receive from the Government of their new country property equal to and of the same nature as that which they had left behind. This compulsory intermigration was much criticized, both inside and outside the Conference, at the time when the Convention was being negotiated. The flight or expulsion of nearly all the Greek minorities from Turkey was, however, an accomplished fact, and the establishment of the Mixed Commission was the only means of possibly mitigating the economic hardships of their lot, while the introduction of reciprocity, though it might bear hardly upon the individual Moslem inhabitants of Greek territory, at the same time enabled the Greek Government, in the last resort, to make more room for the multitudes of Greek refugees from Anatolia and Eastern Thrace who were flocking across the new frontiers.

(iv) (3) *The Armenian Minority.*

The Armenian Minority suffered a fresh blow through the collision between Armenian irregulars and Turkish troops which occurred in the Armenian quarter at Smyrna a few days after the Turkish occupation and which appears to have been the immediate cause of the great fire. The armed resistance to the incoming Turkish Army was reported to have been organized by Armenians from elsewhere, but the Smyrna community inevitably paid the penalty for the activities of their compatriots. At the time of writing, the Armenian community in Constantinople and a few other smaller isolated groups (such as the Catholic Armenians in the town of Angora) were all that remained within the Turkish frontiers of the former Armenian population of the Ottoman Empire. During the first session at Lausanne, suggestions on the part of the Allied Governments for an Armenian 'National Home' in Turkish territory met with a categorical refusal from the Turkish plenipotentiaries, and were not pressed because the Allies had no power to insist on them. The territorial arrangements (mentioned in a previous section) which had already been made independently by the Turkish Government at Angora and the Soviet Government at Moscow in regard to Trans-Caucasia were wisely passed over in silence and thereby implicitly recog-

nized at Lausanne. By June 1923 it was still more evident than it had been in June 1922 that if the Armenian nation had any political future, it lay on the Russian and not on the Turkish side of the Russo-Turkish frontier.

(v) The twelve months' interval had also decided the irreconcilable conflict between the standpoint of the Treaty of Sèvres and that of the Angora Movement in regard to the future of the Turkish State by a 'knock-out blow' in favour of Angora. The territorial claims asserted in Article I of the Angora Pact were not only endorsed at Lausanne with the single exception of Southern Kurdistan, but within the frontiers thus attained the Turkish Government succeeded in establishing its complete sovereignty.

(v) (1) *Southern Kurdistan.*

Southern Kurdistan, which had been included by the Treaty of Sèvres in the area mandated to the British Empire under the name of Mesopotamia, also fell within the scope of Article I of the Angora Pact as being inhabited by a non-Arab Ottoman Moslem (though a Kurdish and not a Turkish) majority. After each party had marshalled its historical, ethnological, geographical, strategic, and economic arguments on this issue during the first session at Lausanne, without any approach towards agreement, the British plenipotentiary announced his intention of referring the case to the League of Nations. Eventually the Turkish Government accepted the arbitration of the League in return for an undertaking on the part of the British Government to postpone the appeal to the League until twelve months after the ratification of the prospective Treaty of Lausanne, with a view to arriving, if possible, at a direct settlement with Turkey during the interval. Pending this, both parties were to maintain the *status quo.*

(v) (2) *No local diminutions of Turkish sovereignty.*

There was no further question of the local diminutions of Turkish sovereignty involved in the provisions of the Treaty of Sèvres regarding Northern Kurdistan and in the Tripartite Treaty (of the same date as the Peace Treaty of Sèvres) between the British Empire, France, and Italy.

(v) (3) *No restrictions on Turkish military and naval forces.*

There was no further question of Allied control over the Turkish Army and Navy.

(v) (4) *Turkish finance.*

There was no further question of Allied Control over Turkish finance. More than this, Turkey was released from any claim on the part of the Allied Powers to reparations on account of the European War. At the time of writing, the outstanding financial issue was that between the Turkish Government and the pre-war private creditors of the Ottoman Empire. The creditors were asserting a contractual right to receive their dividends in sterling; the Turkish Government was declaring itself unable to discharge its obligations in that currency at the prevailing rate of exchange, and was offering to pay in French francs at their contemporary value. Many compromises had been suggested, but none had been accepted so far by both the parties concerned.

(v) (5) *The Capitulations and the Guarantees.*

At Lausanne the Allied Powers did not challenge the abolition of the Capitulations but concentrated their efforts on securing the maximum amount of juridical guarantees in substitution for them. The practical wisdom of these efforts was questionable, for the efficacy of the Capitulations had lain less in the written word than in the naval and military ability of the Capitulatory Powers to enforce their own interpretation of these traditional privileges. Even if comprehensive paper substitutes for the Capitulations had been successfully imposed upon the Turkish Delegation at Lausanne, it was evident that under post-war conditions there would have been little or no material force forthcoming in order to impose them in Turkey; and this effect might well have been to exasperate Turkish feeling against foreign residents without securing to the latter any compensatory protection. As it turned out, however, Allied nationals in Turkey were preserved from this possible peril by the ill-success of their Governments at Lausanne. During the second session (in which this question was one of the principal items on the agenda) it was agreed that, for

a transitional period of five years, the Turkish Government should select four legal councillors, who were to be nationals of States that had been neutral during the European War, from a panel drawn up by the International Court at the Hague. These councillors were to reside respectively at Constantinople, Smyrna, Samsun, and Adana. They were to have no judicial functions, but were simply to observe the working of the Turkish courts, facilitate appeals, and bring complaints to the notice of the competent Turkish authorities. The Allied negotiators, in their last stand, attempted to insist that the Turkish authorities should be required to inform the local councillor before they proceeded to arrest a foreign national; but the Turks victoriously carried even this final position, and it was decided that, when an arrest had been effected, the councillor should be informed of the accomplished fact as expeditiously as possible.

(v) (6) *The Protection of Minorities.*

The problem of protecting minorities was simplified by the almost complete extrusion of the Greek minority from Turkey, which was sanctioned after the event by the Graeco-Turkish Convention for compulsory interchange which has been described above. As far as the issue remained a practical one (as it still did in several important areas of Greece and Turkey, such as Western Thrace and Constantinople), it was settled at Lausanne on the lines of the minority clauses or treaties imposed, after the European War, upon defeated or aggrandized States in Europe, and not on the lines of the traditional Middle Eastern 'Millet' System which had previously prevailed in the Ottoman Empire. Superficially, the loss of the cultural autonomy of the 'Millets' was as heavy a blow to the minorities as that of the extra-territoriality of the Capitulations was to the foreign colonies. In the one case, however, as in the other, the theoretical status was of doubtful value in itself, while the actual situation had already been transformed by a process of historical evolution, of which the juridical revolution was a consequence and not a cause.

(*d*) *Signature of Peace.*

The Treaty of Lausanne was actually signed on the 24th July 1923 (almost three years after the signature of the Treaty

of Sèvres), and was ratified by the Great National Assembly of Turkey at Angora on the 23rd August of the same year. Many of the arrangements discussed above were provided for, not in the principal instrument, but in a number of conventions and protocols signed by some or all of the parties, partly during the first and partly during the second session of the Lausanne conference. Certain questions were disposed of in unilateral communications, the most important of which was the Declaration regarding the administration of justice in Turkey made by the Turkish delegates on the same date as the signature of the Treaty. On further points, the interpretations or intentions of one party were elucidated in letters addressed to the other parties. Finally, in regard to several economic and financial matters (among them the question of the currency in which the foreign bondholders of the Ottoman Debt were to be paid) the heads of the Allied Delegations formally reserved their right to reopen the issue should their Governments fail to be satisfied by the Turkish Government's action. These, however, were small matters compared with those on which formal and precise agreement had been reached; and the Treaty of Lausanne, with its Annexes, seemed destined, in all human probability, to inaugurate a more lasting settlement, not only than the Treaty of Sèvres, but than the Treaties of Versailles, St. Germain, Trianon, and Neuilly. At first sight this judgment might appear paradoxical in the case of an instrument which had been so tardily and laboriously constructed, and which bore in its text such conspicuous marks of its painful gestation. But closer consideration might suggest that the very difficulties which had attended its birth were the best guarantees of its vitality. The preceding treaties were easily and rapidly drafted in comparatively logical form because they were the work of one party only and were imposed by the victors upon the vanquished without negotiation. In other words, they lacked the essence of diplomatic instruments, which is that they should embody adjustments between two or more programmes and points of view. The merit of the Lausanne Treaty (with all its obvious imperfections) was that it represented an agreement between the principal parties concerned, in which each had to make sacrifices and bear disappointments but none was subjected to impossible commitments or intolerable humiliations.

The Turks substantially secured their national independence and sovereignty within their ethnographic frontiers. On the other hand, the liberation of the ex-Ottoman Arab provinces in Asia completed the liquidation of the former Ottoman Empire by exempting the last non-Turkish majorities from Turkish rule (with the exception of certain Kurdish populations which remained, and others which might be reincluded, within the Turkish frontiers). Of all the parties concerned, the minorities lost, or stood to lose, the most; but the violent catastrophes (massacres, exoduses, deportations, epidemics, and beggary) which had overtaken them were the consequences, not of the Lausanne settlement (which was subsequent to these calamities), but of the disastrous policy of the Principal Allied Powers during the four years following the Armistice. In point of status, the minorities were in any case bound to be affected by the redistribution of the Near and Middle East into national states—an inevitable process for which particular governments or statesmen were not responsible. The 'Millet System' and the 'Capitulations' were anachronisms which could not last, and in the Treaty of Lausanne, with its Annexes, their disappearance was recorded. It should be noted, however, that both the native non-Moslem communities and the foreign commercial colonies retained their juridical autonomy in matters of 'personal statute'; that the rights secured to the native minorities were now placed, with Turkey's consent, under the auspices of the League of Nations; and that foreign residents were guaranteed exemption from military service, forced loans, and capital levies.

The best augury for the success of the Treaty was the spirit in which it was received on both sides. Inasmuch as it registered a melodramatic discomfiture of the Principal Allied Powers within less than five years after their apparently overwhelming triumph in the European War, the late victors might have taken it with a bad grace as a bitter humiliation, while the victors of the moment, with their sympathizers in other parts of the non-Western world, might have exulted over it as a first success in a counter-offensive against the existing ascendancy of the West. Happily, however, the long-drawn-out negotiations, wearisome and at times exasperating though they were, had the effect of damping down the war-spirit and of calling out much-needed reserves of rationality and moderation.

In the allied countries it was frankly recognized that the Turks had scored a success and that it would be undignified, as well as impolitic, to grudge them the fruits of it. At the same time the Turks admitted, to themselves no less than to the world, that the harvesting of these fruits in the social and economic field would be a more difficult task than their political and military achievements, and that the latter would be barren unless they were followed up with unremitting determination. The better feelings which at this time prevailed on either side were felicitously expressed in a statesmanlike message from the Agha Khan (who had been present at Lausanne during the last phase) to the Moslems of the British Empire and the world. At this momentous stage in their relations, both West and East thus showed a disposition to profit by their recent tragic experiences in common, and to shrink from further provoking the Envy of the Gods.

TREATY OF LAUSANNE (24 JULY 1923) RATIFIED BY TURKEY, 23 AUGUST

TERRITORIAL ADJUSTMENTS MAINLY IN EUROPE. *Certain Aegean Islands.* The decisions taken with respect to cession to Greece in 1913–14 (*v.* p. 40 n.) are confirmed with some exceptions.

Greece obtains Mytilene, Chios and Nikaria, Lemnos and Samothrace. (Articles 12–13.)

Turkey receives Imbros and Rabbit Isles. (Article 14.)

Italy (*v.* p. 31 n.) obtains the Dodecanese (Article 15), including Rhodes, Astropalia[1], Calki, Scarpanto, Casos, Pscopis[2], Misiros, Calymnos, Leros, Patmos, Lipsos, Sini (Symi) and Cos and adjacent islets, and Castellorizzo.

Bulgaria's frontier is readjusted as compared with the Treaty of Neuilly.

Greece's frontier stops at the Maritza.

DEMILITARIZATION AREAS. Straits Convention. (24 July 1923, annexed to treaty).

Thrace. A demilitarized zone stretches from the Aegean between Makri and Ibrile Burun to the Black Sea between Ambaler and Serbes Burun.

The Straits Area. Following are demilitarized.

(*a*) The Constantinople area on both European and Asiatic shores of the Bosporus.
(*b*) All the islands of the Sea of Marmara except Emir Ali Adas.
(*c*) The European and Asiatic shores of the Dardanelles (area reduced from Treaty of Sèvres).
(*d*) Samothrace, Lemnos (both Greek); and Imbros, Tenedos, and Rabbit Isles (all Turkish).

[1] Also known as Stampalia. [2] Also known as Tilos.

CHAPTER I

THE NEAR AND MIDDLE EAST

PART III

THE EMERGENCE OF ARAB NATIONALISM

A. GREAT BRITAIN AND THE ARABS UP TO THE ARMISTICE OF THE 30TH OCTOBER 1918

1. *Beginnings of Arab Nationalism.* The relations of Great Britain with Arab peoples have been for a century more frequent and intimate than those of any Power except the Ottoman. In the Arabian Peninsula during that period hers were the only territories held by a Christian state, the only foreign Protectorates, and the only effective foreign treaties with native rulers. The three adjacent seas were acknowledged peculiarly her sphere, and habitually were patrolled by her warships alone. With Arab-speaking peoples outside the Peninsula her relations were, of course, less exclusive. France has long ruled or occupied large Arab or Arabised provinces in Northern Africa and one smaller district on the western Red Sea coast, while at the same time she has observed a protective attitude towards certain Syrian communities, and others less important in Northern Mesopotamia. Italy imposed herself a generation ago on Arab elements in Eritrea, whence her influence passed over the Red Sea to the Yemen coast; and subsequently she annexed a North African province. While Germany hardly affected Arabs except through a Turkish medium, and Spanish relations with them were confined to Moorish territory, Holland and the United States must be reckoned Powers with Arabian interests, though both were concerned with Arabs chiefly as immigrant aliens. Since Great Britain, however, could set off against all these interests those created by her occupation of Egypt, by her East African Protectorates, and by a diplomatic position hardly less important in Syria than that of France, and much more important in Mesopotamia, the balance on the whole account remained greatly in her favour.

On this account primarily (secondary reasons co-operating) the first fomenters of Arab Nationalism were disposed to seek support from Great Britain before applying to other Powers. Arab Nationalism is of recent growth. Though the individualistic instinct of the race and its intolerance of any but a minimum of administrative control have manifested themselves in word and deed ever since the establishment of the Ottoman Empire south of the Taurus, they did not find expression in terms of nationalism before the present century; nor, when they had begun in an unavailing regret for lost spiritual primacy with an ideal, rather religious than political, did they foster cohesion or beget a programme of action until 1908. The general call by the young Turks to constitutional liberty was misinterpreted in Syria as licence for racial and local groups to decentralize themselves and take in hand their own local government. Of what followed—of the formation of Arab committees with headquarters at Constantinople or Damascus or Beirut and branches in the Arab provinces; of their formal suppression one by one at the hands of the Turks during the years 1909 and 1910 till, after the Balkan War, little more survived of the movement than a secret understanding among Arab officers in the Ottoman Army and a freemasonry of discontent among Arab intellectuals, landed notables, tribal and family chiefs, and ambitious men of substance—of all this it is needless to speak further here, since through lack of single aim, of effective organization, and of strong leading, nothing practical came of it before the outbreak of war in 1914. Moreover, thanks to energetic measures which the Turks proceeded to take during the following year in Syria, no revolutionary organization that existed there before 1914 was able to exert any influence worth mentioning on the course of the War or to further appreciably the ultimate victory of the Arab cause.

2. *First steps in the War, 1914.* Nevertheless, these abortive Syrian activities, like those also of a stillborn nationalist movement in Lower Iraq, initiated contemporaneously by Seyyid Talib en-Nakib of Basra, had important indirect results. Advertising the existence of widespread Arab discontent, they caused representatives of Great Britain and France in the East to take cognizance of an Arab factor in the Eastern Question. In particular Lord Kitchener and his staff in Egypt—the land which offered the readiest asylum to Syrian malcontents—had

their attention so directed. During the spring of 1914 Abdullah, second son and Foreign Secretary of Husein, Emir of Mecca, while on a visit to the Khedive, made the British Residency aware of his father's desire for administrative autonomy in his Sherifate, where, a year before, Talaat and the Committee of Union and Progress had begun to take measures to increase central control. Lord Kitchener, therefore, who had long been concerned about German penetration of the Ottoman Empire, was already contemplating the possibility of an autonomous Arabia between Teutonized Turkey, on the one hand, and Egypt and India on the other, before war was so much as dreamed of. Nor should it be forgotten that the Syrian committees, by provoking Jemal Pasha to the drastic purgation, which, in 1915, filled Emir Husein's antechamber with refugees and his heart with mingled pity and fear, started the chain of cause which was to eventuate, in 1916, in the outbreak of the Hejaz revolt.

(*a*) *First negotiations with Emir Husein, 1914.* In August 1914, a prospect of Turkey actively joining the Central Powers was not overlooked; and as the weeks brought ever fresh news from Ottoman provinces of mobilization and popular hostility towards nationals of the Allies, Lord Kitchener foresaw a day approach when the Moslem world would be summoned by the Caliph to wage Holy War upon British, French, and Russians. Should this call evoke a general response, grave trouble would arise both in Africa and in the Indies. Bethinking himself, therefore, of Nationalist or Separatist feeling in the Arab block, which divides Turkish Moslems from those controlled by ourselves and France, and desiring to procure a religious counterpoise to the Caliph's call, sufficient to prevent local religious sentiment from overriding political ties, he decided to invite the Holy Arab Cities to abstain from such *jihad*. In the first days of autumn, Abdullah received a message of inquiry about the intentions of Husein, should *jihad* be proclaimed, and a hint of mutual advantage that, in the event of the Ottoman Empire becoming involved in the War, might result from co-operation of Hejaz with the Allies. The reply, received on the eve of Turkey's declaration, committed Husein to no positive action, but indicated that he would take, of his goodwill, no measure in the Turkish interest. On the next day, when Turkey had come into the War, an assurance was sent to

Husein of our support of his dynastic independence, and our readiness to assist in the liberation of the Arabs, subject, in his case and theirs, to active participation on our behalf. A month later an unequivocal promise from Husein, that he would abstain from helping our enemy, dispelled all present fear of the Holy Cities endorsing the Holy War.

There the matter was to rest awhile. Until many months later no communication passed between ourselves and the Emir. We, for our part, found no good occasion to press him to develop his benevolent neutrality into active co-operation. He, for his part, had to test, by letters and embassies, the temper and intentions of other Arab leaders, and also was minded, before burning his boats, to watch the progress of our war with Turkey, for which purpose he had sent his third son, Feisal, to Syria and to Constantinople. For the moment he filed our pledges, the one given to himself, and the other, as he interpreted it, to all of Arab race in Asia, and not merely Arabs of the Peninsula. Though later communications from London made it evident that, in fact, those responsible for framing the second part of our pledge had not in view the Arabs of Asia outside the peninsula any more than those of Africa, the wording justified Husein's interpretation, and sowed seeds of misunderstanding not only with him and with our Allies, but also with the Government of India.

(*b*) *Government of India negotiates with Sheikh of Koweit and Ibn Saud, 1915.* The Government of India hastened to take similar measures to detach powerful Arabs of the Peninsula from the Holy War. The Sheikh of Koweit was encouraged to repudiate his nominal, and always unwilling, allegiance to the Turkish Sultan; and our Agent at his court, Captain Shakespear, went up to Riadh, to use persuasion with Abdul Aziz ibn Saud. Before his hapless end on the 24th January 1915, Shakespear learned that Mecca was consulting Riadh about the propriety of passive resistance to the *jihad* summons. Like Husein, Ibn Saud had been initiated some time before this date into the councils of the Syrian Arab Movement; and by expelling the Turks from Hasa and Katif, in 1913, he had manifested willingness to take action in its cause. Latterly also he had been solicited by Seyyid Talib to support Nationalist action in Iraq which might forestall a foreign occupation. He was, therefore, not likely to take the Turkish side in any event. In the first

week of November 1914, the Government of India proclaimed to the Indian Moslems that the Arab and Mesopotamian Holy Cities (with express inclusion of Jiddah) would remain outside our operations of war. Such an unconditional pledge, going farther than the policy already formulated by the Imperial Government, was modified ten days later by an instruction from London that no operations were to be attempted in Arabian territories by our sea or land forces, except at the request of, or in co-operation with, local Arabs. A proclamation followed, which was circulated in Egypt and the Sudan. It recited our ancient friendship towards Arabs, and pledged its continuance provided they should take no hostile action. The distribution of this declaration, by sea-planes in Hejaz and by aeroplanes in Palestine and Syria, was discontinued some months later on representations from Husein to the effect that the papers fell among illiterate men, who, carrying them for interpretation to enemy quarters, found themselves punished for unlawful possession.

(*c*) *Plans in the West. Syria and Alexandretta, 1915.* A strategic plan for detaching the Arab-speaking from the Turkish-speaking lands was ready when Turkey entered the field against us, and preparations for military offensives on both their western and their eastern flanks were in hand. No Arab leader, however, not even the Emir of Mecca, was made party to this plan. On the west, it was not proposed that Syrians or other Arabs be armed or encouraged to rise, until the main Turkish forces should have been penned back by an Allied landing in the district of Alexandretta: otherwise local populations, committed to rebellion, might rush into premature action. Our consideration in this matter was to avail them little in the event: for, when the landing at Alexandretta had been abandoned in deference to French objections, and the Turkish High Command had learned what might have been, such drastic treatment was dealt out to all Syrians suspect of Nationalism that any possibility of a serious rising was eliminated.

(*d*) *Indian Government and Mesopotamia.* On the eastern flank, however, the plan was realized. Here the native population, for geographical reasons, could not be screened by a zone of British military occupation and left to work out its own salvation; and the direction of policy and of operations fell naturally into the hands of the Government of India, which used troops not expected to accord well with Arabs, and was

unwilling to renounce in advance the territorial rights of military conquest. Therefore, native co-operation was not invited, except in the maintenance of peaceful order behind our war-front; an offer by the Muntafik chief, Ajeimi, to take and hold Basra for us was ignored; and Seyyid Talib, waiting at Koweit, was advised that India would be a safer residence than Iraq. Thereupon Ajeimi and numerous Bedouin elements took part, though half-heartedly, in Turkish operations for the recovery of Basra. Subsequently the risk of arming the tribes with weapons of precision was considered greater than the value of their military co-operation; and it was not till after our capture of Baghdad, and then only in the western desert fringe, and with a view not to our Mesopotamian operations but to the ultimate reduction of Medina by famine, that Bedouin elements were encouraged to fight. The missions of Colonel Leachman, and others, had a consistently sedative and contra-propagandist purpose, which was fulfilled if the tribes behind our front remained passive, while those ahead were still hostile. No suggestion of ultimate sovereign independence was ever conveyed to the Mesopotamian Arabs by anyone who conducted our operations or administered territory in our occupation; nor, in our proclamation issued upon the fall of Baghdad, was anything foreshadowed beyond self-government under tutelage. This Indian policy, however, though it could be, and was, consistently carried out in war-time, was inconsistent with the recognition of Arab solidarity to which the Imperial Government had assented already, and continued more and more to commit itself, as will be seen.

3. *British Commitments, 1915.* In the spring of 1915 Great Britain was still free from any obligation to assist Arabs in warfare against Turks: but she was no longer free from obligations to recognize Arab independence, whenever and wherever it should be self-established, and, further, to accept the substitution of an Arab Caliphate for the Turkish, if the Moslem world were to pronounce for it and bring it to pass. In the Arabian Peninsula, in particular, she had committed herself to the establishment and support of an Arab sovereign state, controlling the Holy Cities. All these commitments, announced already to the Arab world in November 1914, were confirmed by the distribution of a second proclamation in the following June. From this position to active alliance, was but a short

and inevitable step; and in more Arab quarters than one we had betrayed already our desire and intention to take it. This aim was manifested not only in the conditional clause of the Imperial Government's undertaking with Husein of Mecca, but also in the Indian Government's conversations with Ibn Saud; and this latter government advanced a step farther by the negotiations which it authorized the Aden Administration to initiate first with a prominent sheikh on the Yemen border, Mohammed Nasir Mukbil of Mawia, and next, with Mohammed el-Idris (commonly called Idrisi), prince of Sabbia in the Asir Tihamah. Apprehensive (with good reason) of a Turkish invasion of the Aden district, and even of attack on the weak garrison of the port, the Government of India had desired to enlist on our side the Yemenite Imam, but deferred negotiations to a more favourable opportunity in view of his known Shiite fanaticism against all Christians, and his recent accord with the Ottoman occupiers of his land. Idrisi, less potent, but more ambitious, not only had been lately at war with the Porte and its loyal Asiri tribes, but subsequently had rejected Turkish overtures, among them one from Enver Pasha himself, conveyed in a special letter written in December 1914. When, in early April 1915, the Government of India, without previously consulting those concerned in negotiations with western Arabs, ratified a treaty with this Arab, under which he agreed to attack the Turks in the Yemen Tihama and we to protect his coasts the while, it went the whole of the way; and as no more than a natural consequence Aden proceeded to supply Idrisi with munitions of war.

(*a*) *Arrangement with Ibn Saud.* With Ibn Saud the relations of the Government of India developed only a little less quickly to the same end. The conversations interrupted by Shakespear's death were resumed, and in November 1915, were crowned by a treaty of alliance signed at the port of Ajer. In consideration of a guarantee of his territories against all external aggression, Ibn Saud undertook to have the same friends and the same enemies as Great Britain, and in foreign relations to await her sanction. In all its explicit provisions this treaty followed the model of pre-war Gulf pacts: but the circumstances under which it was made implicitly committed both parties to active co-operation against the common enemy in being.

(*b*) *Husein's letter, August 1915.* Three months before it was

signed, other steps had been taken towards what was to prove our final and comprehensive commitment to military alliance with Arabs. In the early days of August 1915, a letter written in July by Emir Husein came to hand at Cairo. The attitude assumed by the writer and the proposition that he made were equally unexpected. Husein, claiming to speak for an Arab Nation-to-be, asked Great Britain to acknowledge the potential sovereign independence of all the Arabs of Asia from the Indian Ocean to the 37th parallel N. latitude, and from the Red Sea and Mediterranean shores to the borders of Persia, Aden territory alone excepted. This overture had been inspired, and the nature of its terms had been determined (as we learned in due course), by Syrian exiles at the Sherifian court, who prevailed over doubts excited by Feisal's report of our ill-success in Gallipoli, by appealing to the natural sympathies of Husein for Syrian distress, and to his fears lest Ahmed Jemal Pasha's reign of terror might reach Hejaz. If there was to be any Arab Nation to be made, or a prince of the Abadilah House to make it, little time was to be lost.

This letter, with its proposed extension of the War into a remote and peculiarly inaccessible theatre of operations, and its claim that Arab sovereignty be recognized outside the Peninsula in areas which, in the event of even complete victory over the Turks, were unlikely to be at the free discretion of the British Government, caused much searching of hearts. On the one hand, stood the obligation created by our own earlier overture to Husein himself, as well as our fear of an extension of the *jihad*, recently revived by certain effects of the ill-success of our arms in the Eastern theatres, and also a new doubt for the safety of the Red Sea route. On the other hand had to be weighed the undefined but lately reasserted French interests in Syria, and also the declarations and intentions of the Government of India in regard to Mesopotamia. A temporizing reply served only to draw from Husein an emphatic reiteration of the Arab territorial claim, which, as he held, we were unsympathetically ignoring. But, by the time this second letter came to hand, arguments in favour of encouraging him to revolt had been reinforced by information that, if we did not grip the Arab Nationalists, and especially the Arab party among Ottoman officers, the German advisers of Turkey would do so.

(*c*) *The British Reply, November 1915.* Since, however,

conversations with the French Foreign Office about the prospective status of Syria, in the event of an Allied victory, were already contemplated, any encouragement of Husein had to be tempered with reservations. Our reply reached Mecca early in November. It conveyed the most definite commitment into which, up to that date, Great Britain had entered with Arabs. While it explicitly ruled out of the negotiations all the Turkish-speaking districts which Husein had claimed as Arab, and all Arab societies with whose Chiefs we already had treaties—while, further, it reserved to French discretion any assurance about the independence of the Syrian littoral, or the freedom from tutelage of the interior, i.e. the districts of the four towns, Damascus, Homs, Hamah, and Aleppo—while, by reserving other Arab regions in which France might prefer peculiar interests, it left the Mosul district and even, perhaps, Palestine, in doubt—while, finally, it stated expressly that no guarantee for the unconditional delivery of either Lower or Upper Iraq to the Arabs could be given by us;—in spite of all these reservations and exceptions it recognized an Arab title to almost all the vast territories which Husein had claimed, including Mesopotamia, and therein promised our support to Arab independence, subject only to limiting but not annulling conditions. This our recognition and support was to depend, of course, on abstention by the Arabs from helping the enemy's side and on their positive co-operation with ours. An offer, which the Emir had made, of exclusive commercial advantages to Great Britain, was ignored in favour of a stipulation that the future European advisers of the Arab independent states should be only British. This last condition also was allowed eventually to lapse *sub silentio*.

Husein lost no time in nailing to the counter our acknowledgment of a prospective Arab title to Iraq. On behalf of the Arab Nation he agreed to an indeterminate British occupation of so much as was in our hands at that moment—i.e. part of Lower Iraq only—but against a compensatory payment, whose amount and term should be settled later. He agreed to nothing about Upper Iraq, and to none of our reservations about Syria or Palestine; and during the interval which had still to elapse before the Revolt, he would never budge from his original position, but on the contrary took every occasion to insist on the integrity of the Arab national claim to those lands, conceding

only Cilicia to our insistence that it was Turkish. Beirut in particular, he protested, the Arabs would never dismiss from their case. We, for our part, neither modified our reserves, nor gave them greater precision. At the end of the year Husein, convinced at last that territorial questions were insoluble at that stage of the war, wrote to put them aside against the hour of an Allied victory, asking only for a pledge that Arab belligerents should not be deserted by the Allies in the conclusion of peace, and for financial and other help towards his preparations for action. These requests were agreed to; and, with a last warning that in peace Great Britain would regard her obligations to France with the same eyes as in war, Husein was left to pick his day for revolt.

4. *Effect of Husein's move on French policy; Russian attitude, 1916–17.* The importance of this negotiation was not limited by its definite commitment of Great Britain to co-operate in an Arab rising. Questions of Arab title, however imperfectly they might have been determined, were bound, by the mere fact of being raised, to affect others than the Arabs and the Turks. In fact they did affect two governments, which had taken no direct part in the negotiation, the Government of India and the Government of France. That the policy of the first in its Mesopotamian sphere was compromised irretrievably by the Imperial Government's admission of Lower and Upper Iraq into negotiations with a professed spokesman of an Arab Nation, was sufficiently obvious. It did not fail to evoke a protest from Simla. As for the French Government, a new Arab factor was introduced into the conversations with Great Britain about Syria, which had already been long contemplated and actually began in November 1915. Though the possibility of a successful Arab rising under Husein was minimized in those conversations, and the probability of any rising in Hejaz taking effect upon Syria was ignored, an Arab claim to some measure of independence in Syria could not but be envisaged. In the event, while the conversations began and ended with an assumption that the French had an indefeasible right to exclusive paramountcy in all Syria north of Palestine, and resulted in recognition of a similar paramountcy for British influence south of the French limit, an Arab right to independence under varying degrees of tutelage, whether by one Power or by all the Powers, within those zones, as without

them, was conceded explicitly or implicitly by both parties. In the Agreement, in which the conversations issued after their conduct had been delegated to Sir Mark Sykes and M. Georges Picot on the 16th May 1916, the Russian Government having become a party, the three governments engaged mutually to support and recognize an Arab National State in the interior of Syria with probable centre at Damascus, whenever established by the Arabs themselves.[1] This Agreement was signed in May 1916, when the actual outbreak of an Arab rising was still uncertain and seemed remote.[1] In the following year Russia ceased to be party to it and published its terms. Husein and the Arabs generally would hear of it for the first time in December 1917, and then not unnaturally protest that, since they had not been privy before belligerence to an Agreement determining the political status of a section of their nationals, they could not be expected to subscribe to it after bearing a part in their own liberation.

5. *Husein's Revolt, May 1916.* The situation as between the Allies and the Arabs remained static far into 1916. On the one side great difficulties were encountered in our effort to supply Husein with the means of warfare; when spring was far advanced, nothing like adequate munitions had been introduced into Hejaz. On the other side, Husein continued to presume (though without warrant of any kind) that, previous to action on his part, the Allies proposed to land in Syria. He declined to forecast any precise date for his own rising, and, as we had reason to know, had received from his son, Feisal, discouraging reports (well enough founded) of our progress in the Eastern theatres of the War. The only steps taken by him during this period, which signified a will to action, consisted in some preparation of the Bedouin tribes owing allegiance to his Emirate, and of the minds of the Meccan townsfolk; and in tentative, and ultimately abortive, overtures to Idrisi and to the Imam Yahya of Yemen. In March he asked unexpectedly that our blockade of the Hejaz coast be more rigidly enforced, in order that his people might be persuaded more quickly of the price they were paying for sufferance of the Turk. But by May 1916 it had become very doubtful whether he would be

[1] For fuller treatment *v.* above, Chap. I, Part I, §§ 6–8, cp. R. S. Baker, I, 75, who says the French did not know the terms of the Husein Agreement till March 1919.

able or willing to take the field within any interval during which his active co-operation would serve the purposes of our warfare.

With surprise, therefore, Cairo received, late in May, from a patrol-ship in the Red Sea, a telegraphic message to say that Husein's hour was at hand, and his son, Abdullah, must meet British representatives at once. These, hastening in a cruiser to a desert shore south of Jiddah, found not Abdullah but his youngest brother, Zeid, and learned that not only had the elder son already gone to collect the tribes, but the two other brothers, Ali and Feisal, were closing on Medina. The raising of South Hejaz was timed for the third day. The die was cast and the British officers were to be consulted only about the future, about immediate reinforcement of Husein with funds, supplies, and munitions of war—to procure which, inclusive of batteries with Moslem crews, he was assured that no pains should be spared—and about Allied co-operation in Syria, of which no immediate prospect could be held out. The motive of Husein's sudden resolve was said to be news of large reinforcements in Medina. Later, more was learned about these. The Ottoman Command, advised by its Allies to turn to better account the strong position gained a year previously by Ali Said Pasha over against Aden, had enrolled a picked expeditionary force, which was to march south through Hejaz to Yemen. With it started a party of Germans, expert in wireless telegraphy and propagandist work, who might extend operations to East Africa. Jemal Pasha, however, by forbidding these Christians to approach the Holy Cities, obliged them to detrain at el-Ala and go down to the coast. There, unable to proceed by sea, they tried to pass south by land, but got no farther than Yambo. Now, as detachments of the expeditionary force appeared one after another in Medina, Ali and Feisal warned their father that the garrisons in South Hejaz might shortly be so strengthened as to preclude all successful revolt; and on this advice Husein took his action.

(*a*) *First stage, May to September 1916.* The course of the Hejaz Revolt is not our concern here. It is hardly necessary to insist that, although Husein, in seeking a personal as well as a national interest, chose his own time, used at the first only his own personnel, and repudiated our control, he was instigated and encouraged by us to rebel in our interest. And he maintained his rebellion even when disappointed of the Allied co-operation, which he had looked for in the northern Arab lands. It is less notorious, but not less true, that he and his sons were constantly

exhorted by us to promote the expansion of their local revolt into a pan-Arab rising. As time went on, their forces were more and more equipped, directed, and guided by us towards a goal outside Hejaz, till in the end Feisal came to command what was a flying right wing of Allenby's invading army in Palestine and Syria. To the first phase of the Revolt, which ended with the fall of Taif, and the Pilgrimage of September 1916, it is true that we rendered little direct assistance, beyond supplying funds, stores, and munitions: but, nevertheless, it should not be forgotten that our naval guns and planes co-operated with the Sherifian forces at Jiddah, two Egyptian batteries from the Sudan helped to reduce both Mecca and Taif, and our ships not only enabled Husein to occupy Lith and Yambo, but also assured his main base at Rabegh, where British and French officers acted on shore as agents for supplies. Moreover, through the British representative at Jiddah, projects for operations on the confines of Syria and for inciting Arabs outside Hejaz to join the Movement were propounded without any intimation being given to Husein that he should confine his own aims and activities to his Emirate.

(*b*) *Second stage, September 1916 to January 1917.* In the second phase of the Revolt, which ended with the occupation of Wejh in January 1917, less was said to Husein about Syrians or other Arabs outside Hejaz for a threefold reason. First, because temporary danger of local collapse had discouraged in both parties thoughts or plans of wider movements: second, because Husein's own conception of his future relation to the Arab lands grew embarrassingly imperial (on this account the Allies refused to recognize in November 1916, his self-conferred title of King of the Arabs, and restricted him to the Kingship of Hejaz): third, because as our own advance towards Palestine progressed that autumn after the battle of Romani, we ceased to contemplate a Syrian rising as essential to our success. On the other hand, our direct control of and participation in the Sherifian operations, and our direction of them northwards became more patent during this phase. Aeroplanes with British pilots, for which Husein asked at the beginning of August 1916, were flying inland from Rabegh in December. In response to requests from Feisal early in September, and subsequently from his father, a British brigade was all but embarked for Rabegh: a project for a British occupation of Akaba was long and seriously contemplated: and direct liaison with Feisal

through Colonel T. E. Lawrence resulted in the northern Arab army being supplied for a northward advance which originally had been suggested by ourselves. We ensured its success by naval operations at Wejh: and, once Feisal was established there, we steadily increased our contribution of British, French, and Egyptian personnel, and watched complacently his negotiations for eventual extension of the Revolt to the Syrian borders.

(*c*) *1917.* In the two following phases, which saw the Sherifian head-quarters moved ever northwards from Wejh to Akaba (August 1917) and from Akaba to the neighbourhood of Maan, where they remained till the summer of 1918, the control of the Revolt fell more and more into our hands. British and French officers were advising all the Sherifian leaders; they accompanied and directed the raids upon the railway; they fought in cars and aeroplanes; and it was on British advice that Akaba was seized as a base from which touch with our Palestine army might be established. There a large camp was formed practically under British control; thence went inland detachments of British, British-Indian, and French-Algerian troops to fill gaps in Feisal's effectives, officers to serve on his staff, and British camel-corps to render the railway south of Maan once for all useless to the Turks. There too, with our full knowledge, active measures were taken, from October onwards, to bring Syrian tribes into the field. The area of Sherifian operations was extended into Trans-Jordan; the help of Sherifian tribes was requested for Allenby's movements across the river; and plans were concerted between his staff and Feisal's for co-operation in a decisive thrust towards Damascus. That these plans were acted upon in the fifth and final phase of the Revolt is known to every one from the dispatches of our own Commander-in-Chief. Feisal's force was deputed to deal with one enemy army, while Allenby dealt with the rest, the Arab operations up to the Arab occupation of Damascus on the last day of September being carried out step for step in accord with a general plan, formed and rendered feasible by ourselves.

(*d*) *1918.* It was not, however, only the commanders of Allied military and naval forces who committed us to an identification of the Sherifian cause with Arab Nationalism in general. Although the Allied Governments maintained silence till 1918 about the Tripartite Agreement of 1916, and habitually ignored in their communications with Husein his pretension to a determining interest in the future status of more than Hejaz,

their diplomatic representatives admitted the subject of Syria into more than one conversation with him, and gave to him as spokesman of his Nation certain provisional undertakings about its future and that also of Mesopotamia. Moreover, before Feisal's forces had penetrated beyond the Bekaa, we communicated to certain representative Syrians in Cairo an assurance that, subject to unspecified interests of France, Great Britain would recognize Arab sovereignty in all places liberated by Arab (i.e. Sherifian) arms during the War. These last words were interpreted by the Arabs to convey a prospective as well as a retrospective pledge; and in virtue of them Feisal would claim in the event both Damascus and Beirut, and take hardly the refusal which we could and did base on the clause conditioning our promise as a whole.

6. *British commitments to Husein and Feisal.* In general terms, the import of this condition was known by this time to both Feisal and his father: for the Turks had taken care to pass on what they had learned in the previous autumn from the Russian revelation of the Agreement of 1916. The Arab leaders were aware also of the other limitation of ultimate freedom of action in Syria, to which Great Britain and her Allies had committed themselves by the Balfour Declaration of the 2nd November 1917, although it cannot be said that Husein understood its precise import.[1] The subject of Palestine was not raised specifically with or by him until he was already aware of both the Secret Agreement and the Balfour Declaration—that is, not before the end of 1917. Palestine had been claimed implicitly for the Arab Nation by his original manifestos in the autumn of 1915; and when in our final reply we had reserved districts west of Damascus in particular and also others in general, in which the French might prefer special interests, he may, or may not, have thought that Palestine was in our mind—if indeed it was so. Certainly he never withdrew his claim. But equally certainly he had foreseen throughout that his Christian Allies would stipulate for some exceptional treatment of that part of the Arab area; and when the Balfour Declaration was communicated to him officially, in January 1918, he took it philosophically, contenting himself with an expression of goodwill towards a kindred Semitic race, which he understood (as his phrase made clear) was to lodge in a house owned by Arabs.

[1] That Palestine should be 'a national home for the Jews'; *v. infra* pp. 137–38.

7. *Position at the Armistice, 30th October 1918.* When the Allied warfare ceased everywhere in the Arab area—not till three months after the general Armistice so far as Hejaz and Yemen were concerned—the position was this. The Turks had been evacuated from all districts (except Yemen, where some soldiers and civilians had transferred their allegiance, temporarily or permanently, to the Arab ruler). Of the princes who had ever admitted any sort of vassalage to the Porte, all were enjoying independence *de facto* and assured sovereignty. Three of the four, who had co-operated really or nominally in our war, namely Idrisi, the Sheikh of Koweit, and Ibn Saud, were severally in treaty relations with us, though all were not in accord with all. The last named, whose original pact with Great Britain had been expanded into an offensive and defensive alliance, was augmented in status by our recognition of a new title, Sultan, which we supported, under certain conditions, with a subsidy. Idrisi, who had yielded all north of Hali Point, with a bad grace, to King Husein, was compensating himself with expansion into the Yemen Tihamah. The fourth prince, Husein himself, was bound to us by no express Treaty; but he had entered into possession of the independent Emirate, which we had undertaken to recognize and to guarantee, up to boundaries beyond any within which his predecessors for many generations had exercised effective control. If, by the strict letter of International Law, all these sovereignties had to await confirmation by the Treaty of Peace, their validity in the future, as in the present, was not doubtful. Not so assured, however, was the status of the Asiatic Arabs outside the Peninsula. Their territories (except the perennially independent deserts) were being held in suspense under alien, if benevolent, military occupation. No Arab sovereignty was recognized yet in any part of the extra-peninsular Arab area; but provisionally, native civil administration was being suffered in inland Syria and Trans-Jordania. That this status of a part was no more than an instalment of what had been provided for all the Arab lands by the Secret Agreement of 1916 seemed to Arabs to lessen its worth as a recognition of their own share in the work of liberation. If so much was to have been done in the dry tree, what should be done in the green? To ask in effect this question Feisal went to Paris.[1]

[1] *v. infra* pp. 136–37 *sqq.*; and R. S. Baker, *op. cit.* I, 75–6.

CHAPTER I

THE NEAR AND MIDDLE EAST

PART III

EMERGENCE OF ARAB NATIONALISM

B. SYRIA AND PALESTINE

1. *Syria since the Armistice of Mudros, 30th October 1918*

1. *Boundaries of Syria.* Syria, like Macedonia or Albania, was before the War a term of loose application. It usually included Palestine and some territory east of Jordan. But since the War, more particularly since the Paris Peace Conference, the name Syria has acquired a more exact political meaning. Palestine, with Trans-Jordan or the territory east of Jordan, has become a mandated dependency of the British Empire, with a definite northern frontier. The western frontier of Iraq—another mandated British dependency—is also definite. So, too, is the southern frontier of Turkey. Syria at the present time, therefore, is the portion of Asiatic Turkey which has been placed under mandate to France, and is bordered by the Mediterranean, by Palestine, by Trans-Jordan, by Iraq, and by the new Turkey.

Such are the boundaries of modern political Syria. But in the present Chapter we shall, when necessary, refer to events and movements in the wider geographical and historical Syria covered by the name before the War.

2. *Agreements affecting Syria.* The history of Syria since the Armistice of Mudros (30th October 1918) is mainly a story of disappointed aspirations—of nationalist and racial ambitions circumscribed and repressed, though not entirely thwarted, by a secret agreement concluded between three of the Entente Powers as an unavoidable exigency of the War.

The provisions of this undertaking (the so-called Sykes-Picot Agreement of the 16th May 1916) [1] were adopted by the

[1] *v.* Chap. I, Part I, A, § 6, 7; pp. 13–19; for negotiations with the Sherif, *v.* Part III, A, § 3, pp. 123–27, 132.

Paris Peace Conference as forming a predetermined basis for the settlement of the regions to which the undertaking applied.

But Syrian history of the period has also been influenced by two other undertakings, or pacts. The first is that comprised in the somewhat loose series of promises given by Great Britain to the Sherif of Mecca in 1915. By itself it would have been entirely favourable to the realization of Syrian and Arab aspirations; but in combination with the subsequent Sykes-Picot Agreement the Arab prospects created by British promises were, to say the least, greatly confused and diminished. The other undertaking is the much better known Balfour Declaration of the 2nd November 1917, whereby the British Government declared their policy of creating in Palestine a National Home for the Jews. In spirit, if not in form, this Declaration recorded an understanding between the Entente Powers and world Jewry, and was an acknowledgment of support given or to be given by Jewry to the Allied cause. These various agreements and understandings broadly represent the degree in which Syria and the remainder of the Arab regions were inextricably involved in vital Allied interests—interests, let it be said, whose origins and existence date from a time far earlier than the outbreak of the War. Each agreement was a war-measure, called into being not merely, nor even chiefly, for the protection of the interests of individual Allies, but still more for the general purpose of securing Allied victory. Each has been dealt with elsewhere.[1] Suffice to say that but for them, but, indeed, for the Sykes-Picot Agreement alone, the whole course of recent Syrian history would have been entirely different.

3. *French and British policy in Syria.* The history of Syria during the period assigned to this Chapter begins with the Armistice of Mudros, when the whole country was in effective occupation of a British Army which had swept it free of Turco-German forces in one great campaign. Even the success of this campaign, a success of momentous advantage to the Allied cause, contributed to Allied difficulties in the ultimate settlement of Syrian questions. The same French sentiments, susceptibilities, and ambitions, which the Sykes-Picot Agreement had been designed to soothe or to satisfy, were grievously wounded by the fact that the conquest of

[1] *v.* pp. 13–18.

Syria was made by British arms. A French detachment, flattered by the courtesy title of a division, and a yet smaller Italian detachment, had displayed their respective flags under Lord Allenby's command. But nothing, certainly not the pretentious telegrams which appeared at the time in the French press, that the French 'Division' had taken Beirut, could dilute the plain truth that in the brilliant conquest of Syria France had taken an insignificant part. From the inhabitants of Syria, least of all, could this fact, so injurious to French prestige, be hidden.

French public opinion deluded itself with the fond notion that the majority of the inhabitants of Syria regarded France with love, and longed for French protection. The truth was that, apart from a number of wealthy Syrian families whose cultural home was Paris, the greater proportion of the mixed population of Syria distrusted and disliked both France and the French. They might be divided, as indeed they were, in the form of their political aspirations. For some favoured complete Syrian independence, some independence as part of an Arab Confederation, and many others pinned their hopes on a period of benevolent protection by Great Britain. And even among those who rejected foreign control, the majority, at least, turned towards Great Britain for sympathetic support and protection rather than towards France, for reasons that it is needless to analyse, or to emphasize. Suffice to attribute this preference to the personal knowledge of the Syrian people that a great and victorious British army had just passed through their country as deliverers, and to the successful Arab movement in the Hejaz for independence which had been fostered by British promises to the Sherif of Mecca (now King Husein of the Hejaz), and made possible by generous British support in gold, arms, munitions, and food extended to their Arab Allies.

4. *Relations with the Sherif of Mecca.* The manner in which this Arab movement was brought into close relationship with the movement for Syrian independence calls for a few words at this point.

In moving their troops northward to the head of the Gulf of Akaba, in July 1917, and thence towards Syria, King Husein of the Hejaz and his son, the Emir Feisal, were actuated by a clear and definite policy. Their ultimate

aim was the creation of an Arab Empire extending from the Red Sea to Persia and from the Yemen to the Mediterranean. But this grandiose scheme, as they knew well, could not be realized, if at all, for many years. It must, at best, be preceded by an intermediate stage, which, they believed, might be within their power to attain at the conclusion of the War. Their immediate aim, therefore, was to secure the establishment of independent Arab States covering the Arab regions which had been, or still were, under Turkish rule, and to unite these states in a Confederacy under King Husein as Suzerain, or perhaps as Sultan.

The Hejaz was already an independent sovereign state. Great Britain was pledged by her undertakings to the Sherif of Mecca to 'recognize and support' Arab independence within certain areas which included the greater part of Syria. British operations against Palestine and Syria, therefore, indicated plainly what the next step in the Arab scheme should be. From Akaba, onwards, the Arab army under the Emir Feisal was to cover the right flank of the British advance towards Syria. The Arab leaders sought at this stage to found in Syria another independent state, to be ruled by the Emir Feisal, a state that should include Damascus as capital and be. by population, wealth, and influence, the key State of the future Arab Confederation. With Feisal and his troops actually in Syria the Sherifian leaders hoped to realize this vital part of their ambitions. They knew of French designs on Syria, of French hostility towards this aspect of Arab nationalism, and they may have suspected the existence of the Sykes-Picot Agreement. But they hoped, at the conclusion of the War, to present France with the accomplished fact of a Syrian Arab State sufficiently consolidated and strong to render the execution of French designs difficult and unprofitable, if not altogether impracticable.

The terms of the Sykes-Picot Agreement were revealed to the King of the Hejaz by the Turkish enemy as the result of Bolshevik disclosures at the end of 1917. The Arab leaders were startled by the revelation; but their belief in the good faith of Great Britain wast strong, and the discovery did not affect their loyal co-operation with their British Ally. They became the more anxious, however, to obtain an actual footing in Syria, where they still hoped to defeat French aims

and prevent execution of the terms of the Agreement. They hoped, too, that Great Britain and France would fall out, and that, at worst, the Agreement would be revised.[1]

5. *Opinion in Syria.* But in Syria itself the execution of the Arab scheme was faced by difficulties. Various committees for securing Syrian independence existed and the aims of these did not altogether coincide with the aims of the Sherifians. Many Syrian leaders, in fact, were opposed to the idea of Arab domination. Educated Syrians regarded Arabs of the Hejaz as uncivilized tribesmen compared with themselves, and Sherifian rule as a danger to be resisted, even though the Emir Feisal himself was well known in Syria, where, before the War, he had many friends.

Among the Syrian population of Christians and Moslems the Christian element was almost negligible in political influence. The Moslems comprised two broad classes—the *intelligentsia*, and the remainder. The *intelligentsia* were lax in the profession and practise of their Faith, cosmopolitan in their interests, and filled with western political theories. As they controlled the press and were the writers in it, their views, as far as caution permitted, found general expression. From this class chiefly were drawn those who, by means of various committees, agitated for Syrian independence. But though active in political agitation and intrigue they displayed little readiness to incur danger or sacrifice in support of their views. They were most active in the safety of Cairo, Paris, Rome, and New York. They were industrious and vehement in prompting; but they looked to others to free them from the Turk—to England, to France, and, upon Syrian terms, to the Sherifian Arabs.

The remainder of the Syrian population were Arabic-speaking Moslems, ignorant, no doubt, but a people to whom their Faith meant something. They had decided leanings towards Pan-Arabism, some, even, towards Pan-Islamism. It was upon obtaining the support of this class, the largest element in the population, that the Sherifian leaders mainly depended for success.

6. *Feisal in Damascus, October 1918.* In this situation the Emir Feisal played his cards well. Before the British and Arab advance reached Damascus he had obtained the secret support of various Syrian committees. And his official entry into

[1] *v.* also Part III, A, §§ 5–6, pp. 28–32; and also pp. 131–33.

the ancient Syrian capital, on the 3rd October 1918, was exceedingly well calculated to impress the population and rally it to his side. After severe fighting, which had ceased outside Damascus only two days earlier, he entered at a gallop, at the head of 1,500 Arab cavalry shouting and firing as they went—he entered, in fact, as previous Arab Emirs of history had done, only that he came as a deliverer, at the head of Arab troops. After this dramatic introduction, and having first obtained Lord Allenby's sanction, he had the Arab flag hoisted over the city: his next important step was to nominate one of his Syrian Arab supporters, Ali Pasha Riza el Rikabi, as Military Governor. These two highly significant acts were thus officially explained in the House of Commons on the 31st October. Lord Robert Cecil:

'General Allenby was authorized on 1st October to allow the Arab flag to be hoisted at Damascus, and this has presumably been done. In accordance with the laws and usages of war the occupied enemy territory is under military administration. The Military Governor of Damascus, Ali Pasha Riza el Rikabi, is responsible to Lord Allenby.'

On the 7th October the Emir Feisal issued a proclamation to the Syrian people in which he announced, in the name of his father, King Husein, that an independent government, for the whole of Syria, had been formed at Damascus. The proclamation also stated that Ali Pasha Riza el Rikabi had been appointed Arab Commander-in-Chief; that the Syrian people must prove by their acts that they were worthy of independence; and that the new Government had its foundation equally in all Arabic-speaking peoples, whatever their race or faith.

Installed thus at Damascus under the Arab flag, and with a provisional Government professing to represent an independent Syria, the Emir Feisal ingratiated himself with the people, Christian as well as Moslem, and diminished opposition to his rule by adopting Syrians as his advisers and appointing them to places in the administration he was forming. He even obtained suitable Syrians from outside the boundaries of Syria. Educated Syrians found him, too, a figure and personality that disarmed their general prejudice against an Arab Prince from the less civilized interior becoming their ruler. His aim was to revive the ancient Emirate of Damascus; and in pursuit

of this purpose, satisfactory to Syrian Moslems and harmonizing well enough with King Husein's project of a Confederation of Arab States, the Syrian and Sherifian movements for independence virtually joined forces. So far the Sherifian scheme for Syria had gone well.

With the Emir established thus the British and French Governments concluded a convention on the 20th October, regulating the administration of the country during the British military occupation. Broadly, it provided for French administration being set up in certain areas, but under the control of Lord Allenby.

At this stage active hostilities between the Allies and Turks were ended by the Armistice of Mudros (30th October 1918). It found British troops in occupation of Syria and Palestine; and the Emir Feisal endeavouring to strengthen and consolidate his position, but anxious to avoid giving unnecessary cause of offence to the French; for with initial success had come a more accurate perception of the difficulties before him. He and his father still hoped, however, to prevent the French obtaining a definite footing in Syria.

7. *The Franco-British Declaration, 7th November 1918.* Syrian history now becomes for a time the story of a triangular struggle of conflicting interests. The story of the Emir Feisal's efforts to realize his ambitions; of French hostility to the Sherifian movement in Syria, and, later, to the Emir himself; and of British endeavours to honour the undertakings given to the Arabs and the French. The struggle was carried on not only in Syria, but at the Peace Conference as well, when that assembly began to take up Eastern problems. Bearing upon the struggle may be noted a dawning British recognition of the fact that, under the Sykes-Picot Agreement, the conquest of Palestine and Syria had been little more than a vicarious sacrifice by Great Britain. Complete execution of the Agreement was impracticable owing to the course of events, and some other arrangement was required. And the more so that the French showed every sign of exacting to the letter the rights conferred upon them by the agreement.

On the 7th November 1918, an important Joint Declaration by Great Britain and France, regarding British and French war aims in the East was issued to the press. Its vital passages are:

'The object aimed at by France and Great Britain in prosecuting

in the East the war let loose by German ambition is the complete and definite emancipation of the peoples so long oppressed by the Turks, and the establishment of National Governments and administrations deriving their authority from the initiative and free choice of the indigenous populations.

'In order to carry out these intentions France and Great Britain are at one in encouraging and assisting the establishment of indigenous Governments and administrations in Syria and Mesopotamia, now liberated by the Allies, and in territories the liberation of which they are engaged in securing, and in recognizing these as soon as they are actually established. Far from wishing to impose on the populations of these regions any particular institutions, they are only concerned to ensure by their support and by adequate assistance the regular working of Governments and administrations freely chosen by the populations themselves. . . . Such is the policy which the two Allied Governments uphold in the liberated territories.'

This Declaration had a great influence upon Eastern opinion, not only in Syria, but in Arabia, Egypt, Mesopotamia, and Palestine. Among Syrians and Arabs it was regarded, rightly or wrongly, as superseding or at least qualifying, the provisions of the Sykes-Picot Agreement. It is evident that nothing in the verbal form of the Declaration was inconsistent with a strict adherence by the Allies to the terms of that Agreement. But the spirit, apparently, was quite different. The promise that the native populations should exercise the right of self-determination regarding the form of National Government under which they should live was thought conclusive. Indeed, it convinced the people that they were to have a free choice in wider questions than, perhaps, the Declaration ever intended, and fanned the spirit of nationalism in the Arab countries. After the armistice on the Western front Syrian expectation turned towards the approaching Peace Conference. In the meantime the British Government were taking steps to obtain a revision of the Sykes-Picot Agreement.

During December 1918, M. Clemenceau came to London and endeavoured to persuade Mr. Lloyd George to recognize the Agreement anew. Mr. Lloyd George is credited with having replied that as to Cilicia and Syria he saw no difficulty, but that he desired the Agreement amended with regard to the Mosul Vilayet and Palestine. He asked that Mosul should be included in the British sphere of influence. He also asked for Palestine—the Balfour Declaration, it may be noted, was issued by the British Government on the 2nd November 1917.

After his return to Paris M. Clemenceau consented to the surrender of the Mosul Vilayet. He admitted, too, that the French Government wished to escape the expense of administering Palestine, though they would have preferred to see that area under international control.[1]

On the 30th January 1919, the question of still further revising the Sykes-Picot Agreement seems to have been discussed at an interview in Paris between Mr. Lloyd George and Sir M. Hankey, and M. Clemenceau and M. Pichon. At this meeting, and subsequently—so the French allege—Mr. Lloyd George put forward proposals for further great reductions of the area to be assigned to France. The French Government, however, regarded these proposals as absolutely inacceptable, and quite incapable of being defended in the French Chamber.

8. *Feisal in Europe.* British advice to the Emir Feisal to come to terms with the French had not been wanting so far. But in furtherance of their desire to bring about a settlement acceptable alike to the Arabs and French, the British Government now invited the Emir to visit London as their guest, for further consultation before the Peace Conference should assemble. He came, in fact, as the representative of his father, the King of the Hejaz. A British cruiser brought him to Marseilles, where he landed on the 26th November, and he then proceeded to Paris as the guest of France. He called on President Poincaré on the 6th December, and subsequently was shown over the French front, and treated with the honour due to the representative of an ally of France.

Emir Feisal arrived in England on the 10th December 1918, and two days later was received and decorated by the King with the Chain of the Royal Victorian Order. His stay in England was marked by a display of great cordiality and goodwill which left him in no doubt of the sincere desire of the Government, as well as of the whole country, to do what was possible in furtherance of legitimate Arab and Syrian aspirations. At the same time it was made clear to him that Great Britain had no intention of falling out with France on Syrian questions, and he was advised to accept French control in Syria. This advice appears to have convinced him of its sincerity, though not of its soundness; at least it corrected his views as to the realities of the Syrian situation. He was,

[1] *v.* also Part III, C, § 4. pp. 181–82.

however, tied by the instructions of King Husein and by the large and growing expectations of Syrian opinion, which became more and more opposed to any division of the country. It remained for him now to lay the Arab claims before the Peace Conference and await its decision.

Meanwhile the Emir's visit to Paris and London had inevitably given fresh impulse in France to discussion on the future of Syria, and to reiterated assertion of the inalienable rights of France in that country. At this time the Central Syrian Committee of Independence, a body hostile to the Sherifian movement, and formed to subserve French aims, addressed a letter to M. Clemenceau drawing his attention to the necessity of maintaining Syrian unity. In his reply, written while the Emir Feisal was still in Paris, the French President of the Council did not commit himself to more than reassuring generalities, behind which appeared, however, the resolve of the French Government to maintain the rights acquired under the Sykes-Picot Agreement. He stated that the French Government were determined to ensure that Syria should work out her own evolution to a peaceful civilization; and that, at the approaching Peace Conference, they would defend the interests of the Syrian nation to the utmost in discussion with the Allies.

9. *French policy declared, 29th December 1918.* Speaking in the French Chamber on the 29th December, M. Pichon put the views of the Government more plainly. French rights in Syria, the Lebanon and Cilicia, he said, were based upon historic tradition, upon agreements and contracts, and upon the aspirations of the inhabitants. Referring to the Franco-British agreements affecting these regions he declared that France admitted the complete freedom of the Peace Conference, and its right to give the agreements their proper conclusion; but that these agreements were binding both upon England and France, and that, as between Great Britain and France, the rights recognized in them had already been acquired.

In shaping their Syrian policy at this time the French Government could not ignore the strong hold which the Emir Feisal and the Sherifian movement had already secured among the Syrian population. In a sense the Emir was in possession in Syria, and was supported in his claims by a majority of

the people. It became, therefore, the aim of French policy to use the Emir, if possible, as the means of securing peaceful Syrian acquiescence in the control of the country by France.

10. *Feisal and the Arab Delegation at Paris, 1919.* The Emir returned to Paris from England on the 7th January 1919, in order to attend the Peace Conference which was to assemble on the 18th January. On the 4th February a French army order announced that he had received the Croix de Guerre with Palms, and summarized his exploits as Commander of the Hejaz Army.

As already remarked, the Emir had learned much during his visit to London and Paris. He had at last recognized that, in the relationship existing between Great Britain and France, there was no prospect of Great Britain seeking or accepting the Mandate for Syria. But Arab opposition to France, and to the control of Arab territory by more than one foreign Power, was in no way diminished by this discovery. As an alternative to Great Britain the Sherifian leaders now appear to have turned towards America. Before the Conference met the Emir had, in fact, said privately that he proposed to submit to it a project for a Confederation of Arab States, free of Turkish domination, and placed under the guidance and protection of the United States.

On the 6th February, the Emir, accompanied by Colonel T. E. Lawrence, stated the Arab case to the Conference—to the President of the United States, and the Prime Ministers and other representatives of the Allied and Associated Powers and Japan.

The views of the Arab Delegation were well enough known in advance. They were that the Arab-speaking regions, including Syria, Mesopotamia, Jezireh, Nejd, and the Yemen—the Hejaz was already independent—should be given their individual independence under an Arab suzerain, and the whole placed under a single mandatory. In the course of time it was hoped that the Confederation so established would be able to stand alone. With these as their hopes the Arab Delegation were opposed to the division of Arab territory into spheres of influence assigned to different foreign Powers.

But in placing the Arab case before the Conference the Emir and his advisers do not seem to have thought it politic to be quite so explicit. The Emir, who asked for no extension

of his father's territories, confined himself to pleading for the independence of all the Arab countries, and urging that together they formed a racial and economic unit. He does not appear to have referred to the question of what Power or Powers should be given control. It is said that he asked for an international Commission of Inquiry on the subject.

11. *The Franco-British dispute over Syria, February—March 1919.* The Conference took up Syrian and Arab questions again on the 13th February by hearing the views of the Central Syrian Committee, and of Dr. Howard Bliss—himself born in Syria—well known as President of the American College at Beirut. The Syrian Committee represented the French interest, and the views they expressed were strongly hostile to the aims of the Emir Feisal and the Sherifians as far as these aims affected Syria. Dr. Bliss, on the other hand, supported the proposal for investigation by an International Commission.

Meanwhile a struggle was going on within the Conference itself upon Syrian and Arab matters, a struggle between Great Britain and France represented by Mr. Lloyd George and M. Clemenceau. Mr. Lloyd George held that subsequent developments had rendered the Sykes–Picot Agreement of 1916 impracticable and largely inoperative, and that radical revision was necessary. As we have seen, he had already secured M. Clemenceau's consent to important modifications as to the Mosul region and Palestine. But these changes had left Syrian questions untouched, and it was in Syria that the present difficulties had arisen regarding Arab independence and the claims of France. In Mr. Lloyd George's view still further modification of the Agreement was needed—a need, he claimed, recognized by the Allies, in the latest expression of their Eastern policy embodied in the Anglo-French Declaration of the 7th November 1918, which had, in effect, already abandoned the instrument of 1916. M. Clemenceau, however, stood out stiffly for the complete and unchanged validity of the Agreement as between Great Britain and France.

In following the decisions of the Conference it has now become possible to refer to the secret minutes [1] of a meeting of the Supreme Council, held in Paris on the 20th March 1919.

M. Pichon began by outlining the Sykes–Picot Agreement,

[1] Given in *Woodrow Wilson and World Settlement*, Vol. III, pp. 1–19, by R. S. Baker. Heinemann, 1922.

the French view of the situation created by it, and the subsequent negotiations between the Governments of Great Britain and France for amendment of the Agreement. He stated that what France asked for now was (1) that the whole Syrian region should be treated as a unit, and (2) that, as the mandatory system had been adopted since the Agreement was signed, France should become the mandatory of the League of Nations in this region.

In reply Mr. Lloyd George stated that if the Conference asked Great Britain to take the mandate for Syria, Great Britain would refuse. The British Government had definitely so decided because otherwise it would be said in France that they had created disturbances in Syria in order to keep the French out. The question of the extent to which Great Britain and France were concerned in these regions had been cleared up during the interview at which he had asked M. Clemenceau for Mosul and the adjacent territory and Palestine.[1] There was no question between Great Britain and France regarding Syria.

Mr. Lloyd George then recalled that the whole burden of the Syrian campaign had fallen upon Great Britain. The British Empire, including India, had maintained in the Near East 900,000 to 1,000,000 men. Their casualties had exceeded 125,000. The cost of the campaign to the British people had run to many hundred millions of pounds. The French troops taking part in the war in Syria had been so few as to make no difference. Sometimes they had been useful, but not on all occasions. During 1917 and onwards the heaviest casualties in France were those incurred by the British. He referred to this fact in order to show that the reason Great Britain had made such efforts in Palestine was not because she had not borne her part in France.

Passing to the territorial aspect of present French claims in Syria Mr. Lloyd George pointed out that M. Pichon had omitted one important fact in the statement just made. He had not explained that the coastal zone of Syria, assigned to France by the Sykes–Picot Agreement as an area in which France might establish direct or indirect administration as she thought fit, did not include the cities of Damascus, Homs, Hama, and Aleppo. Those cities lay within the zone of French influence

[1] See pp. 141–2, 181–2.

in which area France, under the Agreement, was 'prepared to recognize and uphold an independent Arab State or Confederation of Arab States . . . under the Suzerainty of an Arab Chief'. Was France, Mr. Lloyd George asked, prepared to accept that?

This, however, was not a question between Great Britain and France, Mr. Lloyd George continued, but a question between France and an agreement which Great Britain had signed with King Husein of the Hejaz.

M. Pichon here remarked that all he asked was that, if the League of Nations gave a mandate over these territories, France should have that part set aside for her.

Mr. Lloyd George said that could not be done. The League of Nations could not be used for setting aside the British bargain with King Husein. He asked whether M. Pichon intended to occupy Damascus with French troops. If he did it would clearly be a violation of the treaty with the Arabs.

M. Pichon replied that France had no convention with King Husein.

Mr. Lloyd George then quoted extracts from the letter of the 24th October 1914, sent by Sir H. McMahon (at the time British High Commissioner in Egypt) to the Sherif of Mecca. These extracts (reproduced in the minutes of the meeting) showed that the only strictly Syrian area excluded from the territory over which Great Britain undertook to recognize and support Arab independence was the narrow portion of Syria lying west of the districts of Damascus, Homs, Hama, and Aleppo.

Continuing, Mr. Lloyd George said that it was on the basis of this letter that the Sherif of Mecca had put all his resources into the field and helped most materially to win the victory. France had for practical purposes accepted the British undertaking to the Sherif of Mecca in signing the 1916 Agreement. This had not been done by M. Pichon, but by his predecessors. He was bound to say that, if the British Government now agreed that Damascus, Homs, Hama, and Aleppo should be included in the sphere of direct French influence, they would be breaking faith with the Arabs, and that contingency they could not face.

At a later point M. Pichon asked how France could be bound by an agreement the very existence of which was

unknown to her when the 1916 Agreement was signed.[1] She had undertaken to uphold 'an independent Arab State, or Confederation of Arab States', but not the King of the Hejaz.

At this stage President Wilson pointed out that Russia had been one of the parties to the 1916 Agreement, but had now disappeared, and the partnership of interest had therefore been dissolved. However, the only question from the American point of view was as to whether France would be agreeable to the Syrians. It might not be his business; but, if the question was made his business by being brought before the Conference, the only way to deal with it would be to discover the desires of the population of these regions.

12. *Wilson's Commission of Inquiry.* President Wilson, in effect, proposed that a Commission of Inquiry, composed of an equal number of French, British, Italian, and American representatives, should be sent to Syria, Palestine, Mesopotamia, and Armenia. This Commission was to have complete freedom to tell facts as they found them. Finally, the meeting accepted the Commission, and President Wilson, at Mr. Lloyd George's request, undertook to draft its Terms of Reference.

For unity of narrative the history of the Commission had better be completed now. Investigation on the spot by an international body was violently opposed in France and by the Syrian Committee. The French Government, indeed, conscious that the result of such an inquiry would be against their Syrian claims, used every effort to prevent the investigation. By the third week in May the Commission had not yet been constituted. British and American representatives had been nominated, but M. Clemenceau still hesitated. The French Government finally abandoned the project and the British Government felt it impossible, in the circumstances, for them to do otherwise than withdraw also.

President Wilson, however, was resolved to have an inquiry, and at the end of May dispatched an American Commission, of which Mr. H. C. King and Mr. C. R. Crane were the leading members. At the end of July the Commissioners had completed their investigations in Syria and Palestine. Their report—subsequently famous as the King-Crane Report—was sup-

[1] It was subsequently admitted that the French Government of the time had been aware of the terms of the British undertaking to the Sherif of Mecca. *v.* also § 18, p. 62.

pressed, perhaps as being too plain spoken and likely to embarrass both the American Government and the Peace Conference if published. However, the general purport of their findings soon became known, official secrecy notwithstanding. Their survey, the report stated, had established that a large majority of the Syrian population desired absolute and unqualified independence; that failing such independence America would be preferred as the Mandatory Power, and, failing America, Great Britain; but that strong opposition to control by France had been revealed. The report showed, further, that general agreement existed in favour of Palestine and Syria being placed under the same mandatory. It may be remarked here, without attempting explanation, that on the points just mentioned the report was probably in close accordance with truth. This American inquiry produced no practical results, for before the return of the Commission to Paris the more important treaties had been signed, and President Wilson had left for home.

13. *Further disputes.* With Syrian matters before the Conference standing in abeyance, the Emir Feisal left France in the middle of April 1919, visited the Pope at Rome, and embarked at Taranto for the East on a French battleship the day following.

Towards the close of the Emir's stay in Paris Mr. Lloyd George had strongly urged him to come to agreement with M. Clemenceau. An interview resulted, at which, it is said, the Emir gave the French President of the Council a verbal promise to the effect that co-operation between the Arabs and French would be possible on the basis of Arab independence being established. Indeed, French and Syrian reports credited him with having actually completed an agreement with M. Clemenceau; and immediately after his return to Syria his public utterances were regarded in France as being admirably correct.

But his apparent complacency towards France was not long-lived. Differences between Arab and French aims were too wide and deep to be removed by a desire for peaceful settlement on the part of the leaders. When the Emir arrived in Syria from Paris, in April, he found guerilla warfare of a kind already in progress between the Arabs and French in those coastal districts of Syria to which the British had admitted

French troops and French administration under Lord Allenby's control. The Emir could not prevent these disturbances—he would have been equally powerless had his own position been much more secure than it was. About the middle of May he addressed an informal meeting of Syrian Notables, assembled at Damascus, and explained what he had endeavoured to do in Paris, what he had asked of the Peace Conference. He had asked for the complete independence of the whole Arab nation, from Egypt to Persia; but, recognizing geographical facts and the difficulties imposed by lack of ready means of intercommunication, he had also asked that each geographical subdivision of the Arab region should have a separate and independent government. He desired the Notables to say whether or not they approved and would support him. Almost unanimously those present, including chiefs and leaders of the Lebanon, the Hauran, and Trans-Jordan, as well as of the more narrow Syria, expressed their approval and pledged their assistance. The Emir then undertook to convoke a Syrian Assembly.

Feisal recognized now that for him there was a choice of alternatives—either whole-hearted support of the Arab cause against French pretensions, or loss of his position as Arab leader and prospective sovereign of a Syrian Arab State. From this point onwards he seems to have thrown in his lot definitely with the anti-French party, and to have felt that the chief hope of preserving Syria from French control lay in the strength of the armed resistance the Arabs could offer. Out of deference to French susceptibilities the British authorities subsequently refused to allow the meeting of the promised Assembly. The Emir, however, endeavoured to enlist, arm and equip a Syrian army, and at least succeeded in obtaining many volunteers for the force.

Doubtless the outlook of the Arab leaders was affected by knowledge of the growing tension which, at this time, existed between the Governments of Great Britain and France regarding Syria. With no ill will on the British part, indeed, notwithstanding many proofs of British disinterestedness, French anxiety as to recognition of the claims of France, as to the ultimate realization of French ambitions in Syria, had greatly increased since the Peace Conference assembled. French public opinion, turned always with passionate regard towards

Syria, saw in the continued British occupation only a sinister agency—an agency which alone prevented the immediate transformation of a romantic national dream into actuality most happy and desirable. British promises to the Arabs, Arab assistance to the Allies, the wishes of the Arab population, even the British conquest of Syria, all were conveniently put aside whenever France approached Syrian questions. The British Government, as has been seen, had declared unequivocally that Great Britain would not accept the Mandate for Syria, even if offered her. Their great interest in Syria at this time lay in securing that British undertakings to the Sherif of Mecca and the Arabs should be substantially honoured; their great difficulty that the Syrian policy of France conflicted with the execution of these undertakings. But British anxiety on this score was regarded by the French as mere subterfuge to eliminate France from Syria. British officers and officials in the Near East were openly charged with influencing the native population against France; with throwing obstacles in the way of French officials; with revealing the calculated purpose of making a French occupation of Syria impossible. The prolonged delay in concluding peace with Turkey also added greatly to Allied difficulties, for Turkish and Syrian questions were closely interwoven. It is scarcely remarkable that, amid such Allied differences and confusion, the Arab leaders pursued an anti-French policy, or that they regarded possession of an effective army as the one argument which would secure the final settlement of Syrian questions in accordance with Arab desires.

14. *Provisional Franco-British Agreement, September 1919.* At the end of May or beginning of June the Emir Feisal seems to have received information from the Arab representative who had remained at the Peace Conference that the withdrawal of the British garrison in Syria was contemplated. At about the same time he learned that the proposed inter-Allied Commission of Inquiry regarding the Syrian Mandate had fallen through. Hitherto the Arab leaders had hoped that, in spite of British statements to the contrary, Great Britain might, after all, accept the Mandate for Syria. The news regarding the proposed withdrawal of British troops, and the abandonment of the Commission of Inquiry, appears to have convinced the Emir and his supporters that the British Government,

as far as they were concerned, had definitely resigned Syria to France. Arab hopes now turned more than ever towards the United States, especially as the American Commission had come out and begun its investigations.

Matters drifted on thus until the middle of September 1919. Early in the month Mr. Lloyd George and M. Clemenceau reached a provisional agreement upon Syrian questions, and the arrangement was approved by the Supreme Council. In outline it provided that, until the Treaty of Peace with Turkey was concluded, French troops should replace British garrisons in Syria, and that, thenceforward, Great Britain would have no responsibilities there. But it also provided that the area reserved by the Sykes-Picot Agreement for an independent Arab State, in other words, the area east of, and including the cities of Damascus, Hama, Homs, and Aleppo, should be occupied not by French troops but by Arab; in fact Baalbek was fixed as the nearest point of French occupied territory to Damascus. However, the Arab State so foreshadowed was to look to France alone for support and advice.

It should be noted at this point that the area reserved from French occupation under the agreement between Mr. Lloyd George and M. Clemenceau, was approximately the region known as 'Occupied Enemy Territory (East)' during the British military occupation. We have seen how Damascus was placed under Arab administration from the first by Lord Allenby. The area so committed to Arab rule was subsequently extended until it included the area bounded on the west by the Lebanon, the river Jordan, and the Dead Sea, on the north by a line which passed roughly east and west a little north of Aleppo, and on the east by the desert. The cities of Damascus, Hama, Homs, and Aleppo all were included within this military district of 'Occupied Enemy Territory (East)'. It was under Lord Allenby's supreme control, and British troops were in the four cities just named, but the administration was Arab, and Arab troops formed the greater part of the occupying force. This Syrian region had been set apart and placed under the Emir Feisal by the deliberate purpose of the British Government in preparation for the future Arab State, and in specific fulfilment of British pledges to the Arabs. Hence the British reservation withholding the whole of this region from French occupation after British troops should have withdrawn from

Syria, and British responsibilities there have ceased. But under the provisional arrangement the southern part of 'Occupied Enemy Territory (East)', in other words, the portion now known as Trans-Jordan, was to remain under British control, though with an Arab administration.

For Great Britain the provisional arrangement between Mr. Lloyd George and M. Clemenceau fulfilled alike British undertakings to France, contained in the Sykes-Picot Agreement, and British pledges to the Sherif of Mecca. The weakness of the arrangement lay in a cause outside these earlier commitments. It lay in the obvious intention of France to adopt her own interpretation of promises, actual or implied, which the Allies had given to the Arabs. One of these promises—the Declaration of the 7th November 1918—we have already mentioned; the other was contained in the Covenant of the League of Nations, and runs as under:

> 'Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.'

Between the Declaration of the 7th November and the Covenant of the League, it is clear that the Arabs were justified in expecting that the exercise of self-determination promised them should at least extend to the choice of the Mandatory Power under whose control they were to be placed. They were opposed to the division of Syria between two mandatories: they were fiercely opposed to France as mandatory either for the whole or part of Syria. Yet Great Britain—an acceptable mandatory—was precluded by her earlier commitments to France from accepting the position: and America—the other acceptable mandatory—was by this time showing a resolve to avoid all mandatory responsibilities in the Old World. If the decision of the British Government to withdraw from Syria were final and irrevocable, and if the United States definitely resolved to refuse the Mandate, there remained for the Arabs only the acceptance of French control or the securing of complete Syrian independence. In this situation the Arab leaders still hoped that the Peace Conference might reach

a solution in accordance with the spirit of the November Declaration and the Covenant of the League.

15. *General Gouraud, French High Commissioner in Syria, October 1919.* At the middle of September 1919 the Emir Feisal again came to London at the invitation of the British Government. They desired to discuss with him the situation in Syria created by the pending British evacuation; and that he should reopen negotiations with the French Government. He is understood to have protested against the withdrawal of British troops from Syria and the replacing of them by French troops, even in those parts of the country not reserved for Arab administration by the provisional arrangement. The British Government made it clear, however, that the British occupation could be continued no longer, and urged him to go to Paris and come to terms with France.

On the 9th October, General Gouraud was appointed French High Commissioner for Syria and Cilicia, and Commander-in-Chief of the Army of the Levant. Meanwhile the British evacuation went on. It was clear that the terms of the provisional arrangement between Mr. Lloyd George and M. Clemenceau would be executed.

The Emir accordingly went to Paris, and was received by M. Clemenceau on the 21st October. Negotiations between them, however, do not appear to have made much progress. The fundamental requirements of each were too opposed to be reconciled; the ultimate aims of each lay in opposite directions. But Feisal succeeded in persuading M. Clemenceau to defer the French occupation of Baalbek—the nearest point proposed for French approach to Damascus—as a matter on which Arab opinion was already dangerously inflamed. On the questions of the Syrian Mandate and Syrian independence Feisal now appealed to the Supreme Council.

The attitude of the British Government at this time is shown by the answers given to two questions in the House of Commons. On the 30th October Mr. Bonar Law said:

'No final statement as to the future government and administration of Syria can now be made. The settlement of the future of these territories rests with the Peace Conference, which has not, so far, been able to consider the question of Peace with Turkey because the United States of America have not as yet defined their attitude in regard to the responsibilities they may be able to undertake. So far as Syria is concerned the British Government announced to the Peace Con-

ference last March that in no circumstances would Great Britain be prepared to undertake a mandate for Syria. Owing to the delay in the conclusion of the Treaty of Peace already mentioned we are making arrangements with the French Government and the Emir Feisal for the immediate withdrawal of British troops from Syria, and for the assumption of the duties of occupation by the French and Arabs pending the conclusion of the Treaty of Peace. . . .'

On the 19th December Mr. Lloyd George added this statement:

'The situation in Syria is a part of the larger question of the future of Turkey, arrangements for the examination and settlement of which were discussed at the recent meetings in London. Conversations between the French Government and the Emir Feisal are proceeding in Paris, and have not yet reached a termination. I am happy to say that in consequence of these conversations and of the military arrangements between the British and French Governments the tension in Syria has sensibly relaxed.'

This may have been true enough regarding Great Britain and France; but it was unduly optimistic regarding France and the Arabs. Indeed, the Arab aspect of the situation was daily becoming more threatening and dangerous. By the beginning of December 1919, British troops had been withdrawn from Cilicia and Syria in accordance with the terms of the provisional agreement, and French troops had taken their place. Great Britain, therefore, would stand more or less removed from later developments.

But the possibility of serious conflict between France and the Arabs had not escaped the attention of those directing the growing Nationalist movement in Turkey. Such a conflict might be made to provide valuable assistance in the attainment of Nationalist ends; it was an opportunity for embarassing the Allies, or one of the Allies, not to be neglected. With Cilicia occupied by French troops Turkish Nationalists, further, had their own intimate cause of quarrel with France, and were already preparing to begin hostilities there. They had no love for the Sherifian movement or for Sherifian leaders: but in a common cause old quarrels might be forgotten—or at least conveniently put aside for settlement at a future opportunity. Turkish Nationalist agents, therefore, using the convenient theories of Pan-Islamism, and expounding the community of interest existing between Turkish Moslems and Syrian Moslems as members of the universal world of Islam, became active in

inflaming Arab opinion against the French. Many Syrian Moslems, in fact, adopted the view that union with Nationalist Turkey would be preferable to their country passing under the control of France.

A word should be spared here to the attitude of the Arab Nationalists regarding Palestine. Up to the time of the British evacuation of Syria the relationship between Palestine and Syria had been a question of little practical importance. Under the agreement between Great Britain and the Sherif of Mecca, Palestine—as lying west of the Damascus–Aleppo line—was excluded from the area destined for an independent Arab State. Besides, the Emir Feisal had declared his agreement with the proposals of the Zionist leaders as laid before the Peace Conference. But as Arab Nationalism grew, and especially after the British evacuation, when the prospect of Syria and Palestine coming under the same Mandatory Power disappeared, an agitation arose for Palestine being included in an independent Syria, as containing an inseparable part of the Arab nation. The prospect of organized Jewish settlement, presented in alarmist and exaggerated form, contributed much to the agitation. Nor is it a subject for surprise that, this stage having been reached, the Emir Feisal and other Arab leaders should urge the unity of Palestine and Syria as a matter of policy. But, although the growing insistence upon this claim by the Emir and Syrian Arabs may be recorded, the matter, as far as it affected the period of Syrian history now under review, remained more or less theoretical, and calls for no further mention here. Whatever should be said upon it belongs rather to the subject of Palestine.

16. *The San Remo Decision, 24th April 1920.* As has been seen, Feisal appealed to the Peace Conference again, at the beginning of November, in another effort to secure a settlement of the Mandate question in accordance with Arab desires or, failing that, to obtain complete independence for Syria. The distribution of Mandates for the Near East was, in fact, soon to be settled. Unqualified Syrian independence was a proposal which stood no chance of acceptance by the Conference, if only for the reason that the granting of such independence would mean the definite end of French dreams in the Levant. The Emir had to await the decisions of the Conference

regarding Mandates; and he left France for the East on the 13th December.

By the end of January 1920 France, now in complete military occupation of Cilicia and the parts of Syria not reserved for the Arab State, had her hands fully occupied. The Turkish Nationalists had begun hostilities, and guerilla warfare was general in north-western Syria. Within a month the Nationalist Turks had compelled the French to retire from the Sanjak of Marash with severe losses, and were threatening Adana and the Cilician plain.

On the 10th March a Congress of Syrian Notables, sitting at Damascus, offered the crown of Syria and Palestine to the Emir Feisal, who thereupon accepted it with the position of King. How far the Congress was representative of the Arab people need not be discussed here. That it met and took the steps it did were political moves, prearranged in the hope of influencing the decisions of the Peace Conference. Incidentally it may be mentioned that the same Congress, at the same time, nominated the Emir Abdullah, second son of the King of the Hejaz, for the Kingship of Iraq or Mesopotamia.

Confronted by this situation the Governments of Great Britain and France, on the 15th March, repudiated the action of the Arab Congress, again informed the Emir that the future of the Arab regions could be decided only by the Peace Conference, and requested him to attend the next meeting of that body. The Emir replied that he would send a representative.

Meanwhile the Conference met at San Remo, where, on the 24th April, it decided that both Syria and Iraq should become independent States, subject to a Mandatory Power until they were able to stand alone. The Conference further decided that the Mandates for Iraq and Palestine should be assigned to Great Britain, and for Syria to France. In communicating these decisions to the Emir Feisal the British Government once more urged him to come to Paris for the next meeting of the Peace Conference as a course favourable to recognition of his kingship by the Conference.

The decisions of the Conference gave rise to many protests throughout Syria, and the strongest indications of hostility to France as mandatory. In deference to the feelings of the people the Emir Feisal announced that as King of Syria he

could not acquiesce in any part of Syrian territory being placed under foreign domination. It appears, too, that at this stage he felt that another visit to Paris would be misunderstood in Syria, and be prejudicial to his position; he therefore temporized with the request of the British Government that he should attend the Peace Conference.

While events in Syria were shaping thus France was conducting a difficult war in Cilicia against the Turkish Nationalists, and action against Feisal and the Syrian State had to be postponed. However, by the beginning of July the situation in Cilicia had become safe, and a French Army of some 90,000 men was concentrated in Syria. On the 14th July General Gouraud dispatched an ultimatum to the Emir. The ultimatum required unconditional recognition of the French Mandate; immediate reduction of the Syrian Army, and the abolition of conscription; the unimpeded circulation of Franco-Syrian currency; French military occupation of the Rayak–Aleppo railway, including Aleppo; and the punishment of those Arabs who had been guilty of attacking French forces.

17. *General Gouraud expels Feisal from Syria, July–August 1920.* We need give only the barest outline of what followed. In view of the overwhelming strength at the disposal of General Gouraud the Emir accepted the terms of the ultimatum. Great disorders, however, arose at Damascus, where it was found necessary in the interests of peace for Sherifian troops to suppress by force violent popular demonstrations in favour of war. Nevertheless, the Arab desire for hostilities against France was not to be restrained. On the 22nd July an attack was made on a French outpost by Arab horsemen; and on the 23rd July the French replied with a general offensive against the positions held by Syrian troops. The battle resulted in the rout of the Syrian Army, with great loss in men and material, and the occupation of Damascus on the 25th July. Aleppo had fallen a day earlier to a French force from the north hitherto engaged in opposing the Turks.

On finding themselves in possession of Damascus the French declared the Emir Feisal deposed, and ordered him to leave Syria—which he did by retiring into Palestine. They then set up a new Syrian Government on conditions, including the payment of an indemnity, dictated by themselves as conquerors. The plea of military necessity, arising in operations for the

restoration of order in the mandated territory of Syria, was invoked to cover French action and the occupation of Damascus and Aleppo; and the same necessity was supposed to explain the occupation of Hama and Homs—both these towns being on the line of railway between Damascus and Aleppo.

So fell the Emir Feisal's independent Syrian State—a State created and fostered by Great Britain in fulfilment, or partial fulfilment, of her pledges to the Arabs. It fell because its existence was in direct conflict with French ambitions, in circumstances which prevented British influence being made effective for its preservation—it fell, in short, because its own armed strength was insufficient to ensure its survival.

18. *British attitude to Syria, 1920.* It is difficult to define with exactness the situation thus created for the British Government by French action in Syria. On the one hand were British pledges which had brought the Arabs into the War as Allies; and later British policy in Syria which, in fulfilment of those pledges, had laid the foundations of an independent Arab State in Occupied Enemy Territory (East), and, on the evacuation of Syria by British troops, had sought to perpetuate that State by specifically excluding, under the provisional agreement of September 1919 with the French Government, this area from occupation by French troops. In addition were the promises contained in Article 22 of the Covenant of the League of Nations and the Joint Allied Declaration of the 7th November 1918. On the other hand were the Sykes-Picot Agreement, and the large fact that the Supreme Council had conferred the Mandate for Syria and the Lebanon on France with, of course, a very definite responsibility for the exercise of control within the territories so mandated.

Between these commitments and promises—both particular and general—French responsibilities under the Mandate, and actual French action, any clear-cut solution for the difficulties of the British Government was exceedingly hard to find. In fact, if reasons of high expediency be recognized, it may be admitted at once that a clear-cut solution of British originating was an impossibility.

The best exposition of the situation, as well as of the views upon it held by the British Government, is to be found in the record of questions and answers on the subject in the House

of Commons on the 19th July 1920, and of the long debate which followed the same day.

It is impracticable to give here more than the barest outline of these important Parliamentary discussions. They should be read in full in the unrestricted pages of 'Hansard' if the various implications of the Syrian situation of the time are to be understood by the layman of Middle Eastern affairs.

In the greater number of questions asked was evident the unavowed purpose of challenging French action in Syria, of invoking British support for the Emir Feisal. Behind the barriers of custom and rule which impeded plain speaking in the House of Commons regarding an Allied Power, it was sought to show that French action was in conflict with British pledges to the Arabs. That it was in conflict, too, with Article 22 of the Treaty of Versailles (Covenant of the League of Nations); with the Joint Allied Declaration of November 1918; and with the Agreement of September 1919 between the British and French Governments. And that the Mandate for Syria not having been as yet assigned to France by the League of Nations, but so far only by the Supreme Council, French action was wanting in international legality. It was asked whether in these circumstances France had submitted the terms of her ultimatum to the Arabs to the Supreme Council, and whether the terms of the Mandate itself for Syria had yet been submitted to the Allied Powers. It was suggested that Great Britain was under pledge to support the Arabs; that at least His Majesty's Government should make immediate representations to France.

To the particular question addressed to the Prime Minister, Mr. Bonar Law, Leader of the House, replied:

'I understand that the French Government, owing to the attacks made on their forces by Arab troops, and, as they believe, the generally hostile attitude of the Syrian Government, issued an ultimatum on the 14th July demanding, by the 18th July, the control of the Rayak–Aleppo Railway, unconditional acceptance of the French mandate, the introduction of French-Syrian currency, and the surrender for punishment of the Arabs who fought against them. The ultimatum was not submitted to the Supreme Council. The terms of the mandate for Syria have not yet been submitted to the Allied Powers.

'As regards the last part of the question, His Majesty's Government, who had for some time, but unsuccessfully, been urging the Emir Feisal to come to Europe to discuss the outstanding questions with the Supreme Council, do not consider that they can usefully act

upon the information at present at their disposal, but they are in communication with the French Government on the matter.'

In answer to other questions, Mr. Bonar Law replied:

'I have said that we are in communication with the French Government. I do not accept the statement of my Noble Friend [Lord R. Cecil] that what has happened is against the Treaty of Versailles. As regards the question of my Noble Friend it [French action] is not inconsistent with the French mandate and the assumption that it [the French mandate] is given confirmation [by the League of Nations]. I do not think I can say anything more. It is very difficult, I think, to judge action which is taken on the responsibility alone of the French Government.'

After a further exchange of questions and answers the adjournment of the House was moved 'for the purpose of discussing a definite matter of urgent public importance, namely, "the immediate danger to British interests in the Middle East arising from the threatened new hostilities in Syria."' The motion was supported by more than forty members, and the debate followed later in the evening.

The debate contained not only a close examination of the Syrian situation and British responsibilities arising therein, but also Mr. Bonar Law's explanation of how the British Government regarded the matter. The debate cannot be summarized here; it is too long and does not lend itself to clear abridgement—it should, if possible, be read in full in 'Hansard'. But this much can be said in indication of the line followed by Mr. Bonar Law. He represented that the granting of the Mandate to France by the Supreme Council was not incompatible with British pledges to the Arabs, and that, under the Mandate, France had wide discretionary powers, the exercise of which could not well be challenged by any individual State. He said, also, that the French Government had given assurances that French military occupation of the territory excluded from such occupation by the Agreement of September 1919 between Great Britain and France would be merely temporary. For the rest of Mr. Bonar Law's able handling of a difficult and dangerous matter it may be remarked that, in the course of the debate, he accepted, as applicable with truth to the Syrian situation, an aphorism uttered by the late Lord Randolph Churchill—'We have this eternal conflict between what has happened and what should have happened.'

One other point remains to be mentioned in confirmation of a statement made in an earlier part of the present chapter. In reply to a question during the debate Mr. Bonar Law explicitly declared that the correspondence between His Majesty's Government and the Sherif of Mecca containing the British pledges to the Arabs, had been fully disclosed to the French Government at the time.[1]

The overthrow of the Emir Feisal greatly incensed the King of the Hejaz and caused dangerous excitement in the Arab regions east of Jordan. For a time it seemed that the French might have to meet serious Arab attacks from the Hauran and Trans-Jordan (both of which districts had been in the area ruled by the Emir Feisal) supported by King Husein and the Sherifian family. But the danger of organized hostilities passed away, largely owing to the influence exerted by the British Government in discountenancing Arab action.

19. *The problem of Trans-Jordan.* Violent expression of Arab resentment against France and the French occupation of Syria could not, however, always be restrained. On the 20th August 1920, Arabs attacked a train near the border of Syria and Trans-Jordan and killed two members of the new pro-French Syrian Cabinet as well as French officers and soldiers who were on board. The attack was made on the Syrian side of the border but it reflected Arab feeling in Trans-Jordan.

This territory, though included in the Palestine Mandate, and under the Government of Palestine, was not occupied by British troops, and had no organized British administration. It was loosely supervised through local chiefs guided by resident British Political Officers. How to control the tribes of Trans-Jordan without military occupation, without appearing to derogate British undertakings to the Arabs, and yet to ensure that the region should not become an Alsatia, a scene of turbulent unrest, and a danger to French Syria, was a problem to which the British Government gave serious consideration. The solution eventually adopted was to form an autonomous Arab State of the territory, with the Emir Abdullah, second son of King Husein, as its ruler, assisted by British advisers. In this way a central Arab authority was set up; an authority with sufficient prestige, responsible for the maintenance of order, and yet acceptable to the in-

[1] *v.* § 11, p. 147.

habitants. At the same time it was obvious that the pledges of the British Government to the Sherif of Mecca and to the Arabs were being fulfilled in this part of the Arab countries.

20. *The problem of Iraq.* A similar policy was followed later in the British mandated area of Iraq. The policy followed there has an important bearing upon the period of Syrian history now under review, and therefore calls for mention here.[1]

When the British Government decided in 1921 to establish Iraq as an independent Arab State they allowed the Emir Feisal to become a candidate for the throne, subject to election by the people. That this opportunity should have been given him was both just and wise. He had shown himself a valuable and loyal ally during the most doubtful and difficult period of the War. British policy had laid the foundations of his Syrian State from which he was ejected by the French in circumstances precluding any British intervention. He had supported this disaster with dignity, and without seeking to make trouble, recognizing that it was not, at the time, in the power of his British ally to assist him. It was natural, therefore, that the British Government should regard him with sympathy and goodwill, and be ready, and, it may be, even glad to accept him as King of Iraq if chosen by the people. The more so, too, that as a possible ruler for this Arab State he had much in his favour—his personal appearance and manner, the prestige of his family, his reputation among men of his race for his part in the War and for his efforts to establish Arab independence in Syria. Moreover, he possessed a knowledge of the West, of the tangled skein of European politics, of the British position in the Middle East and in the world; he had already had experience in statecraft and in the thankless task of ruling Arabs. He was accepted by the people of Iraq, and crowned king in the course of August 1921, and has since filled this difficult position with general approval and greater success than is generally admitted.

Of course the French found unofficial, if not official, cause for offence in the elevation to the throne of Iraq of a Prince they had chosen to regard as an enemy. That sentimental disadvantage, however, was, perhaps, a small matter when balanced against the weighty advantages of the Emir being

[1] *v.* Part III, *passim.*

accepted by the Arabs of Iraq as their king, with Baghdad as his capital and the whole of Iraq as his kingdom, and the aspirations of the Arab race for independence being thus in large part attained. And not the least of these advantages was that, with the creation of an autonomous Arab State east of Jordan, it demonstrated the fulfilment of those British pledges to the Sherif of Mecca and the Arabs, on the strength of which they had come into the War.

21. *Franco-British Boundary Settlements, 23rd December 1920–7th March 1923.* We now must leave the overthrow of the Emir Feisal and the independent Syrian State by France, and the subsequent measures adopted by the British Government in fulfilment of their pledges to the Arabs, and pass to an outline of what has happened since in the Syrian area placed by Mandate under French control.

With Great Britain as mandatory in Palestine and Iraq, and France in Syria and Lebanon, it was necessary that the frontiers of these mandated areas should be definitely laid down. During the latter part of 1920 a convention was negotiated between Great Britain and France having such delimitation as its chief purpose.

The Syrian–Iraq boundary presented no difficulties. The line agreed upon left to Great Britain the Mosul region which had already been the subject of negotiation and agreement in principle between Mr. Lloyd George and M. Clemenceau at the Peace Conference.

The frontier between Syria and British mandated territory in the south involved various contentious questions, and was not so easily settled. The successful economic development of Palestine in the future depended on water-supply, both for power and irrigation. Water adequate for these purposes and at sufficient elevation existed only in streams flowing through the border districts between Syria and Palestine—in the Litani River, the Upper Jordan, the Yarmuk River, itself the chief tributary of the Jordan from the East. But these streams, either in whole or in part, lay within the Syrian area provisionally assigned to France by the Sykes-Picot Agreement—Palestine then not having been envisaged as a possible area of industrial development and closely settled population.

At the Peace Conference, indeed, Mr. Lloyd George had asked for a Palestine restored to its ancient confines of 'Dan

unto Beersheba', and M. Clemenceau is understood to have conceded the claim in principle. But just what, geographically, did the name Dan imply? Doubtless Dan of old included the basin of the Upper Jordan, very likely of the Litani, too. With the future of the Jewish National Home before them the Zionist Organization rightly pleaded that Palestine should include not only the basins of the Upper Jordan and the Litani, as part of Dan, but the northern half of the basin of the Yarmuk—all of which areas fell within the territory claimed by France under the Sykes-Picot Agreement. The attainment of such advantageous frontiers for Palestine was, however, out of the question at this time. On all Syrian questions the French had ever been difficult and uncompromising, as on matters closely affecting vital French interests. They now declined to make any concession of Syrian territory except a small extension which brought the northern extremity of Palestine up to (but not including) the town of Beisan—which of old was Dan. They also insisted on retaining the eastern shores of the Sea of Galilee. But they granted Palestine the privilege of using, within French territory, the surplus waters of the Upper Jordan and the Yarmuk (though not of the Litani) for irrigation and the production of electric power, when the requirements of French mandated territory should have been satisfied. After protracted negotiations the French Government would yield so much but no more, and the frontier between Syria and British mandated territory was provisionally settled accordingly.

A significant article affecting Cyprus[1] which appears in the Convention must be mentioned here. It provides that, owing to the strategical position of Cyprus in regard to Syria, the British Government shall not open negotiations for the cession or alienation of the island without the previous consent of the French Government.

The Convention[2] defining the boundaries of Syria with Iraq and Palestine and matters connected therewith, was signed on the 23rd December 1920. It provided for the demarcation of the frontiers by an Anglo-French Boundary Commission, and the conclusion of an agreement between

[1] *v.* also pp. 195. 205 and n.

[2] Known as the 'Franco-British Convention of December 23, 1920, on certain points connected with the Mandates for Syria and the Lebanon, Palestine, and Mesopotamia' (Cmd. 1195).

the two governments upon the frontier line thus finally determined.

This Agreement [1] was signed on the 3rd February 1922. It was ratified by the British Government on the 7th March 1923, and came into effect three days later.

The line as eventually determined by the Boundary Commission differs slightly at some points from that defined in principle in the Convention of 1920. The chief change is that the whole of the Sea of Galilee remains in Palestine.

22. *French policy in Syria; Angora Agreement, 20th October 1921.* It was in quite a different manner that the French Government dealt with the northern frontiers of the region assigned to France by the Supreme Council. In Cilicia the French were faced by the Nationalist Turks, who showed no signs of acquiescing in loss of territory there, however resigned they might be to surrendering the more strictly Arab countries. Besides, the French Government were already cherishing Eastern ambitions in which France should succeed to the position of political influence and economic advantage in Turkey held by Germany in 1914; and Turkish hostility to France was incompatible with the success of their plans. Moreover, the French people had become critical and restive under the growing cost in money and blood required to maintain the French position in Cilicia and Syria.

On the 20th of October 1921, the French Government, therefore, concluded a remarkable agreement with the Turkish Government at Angora, which, making a bold bid for Turkish friendship, changed the outlook and in a large degree affected Syria.[2] Under this pact, negotiated by M. Franklin-Bouillon, France not only restored Cilicia to Turkish sovereignty and evacuated the province, but surrendered a part of the area placed in her keeping as mandated territory by the Supreme Council. France, in fact, abandoned the line laid down by the Treaty of Sèvres as the frontier between Turkey and territory mandated to France, and substituted a new line. It began at Pyas, a few miles north of Alexandretta, passed eastwards thence to a point on the Baghdad Railway some thirty miles north of Aleppo, and thereafter followed the course

[1] This Agreement was published as a White Paper (Cmd. 1910) on the 1st August 1923.

[2] For text *v.* App. II, Part II, B, and for British protest Part I, B, § 6, pp. 33–5.

of that railway to Nisibin in such a way as to place the actual railway line in Turkish territory. From Nisibin the new frontier turned north-east to the Tigris at Jeziret Ibn Umar. The territory included within the frontier of the Treaty of Sèvres and the new frontier and thus surrendered, comprises about 9,000 square miles.

Criticism of the French Government for their action cannot, apparently, be supported by the argument of illegality. The Treaty of Sèvres, on which these matters hung, had not been ratified, and was therefore non-existent as a binding instrument; nor had the Mandate for Syria been issued by the League of Nations. Neither were Allied pledges as to freeing the Arabs from Turkish rule unduly strained by the surrender, for the territory shows no preponderating Arab element in the population.

The Pact of Angora gave France at least a temporary security against the Nationalist Turks, and by removing French public alarm on the score of staggering credits, heavy casualties, and an uncertain future in the Levant, may be said to have strengthened the French hold on Syria.

The territorial organization of Syria and Lebanon adopted by the French after they had consolidated their position merits a little attention now as indicating how they regard these mandated areas.

Under the Sykes-Picot Agreement, France was to enjoy complete liberty of action in the portion of Syria bordering on the Mediterranean—the area including the Lebanon—in other words, these districts were destined for French annexation. But the mandatory system subsequently adopted by the Peace Conference at Paris rejected the whole principle of annexation, and replaced it with the principle of trusteeship.[1]

23. *French policy in Lebanon.* Nevertheless, the policy of France as mandatory has been to treat the Lebanon upon a different footing from Syria. One of the earliest acts of General Gouraud after the expulsion of the Emir Feisal, was to visit the chief town of the Maronites, in the Lebanon, and announce the creation of a Greater Lebanon State. This was done by attaching the plains of Bekaa, not occupied by a Lebanese population, to the Lebanon district. As long ago

[1] The text of the Syrian and Lebanon Mandates are given in App. V, Part III.

as 1862, General Gouraud said, it had been the purpose of France to reincorporate the Bekaa with the Lebanon, and now, after all these years, France had realized her ideals. He further announced the decision of the French Government that henceforward no inhabitant of Lebanon would be allowed to emigrate. The motive behind this mediaeval ordinance lay, perhaps, in the fact that the Lebanese in general were by tradition sympathetic towards French ambitions in Syria, and thus formed an invaluable asset which could not be allowed to diminish itself.

The internal policy subsequently followed by the French in these mandated areas always sought to foster the idea that the Lebanon State was a political entity apart from the rest of Syria. That, while it had economic interests in common with its Syrian hinterland, its political interests and aspirations were, or should be, quite divorced. The French Administration, in fact, already regarded the Lebanon as being an integral portion of France, in much the same way as Algeria, and their policy was based upon this unavowed but governing assumption.

The remainder of Syria was eventually divided into the three States of Aleppo, Damascus, and of the Alouites, the latter being the country of the Ansariya—the Mediterranean littoral extending from a point north of Tripoli to the Orontes River.

There was at first no attempt at providing representative government, either in Lebanon or the Syrian States. Even when the election of representatives to the State Councils was adopted and the Syrian States were officially called 'autonomous', the form of government remained a façade behind which French officials exerted complete power. Perhaps it is as yet too soon to expect that greater progress should have been made with native self-government.

24. *Conclusion.* In June 1922, a decree was issued providing for the provisional federation of the autonomous States of Syria, but excluding the Lebanon. The Federal Council consists of five members from each of the States of Aleppo, Damascus, and of the Alouites, with the President of the Council as the President of the Federation. The Council sits alternately at Damascus and Aleppo, one year in each city.

This short survey of recent Syrian history would be need-

lessly incomplete if closed without some reference to the delay which has supervened in promulgating the Syrian Mandate.

The Mandate for Syria and Lebanon was conferred on France by the Supreme Council on the 4th April 1920, confirmed 5th May. The terms were to be prepared by the mandatory, and then submitted to the Council of the League of Nations for approval and promulgation. The Mandate for Palestine was conferred on Great Britain at the same time. In preparing these instruments the British and French Governments discussed the terms in consultation with each other, and the draft Mandates for Palestine and for Syria and Lebanon when deposited with the Council of the League in December 1920, had then been examined and agreed upon by both of the mandatory governments. The draft Mandates so submitted were approved by the League on the 24th July 1922; they were then ready for promulgation.

But at this stage the Italian Government opposed the promulgation of the Syrian Mandate before various matters regarding Syria, in dispute between France and Italy, should have been cleared up. Executive decisions by the League have to be unanimous, and unanimity as to promulgating the Mandate could not be obtained; on this point, therefore, a deadlock arose.

The difficulty was partially surmounted by the League deciding to approve the Mandate, and defer promulgation until the dispute was ended; and that whenever settlement was reached promulgation should follow automatically. Meanwhile, the League requested France to administer Syria and Lebanon in accordance with the Mandate as approved.

It may be mentioned here that the deadlock produced by the dispute has also prevented the Mandate for Palestine becoming operative, for the French Government have insisted upon the simultaneous promulgation of both Mandates.

So far [1] the dispute remains unsettled.

[1] September 1923.

B. PALESTINE AND ZIONISM

II. *Palestine since the 30th October 1918.*

The history of Palestine since the Armistice of Mudros has been shaped chiefly by the influence of three agreements or undertakings already described or referred to in other chapters of the present volume. These agreements are: the British commitments to the Sherif of Mecca in 1914–15, the Sykes-Picot Agreement of 1916, and the Balfour Declaration of 2nd November 1917.[1] For Syria, Arabia, and Iraq—for the more strictly Arab regions—the two first named have been of dominating influence. For Palestine, on the other hand, the Balfour Declaration has had by far the chief importance. In a political sense, indeed, Palestine of the present day is the direct outcome of that British—or Allied— policy expressed in the vague but pregnant sentence of sixty-eight words which constitutes the Declaration.

Any attempt, however brief, to outline the recent history of Palestine must concern itself largely with the Declaration and its results, how the remarkable policy represented by the Declaration came to be adopted, how the Declaration itself harmonized with other Allied Agreements and declarations affecting Palestine and its inhabitants, and how the broad principles expressed or implied in the Declaration were given administrative form, and thus in application influenced the whole current of Palestinian life and history.

1. *The Balfour Declaration* (House of Commons), 2nd November 1917.

'His Majesty's Government views with favour the establish-
'ment in Palestine of a National Home for the Jewish People,
'and will use its best endeavours to facilitate the achievement
'of this object, it being clearly understood that nothing shall
'be done which may prejudice the civil and religious rights of
'existing non-Jewish communities in Palestine or the rights
'and political status enjoyed by Jews in any other country.'

This apparently simple pronouncement, so brief, so casual in manner, yet so careful in phrasing, was, in truth, the resultant of various conflicting and involved interests of world-wide influence

[1] For commitments to Husein *v.* pp. 123–7, 132–3; for terms of Sykes-Picot Agreement *v.* pp. 16–17, 128; *v.* also maps opp. p. 6 and p. 32.

and importance. A brief reference to these interests and their interplay is essential to the purpose of the present chapter.

Much is heard of the Declaration as an instrument conferring upon the Jewish race unwarrantable privileges in a land from which that race had been effectively dispersed. There has been remarkably little said as to the reasons of high policy which impelled the Allies to adopt the purpose of the Declaration as one of their war aims.

To some extent altruistic motives influenced certain Gentile protagonists of the Zionism expressed in the Declaration. At a time when justice for oppressed races and small peoples had become an Allied slogan it was at least consistent to include the Jews among those whose wrongs might be righted as an outcome of the War. But we well may doubt how far such considerations, standing alone, would have carried the Allied Governments towards accepting the restoration of the Jewish people to Palestine as a war aim. The truth is, of course, that for Great Britain and her Allies the policy indicated in the Declaration was most definitely a war measure, well calculated to yield results of immense importance to the Allied cause. And, further, that for Great Britain special reasons existed why she should adopt and support the policy of the Declaration.

These may be found in the obvious advantages of covering the Suez Canal by an outpost territory, in which important elements of the population would not only be bound to her by every interest, but would command the support of world Jewry. That was the long view of British Imperial interests, taken in 1916 and 1917; it counted for much then, but for even more after the war.

But apart from exclusive British interests, the Declaration may be described as essentially a war measure adopted by the Powers of the Entente in the furtherance of their own vital interests. Defined in greater detail, it was a bold, imaginative, and statesmanlike effort to prevent the incalculable and universal influence of Jewry being exerted on the side of the Central Powers—as, indeed, it was, to a serious extent, then being exerted—and to transfer this highly important influence to the cause of the Entente. Nor was it a project of sudden origin, or hastily embraced. The advantages to be gained if the policy of the Declaration were adopted had long been urged; opposition to that policy had long been active. Before the British Government gave the Declaration to the world

it had been closely examined in all its bearings and implications, weighed word by word, and subjected to repeated change and amendment. Unless full weight be given to these antecedent facts, no correct judgment upon the Declaration and its policy in operation can be formed.

2. *The Zionists and the Declaration.* Zionism had been a living and ambitious force in the Jewish world long before 1914. While awaiting its real opportunity it had, in 1905, rejected the tempting offer of territory for the creation of a Zionist State in Uganda, under the British flag. It had steadily looked to Palestine as the one land which could provide the historical connexion essential to Zionist aims. The entry of Turkey into the war brought the hitherto impracticable dreams of Zionism within the bounds of possible attainment. If the goodwill of the Allies, particularly of Great Britain, could be secured, and provided that ultimate success should attend the Allied arms, much might be done to realize the dearest ambitions of Zionism. It lay with Zionist leaders to bring their ideal before the British Government as a scheme likely to be of advantage to the Entente.

Suffice to say that at this crisis of its fortunes Zionism was fortunate, that in Dr. C. Weizmann and Mr. N. Sokolov it found two leaders equal to the great occasion, that British Statesmen, including Mr. (now Lord) Balfour, Lord Milner, Mr. Lloyd George, Lord Robert Cecil, immediately recognized the political importance and value of the Zionist suggestions, and that in the subsequent long negotiations and discussions by which the aims of Zionism were harmonized with the political realities of the situation, the British negotiators were Mr. Balfour and the late Sir Mark Sykes, both of them convinced and ardent supporters of Zionist aspirations. These British representatives and the Zionist leaders just named must be credited with the chief part in framing the policy of the Declaration.

Support of Zionist ambitions, indeed, promised much for the cause of the Entente. Quite naturally Jewish sympathies were to a great extent anti-Russian, and therefore in favour of the Central Powers. No ally of Russia, in fact, could escape sharing that immediate and inevitable penalty for long and savage Russian persecution of the Jewish race. But the German General Staff desired to attach Jewish support yet more closely to the German side. With their wide outlook on possibilities they seem to have urged, early in 1916, the advantages of

promising Jewish restoration to Palestine under an arrangement to be made between Zionists and Turkey, backed by a German guarantee. The practical difficulties were considerable; the subject perhaps dangerous to German relations with Turkey; and the German Government acted cautiously. But the scheme was by no means rejected or even shelved, and at any moment the Allies might have been forestalled in offering this supreme bid. In fact in September 1917 the German Government were making the most serious efforts to capture the Zionist movement.

Another most cogent reason why the policy of the Declaration should be adopted by the Allies lay in the state of Russia herself. Russian Jews had been secretly active on behalf of the Central Powers from the first; they had become the chief agents of German pacifist propaganda; by 1917 they had done much in preparation for that general disintegration of Russian national life, later recognized as the revolution. It was believed that if Great Britain declared for the fulfilment of Zionist aspirations in Palestine under her own pledge, one effect would be to bring Russian Jewry to the cause of the Entente.

It was believed, also, that such a declaration would have a potent influence upon world Jewry in the same way, and secure for the Entente the aid of Jewish financial interests. It was believed, further, that it would greatly influence American opinion in favour of the Allies. Such were the chief considerations which, during the later part of 1916 and the next ten months of 1917, impelled the British Government towards making a contract with Jewry.

But when the matter came before the Cabinet for decision delays occurred. Amongst influential English Jews Zionism had few supporters, at all events for a Zion in Palestine. It had still fewer in France. Jewish influence both within and without the Cabinet is understood to have exerted itself strenuously and pertinaciously against the policy of the proposed Declaration.

Under the pressure of Allied needs the objections of the anti-Zionists were either over-ruled or the causes of objection removed, and the Balfour Declaration, as we have seen, was published to the world on 2nd November 1917. That it is in purpose a definite contract with Jewry is beyond question. Subsequently the Declaration was accepted and endorsed by the Governments of France, Italy, and Japan.

That it is in purpose a definite contract between the British

Government and Jewry represented by the Zionists is beyond question. In spirit it is a pledge that in return for services to be rendered by Jewry the British Government would 'use their best endeavours' to secure the execution of a certain definite policy in Palestine. No time limit is set for performance; completion alone appears to have been intended as the conclusion of the contract. It would thus seem to be an agreement incapable of being greatly varied except by consent.

How far the implied services of Jewry have been or may yet be rendered cannot be estimated, and must always remain a matter of opinion. The Declaration certainly rallied world Jewry, as a whole, to the side of the Entente. The war was won by the Entente; and to the Declaration as a measure to that end may be attributed a share in achieving the great result. And it is possible to understand from many sources that directly, and indirectly, the services expected of Jewry were not expected in vain, and were, from the point of view of British interests alone, well worth the price which had to be paid. Nor is it to be supposed that the services already rendered are the last—it well may be that in time to come Jewish support will much exceed in importance any thought possible in the past. That, however, is a possibility for Palestine of the future to demonstrate.

3. *The Declaration in relationship to other Allied Agreements.* The Declaration was the latest of the three chief agreements bearing on Palestine. Each had been made independently of the other; two were secret agreements; all had been made under the compulsion and stress of war; and between the negotiations for each, entirely unforeseen changes of policy had been forced upon the Allied Powers. Complete harmony between the provisions of these various agreements might not therefore always have been preserved.

No difficulties worth mentioning arose between the Declaration and the Sykes-Picot Agreement. But between the Declaration and the undertakings to the Sherif of Mecca an unfortunate discrepancy of territorial definition is alleged. It turns upon the question whether Palestine was or was not excluded from the territory in which the British Government pledged itself to support Arab independence. The complete correspondence embodying the negotiations and pledges has not been published; for the purpose of this chapter the matter is purely theoretical and requires no discussion; it is enough to say, therefore,

that the British Government maintained their reading of the letters that Palestine was so excluded. But it may be remarked that had the Sherif's son, the Emir Feisal, not been ejected from Syria by the French, much less might have been heard of his father's claim to Palestine.[1]

4. *Palestine after the War.* With Palestine thus secured territorially as a National Home for the Jews, we come at this point to a brief outline of subsequent events.

Zionism pleaded its cause before the Supreme Council at the Paris Peace Conference on 27th February 1919.[2] The proposals made by the Zionist representatives were: That the Powers should recognize the historic title of the Jews to Palestine, and their right to re-establish there their National Home. That the sovereign possession of Palestine should be vested in the League of Nations, and the Government entrusted to Great Britain as Mandatory of the League. They also asked that certain specific provisions should be included in the Mandate. The chief of these were: For the establishment of such conditions as would in the end permit the creation of an autonomous commonwealth. To promote Jewish immigration and close settlement on the land. That the Mandatory should accept the co-operation in economic matters of a Council representing the Jews of Palestine and the world, and leave matters of Jewish education to the same Council. And that the Mandatory should confer the widest possible measures of self-government upon localities.

Long delay followed before the Supreme Council could arrive at its decisions. During this period Anglo-French rivalries in regard to Syria and Palestine became acute; the Emir Feisal and the Arab movement for an independent Syria played their part; the Arab Nationalist movement also developed in Palestine; and anti-Zionist Jewish influence exerted itself against the scheme of the proposed Jewish National Home in Palestine.

But on the 25th April 1920 the Supreme Council, sitting at San Remo, allocated the Mandate for Palestine to Great Britain.[3] The Council also adopted the division of Ottoman territory in Syria as provisionally arranged between Great Britain and France in the Sykes-Picot Agreement. In the Treaty of Sèvres, signed on 10th August, 1920, Zionist claims regarding Palestine were recognized and the promises of the Balfour

[1] *v.* further, pp. 25, 30, 126–7, 140–1, 180–2.
[2] Cf. Vol. I, p. 246.
[3] *v.* pp. 505–6, 519, 521–3 and App. V. 645.

Declaration incorporated in the text of the Treaty. On 20th July 1920 civil government was established in Palestine, and the first British High Commissioner, Sir Herbert Samuel, entered upon his duties.

(*a*) *Frontiers of Palestine.*

The frontier separating Palestine from French Syria gave rise to much negotiation between the British and French Governments. This subject has, however, already been dealt with elsewhere in the present volume,[1] and requires no special mention here except to remark that as ultimately fixed it was not to the advantage of Palestine.

(*b*) *The Palestine Mandate.*

The preparation of the Draft Mandate for Palestine and Trans-Jordan was the next important step by the British Government as Mandatory. It was effected in consultation, not only with Zionist representatives, but with the French Government, in order to secure such general agreement of terms between the Palestine Mandate and the French Mandate for Syria as might be advisable. The Draft was submitted to the League of Nations on 7th December 1920, and approved in July 1922. Promulgation was delayed, as explained in the Syrian chapter of this work.[2]

As interpreting and expanding into practical administrative form the compressed enunciation of policy contained in the Declaration the text of the Mandate[3] well repays careful study. In effect the Mandate grants to Zionism nearly all that Zionist representatives asked for at the Paris Conference in 1919. On the other hand, its provisions guard with scrupulous care the civil and religious rights and interests, and even the susceptibilities, of the diverse races inhabiting Palestine. While establishing the conditions necessary for the creation of the National Home for the Jewish People, it accords no rights to individual Jews as citizens that it does not equally accord to individuals of any other race or faith. The policy of the Declaration may be justifiable or unjustifiable, the adoption of that policy wise or unwise. But conceding that the policy must now be executed, the terms of the Mandate are difficult to criticize except in a spirit of factiousness.

[1] *v.* pp. 37 n., 164–6, and maps opp. pp. 32 and 116.
[2] See p. 169.
[3] Cmd. 1785, 1922.

(*c.*) *Arab opposition to execution of the policy of the Declaration.*

With the earliest measures for establishing a civil government Arab opposition to the prospect of a Zionist Palestine redoubled. Adopting the wild and extravagant utterances of extreme Zionists as representing the truth, the Arab population created for themselves a future of offensive Jewish domination speedily ending in complete dispossession. Under the pressure of such apprehensions Moslem and Christian Arabs made common cause. The old-time friendly tolerance of Jews gave place to a hatred in which the compelling influences of race, faith and fear all found violent expression. Serious riots occurred at Jerusalem in April 1920, and in Jaffa in May 1921. The Report[1] of the Commission of Inquiry which investigated these outbreaks provides an exhaustive and admirable survey of the situation in Palestine at the time, and exhibits the difficulties attending execution of the policy of the Balfour Declaration.

Meanwhile a Palestinian Arab Congress had registered a formal protest against the Declaration, demanded the repeal of past legislation, and the creation of a National form of Government representative only of the Arabic-speaking population.[2] In order to make Arab opposition to Zionism effective, the Congress established a permanent organization to unify and direct Arab efforts, collect funds, and ensure continuity for the movement. This Moslem-Christian movement, in fact, soon became powerful and secured influential external support. In February 1922 the Congress dispatched a Delegation to London to press the opposition of the Moslem-Christian population to the whole policy of the Balfour Declaration. The negotiations and correspondence which followed[3] with the Colonial Office were protracted and marked by plain speaking, and laid bare the fundamental fact of the situation—that what the Arab Congress demanded would, if conceded, render impossible the fulfilment of British pledges to the Jewish people. On 22nd July 1922 the British Government therefore reaffirmed the Balfour Declaration, and there, both in principle and practice, the matter remains.

[1] Cmd. 1540, 1921.

[2] The census of 1922 shows, in round figures, a population including 589,000 Moslems, 83,000 Jews, 73,000 Christians, 8,500 others.

[3] Published as Cmd. 1700, 1922.

CHAPTER I

PART III

EMERGENCE OF ARAB NATIONALISM

C. THE PROBLEM OF MESOPOTAMIA (IRAQ AND MOSUL)

1. *Introduction.* The entry of Turkey into the war forced us to attack the Turkish Empire through its Arab subjects. The plan was adopted of an advance from the various extremities of the Turkish Empire. In each of these campaigns, and in the Mesopotamian campaign most of all, military success was bound to lead first to the destruction of the existing government, and next to some attempt to construct a substitute. Assuming the actual soundness, from the political point of view of the war, of a campaign in Mesopotamia, there was no reason to stop, in fact there was every reason not to stop, between the landing at Fao and the setting up of an administration for the whole of the occupied territory.[1] If oil protection was the object, it would doubtless have cost us less to protect Abadan and the pipe-line than it actually did cost us to extend our arms and at the same time our civil obligations over the three vilayets of Baghdad, Basra, and Mosul, though in the two latter there was also valuable oil. But the advance to these was apparently due to a political desire to avenge the surrender of Kut and to uphold our prestige. If the campaigns in any one theatre cost relatively more than elsewhere, it does not follow that their contribution to the general result is to be dismissed as not worth while.

2. *Situation at the Armistice, 30th October 1918.* The conquered territory was administered on the only possible lines, the higher officials and political officers in nearly every case being lent by the army, the subordinate clerical staff drawn from India. In posts between these two grades Iraquis

[1] Sir W. Robertson, *Daily Express*, 22nd February 1923, is reported as saying 'Troops were sent to Mesopotamia in 1914 to guard our oil interests; but policy was allowed to override strategy, and troops pushed on and on, till they got to Mosul.'

were employed, whenever suitable or willing. But these two necessary provisoes limited the field of choice. We were at war with the Turkish Empire, and most of its officials, the only people in the country with administrative experience, retired with the Turkish armies.

The Armistice brought under our control an area equal to about half the United Kingdom. The communications of this area consisted, in addition to the rivers, of about 650 miles of railway and 10 miles of macadamized roads. The administration of an area so large and so badly served by communications put a great strain on the army and on the civil government. It was a remarkable achievement, out of the resources at hand, to provide a coherent and efficient form of government for the whole.

Whatever the official view of the future of Iraq, this view ought to have governed the measures taken for the settlement of the country. The transfer, after the fall of Kut, of the control of Mesopotamia from India to the Home Government made no apparent difference to the official policy. The British had a chance if not a duty to improve the social, economic, and political conditions of a backward people. They saw the life of the Arab 'solitary, poor, nasty, brutish, and short' without perhaps realizing that the Arab preferred it so. But even if the Arab did prefer it so, it does not follow that the Arab was right, or that we were wrong in trying to improve him. It may be that we went too fast, and that, instead of aiming at the best, we should have been content with the second best. Our proclamation soon after the landing, and General Maude's after the fall of Baghdad, at least implied an obligation to give the Arabs our best. And anything short of that would have exposed us to the more formidable charge of depriving them of one government without giving them anything better in its place.

It must be remembered too that after the fall of Baghdad in March 1917 the battle line was separated from the base at Basra by a distance of 350 miles as the crow flies and 470 miles measured along the shortest possible route by rail, road, or river. An efficient administration of the country, that is an administration by British officials, was essential even with the security of the military occupation.

3. *Question of the Mandate.* This administration, surviving the

Armistice, was found to be too enterprising and too expensive. It is easy to say that this result ought to have been foreseen. It is not easy to discover either how early it actually was foreseen, or what different system could have been adopted. But in any case with the beginning of the negotiations for the Peace Treaty, the problem of Iraq ceased to be a local administrative problem and became part of a world-wide political problem.

This might seem, indeed, already to have been indicated in the Anglo-French Declaration of the 7th November 1918, which stated that the object of British and French in the East was 'the establishment of national governments and administrations deriving their authority from the initiative and free choice of the indigenous populations' and to recognize these governments as soon as they shall have been effectively established. This was aimed primarily at Syria and the Hejaz, but was applied of course by Iraquis to Mesopotamia. Almost simultaneously the theory of the Mandate made its appearance.

In the sketch given by General Smuts of the working of the Mandatory System there was nothing to show that the work of the Mandatory was to be other than slow or expensive. The discussions on the form of Mandate to be applied to Iraq had little effect on, and were equally little affected by, the course of events in Iraq. As a matter of fact, scarcely any progress was made in the assignment or drawing up of Mandates until May 1919, and after that the whole question of Mandates over countries formerly in the Turkish Empire was postponed until the announcement of a decision by the United States. The Mandate for Iraq was not formally accepted by Britain until May 1920. The delay in its publication and still more the delay in the signing of the Peace Treaty with Turkey, however unavoidable, had disastrous results in Iraq.

Between the Armistice and the actual publication of the terms of the Mandate it might have been possible, at the expense of efficiency, to introduce into the government a greater number of native officials. But any form of government in this period was bound to be subject to many embarrassments. The first of these was the progress of the Arab movement in Hejaz and Syria. This had been indispensable to our military success in Palestine, but it very soon committed us to an explicit general recognition of Arab independence so far as we

could promote it, in return for an implicit obligation on the part of the Arabs to help us in the war. The fact that we had discouraged Arab co-operation in Mesopotamia was not likely to help us, after the establishment of an Arab kingdom in Hejaz and Syria, still less after President Wilson's pronouncement on self-determination, followed by an opinion said to emanate from the same source, that Mesopotamia might be regarded as one of the countries ready for self-determination; all of which seemed to be confirmed by the Anglo-French proclamation of the 7th November 1918.

4. *Negotiations as to oil and Mosul at the Peace Conference, 1918–19.* It has already been pointed out that the French and British interests in the Middle East had seriously conflicted with one another. They differed about Arab policy, about spheres of influence, and also about control of oil. It was the latter which came to the front in connexion with Mesopotamia.

(*a*) *Discussions of Clemenceau and Lloyd George, December 1918.* Prior to the War British commerce had interests in Mesopotamian oil, indirectly through the Anglo-Persian Oil Company, which drew its chief supplies from Persian territory, and directly through the Turkish Petroleum Company. The capital of the latter was 75 per cent. British and 25 per cent. German. On the 28th June 1914 it obtained from the Turkish Government the exclusive right to all oil in the vilayets of Mosul and Baghdad.[1] This transaction was completed before the War, and the 25 per cent. German capital was liquidated during the War. By the beginning of 1916 it had become necessary for the British and French Governments to delimit their spheres of influence in the Middle East, and in this act of partition Mosul was, under the Sykes-Picot Agreement, assigned to France.[2] But at the time of the Armistice the French were at a disadvantage in having only a few battalions in Syria, while the British had not only conquered Syria with Arab help, but were also firmly fixed in the occupation of

[1] Tardieu, *L'Illustration*, 19th June 1920, *v.* also a debate on the subject of oil in the House of Commons, 10th March 1922.

[2] *v.* above, Chap. I, Part I, A, § 7*b*, pp. 15–17; Part III, B, § 7, pp. pp. 141–2. According to Tardieu, *loc. cit.*, Sir E. Grey obtained from M. Cambon, 15th May 1916, a declaration that France was 'ready to sanction, in the regions which should be attributed to it or should be liberated by its action, the different British concessions of a date preceding the War'. This covered the Turkish Petroleum Company, and the declaration was ratified by both Governments 17th May 1916. Cp. R. S. Baker, III, pp. 1–19.

Mosul. Further, the Turkish Petroleum Company had been recognized by the French Government as having the exclusive monopoly of oil in the vilayets of Mosul and Baghdad.

The story is not fully known, but the following is the statement of M. Tardieu.[1] He states that M. Clemenceau arrived in London in December 1918 fully primed with the facts. Mr. Lloyd George demanded a British, instead of an international, administration in Palestine and a transfer of Mosul from the Franco-Arab to the British-Arab sphere. M. Clemenceau indicated approval of these demands on three conditions: (1) France to obtain some share in the oil of Mosul by modification of the agreement (15th–17th May 1916); (2) full support to France against American objections; (3) if the Mandate system prevailed—Damascus and Aleppo, Alexandretta and Beirut were to be under one Mandate (the French).

(*b*) *Berenger-Long Oil Agreement, 18th April 1919.* Negotiations were resumed at the Peace Conference and an oil agreement negotiated between M. Berenger and Mr. Walter (Lord) Long (8th April):

(i) France to receive 50 per cent. of all the oil rights which the two countries could obtain in Russia, Rumania, and Galicia.

(ii) France to receive 34 per cent. of disposable oil in British Colonies.[2]

(iii) Great Britain to receive 34 per cent. of disposable oil in French Colonies.

(iv) France to receive the German share (25 per cent.) of the capital of the Turkish Petroleum Company in Mosul and Baghdad.

(v) Great Britain to have the right of carrying a pipe-line from Mosul across French Mandated territory to the Mediterranean.

(vi) *Negotiations fail over Mosul, May–December 1918.* This question of oil concession was, however, complicated by that of territorial control. On the 21st–22nd May M. Tardieu declares that two discussions (*très vives de ton*) took place between M. Clemenceau and Mr. Lloyd George. They ended by M. Clemenceau saying: 'If you had told me in December (1918)

[1] *L'Illustration, loc. cit.*, cp. R. S. Baker, *Wilson and World Settlement*, Vol. I, pp. 70, 74, 76.

[2] Crown Colonies must be meant.

that the cession of Mosul would entail, in addition, the cession of an immense territory I should, from that moment, have declined to assign you Mosul.'[1] The Berenger-Long Agreement had been ratified by the French Foreign Office on the 16th May, but M. Clemenceau declined to assent to it as being contingent on a satisfactory territorial adjustment. An attempt to renew the accord failed again in December, and the question, according to M. Tardieu, was still unsettled when M. Clemenceau resigned on the 20th January 1920. It is usually unsafe to question the facts of M. Tardieu, but M. Briand did so in the French Chamber on the 25th June 1920. He declared that, in one of those informal conversations, of which no record exists, during the Peace Conference, 'The French agreed to abandon Mosul and Palestine' at a moment which was full of difficulties for them. M. Tardieu contradicted him in a speech, giving the version of the facts above cited, which seem to be confirmed by Mr. Baker.

5. *The Mesopotamian Mandate assigned.* Whatever be the correct explanation, the oil and territorial questions had been settled by May 1920.

(*a*) *San Remo Oil Agreement, 24th April 1920.* The San Remo Oil Agreement signed on the 24th–25th April 1920 was a modification of the Berenger-Long Agreement.[2]

(i) France was to receive 50 per cent. of oil rights acquired by the two countries in Rumania, but, as regards 'the territories of the late Russian Empire' no proportion was mentioned, and also nothing was said about Galicia.

(ii) and (iii) Great Britain to receive not less than 33 per cent. (instead of 34 per cent.) of disposable oil in British Crown Colonies, same proportion for British in French Colonies in North Africa, but not in Tomini or New Caledonia where oil is reported.

(iv) and (v) France to receive the 25 per cent. (i.e. German share) of the Turkish Petroleum Company and to facilitate transport of oil by pipe-line or rail from both Mesopotamia and Persia across French Mandated areas to an East Mediterranean port.

[1] Tardieu, *loc. cit.*; according to R. S. Baker, Vol. I, pp. 78–9, Mr. Lloyd George and M. Clemenceau both stated that they knew nothing of the oil agreement till the 22nd May 1919.

[2] *v.* Text of San Remo Agreement in App. II, Part I.

(*b*) *Assignment of the Mandate, 3rd May 1920, and Sèvres Treaty, 10th August 1920.* It is not clear why M. Briand had consented to an arrangement which M. Clemenceau is said to have refused. But at this time the Emir Feisal, the son of King Husein, and the leader of the Arab revolt, was posing as king at Damascus and asserting his claims over Syria. The French press asserted that British support was promised against Feisal, provided Mosul was handed over to her Mandatory area. At any rate, it was announced on the 5th May that France had been assigned the Mandate over Syria, and that Great Britain had received that of Mesopotamia including Mosul. In July 1920 General Gouraud deposed Feisal, chased him out of Syria, and entered Damascus in triumph on the 7th August. On the 10th August the Treaty of Sèvres was signed in which Turkey 'provisionally recognized Syria and Mesopotamia as independent states subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone'. In each case the Mandatory was already chosen.

6. *The Rebellion in Mesopotamia, August 1920.* Whatever be the true history of these complicated negotiations, it is quite clear that uncertainty and misunderstanding prevailed up to the last moment. The uncertainty as to the policy of the Home Government was naturally reflected in the attitude of the officials on the spot in Mesopotamia and had the worst possible effects. New American wine was fermenting in old Arabian bottles. A wild unreasoning hope as to complete national independence on the Wilsonian model had been actually suggested to the Iraquis by some official actions. Thus the Civil Commissioner in the winter of 1918–19 was instructed to ask the local population three questions: (1) Whether they were in favour of an Arab State including the vilayets of Mosul, Baghdad, and Basra under British tutelage; (2) if so, whether the new state should be under an Arab Emir; (3) and in that case, whom would they suggest? The disturbing novelty of consulting the natives seems to have excited them greatly without resulting in the production of many helpful answers.

Later on disturbances began to break out. At the end of 1919 a really serious movement broke out in favour of Feisal and of a federated Syria and Mesopotamia under his rule. British outposts were attacked on the Euphrates and forces dislodged from certain outlying points. This was a great

blow to British prestige. The pro-Feisal movement, as above related, spread to Syria and fanned the flames in Mesopotamia. On the 5th May the assignment of the Mandate to Great Britain was announced. On the 3rd June two British officers and their staff were murdered by Arabs at Tel Afar, west of Mosul. All the elements of a revolt were now present, discontent of wild tribesmen, pan-Arab feelings among tamer townsmen, wild religious enthusiasm. It was in vain that the British Government announced on the 20th June that Mesopotamia was to be constituted 'an independent State under guarantee of the League of Nations' and that 'due regard' would be paid 'to the rights, wishes, and interests of all the communities of the country'. The proclamation also said that Iraq was 'subject to the Mandate of Great Britain'. The rebellion broke out, and the crisis was a dangerous one. During one anxious and critical month (August 1920) the safety of the communicating line between Baghdad and the outer world depended upon the loyalty of one or two sheikhs. Then the tide turned, and the rebellion gradually subsided. With it fell the previous system of government, and Sir Arnold Wilson made way for Sir Percy Cox, who was instructed to conciliate the native population (October 1920). At the same time (December 1920) a Middle East Department was created and placed under the Colonial Office which Mr. Winston Churchill now controlled.

7. *The Cox System, 1921.* The new system of government was a provisional one, pending the decision by a national Assembly of the future constitution of the State. Like the old one it was expensive but it was at least more effective. An Arab Ministry was formed, presided over by the Nagib of Baghdad, the former British secretaries or directors became their advisers. Similarly Arab notables appeared as Mutasarrifs, with British political officers in the background. The 'stopgap' system can never be ideal, but this one seems to have tided over an awkward period.[1] The real question was, what was to be the future constitution, and in the winter of 1920–1 the shadow of a republic dissolved into the more definite outlines of a constitutional monarchy. But who was to be the monarch, and how was he to be elected? After much hesitation a choice was made.

[1] A series of sensational articles on Mesopotamian politics appeared in *The Times* of the 27th December 1921 and following days.

The Arab stone which the French had rejected in Syria became the head of the corner in Mesopotamia. The British Government finally decided to back Feisal. Early in June 1921 it was announced that Feisal was on his way to Iraq. Mr. Winston Churchill announced (14th June 1921) 'that no obstacle would be placed in the way of his candidature . . . and that, if he was chosen king, he would receive the support of the British Government'. But so much emphasis was laid on Feisal's coming simply as the guest of the people of Iraq, that British officials had every excuse for not knowing how they were to act towards him. This is why Feisal complained that their attitude was other than he had been led to expect. At any rate he came, and was received with demonstrations as spontaneous as his agents could make them.

8. *Feisal, King of Iraq, 23rd August 1921.* It does not seem certain that there was any wave of national enthusiasm for him. Basra wanted direct rule by the British, as most likely to secure commercial stability. The north wanted either a Turkish or a British or an Arab government or none at all, but not Feisal. The great Sheikhs of the middle Euphrates regarded him, compared with themselves, as a foreigner and an upstart. His success at first was due largely to British support and less largely to his own reputation. Afterwards his own personality was his greatest asset.

On the 11th July the Council of State unanimously declared Feisal king, with the proviso that his government was to be constitutional, representative, and democratic. This resolution was supplemented by a referendum, which proved nothing except that the people were still amenable to the declared wishes of the British Government. On the 23rd August Feisal was installed as king, having been chosen by 'a great majority'.

The stage-management of his reception into Iraq had been so peculiar that the situation was full of anomalies. In theory he was a constitutional ruler, but without a constitution, and a king by popular consent, though he still had to find his way into the hearts of his subjects. He was surrounded by pitfalls, into some of which he fell heavily. Anti-British feeling showed itself in many incidents. All the time a treaty was being negotiated between him and the British Government which met with all sorts of hitches and embarrassments. At last on

the 12th October 1922 the Treaty of Iraq was signed between Feisal and the British Government, and Iraq[1] emerged as an apparently independent but protected state.

9. *The Draft Mandate, 7th December 1920, and American criticism, 1921–2.* To understand the situation created by the Iraq Treaty it is necessary to refer to the international situation. Much mystery was preserved as to the Draft Mesopotamia Mandate.[2] It came before the Assembly on the 9th December 1920 but its terms were not disclosed. Finally the Draft saw the light in February 1921, owing to the enterprise of an American reporter. It met at once with criticism. Lord Sydenham declared that it should be amended, and Lord Robert Cecil expressed the fear that Mesopotamia was to be a recruiting ground for the British army and that Mesopotamian troops were to be used for that purpose.

(*a*) *Military Defence.* The Draft Mandate empowered the Mandatory Power to maintain troops for the defence of the territory. Local forces could be raised in the Mandated area by the Mandatory until the entry into force of the Organic Law.

(*b*) *Internal.* The Turkish capitulations were abolished in this area (Art. 5), but the Mandatory was to secure under the judicial system: (i) the interests of foreigners (Art. 6); (ii) the law and jurisdiction now existing regarding the religious beliefs of certain communities (Art. 6). The Mandatory was also to ensure complete religious toleration and freedom of conscience (Art. 8).

(*c*) *External.* The Mandatory was empowered to control the foreign relations of Mesopotamia, to issue exequaturs to foreign consuls, and to have the consular and diplomatic protection of Iraquis outside their own territory (Art. 3).

(*d*) *Commercial.* No discrimination against the nationals of any state a member of the League as compared with the nationals of the mandatory or any foreign state, in transport, commerce, navigation, industry, i.e. generally in trade or oil (Art. 11).

The questions raised by this last provision provoked vigorous remonstrance from the United States in a controversial correspondence, given more fully elsewhere (Chap. VI, Part IV, § 7). The American point, as regards Mesopotamia, was that equality of treatment in trade, and in fact to the commerce of all nations,

[1] *v.* App. II, Part III, B. [2] *v.* Text, App. II, Part III, A.

whether members of the League or not, was a part of the general principles of the Peace Treaties, and that this was infringed by the San Remo Agreement (Art.7) that the Turkish Petroleum Company 'should be under permanent British control'. The British reply was that, while 'equitable treatment' would be given to American traders, the Turkish Petroleum Company had secured pre-war rights from Turkey which must be respected. 'The (San Remo) Agreement aims, at no monopoly, it does not exclude other interests, and gives no exclusive right to the Mandatory Power, while the Mesopotamia State is free to develop the oil-fields in any way it may judge advisable, consistent with the interests of the country' (Lord Curzon to J. W. Davis, 9th August 1920). This position was fortified by quotations and facts suggesting that the United States was by no means a practiser of the doctrines of 'equality of trade' and the 'open door' on the American Continent in reference to states like Costa Rica and Hayti.

The Americans returned to the charge, obtained from the League the drafts of the Mandates before they were decided on by the Council, and put forward the further claim that no Mandates shall be revised without the consent of America. They caused great embarrassment to the League, and to their attitude is probably due the fact that the Mesopotamian Mandate is not yet confirmed by the Council. It does not, however, appear that the League is prepared in fact to exclude them from such equality of commercial treatment as is accorded to all members of the League in Mesopotamia, but the British Government has not surrendered its claim, as of right, to exclude any non-member of the League from such benefits.

10. *The Iraq Treaty, 12th October 1922.* Though the Draft Mandate is not yet approved by the Council of the League, it has had much influence upon the Iraq Treaty. In fact the obligations of Great Britain to the League, as defined in the Draft Mandate, necessarily preceded the Treaty, which defines the obligations of Great Britain to Feisal and Iraq. The articles of the Treaty represent what is in fact a scheme for governing Iraq, by British advice and assistance, somewhat in the same way as it was proposed (though fruitlessly) to govern Persia.[1]

(*a*) *Military.* Same as in the Draft Mandate, but Great

[1] *v.* This Chap., Part V, §§ 6–10, pp. 211–17, *passim.*

Britain agrees to provide certain support and armed assistance to the King of Iraq (Art. 7).

(*b*) *Internal.* A British High Commissioner and Consul-General, together with other British advisers, will reside in Iraq, and no officials other than British or Iraquis can be appointed without British consent. In 'all important matters affecting the international and financial obligations and interests of His Britannic Majesty for the whole period of the Treaty', i.e. twenty years, the King of Iraq 'agrees to be guided by the advice of His Britannic Majesty' (Art. 4). He is also to 'fully consult the High Commissioner on what is conducive to a sound financial and fiscal policy'. He undertakes further to 'accept and give effect to such reasonable provisions' as may be devised by the Mandatory for the judicial and other protection of foreigners.[1] These are to form the subject of a special agreement to be presented to the League (Art. 9). Religious freedom and toleration are to be provided for in the Organic Law (Art. 3) as in the equivalent provisions in the Mandate.

(*c*) *External.* The King of Iraq has somewhat more independence than Mesopotamia would have under the Mandate.[2] He can appoint his own diplomatic representatives but, where he is not represented, the protection of Iraqui nationals will be entrusted to Great Britain. He issues exequaturs himself to foreign representatives 'after His Britannic Majesty has agreed to their appointments' (Art. 5).

(*d*) *Commercial.* This is the same as in the Mandate except that Great Britain is permitted to admit to equality of trade, not only members of the League, but 'any state to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a member of the said League (including companies incorporated under the laws of such state)' (Art. 11). This provision enables the United States (and the Standard Oil Company) to be admitted through 'the open door', if Great Britain so wishes.[3]

(*e*) *Relations to the League.* Arrangements are made for the various agreements to be submitted to the League, but

[1] Iraq is to consent to 'reasonable' provisions re immunity of foreigners. In Articles 5 and 6 of the Syrian Mandate foreigners are more fully protected.

[2] i.e. if drawn on the Syrian model (*v.* Art. 3) which gives the Mandatory sole control of the external relations of the Mandated State.

[3] There is no passage on 'concessions' like that in par. 4 of Art. 11 of the Syrian Mandate.

almost no allusion is made to the Mandate as such. Further differences between the two parties as to interpretation of the Treaty are to go to the Court of International Justice under Art. 14 of the Covenant. Great Britain is to use her good offices 'to secure the admission of Iraq to membership of the League as soon as possible' (Art. 6). The Treaty, however, is to last for twenty years (Art. 18), unless before that date Iraq is admitted to the League 'in which case notice of termination shall be communicated to the Council of the League of Nations'. The main differences between these arrangements and those proposed with reference to Persia are that the League supervises and can protect the interests of Iraq, in a way which it could not have done with respect to Persia. Until the various separate agreements are negotiated it is unsafe to say exactly what the Treaty actually implies in the way of British influence and control, or even as regards its relation to the League. But it would appear that the Council of the League can exercise considerable influence in various ways, and that the Permanent Court of Justice can deal with the Treaty as regards 'interpretation' though nothing is said as to application, and the disputes referred to are apparently those between the two contracting parties. The League's consent would seem necessary to the termination of the Mandate in one form or another.

It is clear that the present Treaty is, to a certain extent, provisional and anomalous, for it comes into force *before* and not *after* the Mandate. It comes into force on ratification by both parties, and is therefore not subject to the preliminary approval of the Council of the League. As regards amendment, the Draft Mandate (Art. 18) provides for the consent of the League to modification of the terms, but by Art. 18 of the Treaty this can be done by consent of Great Britain and Iraq. There is no provision for an annual report to the Council of the League. Most of the difficulties will be removed or cleared up if the League refuses to register the Treaty. Mr. Fisher on the 17th November 1922 stated the general position to the Council as follows:

'His Majesty's Government have obligations, however, not only towards Iraq, but also *vis-à-vis* the League of Nations, for apart from the necessity to submit the draft mandate to the League, Art. 96 of the Treaty of Sèvres, Art. 22 of the Covenant of the League of Nations lays down that the degree of authority, control or administration to be exercised by the mandatory shall, if not previously agreed upon by the

Members of the League, be explicitly defined in each case by the Council . . .

'It will be understood that the proposed Treaty will serve merely to regulate the relations between His Majesty's Government, as mandatory Power, and the Arab Government of Iraq. It is not intended as a substitute for the mandate, which will remain the operative document defining the obligations undertaken by His Majesty's Government on behalf of the League of Nations.'

11. *General Conclusion.* For the present situation in Iraq circumstances are doubtless responsible, and good reasons can certainly be adduced for every step taken by Great Britain at the time. Yet there were certain principles of Eastern policy laid down long ago by the Duke of Wellington which apply to this situation. He once opposed the transfer of the capital of India from Calcutta to Delhi, on the ground that this would be to remove the capital from the operation of British sea-power. If for Calcutta we read Basra, and for Delhi Baghdad, the warning is appropriate. Again, he once told Czar Nicholas that an advance in Asia might be advisable, but, if made, was irrevocable. A punitive or military expedition might be one thing, but an attempt to set up civil administration was quite another. If that was done you could never draw back because of the resultant loss of prestige and of the military dangers attendant upon it. Here again his warning is timely. As a military measure the capture of Baghdad or even of Mosul may have been sound, but the establishment of civil administration and the hesitations of the Home Government confronted us with problems of quite another order, for which the soldiers were not responsible.[1] Hence the danger of the present position.

Whether withdrawal is possible or not is for those with the requisite knowledge to decide. The administration has been enormously costly; in 1921 we still had 100,000 troops and had spent about a hundred millions of money in Mesopotamia. Under the Turks a garrison of 16,000 troops only had been maintained at vastly less expense. The strategic situation has altered much for the worse. For Mesopotamia was intended to be held in conjunction with Persia, and both were to be under British influence. Now Persia, Afghanistan, on the east, the Bolshevists and the Turks in the north, are all either hostile or

[1] *v.* Opinion of Sir Henry Wilson in *Daily Mail*, 30th May 1922 would seem to prove that he was not responsible for remaining at Mosul. Sir W. Robertson (Speech, *Daily Express*, 22nd February 1923) lays the responsibility on the politicians for going to Mosul.

disinclined to assist our schemes of defence or protection. Mesopotamia is an outwork, with a bastion at Mosul, thrust deep into enemy country. She depends for her life, like a diver, upon a long slender communicating tube which is open to the danger of puncture or severance. No country, which lies so far from the sea and from British sea-power, is really safe from attack.[1]

The commercial arguments for remaining are not easy to understand. It does not seem ever to have been proved that trade follows the flag, still less that the flag must be steeped in oil. The anarchic disorders of Mexico and of Persia have not prevented enterprising British companies from maintaining their hold upon, and deriving large profits from, oil wells.

The humane arguments of remaining to improve the lot of the inhabitants and the condition of the country would be more convincing if it was certain that they really prefer British to Turkish rule, that the Iraquis are capable of forming a nation, that Feisal is really their choice, or that Mosul was desirous of remaining with them. Ultimately the decision will rest with the Turk. For, if the Iraquis continue to regret their old masters, it is difficult to see how we can ultimately prevent them from returning to Turkish sway. The Turks till December 1922 steadily demanded the restoration of Mosul.[2] For the British Empire, as for the Turkish, no graver problem exists than that of Iraq and Mosul.

The final conclusion would appear to be that the Iraq Treaty has been allowed to precede the Mandate, because the British Government wishes to conciliate Iraq by regarding her in some sense as a sovereign state, which she is not, and cannot be, under the Mandate. This step has resulted in Iraq obtaining some concessions which she would not have received under an ordinary mandate. But her position, while improved against the League, is to some extent weakened as against Great Britain. In the end, however, a *modus vivendi* will probably be found, and, like other backward states, Iraq will ultimately find her best friend in the League.

[1] Sir Henry Wilson, *loc. cit.*

[2] Mosul contains Turkish elements, but does not appear at present to be predominantly Turkish in sentiment. The British *pros* and Turkish *cons* on the subject are given adequately in *The Times* of the 24th January 1923. [By Article 3 Treaty of Lausanne (24 July 1923, ratified by Turkey 23 Aug.) the frontier between Turkey and Iraq is to be arranged in nine months between Turkey and Great Britain. Failing an arrangement the dispute will be settled by the League.]

CHAPTER I

THE NEAR AND MIDDLE EAST

PART IV

THE INDEPENDENCE OF EGYPT

THE special status of Egypt as a part—if a rather shadowy one—of the Turkish Empire necessitates its consideration in connexion with the Turkish and other Treaties of Peace.

1. *Pre-war Status of Egypt.* The British control of modern Egypt began with the revolt of Arabi Pasha against the Khedive which caused Great Britain to intervene in 1882 to restore order. In this intervention other interested Powers, though invited, declined to take part, and Great Britain found herself confronted with the Egyptian problem alone. The previous position of Egypt in the Turkish Empire is not easy to describe or to define. Its substantial emancipation from Ottoman rule dated from the days of Mehemet Ali, who obtained hereditary rights for his successors, and of his son Ibrahim, who had carried his victorious arms so far into Asia Minor as to threaten the break-up of the Ottoman Empire. From the fifties onward Egypt began to amass debts and to attract foreign capitalists. The Suez canal, created by French enterprise, led to international agreements in which Great Britain, as a large purchaser of shares and as requiring to safeguard her route to India, was specially interested. The régime just previous to 1882 was a peculiar one. Concessions made by Turkey to Egypt had always been of a unilateral character, i.e. had been theoretically conferred by the Sultan on the Khedive, though in practice they were often yielded at the sword's point. From 1840 right up to 1882 a long series of firmans had defined the position, the most important being that of 1879,[1] which confirmed the Khedive's rights with regard to the conduct of foreign relations. It is important to remember that, before Great Britain appeared on the scene, 'Egypt was an autonomous nationality under the

[1] It however withdrew from Egypt the right of contracting loans, renewed the annual tribute at £750,000 (Turkish), and limited the Egyptian army to 18,000 men.

suzerainty of the Sultan of Turkey.'[1] Egyptian Nationalists, therefore, had a fair case for contending that, before British intervention took place, Egypt really enjoyed a measure of independence. This is the key to the whole subsequent history. Egypt, at any rate in her own eyes and probably both in theory and fact, never has been in the position of a British Colony demanding 'self-government', 'Dominion status', or 'nationhood'. Hence according to the Egyptian view it was not a question of Great Britain conferring privileges or liberties on Egypt. It was simply a question of allowing her to revert to that condition of relative independence which she had possessed before the English arrived.

2. *The British Status in Egypt.* On her entry into Egypt Great Britain declared that she was merely occupying the country temporarily to secure order and to protect the property of foreign residents and would depart as soon as these objects were attained. This theory was upheld by both British parties, and in 1887 Sir Henry Drummond Wolf was dispatched to Constantinople to sign a Convention which should arrange for an evacuation in three years. The Sultan at the last moment withheld his signature and the overture broke down. None the less, the 'national status' of Egypt was, in theory at least, unimpaired. The British position was in no way legalized. The Khedive in law governed Egypt with an Egyptian Cabinet, an Egyptian Legislative Council, and an Egyptian Assembly. The British 'Agent and Consul-General', like similar representatives of other Powers, merely conveyed the views of his Government to the Khedive. In practice, however, the 'special position' of Great Britain was recognized.

The British officials, though in theory advisory, technical, or consultative, had a predominant influence in the administration, but from 1892 onwards their numbers were very restricted. The British Army of occupation ensured order and facilitated a British reorganization, and the command and control of the Egyptian Army Force were British.

To the susceptible Oriental mind this practical control did not outweigh the theoretical advantage of Egypt's position, which served as an implied pledge that the occupying Power did not mean to alter the status of Egypt. Sir Eldon Gorst, the successor of Lord Cromer, even went so far as to say that the

[1] Milner Report, Egypt, No. 1, 1921, Cmd. 1131, p. 7.

'fundamental idea' of British policy was to fit Egypt for self-government 'while helping them in the meantime to enjoy the benefit of good government'. Lord Kitchener, who succeeded him. was less communicative, and one action of his brought into sharp contrast the unreality of theory and fact. When the Italians were fighting the Turks in Tripoli in 1911 Lord Kitchener prevented Egyptian officers or men from going to aid the Turks in Tripoli and refused to permit the Turkish armed forces in Palestine to cross Egypt into Tripoli. It was a form of suzerainty familiar in the East, by which the suzerain (i.e. the Sultan of Turkey) was prevented from marching troops through the district of which he was suzerain. This, however, affected the rights of the Sultan rather than those of Egypt, and excited no special emotion in Egyptians.

3. *The War: a British Protectorate declared.* On the outbreak of war, Abbas II, the notoriously Anti-British Khedive, was in Constantinople. The course taken by Great Britain was intended to avoid hurting the Egyptian susceptibilities, as is shown by the fact that Great Britain annexed Cyprus[1] the day she declared war on Turkey, 5th November 1914. She did not annex, she merely declared a protectorate over Egypt. The proclamation, issued on the 18th December 1914, ran as follows:

'His Britannic Majesty's Secretary of State for Foreign Affairs gives notice that in view of the state of war arising out of the action of Turkey, Egypt is placed under the protection of His Majesty, and will henceforth constitute a British Protectorate.'

'The suzerainty of Turkey over Egypt is thus terminated, and His Majesty's Government will adopt all measures necessary for the defence of Egypt and protect its inhabitants and interests.'

This Proclamation does not suggest that the Protectorate was a war-measure, or that 'the defence of Egypt' by Great Britain was limited merely to defence in the War. Both assertions have since been made by Egyptian Nationalists.[2] It seems fair to point out, however, that other official utterances containing vague assurances about 'accelerating progress towards self-government', etc., were certainly made. One

[1] *v.* also pp. 165, 205 and n.

[2] See Sultan Husein's views given to Sir V. Chirol, *Egyptian Problems*, 1920, p. 132.

result of the Protectorate, which subsequently caused great annoyance,[1] was that the British Government dispensed with an Egyptian Minister for Foreign Affairs and placed the Egyptian Foreign Office under the British High Commissioner who had replaced the 'Agent and Consul-General' as supreme British representative. A graver step than the proclamation of the Protectorate was taken on the 19th December, when a further Proclamation declared Abbas II deposed and stated that the succession had been offered to and accepted by Prince Husein Kamel, with the title of Sultan of Egypt. The title was no doubt meant to indicate Egypt's independence of Turkey, but the deposition of the Khedive by Proclamation after, and not before, the British Protectorate had been proclaimed, suggested that Great Britain was the real ruler and the new Sultan wholly dependent upon her.

4. *Egyptian Dissatisfaction during the War.* The course of the War was not calculated to dispel these illusions. There seems to be no doubt that the recruiting for the Egyptian Labour and Camel Transport Corps, the requisitioning of animals and goods from the natives, and even the collection of subscriptions for Red Cross funds were carried out by Egyptian native officials in a manner which gave rise to all sorts of intimidation and corruption.[2] As these measures were intended to aid Great Britain in the War, she was naturally blamed for them. All this lent stimulus to the Egyptian Nationalist agitation against British rule in Egypt. This was based partly on the inevitably growing discontent of a native population with a foreign ruler, partly on the dislike of Moslems for Christians. It received a notable accession from the theory of self-determination proclaimed by President Wilson. It derived much also from the Anglo-French Declaration of the 7th November 1918, which stated that the objects of France and Great Britain in the East were the 'establishment of national governments deriving their authority from the initiative and free choice of the indigenous populations', and declared their intention to be 'to recognize these governments as soon as they have been effectively established'.[3] The example of the King of the Hejaz, the exploits of Lawrence and of Feisal, brought home to the Egyptians the conviction that the long-expected

[1] It was not till 1919 that this was stated as a grievance.
[2] Cf. Milner Report, pp. 10–11. [3] For Text, pp. 140–1.

hour of independence was at hand. If Arabs could be free, why not also Egyptians?

5. *Egyptian Demands in 1918, Zaghlul and Rushdi Pasha.* Towards the close of 1918 Sir Reginald Wingate, the British High Commissioner, had warned the Home Government that the ferment of these ideas would soon have its effect in Egypt. Public opinion there was shortly inflamed by various incidents. Zaghlul Pasha and other Nationalists demanded on the 13th November to be allowed to proceed to London with demands for a programme of 'complete autonomy'. The Prime Minister —Rushdi Pasha—simultaneously proposed an official mission to London on lines which had the approval of the new Sultan. His contention, more guarded than that of Zaghlul, was that the Peace Conference would consecrate the British Protectorate and that, before it did this, he was entitled to know what the Protectorate meant and what rights it gave to Egypt. Under the Sultan of Turkey the Egyptians had certain defined rights; what rights had they as against Great Britain under the Protectorate? The British Foreign Office declined to receive Zaghlul, and suggested that Rushdi's visit was 'inopportune' and should be deferred.

6. *The Deportation of Zaghlul, March 1919.* This dilatory attitude on the part of Great Britain produced serious consequences. Rushdi resigned, and early in March, Zaghlul declared his intention of leading a delegation to lay the legitimate aspirations of Egypt 'before other countries', and sent a heated petition to the Sultan. In punishment for this, after approval by the British Government, the Acting High Commissioner deported Zaghlul and three of his adherents to Malta early in March. This action led to violent outbreaks in the second and third weeks involving looting, arson, severing of railways and telegraphs, murder of British officers, and finally open revolt in four provinces. Lord Allenby, the Commander-in-Chief in Egypt and Syria, was at Paris on the 12th March where he was advising on Syrian and Arabian affairs. He returned to Egypt as 'Special High Commissioner' on the 25th, and by that time the military situation was under control. Lord Allenby took various conciliatory steps, and in the meantime released Zaghlul and his three associates from their deportation at Malta. They made use of their freedom to proceed forthwith to Paris, where they formed one of the numerous unrecognized

deputations of nationalities clamouring for recognition, justice, existence, or self-government. By the time they arrived in Paris, however, the question of Egypt, for good or for evil, had been settled by the various Powers at the Peace Conference.

7. *Attitude of Powers other than England towards Egypt from the outbreak of War to the Peace Conference.*

(*a*) *France.* Previous to the War certain other Powers were almost as much interested in Egypt as Great Britain herself. France had been led by history, by tradition and inclination to exercise influence in Egypt, and had more than once caused great embarrassment to Great Britain. But the Anglo-French Agreement of 1904 altered all this. It was accompanied by a declaration signed in London in which Great Britain declared that she had 'no intention of altering the political status of Egypt'. In return 'the Government of the French Republic, for their part declare that they will not obstruct the action of Great Britain in that country, by asking that a limit of time be fixed for the British occupation or in any other manner'. During the War the British Government did alter the status of Egypt, but the French Government showed every desire to assist and support their Ally, and was one of the first to recognize the British Protectorate.

(*b*) *Powers other than France.* The interests of other Powers were not, like the French, largely political, but chiefly commercial and economic, yet in Egypt the two were inextricably intertwined. By the system of Capitulations, which applied to Egypt as being part of the Ottoman Empire, fifteen states [1] had secured extra-territorial rights of a very extensive character. These included not only certain commercial concessions, but exemption from courts of local jurisdiction, inviolability of domicile and protection from arrest, and most important of all —immunity from personal taxation without assent of their Government. In practice foreigners were (and in 1922 still are) liable only to the house and land tax, and no purely Egyptian legislation applicable to foreigners can be enforced without the consent of the Capitulatory Powers. These privileges really created fifteen centres of extra-territorial jurisdiction upon the soil of Egypt within the Egyptian state. They were not easily

[1] Austria-Hungary, Belgium. Denmark, France, Germany, Great Britain, Greece, Holland, Italy, Norway, Portugal, Russia, Spain, Sweden, United States.

to be justified or maintained in the face of the great improvement in Egyptian administrative and judicial methods, though much of this was due to British influence. The British Consul-General had been tacitly allowed to take the lead before the War, but under a British Protectorate the British High Commissioner might exercise different powers, for it was the avowed British purpose to substitute one authority for fifteen in dealing with Capitulatory matters, and her scarcely less evident purpose to curtail, in some measure, the privileges of all Capitulatory Powers (as, e.g., in regard to taxation) where they injured Egypt's economic development. Hence it was exceedingly difficult to obtain the recognition of a British Protectorate from other Powers, whose merchants were naturally desirous of maintaining their special position. Between the 18th December 1914 and the Armistice of the 11th November 1918, Belgium, France, Greece, Portugal, Russia, and Serbia had given this recognition. After the Peace Conference began to sit it became highly important that other Powers should follow suit. Italy—whose interests were important—delayed very long, and did not finally give recognition. The United States finally recognized the British Protectorate on the 23rd April 1919.[1] Five neutral powers [2] remained, together with two Enemy Powers—Germany and Austria-Hungary. With the last two it was easier to deal.

8. *Enemy Powers deprived of Capitulatory Rights.* In the Draft Treaty to Germany, presented on the 7th May 1919, according to Art. 147 (unaltered in the revised Treaty of the 28th June) 'Germany declares that she recognizes the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt. This renunciation shall take effect as from August 4, 1914.' [3] A series of other articles (148–53) effectively deprived Germany of economic, financial, or commercial interests in Egypt. Art. 154 contained a significant provision—'Egyptian goods entering Germany shall enjoy the treatment accorded to British goods'.

Austria and Hungary were compelled by similar articles in their treaties to recognize the British Protectorate and also to

[1] Mr. Lansing, no believer in 'self-determination', says he urged this recognition on President Wilson in September 1918.

[2] Denmark, Holland, Norway, Spain, Sweden.

[3] v. Text in Vol. III, pp. 184–6.

renounce all Treaty and contract rights acquired by the former Austro-Hungarian Monarchy.[1]

Germany did not, however, surrender without a struggle. She declared that she was 'obliged, without consulting the Egyptian people, to recognize the protectorate over Egypt by Great Britain and ... to violate Egypt's right of self-determination'.[2] Her protests were disregarded at the Peace Conference, but they were noted by Zaghlul, and the appeal to 'self-determination' added fuel to the flame of Egypt's nationalistic aspirations.

9. *The Treaty of Sèvres, 10th August 1920.* The international aspects of the Egyptian question were practically terminated by these separate recognitions, and by the various Treaties, and finally by that of Sèvres of the 10th August 1920 whereby Turkey renounced all her rights in, or title, over Egypt as from the 5th November 1914, and recognized the British Protectorate (proclaimed on the 18th December 1914).[3] This Treaty has not, indeed, been ratified, but the Turkish aspect of the question is not of a serious character, except from the strict standpoint of international law. Her rule had long been nominal, and regret or desire for the Turk formed no part of the Egyptian agitation. It was not Pan-Islam, but self-determination and 'Egypt for the Egyptians' which were the burning watchwords of that movement.

10. *The Milner Mission and the Milner-Zaghlul Conference, 18th August 1920.* As a result of the agitations of 1919 it was announced in May of that year that Lord Milner would head a special Mission to Egypt to inquire into disorders, to report on the existing situation and to suggest a form of Constitution. Unfortunately, in view of the increasing agitation, its departure was delayed till the end of November, and it was received with great demonstrations of hostility by unofficial persons and with

[1] Austrian Treaty, Art. 102–9, Hungarian Art. 86–93; *v.* Text, Vol. V, p. 204.

Bulgaria was also compelled to recognize the Protectorate but, as she had no capitulatory rights, was merely compelled to renounce all claim to them, *v.* Bulgarian Treaty, Art. 63, Text, Vol. V, p. 318.

[2] *v.* Vol. II, pp. 299, 363.

[3] Art. 101–12. Art. 101 runs thus: 'Turkey declares that in conformity with the action taken by the Allied Powers she recognizes the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914.' Not all Allied Powers had recognized the British Protectorate. The French (and decisive) version runs 'La Turquie qu'en conformité avec l'action prise par les Puissances alliées'.

great reserve by Egyptian officials.[1] The mission returned to England in March 1920, and through the moderating influence of Adli Pasha, Zaghlul Pasha was persuaded to come to London with some of his adherents to discuss with Lord Milner the possibility of arriving at a solution of the Egyptian question. A memorandum was eventually drawn up and signed by Lord Milner on the 18th August 1920, the adoption of which Lord Milner was prepared to recommend to the British Government in return for Zaghlul pledging himself to urge its adoption on his countrymen in Egypt. The Memorandum first suggested that a Treaty should be signed between Egypt and Great Britain, in which the latter recognized the independence of Egypt as a constitutional monarchy with representative institutions, Egypt in turn agreeing to confer on Great Britain 'such rights as are necessary to safeguard her special interests', and to give the guarantees to foreign Powers necessary to secure their relinquishment of Capitulatory rights. In the second place it provided for a Treaty of Alliance between the two countries in which Great Britain should support Egypt in defending her territorial integrity, while Egypt offered, in case of war, to give Great Britain all the assistance and facilities in her power, 'within her own borders'. Egypt was to have the right of diplomatic representation in foreign countries, but would undertake not to adopt in foreign countries an attitude inconsistent with the alliance, or create difficulties for Great Britain or enter into agreements with foreign Powers prejudicial to British interests.

Egypt was to give Great Britain the right of maintaining a military force on Egyptian soil to protect her imperial communications, but this force was not to constitute a military occupation of the country nor to prejudice the rights of the Egyptian Government. Internally, a Financial Adviser and an official in the Ministry of Justice were to be appointed by Egypt in concurrence with His Majesty's Government. Finally, Great Britain was to negotiate the whole question of Capitulations. Lord Milner made clear in a separate letter to Adli Pasha of the same date that the Sudan had been deliberately excluded from the discussion. Zaghlul was unwilling to commit himself to the

[1] The Milner Mission consisted of Viscount Milner, Sir Rennell Rodd, General Sir J. G. Maxwell, General Sir Owen Thomas, M.P., Sir C. J. B. Hurst, J. A. Spender with Mr. A. T. Loyd and Captain E. M. B. Ingram as Secretaries.

policy of the Memorandum without first testing the feeling of his countrymen towards it. Some of his colleagues proceeded to Egypt and found a disposition to accept with some detailed modifications. On their return, October 1920, to London, negotiations were resumed, but failed to result in the agreement anticipated. The Milner Mission then proceeded with their Report and finally signed it on the 9th December 1920.

11. *Lord Allenby's Proposals, November 1921–January 1922.* During the next ten months much futile negotiation over a draft treaty took place, but the attitude of both parties caused difficulties. Egypt declined a draft treaty and refused absolutely to go further until the Protectorate was finally abolished. Next, on the 17th November 1921, Lord Allenby reported to Lord Curzon[1] that his British Advisers were unanimously of the view 'that a decision which does not admit the principle of Egyptian independence, and which maintains a protectorate must entail serious risk of revolution throughout the country' . . . 'Unless His Majesty's Government are prepared to give substantial satisfaction to expectations which Egyptians have legitimately formed on the basis of apparent policy of His Majesty's Government during the past two years, it will be impossible to form any Ministry.' 'Strong military force' could, of course, be used, but 'liberal concessions' were necessary. Lord Curzon suggested that this argument was 'to a large extent unsound'. Lord Allenby replied (6th December) that he wanted to be able to promise the Sultan 'a higher degree of independence' than the British Government 'are clearly disposed to grant'. He added, on the 11th December, that 'no Egyptian . . . can sign any instrument which in his view is incompatible with complete independence. Consequently it is necessary definitely to abandon the idea that the Egyptian question can be settled by means of a Treaty'.

On the 21st December, Lord Allenby, in consequence of the renewed violence of Zaghlul's attitude, prohibited him from further political activities, arresting him on the 23rd and subsequently deporting him to the Seychelles. Violent agitations ensued and a new Ministry under Sarwat came into office. On the 12th January 1922, Allenby asked for the approval of the

[1] Egypt, No. 1, 1922, Cmd. 1592, p. 5. One point in dispute was that Great Britain claimed the right of military occupation unlimited in time and space, never before in fact exercised. On the 3rd December 1921 the British Government's note indicated a return to the policy of force, which was subsequently abandoned.

Government, for the following statement to the Sultan of Egypt. Great Britain was prepared to recommend to Parliament, without waiting for the conclusion of a treaty, the abolition of the protectorate and the recognition of Egypt as an independent sovereign State, and the re-establishment forthwith of the Egyptian Ministry for Foreign Affairs, and consequent diplomatic representation of Egypt abroad. The régime of martial law was to be abolished as soon as an Egyptian Indemnity Act had been passed, and could be suspended 'in respect of all matters affecting the free exercise of political rights of Egyptians'. After this new state of affairs was established, the two Governments would conclude an agreement on the following four points: (*a*) security of communications of British Empire; (*b*) defence of Egypt against all foreign aggression or interference direct or indirect; (*c*) protection of foreign interests in Egypt and protection of minorities; (*d*) the Sudan. Lord Allenby made it clear that, in his opinion, the country could not be governed any longer without concessions on these lines.

12. *The British Declaration to the Sultan, 28th February 1922.* Lord Allenby was summoned to England to explain his views. As a result they were accepted *in toto*, except that the *status quo* as to the four points (*a*), (*b*), (*c*), and (*d*) was to be maintained pending the 'free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's Government and the Government of Egypt'. Till such time the discretion of the British Government, as regards (*a*), (*b*), (*c*), and (*d*), was 'absolutely reserved'.

These sentiments were communicated to the Sultan on the 28th February in the form of a unilateral declaration, thus showing that Great Britain claimed definitely to have certain concessions and to reserve certain matters. The Protectorate was abolished and Egypt recognized as 'a sovereign independent state'. As regards other foreign states, however, the situation is made sufficiently clear in Mr. Lloyd George's explanatory telegram to British Dominion Governments of the 27th February. 'In communicating the substance of this declaration to foreign Powers, we propose to announce that the termination of the British Protectorate over Egypt involves no change in the *status quo* as regards the position of other Powers in Egypt. We propose to declare that the welfare and integrity of Egypt are necessary to the peace and safety of the British Empire, which will, therefore, always maintain as an essential British

interest the special relations between itself and Egypt long (*sic*) recognized by other Governments, and in calling attention to these special relations as defined in the declaration recognizing Egypt's independence, we propose to declare that we will not admit them to be questioned by any other Power, that we will regard as an unfriendly act any attempt at interference in the affairs of Egypt by another Power; and that we will consider any aggression against the territory of Egypt as an act to be repelled by all means at our command.'

13. *General Principles.* The settlement thus outlined has two aspects, internal and international. The 'sovereignty and independence', which Egypt has received, seem of a limited character. Zaghlul, the man who had done most to win Egypt's independence, was actually deported just before Egypt received 'the right to manage her own internal affairs'.[1] Further, both the Capitulatory régime or its substitute, and certain arrangements enabling Great Britain to interfere in certain matters of finance and justice, seem hardly reconcilable with 'independence' or 'sovereignty' as normally understood. This seems to be even more the case as regards external affairs. Egypt is to have her own Foreign Office and diplomatic representatives but it is clear that, in most things, Great Britain will act as intermediary between her and Foreign Powers, who are very seriously warned against interference. The arrangement is 'equivalent', in Lord Allenby's words, 'to the declaration of a British Monroe doctrine over Egypt,' though even the most strenuous disciples of Monroe have never said 'hands off' to foreigners in a more determined manner.

14. *The Sudan and Cyprus.*

(*a*) *The Sudan.* The status of the Sudan is important both to Egypt, to Great Britain, and to Foreign Powers, and that is one of the reasons why foreign states are recommended not to question these matters in which the rights of the British Empire are so vitally involved. The status of the Sudan is defined by the Anglo-Egyptian Convention of the 19th January 1899, which lays it down that Great Britain was 'by right of conquest' entitled 'to share in the settlement and future working and development' of the Sudan. By this claim and in virtue of this Convention, the authority of the Turkish Sultan was definitely excluded, as also was the Capitulatory régime of

[1] On 4th April 1923 he was released from Gibraltar by British authorities on the ground of ill-health.

Egypt, and 'no foreign consuls should reside in the country without the consent of the British Government'. The Governor-General, who has supreme military and civil power, was to be appointed by the Khedive of Egypt on the recommendation of the British Government. The arrangement seems clear. The Sudan is an Anglo-Egyptian Protectorate virtually controlled by Great Britain. Thus the flags of the Egyptian Sultan and the British King float side by side over the Sudan, but all the administration is British. Mr. Lloyd George in Parliament on the 1st March 1922 stated that we 'will never allow the progress that has already been made and the greater promise of future years to be jeopardized'. He further added that Great Britain could not 'agree to any change in the status of that country (the Sudan) which would in the slightest degree diminish the security for the many millions of British capital which are already invested in its development'. All this evidently relates to a period preceding that at which the Mandate theory came into force. The legal situation seems to be that the status of the Sudan was settled by a pre-war arrangement in which Egypt herself took part but which she is now apparently claiming to discuss if not to revise. Foreign Powers are frankly told that they will not be permitted to interfere. In point of fact it would appear that they have already renounced such rights by the Treaty of Sèvres but this was not ratified, and is now superseded by the new Treaty of Lausanne.[1]

(*b*) *Cyprus.* By the Treaty of Sèvres (Art. 115–17) the High Contracting Parties (i.e. the Allies as well as Turkey) recognized the annexation of Cyprus proclaimed by the British Government on the 5th November 1914. Turkey renounced all rights or title over Cyprus including tribute. Turkish nationals born or habitually resident in Cyprus will acquire British, and lose Turkish, nationality. This arrangement is, however, unratified.

[1] Treaty of Sèvres, Art. 113. 'The High Contracting Parties declare and place on record that they have taken note of the Convention between the British Government and the Egyptian Government defining the status and regulating the administration of the Soudan, signed on January 19, 1899, as amended by the supplementary Convention relating to the town of Suakin signed on July 10, 1899.'

Art 114. 'Soudanese shall be entitled when in foreign countries to British diplomatic and consular protection.'

By Art. 16–17 of Lausanne Treaty (24th July 1923, ratified by Turkey 23rd Aug.) Turkey renounced all titles over Egypt and the Sudan as from 5th November 1914, and (Art. 20) recognized the British annexation of Cyprus from the same date. *v. supra*, pp. 165, 195.

CHAPTER I

THE NEAR AND MIDDLE EAST

PART V

THE LIBERATION OF PERSIA

1. *Introductory.* Persia is a country enormous in extent but, on the whole, barren and unproductive except in the Caspian provinces and the oil area in the south. The chief interest she possessed for other Powers before the War was to form a 'buffer-state' between Great Britain and Russia. The latter Power was steadily expanding southwards and had, ever since 1879, been attempting to penetrate into North Persia. The chief volume of Persian trade was with the Caucasus and the north and Russia's interest was, therefore, evident. The inability of the Persian Government to protect traders, the badness and scarcity of her communications, naturally led Russia to constant interference. British interests were less evident and less aggressive. Great Britain obviously desired to maintain maritime control of the Persian Gulf, and had had a long trading connexion with this area and its hinterlands. Hence British interests in Persia were connected also with Mesopotamia. However, in the first decade of the twentieth century, British interests became directly involved with the security of the oil fields of Persia from which the British fleet was to draw increasing supplies of fuel. This interest was naval and, therefore, vital. The energetic Anglo-Persian Oil Company obtained concessions in South-west Persia in the Karun valley and in the Baktiari area, and had built pipe-lines to the coast, and established oil refineries near the mouth of the Shat-el-Arab at the Isle of Abadan. Here again, and in a more important manner, British interests were concerned alike with Persia and with Mesopotamia. In peace time these concessions involved no infringement of Persian sovereignty, and, in fact, supplied a revenue to Persia and gave Great Britain an interest in preventing her from falling under the control of another foreign Power. None the less British interests began to be bound

up with those of Russia when Germany pressed on with the Baghdad railway. In the Agadir period, and subsequently, Great Britain often had to co-operate with Russia in demands on Persia, not because she approved of them, but because her interests outside Persia compelled her to support Russian claims. None the less the British desire was, if possible, to maintain Persia's independence.

2. *The Anglo-Russian Agreement, 31st August 1907.* From 1881 to 1914 the history of Persia has been a history of penetration by Russia and of attempts by Great Britain to nullify or resist the effects of that penetration and to hold on to the coast and control the Persian Gulf. By means of a Russian bank and of Russian loans and Russian commerce the Tsarist Government arrived at economic control, and by a force called the Persian Cossack Brigade (ultimately Division), officered by Russians, they endeavoured to secure material control at need. British diplomacy, without force and without adequate funds, was thought to have secured a notable triumph in 1906 when British support enabled Persian Nationalists to secure a constitution, and forced the Shah to abandon his despotic control of the Government. But the young Mejliss or Parliament had great difficulties to overcome, which were increased by Russian intrigue, by the death of the old Shah, and the accession of an anti-constitutional tyrant.[1] For reasons above mentioned, Great Britain entered into an agreement with Russia on the 31st August 1907, which was very disadvantageous to the former. Both Powers engaged to respect the 'strict independence and integrity of Persia'. Each Power bound itself to seek no concessions whatever in regions conterminous to the frontier of the other. The spheres were then defined, the Russian including Ispahan and Yezd and Teheran, and the British the province of Kirmán, the south-eastern corner of Persia conterminous with Baluchistan and Afghanistan. Persia was not informed of this agreement, which so gravely affected her, until after its conclusion,[2] and Afghanistan expressed her disapproval.

This arrangement was, in several ways, to the disadvantage

[1] Muhammed Ali; *v.* Professor E. G. Browne's *Persian Revolution of 1910*, Cambridge (1908). He holds strongly to the view, upheld also by other great authorities, that the constitutional movement might well have succeeded.

[2] The text and explanatory letter are in Shuster, *Strangling of Persia*, pp. 25–30.

of Great Britain. The Karun valley, including the important oil centre near the coast and mouth of the Tigris, was not in the British sphere, and, but for the War, the Baghdad railway would certainly have given Germany a strong footing there. The British sphere was largely a sandy waste with only one important town (Kirmán), and was intended simply to provide a barrier against Russian advance. The districts adjoining the British-Indian frontier were to remain a desert. The Persian objection to this agreement was natural and correct. Their traditional policy was to play England off against Russia. When the two Powers were agreed, this was no longer possible. Further, the policy of Tsarist Russia was not honest, for she 'undoubtedly aimed at the annexation of Northern Persia, and we (i.e. Great Britain) in self-defence, would ultimately have been obliged to take over the southern provinces'.[1] If this is the case, Persia and her friends had some reason for denouncing the Agreement. It is, however, pretty certain that the Agreement did hamper Russia, and that, without it, the Russian annexation would have proceeded more rapidly. In a secret telegram of the 20th March 1915, from the Russian Government to Count Benckendorff in London, M. Sazonoff confirmed Russia's 'assent to the inclusion of the neutral zone of Persia in the British sphere of influence'. He added ominously 'the Imperial Government expects that in future its full liberty of action will be recognized in the sphere of influence allotted to it, coupled in particular with the right of preferentially developing in that sphere its financial and economic policy'.[2] 'Full liberty of action' here must mean Russian annexation, and the fact that it is demanded suggests that England had previously hampered such annexation.

3. Mr. Shuster, 1911–14. The Russians soon showed their hand, inspiring intrigues everywhere, harbouring troublesome refugees, creating incidents, and finally sending Russian troops into Persian territory. The Shah Muhammed Ali began fighting the Constitutionalists but on the 16th July 1909 he

[1] Sir Percy Sykes, *Persia*, p. 148. On 4th December 1911 Benckendorff wrote that the terms 'Integrity and Independence of Persia' possessed 'little real importance', and Sazonoff indicated on his visit to England (September 1912) that the neutral zones might have to be annulled. Siebert, *Collection of Entente Documents* (American translation), pp. 91, 132.

[2] Secret document published by Bolsheviks in *Manchester Guardian*: reproduced in F. Seymour Cocks, *Secret Treaties*, pp. 22–4; *v.* also *supra*, Chap. I, Part I, A, § 3 *sub fin.*, pp. 8–9. *Morning Post*, 25th Aug. 1923.

was deposed by the Mejliss who chose as Shah Ahmad Shah—a boy of twelve. The old Shah took refuge with the Russians and was then supported by them in his attempt to regain the throne. Great Britain, however, did nothing to aid him, and his attempt finally ended in 1911.

The Persian Government had already invited an American, Mr. Morgan Shuster, to reform their finances. He arrived early in 1911 and showed great energy in his task, but Russia interfered and finally insisted on his withdrawal. 'His failure was most regrettable, and the only consolation is, that, had he been tactful and suitable in every way, Russia would sooner or later have found means by which to oust him.'[1] Other authorities go further than this and hold that he was suitable in every way. Anyhow it is certain that he was loved by the Persians, who ascribed his fall to the fact that he had sought to establish the independence of Persia and to regenerate the nation.[2] And the fall of Shuster finally confirmed Persia in the view that one great Power had vowed her destruction, and that Great Britain, if not an accomplice of Russia, was at least unable to be an effective restraint upon her. Matters went from bad to worse, and in 1914 the anti-British feeling in Persia was only less acute than the anti-Russian.

4. *Persia in the War, 1914–18.* Persia declared her neutrality at the outbreak of war, but the Government was unable to keep order and, in so far as they had a policy, were hostile to Russia and consequently to the Entente which supported her. The German Minister saw his opportunity and practically reigned supreme at Teheran. Russian forces speedily occupied the north and north-western area, and, despite some remonstrances from the British Minister, showed every intention of annexing territory. In the south the British occupied the Turkish port of Basra to protect the oil refineries on the Isle of Abadan and sent a military force to occupy Bushire in Persian territory.[3] An effective control of Persia had been established in 1917, when, as a result of the Russian Revolution, the Russian troops gradually melted away. Great Britain was

[1] Sir Percy Sykes, *op. cit.*, p. 152.

[2] Shuster, *op. cit.*, p. 96, says: 'The British Minister let it be known he favoured the financial plans . . . which we were endeavouring to put into effect.'

[3] During the War the British Government also acquired some five million one-pound shares of the Anglo-Persian Oil Company for the nation.

then forced to act alone. Generals Douglas and Sykes held firmly on to the coast and built a good road between Bushire and Shiraz. In 1918 General Dunsterville with a small force marched through Persia, and, after many romantic adventures, finally occupied Enzeli on the Caspian. Another British force occupied East Persia from Transcaspia to the frontier of Baluchistan. The manifest aim of these movements was to draw cordons across Persia to prevent German, Turkish, or Bolshevist agencies from reaching Afghanistan or the Indian frontier and sowing dissension there. The Armistice removed the German danger, but the others remained. The Bolshevist propaganda, equally well adapted to Persia, India, or Afghanistan, was formidable enough, and, in the near future, the country might be invaded by Bolshevist or Turkish troops, or by a combination of both.

To secure a strong, stable and friendly state on the flanks of India and Mesopotamia Great Britain aimed at controlling the armed forces of Persia after the Armistice. This was not easy. Many of the gendarmerie organized by Swedish officers were pro-Turkish in sympathy, and the South Persian Rifles, into which some of them entered, were disaffected and had already mutinied. The South Persian Rifles, however, became an efficient force in 1919. The Persian Cossacks, still under Russian officers, were equally or even more untrustworthy. British forces were separated from one another by immense distances, and the Persian people were hostile or unfriendly. Subsidies issued on a lavish scale to these and other forces served temporarily to quiet them but seem ultimately only to have encouraged them in disloyalty to their paymasters.[1] Probably the wiser course would have been to retire altogether from North Persia (the old Russian sphere) and concentrate on the coast so as to protect the oil fields. But it has been argued that this course was not really possible after the Armistice, and that complete evacuation or control of the whole country were the only two courses open.

At the beginning of 1919 the well-known Arab expert, Sir Percy Cox, was appointed temporary Minister at Teheran, and made a great effort to negotiate a working arrangement with the Persian Government.

[1] It has been reckoned that these sums in 1919 and 1920 came to about £225,000 monthly or nearly three millions a year, without reckoning personal or local subsidies.

5. *Persia at the Peace Conference.* A Persian Delegation arrived at the Peace Conference. Their demands were of considerable interest as they mark the attempt of Persians to state their national claims in public. These demands were three:

(*a*) *Political.* Abrogation of the Anglo-Russian Agreement of 1907. They further demanded the abolition of consular courts and withdrawal of consular escorts.

(*b*) *Economic Independence.* Persia demanded reparation for the devastation of areas and destruction of property by the various armies which had entered Persia during the War. She also claimed freedom from concessions and a control of her own economic destinies.

(*c*) *Territorial.* This last demand was reminiscent of the old days of Persia's glory. Oblivious of the present she demanded the Oxus for her boundary, thereby claiming Transcaspia, Merv, and Khiva. In the western and north-westerly directions she actually claimed Asia Minor to the Euphrates, i.e. Kurdistan, Diarbekir, and Mosul.

All these demands were made at a time when the Government were entirely unable to organize, administer, or control the Kingdom of Persia within the pre-war boundaries.

So far as the Peace Conference was concerned, Persia secured an invitation to become a member of the League, as was seen in the Draft Treaty with Germany presented on the 7th May. Otherwise she was not allowed to state her case. Her Foreign Minister, Mushavim-el-Mamaulik, was with the Delegation but was not permitted to visit England, because he was anti-British in his sentiments. This did not prevent Great Britain from coming to terms with the Teheran Government by a secret agreement in London, negotiated by Prince Firuz Mirza—another Persian Minister.[1]

6. *The Anglo-Persian Agreement, 9th August 1919.* This important agreement was completed and published on the 9th August. Before stating its terms it may be well to state that two letters were simultaneously addressed to the Persian

[1] *v.* Text, § 6, pp. 212–18.

Government which contained the British answer to their Peace Conference demands. (p. 211). As regards:

(*a*) *Anglo-Russian Agreement of 1907.* Great Britain consented to co-operate in the revision of Treaties, i.e. to abrogate all Anglo-Russian Agreements, but said nothing as to abolishing consular escorts and courts.

(*b*) *Economic Independence.* To support Persia's claim for damage suffered at the hands of *other belligerents*. The Persian claim for abolition of consular courts and escorts was not accepted.[1]

(*c*) *Territorial.* To agree to a rectification of the frontier at certain points.[2]

The Agreement was as follows:

'PREAMBLE: In virtue of the close ties of friendship which have existed between the two Governments in the past, and in the conviction that it is in the essential and mutual interests of both in future that these ties should be cemented, and that the progress and prosperity of Persia should be promoted to the utmost, it is hereby agreed between the Persian Government on the one hand, and His Britannic Majesty's Minister, acting on behalf of his Government, on the other, as follows:

'1. The British Government reiterate, in the most categorical manner, the undertakings which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia.

'2. The British Government will supply, at the cost of the Persian Government, the services of whatever expert advisers may, after consultation between the two Governments, be considered necessary for the several departments of the Persian Administration. These advisers shall be engaged on contracts and endowed with adequate powers, the nature of which shall be the matter of agreement between the Persian Government and the advisers.

'3. The British Government will supply, at the cost of the Persian Government, such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military

[1] There would seem to be no doubt that Persia alone could not protect aliens within her borders. In 1917 the Governor of Ispahan was proved to have received blackmail from robbers, and there is plenty of evidence to show that this was a common practice among provincial governors.

[2] The only attempt to carry this out appears to be a vague suggestion in Art. 62 of the Treaty of Sèvres (10th August 1920) providing for the local autonomy of Kurdistan. A Commission composed of British, French, Italian, Persian, and Kurdish representatives was to 'visit the spot to examine and decide what rectifications, if any, should be made in the Turkish frontier where, under the provisions of the present Treaty, that frontier coincides with that of Persia.' In old days the Persian frontiers had stretched, at one time or another, far west of the Euphrates, had reached the Caucasus on the north, and the Indus on the east.

experts, British and Persian, which shall assemble forthwith for the purpose of estimating the needs of Persia in respect of the formation of a uniform force which the Persian Government proposes to create for the establishment and preservation of order in the country and on its frontiers.

'4. For the purpose of financing the reforms indicated in clauses 2 and 3 of this agreement, the British Government offer to provide or arrange a substantial loan for the Persian Government, for which adequate security shall be sought by the two Governments in consultation in the revenues of the customs or other sources of income at the disposal of the Persian Government. Pending the completion of negotiations for such a loan the British Government will supply on account of it such funds as may be necessary for initiating the said reforms. [By a separate agreement Persia contracted for a British loan of £2,000,000 at 7 per cent.]

'5. The British Government fully recognizing the urgent need which exists for the improvement of communications in Persia, with a view both to the extension of trade and the prevention of famine, are prepared to co-operate with the Persian Government for the encouragement of Anglo-Persian enterprise in this direction, both by means of railway construction and other forms of transport; subject always to the examination of the problems by experts and to agreements between the two Governments as to the particular projects which may be most necessary, practicable, and profitable.

'6. The two Governments agree to the appointment forthwith of a committee of experts for the examination and revision of the existing customs tariff with a view to its reconstruction on a basis calculated to accord with the legitimate interests of the country and to promote its prosperity.' (*v. infra*, p. 214). Signed at Teheran, 9th August 1920.

7. *Persian hostility to the Agreement.* The Agreement was no sooner published than it met on all sides with hostile criticism. It was asserted in Paris that this arrangement had been concluded behind the backs not only of the Persian delegates present at Paris, but also of the Peace Conference as a whole. The French papers were bitter, and Viscount Grey criticized severely the secrecy of the negotiations as inconsistent with the Covenant of the League. The United States is declared, on good authority, to have protested strongly against the whole arrangement, and the American Legation in Teheran formally denied that they had given any approval to it. Persian feeling, so far as national or popular opinion could be discerned, was very hostile. The secrecy of the negotiation caused deep suspicion in Persia. All sorts of allegations, mostly uncomplimentary, were made. A deeper feeling was stirred by the proposal for employing British advisers throughout. Persian policy had been either to employ neutral foreigners, such as Belgian customs officers,

Swedish gendarmes, or American financiers, or to play off the advisers of interested powers—German, Russian, or British—one against the other. With experts all of one nation this game would be impossible. Moreover, Persians knew well that it is one thing to get experts into a country and quite another thing to get them out, and the chaotic state of the country promised a long stay for the visitors. Persians had another objection to an All-British personnel. The bureaucracy from ministers to local tax-gatherers, from provincial governors to gendarmes, would be kept strictly within their legal salaries, and everything would be governed in a uniform and systematic way. This was not agreeable to those who loved irregularity. All sorts of arguments, large and small, noble and base, political and national, tended to inflame public opinion against the new bargain with the alien.

Some efforts were made to counter this propaganda. On the 17th August 1919, Mr. Cecil Harmsworth, Under-Secretary for Foreign Affairs, denied that 'the (British) Government proposed or that the Persian Government would have consented to create anything in the nature of a protectorate' and Lord Curzon spoke even more emphatically in the same sense. A few days later the Shah was induced to visit England. But the Shah, even had he been friendly, could not ratify the Treaty. For one important fact had been forgotten, Persia was still governed by the Constitution of 1906, and by Art. 24 every treaty, covenant, or concession had to be approved by the Mejliss, except secret treaties. The Anglo-Persian Agreement had been published, and therefore had to be ratified by the Mejliss.[1] This circumstance was probably overlooked, for the Mejliss had not sat since 1915. It had never been a body easy to control, but, if it had been immediately summoned, some authorities have thought that it would have approved the Agreement.

8. *The Bolshevik Intervention, 1920, and Perso-Russian Treaty, 27th February 1921.* During 1919 and the spring of 1920 some progress was made, and the Customs Tariff was actually revised, though without giving Great Britain any preference. A reorganization of the army was planned but, before it could

[1] The accusation that there were secret articles in the Agreement appears to be groundless. In any case, if it were correct, such articles would not be binding for, by the Supplementary Fundamental Laws of 1907, Art. 53, 'The secret clauses of a Treaty cannot in any case annul the public clauses of the same'. *v.* Shuster, *Strangling of Persia*, pp. 294, 305.

materialize, a tremendous blow was struck at British prestige. The Bolsheviks intervened in force. A Bolshevik fleet in the Caspian appeared off Enzeli, slowly pushed back the slender British forces, seized the ships abandoned there by Denikin, and landed troops in large numbers. After much hesitation and delay the Persian Cossacks, still led by ex-Tsarist officers, advanced against the Bolsheviks. After some spectacular successes they had to fall back in a state of demoralization and to find shelter in the British lines. General Ironside, the newly appointed British commander, showed a resolute front to the Bolsheviks and insisted on the dismissal of the Russian officers in the Cossack division. But it had already been determined to withdraw British forces from the north. In the month of February the Bolsheviks achieved a great diplomatic coup, and the Persian Cossacks a great military one. First the Bolsheviks signed a treaty with Persia, cancelling Persia's debt to Russia, offering to withdraw their troops, and handing over all Russian concessions and public works, as roads, railways, harbours, etc., to Persia.[1] This was spectacular enough, for it exhibited Russia as disinterested and Great Britain as the exploiter of Persia. What followed was still more spectacular. A Persian, Reza Khan (Sirdar Sipah), managed to corrupt the Persian Cossacks, and induced them to advance on the capital. On the 21st February Teheran fell and Reza Khan, posing as a liberator, made Seyd Zia, a Persian journalist, Prime Minister. Both Russian and Persian influences had proved alike anti-British.

9. *Denunciation of the Anglo-Persian Agreement, June 1921.* Seyd Zia, the new Prime Minister, was, however, not wholly a puppet. He denounced the Anglo-Persian Agreement, 'in order', as he said, 'to do away with misunderstandings between the Persian and English peoples.' Apart from that he was enlightened enough to desire British friendship, and made some efforts to secure it. But by the end of April the British forces had practically evacuated North-west Persia, so that he was left with only Cossacks to make head against Bolsheviks. In March, Rothstein, a Bolshevik minister, had arrived at Teheran. Before the end of May Zia was driven from office, and the influences that succeeded were wholly anti-British. Reza Khan had caused his fall, and, since then, he has been the 'uncrowned king' of Persia.

[1] Except only the valuable fisheries in the Caspian.

In June 1921 the Mejliss met, and the Shah, in his opening speech, alluded to the 'happy demise' of the Anglo-Persian Agreement. Arrangements were made for disbanding the South Persian Rifles, and finally for getting rid of all British advisers civil or military. The Government completed its work of expelling British influences by granting oil-concessions in the five northern provinces to the American Standard Oil Company. By the D'Arcy concession the Anglo-Persian Oil Company hold a monopoly of oil production in all Persia except these five provinces, and had actually purchased the Russian rights in the northern provinces, which were now handed over to the Standard Oil Company.[1] American financial advisers were once again sought by the Mejliss. The negotiators of the Anglo-Persian Agreement were denounced as traitors, and friendly relations established with Afghanistan, Azerbaijan, and Kemal Pasha, i.e. with the covert or open foes of Great Britain.

The British view of these transactions was stated with some vigour by Lord Curzon in the House of Lords on the 27th July, 1921. He described the instability of Persian ministries, the atmosphere of perpetual and invincible intrigue, the hatred, suspicion, and hostility which had made all British efforts vain. Persia had definitely rejected British aid and British influences. She preferred the Bolshevik Government to us, or at least feared them too much to adhere to us. Hence all British officials and British forces were being withdrawn. He himself had been a friend of Persia for thirty years.[2] Persia had of her own will made her own choice as she was free to do. But, if the choice was hers, so also would be the consequences.

10. *Persia and the League. Conclusion.* Persia has made some attempts to benefit by her admission to the League. Immediately after the Bolshevik aggression in May 1920 she appealed to the League, and the matter was discussed before the Council on the 15th and 16th June. The 'Economic Weapon' was useless against the Bolsheviks and the League could do nothing. So the Council commended Persia, approved her undertaking direct negotiations with the Bolsheviks, deferred their decision, and asked to be informed of the march of events. The result of these direct negotiations must certainly

[1] Some working arrangement between the two companies seems subsequently to have been arrived at.

[2] One authority says that this 'statement was not well received, and, to put it mildly, was not concurred in by the Persians'.

have exceeded expectation, and Persia may have ascribed some of the result to the League. The Shah in opening the Mejliss stated somewhat naïvely in June 1921 that foreign troops were being withdrawn from the country and that it was hoped to obtain reparation for the damage they had done through the League of Nations. In connexion with the Agreement Great Britain had offered to support such a claim against foreign belligerents *other than herself*, but by the denunciation of that Agreement this obligation ceased. It is not easy to see how reparation can be obtained from the other belligerents, viz. the Turks, the Germans, the Bolshevik and the anti-Bolshevik Russians, since they are not members of the League. But Persia has continued her faith in the League and her chief delegate in 1921 made a most eulogistic speech on the League's labours at the Assembly. It is also of importance that she is still (December 1922) the only independent Mohammedan State in the League.

The situation of Persia has not been unlike that of Albania. Each was hampered, both before and since the War, by obligations and agreements between foreign States which she was physically helpless to resist and yet spiritually unable to accept. Each desired to remain neutral in the War and each failed to do so. In the case of each nation, a combination of circumstances has led to the withdrawal of occupying troops and to freedom from external interference. The method of emancipation has, however, been different. Albania owes her frontiers, her existence, her recognition to the League; Persia owes more to the Bolsheviks than to anyone else. In that lies her danger for the future. But, whatever her defects, she has shown in the past an inexhaustible capacity for refusing to accept foreign domination, and her future is at present in her own hands.

CHAPTER II

THE RESURRECTION OF POLAND

PART I

HISTORICAL SKETCH

PRINCE LICHNOWSKY, writing not long before the Armistice, declared that the 'Polish question is perhaps the most difficult of all questions', and that 'it now forms for Germany the gravest problem of the war and of the peace'.[1] Later experience, particularly that of the Peace Conference, has justified this opinion, at least with regard to the exceptional difficulties of the problem.

At bottom it is a question of a people who have never enjoyed the advantage of clearly-marked natural frontiers or of an adequate and assured access to the sea, and whose political frontiers have fluctuated in astonishing fashion down to the time when their state was wiped out of existence; with the result that to-day this nation is scattered in larger or smaller numbers over a vast area—an area half as large again as Germany; the domain in which it has a numerical preponderance is very much smaller than the domain over which it once ruled or in which its culture is still predominant; and it is a very difficult problem to assign to it frontiers that will satisfy its just claims and its vital needs without at the same time infringing upon the rights of neighbouring peoples. For a clearer comprehension of the problem, it is indispensable to glance at the geography of the country and to consider certain aspects of its history.

1. *The Geography of Poland.* Poland lies almost exactly in the centre of Europe. It forms part of the great plain which begins in France, extends across northern Germany and Russia, and terminates at the Urals. It lies at the point where this plain, which is comparatively narrow in the west, widens out like a fan, owing to the southward bend of the Carpathians, to spread henceforth from the Baltic to the Black Sea. This position at what may be called the neck of the funnel, or the gateway from the broad plain of the east to the narrower one

[1] Article in the *Berliner Tageblatt*, 2nd September 1918.

of the west, has placed Poland athwart what has always been the great commercial and military highroad between east and west, and also upon several important routes between north and south (the route from the Black Sea to the Baltic via the Vistula, and that from the Baltic to the Mediterranean via Cracow and the 'Moravian Gate'). This position has brought great advantages and perhaps even greater dangers. It has given the country an exceptional importance as a distributing centre and a highway for transit trade; but, on the other hand, situated at the meeting-place of the Germanic, the Scandinavian, the Slavic, and—for centuries—the Asiatic worlds, Poland has been terribly exposed to attacks from all sides, and has been for centuries the great battle-field of Eastern Europe, much as Belgium has been in the West. To-day the Poles in Europe number between 25 and 30 millions,[1] and are wedged in between the two giant nations of the Continent, the Germans and Russians, who outnumber them respectively in the ratio of 2 and 3 : 1.[2]

The dangers of this exposed central location are increased by the fact that Poland has no good natural frontiers. The only boundaries that nature has provided in this region are the Carpathians on the south and the Baltic on the north, but neither of these barriers has fully served its purpose either as an ethnographic or a political limit. On the south the Polish population overlaps the mountain crest for a considerable distance; so did the frontiers of the old Polish state, and so in part do the frontiers of the newly created Poland. On the north, old Poland was never able to hold a sufficient frontage on the Baltic, and the Polish population has allowed itself to be crowded away from the sea-coast except for a narrow strip along the shore just west of Danzig. On the east and west hardly any serious barrier is to be discovered. The great European plain is broken only by the numerous rivers, which serve, not so much to separate the peoples, as to unite and to mingle them. The valleys of the Oder, the Warta, and the Netze have brought the Germans into Poland; and the Niemen, the Pripet, and the Dniester have carried the Poles far into Lithuania and the Ukraine. The one real obstacle to ethnic and political expansion

[1] An exact figure cannot be given in the present state of our statistics.
[2] This is on the basis of deducting the Ukrainians and White Russians from the Great Russians.

that the plain presents, is the great area of marshes and forests in the Pripet valley. That gloomy and ill-favoured region never attracted Polish colonists, who advanced in great waves into the fertile lands on both sides of it: north-east into the Grodno and Vilna regions, and south-east, towards Lemberg, Volhynia, and Podolia. Hence the strangely bifurcated appearance presented to-day by the eastern limits of the Polish ethnographic area (or at least of the area with a large percentage of Polish population) and hence the difficulty of drawing a good eastern frontier for Poland. The Polish advanced positions at Vilna and Lemberg form two exposed salients, cut off from each other by the wedge-like Pripet region with its enigmatic population, which may be White Russian or Ukrainian, but is certainly not Polish.

The river valleys at any rate afford Poland whatever natural unity she possesses, particularly the great central stream, the Vistula. The latter river has always been the great artery of the country's economic life, and scarcely any other European nation has its settlements concentrated in one river valley in like degree. Poland might, indeed, be described as the basin of the Vistula, plus the valleys of certain adjacent rivers which offer easy access to the Vistula, are in part connected with it by canals, and virtually form one network of water-ways with it. This complex of closely connected rivers has vastly facilitated Polish expansion in the past, and offers magnificent commercial possibilities for the future—the chance to open good and easy connexions with the Danube, the Niemen, the Dnieper, i.e. with half of Eastern Europe. But the proper exploitation by Poland of her splendid water-routes has always depended, and in the future will probably depend, on her control of the great port at the mouth of the Vistula—an inadequate control in the past, and not too secure a one at present.

2. *The Territorial Development of the old Polish State.* Poland was originally a rather small state. The early Polish kingdom, as it grew up between the tenth and twelfth centuries under its first dynasty, the House of Piast, included what has been called in recent times 'Congress Poland'[1], Western Galicia, Silesia, Posnania, West Prussia, and (at times) Pomerania. In short it embraced the region between the Oder and the

[1] The small kingdom set up by the Congress of Vienna in 1815 and incorporated in Russia a few years later.

Vistula, and not much more. At any rate, it extended farther to the west and possessed a broader frontage upon the Baltic than was to be the case in later times.

In the twelfth and thirteenth centuries the realm went through a period of division, weakness, and confusion, owing to frequent partitions and civil wars among its princes. Unfortunately for Poland, this period coincided with one of the greatest ages of German expansion and colonization, the most successful period in the thousand years' history of the Teutonic *Drang nach Osten.* It was at this time that Brandenburg, Mecklenburg, Pomerania, and Silesia [1] passed under German control and were flooded with German colonists. Even more serious was the fact that in the thirteenth century the Teutonic Knights established themselves in East Prussia, assimilating or exterminating the original Prussians,[2] and founding there a German colony which has always remained a thorn in the side of Poland. In 1309 the Knights succeeded in seizing West Prussia as well, thus bridging the gap between their older possessions and Germany, completely cutting off Poland from the Baltic, and inaugurating that struggle for the mouth of the Vistula which has gone on intermittently ever since.

When Poland in the fourteenth century pulled herself together again as a united kingdom, it was too late to think of recovering most of the lands lost during the preceding period. To one of these losses, namely, that of West Prussia, the Poles could not be permanently reconciled, for it imperilled their most vital interests. The recovery of that province was the

[1] Silesia began to detach itself from Poland from 1163 on, after it had come to have a separate line of dukes of its own (a branch of the House of Piast). In the thirteenth century these dukes were more and more drawn into the political and cultural orbit of Germany and estranged from Poland. They filled up their lands with German colonists, who came to predominate in all parts of the duchy except the south-eastern corner, 'Upper Silesia', where the Polish element has maintained its numerical superiority down to the present day. About the beginning of the fourteenth century, the dukes of Silesia transferred their allegiance from Poland to the Kingdom of Bohemia, which was then one of the leading states in Germany. The Piast dukes lingered on as vassals of the Bohemian Crown until their line died out in 1675. Silesia passed along with the Bohemian lands to the Hapsburgs in 1526. As a result of the War of the Austrian Succession, about nine-tenths of it fell to Prussia in 1745, but the southern fragments—the old duchies of Troppau and Teschen—continued to form 'Austrian Silesia' down to 1918. (*v.* Vol. IV. pp. 348–50).

[2] A people who, as is well known, were neither Germans nor Slavs, but closely related to the Letts and Lithuanians.

aim of the ensuing Hundred Years' War between Poland and the Teutonic Knights, a struggle that has the very greatest importance in Polish history and is marked by the historic victory over the Germans at Tannenberg (Grünwald) 1410.

Looking for allies and additional resources for this struggle, Poland turned to the East and began her *Drang nach Osten*, a momentous expansion which presents many analogies to, and was the direct result of, the Germanic movement called by that name. The initial success in that direction was the conquest of Eastern Galicia (1340–77), the first encroachment by Poland upon the domain of the Ukrainian nationality, and the beginning of a problem that has been very much before the world in the past two years. An even more brilliant success was the personal union between Poland and Lithuania in 1386, a capital date in the history of Eastern Europe. For Lithuania was at that time a huge state, stretching from the Baltic to the Black Sea, including nearly the whole of the White Russian and the Ukrainian peoples, a realm built up within a couple of generations by able rulers and the valour of the little Lithuanian nation, which formed scarcely one-tenth of the population of its vast empire. The union between Poland and Lithuania created a realm which was for a long time the strongest power in Eastern Europe, and which remained down to the Partitions the second or third largest state on the Continent.

Reinforced by this immense accretion, Poland was able to carry through to a successful conclusion the struggle with the Teutonic Knights. By the Peace of Thorn, which crowned her victory (1466), West Prussia, including Danzig and the mouth of the Vistula, was reunited to Poland, although with extensive rights of local self-government, while East Prussia was left to be held by the Knights as a fief of the Polish Crown.[1]

An even more important result of the union of 1386 was the gradual fusion of Lithuania with Poland. In this partnership, which has scarcely a parallel in European history, Poland, the smaller but more culturally advanced state, constantly predominated and—without a struggle or even serious friction—

[1] In 1525 the King of Poland allowed the Teutonic Grand Master, Albert of Hohenzollern, who had become a Protestant, to secularize East Prussia and turn it into a duchy hereditary in his family. In 1618 this duchy passed to the Brandenburg branch of the Hohenzollerns. The Great Elector succeeded in freeing East Prussia from Polish suzerainty by the treaties of Wehlau (1657) and Oliva (1660).

to a large degree absorbed and assimilated her associate. The connexion between the two states, which originally consisted solely in their possession of a common ruler, was gradually tightened until in 1569 it was turned into a permanent organic union. By about the same period the nobility of Lithuania and to a large extent the Christian population of the towns had voluntarily accepted the Polish language, customs, and nationality; and Polish colonists had settled thickly in many parts of the Grand Duchy.[1] Polish culture reigned in Vilna, Minsk, Lutsk, and Kameniets, almost as much as in Cracow or Warsaw.

This process of Polonization did not, however, extend to the lower classes of the population. It is true that one great obstacle was largely removed by the foundation of the Uniate Church in communion with Rome,[2] to which the bulk of the Orthodox populations in Galicia had by the eighteenth century adhered. But the masses of the Lithuanian, White Russian, and Ukrainian peasantry still clung to their respective languages and national customs, and opposed an insuperable barrier to the solid establishment of Polish nationality throughout most of the eastern territories.

It is scarcely necessary to speak here of the many fluctuations of the Polish frontiers during the sixteenth and seventeenth centuries, or of the reasons for the stagnation and decadence into which Poland, like many other countries, had fallen during the eighteenth century. But it may not be out of place to survey briefly the situation of the Republic just prior to its dismemberment, for the Poles to-day are continually driven to make the comparison between the new Poland that is being created, and the old 'historic' Poland that existed before the Partitions.

3. *Poland in 1772.* On the eve of the First Partition Poland ranked as the third largest state on the Continent, with an area of 282,000 square miles, while in population it stood fourth, with over 11 million people. Its frontiers extended from the Baltic and the Carpathians to the Dnieper and the Dvina. It included nearly the whole of that broad isthmus between the Baltic and the Black Sea which leads from Eastern continental Europe to the peninsular Europe of the West.

[1] i.e. Lithuania.

[2] A body founded in 1596, which accepted the supremacy of the Pope but was allowed to preserve the Slavic liturgy and many special rites and practices of the Orthodox Church.

Within these boundaries Poland perhaps formed more of a natural geographic unit than does the new Poland of to-day. At least, Polish geographers have generally held that the area defined above has a high degree of physical unity with respect to its structure, climate, products, river systems, and other features, and that from this standpoint 'historic Poland', stretching from sea to sea, was the ideal political arrangement for this region, the only arrangement that would make the picture fit the frame.

Whatever be the merits of such views, the old Polish state suffered from the fact that its population was far from homogeneous. The Poles can scarcely have formed more than 50 per cent. of the population, at the most; more than one-third of it was made up of Ukrainians and White Russians, and the remainder consisted of Germans, Jews, Lithuanians, Letts, Armenians, and Tartars. It may be surmised that if this state had lasted on into the nineteenth century, it would have had to face very serious troubles from nationalist movements, which have disrupted most other states containing a similar medley of peoples.

Old Poland was also weakened by the fact that while it was a Republic both in name and in fact,[1] political rights and privileges were restricted almost entirely to the nobility; a prosperous Polish middle-class was sadly lacking; and the peasants were held in serfdom. This gave the state a perilously narrow basis. It tended to make the masses of the population rather indifferent to the fate of the Republic; it tended to make Polish patriotism a monopoly of the nobility and of the clergy.

Economically, the country was then miserably poor and backward, from causes into which it is impossible to enter here. The cities, apart from Warsaw and Danzig, were small and unimportant; commerce and industry were almost non-existent; agriculture was the one mainstay of economic life.

Politically, the Republic had by the middle of the eighteenth century fallen into a sad state of impotence and lethargy. The defects, abuses, and eccentricities of the Polish constitutional system of that time are sufficiently well known. But since this gloomy chapter of Polish history has, in the minds of so many people in the West, obscured all the earlier, brighter period, it

[1] Although it had had an elected king as its nominal head.

deserves to be pointed out that the old Polish state in its best days—in the sixteenth and seventeenth centuries—had been a rather creditable and attractive experiment. It was the largest and most ambitious experiment with the republican form of government that the world had seen since the days of the Romans. It was the first experiment on a large scale with a federal republic down to the appearance of the United States. In the sixteenth and seventeenth centuries this Republic was the freest state in Europe, the state in which the greatest measure of constitutional, civic, intellectual, and religious liberty existed. In an age of religious persecution and chronic religious wars, Poland knew few such troubles; it offered almost complete toleration and an asylum to those fleeing from persecution in all Western lands. And if in the eighteenth century the Republic had fallen into evil days, the errors and shortcomings of that period can be paralleled in many other European countries, and they are certainly not to be taken as proving that the Polish nation is permanently incapable of independent statehood. One is no more entitled to predict that a free Poland will hasten to repeat the mistakes of the eighteenth century, than one would be to hold up against the present-day Italians the similar faults of their ancestors of the same period. The childish unfitness of Italians for self-government was once a commonplace of politics, just as was the conception of the Germans as only a 'nation of thinkers and dreamers'.

4. *The Partitions of Poland* (*1772, 1793, 1795, 1815*). At the moment when Poland had reached the lowest stage in her decline, the three great aggressive monarchies that surrounded her, Russia, Austria, and Prussia, united to despoil her of certain territories which they coveted. By this First Partition (1772) Catherine II appropriated a part of White Russia (the later 'governments' of Vitebsk and Mogilev); Frederic II took West Prussia (though without Danzig); and Austria acquired most of what is now Galicia.

This drastic lesson served to arouse the Poles from their lethargy and to start a very promising movement for political, economic, and social reforms. But the neighbouring Powers were not disposed to tolerate this revival. Once more they fell upon the Republic, and whereas they had partitioned it the first time because it was weak and 'anarchical', on the next occasion they dismembered it because it was growing

inconveniently strong. By the Second Partition (1793) Prussia annexed Danzig and Posnania, while Russia seized all the country as far as a line which, curiously enough, corresponds rather closely to the Polish-Russian frontier marked out a few months ago by the Treaty of Riga.

This intolerable humiliation provoked the uprising led by the national hero, Kosciuszko, a last desperate effort on the part of the Poles to free themselves. By way of punishment, for this brave attempt, the three great Powers then combined to destroy Poland entirely (Third Partition, 1795).

Of the moral side of these transactions it is hardly necessary to speak here. The world has long since passed judgment, and the almost unanimous opinion of all disinterested critics has been that the dismemberment and annihilation of this peaceful and inoffensive state was one of the worst international crimes that modern Europe has witnessed.

After Napoleon's half-hearted attempt to restore Poland, the Congress of Vienna in 1815 made a new distribution of the Polish territories, which then lasted with slight changes down to the outbreak of the World War. By this Fourth Partition Russia was left in possession of about 82 per cent. of the area of 'historic Poland'; 10 per cent. falling to Austria; and 8 per cent. to Prussia. But since 'historic Poland' and 'ethnographic Poland' (i.e. the area within which the Poles form the majority of the population) do not by any means coincide, it may be pointed out that under the arrangements of 1815 about three-fifths of the ethnically Polish race were left under Russian rule, one-fifth under Austria, and one-fifth under Prussia.[1]

5. *Poland since the Partitions.* The history of Poland from the time of the Partitions down to the outbreak of the World War may be divided into two periods. During the first of them (down to 1863) the nation, refusing to believe that the unparalleled wrong done to it could endure for more than a short time, made no less than nine efforts to regain its freedom by arms. This was the period of perpetual conspiracies, ever-recurring insurrections, and of heroic but fruitless sacrifices; the period when most of the élite of the nation lived in exile,

[1] While our statistics are pretty unreliable, especially the Russian ones, it may be said that in 1910 there were in Prussia about 4 million Poles; 4·3 million in Austria; and at least 13 million in Russia. *v.* Statistical Tables, Vol. II, p. 214.

forming the Polish Legions in the armies of Revolutionary France and of Napoleon, making themselves, later on, the knights-errant of liberty in every foreign land, ready to shed their blood generously whenever a chance presented itself to fight for the freedom of other peoples (1830, 1848–9); the period, too, when the splendid efflorescence of Polish literature attested the vitality and power of the national genius, and a galaxy of romanticist poets sang the hopes and sufferings of 'the martyr nation' with poignant beauty and pathos.

After the failure of the insurrection of 1863, however, the Poles could not but recognize that the methods hitherto pursued were hopeless. As long as the three great military monarchies of Eastern Europe remained erect and united in their common purpose of keeping their victim enchained, the restoration of a free and united Poland was an impossibility. Hence after 1863 the Poles in the main renounced conspiracies, rebellions, and indeed any hope of fulfilling their national aspirations save in the very distant future. Many of them turned away in despair from politics and threw themselves into 'work on the foundations', i.e. the economic upbuilding of the nation. Others devoted themselves to such modest opportunities for political work as the existing conditions afforded. The one aim was to survive as a nation: to keep patriotism alive, and to quicken and invigorate it among the masses of the people; to prepare the nation materially and morally for the future day when, through a fundamental change of circumstances, Poland might emerge from the tomb.

(*a*) *Russian, and* (*b*) *Prussian, Poland.* There can be little need of again describing here the régime of oppression, persecution, and attempted denationalization to which the Poles were subjected during most of the nineteenth century. That régime was particularly accentuated in Russian Poland from 1863 onwards; in the Austrian share during the period down to 1866; and in Prussian Poland after the advent to power of Bismarck. The effort to drive the Polish language from the schools, the courts of justice, and all administrative intercourse; to suppress Polish institutions and organizations of every sort; to uproot the sense of Polish nationality, or at least to render impossible every external manifestation of it—such methods were characteristic of what Poland has experienced at the hands of all three masters. The Tsarist government distinguished itself by its

intermittent outbreaks of exceptional brutality, such as the exploits of Muraviev, 'the Hangman', the dragonnades in the Cholm territory, or the prohibition of the speaking of Polish in any public place (in Lithuania). The Prussian government pursued a less lurid, but more continuous and methodical, system of oppression. Not content with merely holding down the Poles, it undertook the more positive policy of 'swamping' them with Germans. Every one knows at what cost and with what perfect absence of moral scruples this government laboured since 1886, through its Colonization Commission and other agencies, to tear away from its Polish subjects the land that had been theirs for a thousand years and to re-people it with Germans. The culmination of this policy was the unparalleled Act of 1908, which authorized the government to expropriate any Polish landowner at its discretion.

(*c*) *Austrian Poland.* At all events, the pressure to which the Poles have been subjected was never uniform in all three parts of their country. There has always been some one part in which conditions were more tolerable, and patriotic work could still be carried on. If Russian Poland served in such a rôle from 1815 to 1830, during the brief existence of the constitutional kingdom founded by Alexander I, and Prussian Poland formed a haven of refuge during the mid-nineteenth century under the mild rule of Frederick William IV, Austrian Poland in the last fifty years became 'the Polish Piedmont'. Forced by her expulsion from Germany in 1866 and by her dualistic reorganization in 1867 to seek a new equilibrium of forces and to bid for the loyalty of her Polish subjects, Austria accorded to the Poles of Galicia a wide measure of local autonomy and, indeed, she virtually turned over the government of that province to them. Hence, Galicia could become the great centre of every sort of Polish intellectual, economic, and political activity, the headquarters of every national movement, a school whose output of parliamentarians, of trained administrators, and of soldiers is of no slight importance for the new Polish state that has just been created. Doubtless it was a far from perfect school, for Galicia has not escaped all traces of the contaminating political atmosphere of Austria; but, at any rate, it afforded the chief, and in many respects the only, training for national self-government that the Poland of to-day has received.

(*d*) *Modern tendencies.* The variety of political and economic

régimes under which the Poles have lived for more than a hundred years has not failed to produce a considerable differentiation and even a certain estrangement between the three long-sundered parts of the nation. Every visitor to the country to-day is struck by the differences in ideas, habits, and character between the hard-headed, practical, rather unsentimental Posnanian Poles, among whom illiteracy is almost unknown and who have taken on much of the Prussian love of order, regularity, and efficiency; the Galician Poles, with their passion for politics and their tendency to slow, easy-going Austrian ways; and the Russian Poles of the 'Congress Kingdom', with their 50 per cent. of illiteracy, their much more backward economic and social conditions, their political inexperience and doctrinairism—all legacies of the Russian period—and their greater devotion to art, to literature, and to the things of the spirit. While the unity of the nation has not been fundamentally broken down, it will assuredly be a task of much difficulty to establish uniform laws and institutions where such a diversity has hitherto existed, and to overcome the manifold and subtle effects of more than a century of disunion.

Among the other changes that the last hundred years have produced, one must mention the decided weakening of Polish influence and of the Polish element in many regions that belonged to the old Republic. The partitioning Powers have not laboured altogether in vain. At the beginning of the nineteenth century Polish culture and the Polish language still reigned throughout almost the whole of historic Poland, at least in this sense that the educated and socially predominant classes adhered to them. Since that time 'Polonism' has met with grave losses. The country gentry, who were its chief representatives in the more easterly territories, have lost a great part of their estates or of their influence, through the policy or the reprisals of the Russian Government. By means more efficacious than edifying Nicholas I and his successors brought back to the bosom of the Orthodox Church millions of Uniate peasants in White Russia and the Ukraine, millions who, as long as they remained obedient to Rome, had been oriented towards Poland rather than Russia. Furthermore, two at least of the peoples once united with the old Polish state have now developed pronounced nationalist movements of their own—the Lithuanians and the Ukrainians. Almost inevitably

both movements have assumed a marked anti-Polish tendency, since both had to fight against the Polish culture that had long predominated among their peoples and had quite seduced their upper classes away from them. However incomplete these revivals of long-dormant nations may be, they have, at all events, made it clear that the restoration to Poland of her frontiers of 1772 is out of the question to-day.

Nevertheless, these losses and setbacks to the Polish cause have been compensated, in part at least, by gains elsewhere. If the Polish element has lost ground in territories where it was widely but thinly disseminated and represented chiefly by the *intelligentsia*, it has continued to make progress, even in the time of Poland's servitude, in regions where it was more concentrated and where, in particular, there was a Polish peasantry on which to build. There has been a steady and impressive increase of Polish population in Eastern Galicia.[1] And in the heart of 'historic Lithuania', in the region around Vilna especially, it would seem that the Polish language has been making wide conquests in the most recent decades. Some evidence of this appears even in the statistics prepared by the Tsarist Government, although in the case of the regions affected by the Polish question those statistics were in general so 'tendencious' and so much 'made to order' that, in the opinion of the present writer, they afford no safe basis for determining the exact ethnographic situation. If one can accept the concurrent testimony of the census taken by the Germans in 1915–16 and the one taken by the Poles in the winter of 1919–20, there is now a continuous belt of predominantly Polish territory extending from the Congress Kingdom through the Grodno and Vilna districts as far as the Dvina. For certainty as to the details we may have to wait until a census is taken that is less exposed to controversy than the ones just mentioned. Yet it seems probable that the Polish element in the central zone of 'historic Lithuania' has gained a degree of strength or even numerical preponderance of which the old Russian statistics and the current ethnographic maps give no adequate conception.

[1] 1857—20 per cent. of Poles; 1890—31·2 per cent.; 1910—39·6 per cent. While it is true that this gain is partly due to the fact that the Jews, forming 12 per cent. of the total population, have within the period in question transferred themselves from the German to the Polish column, there can be no doubt that the Poles alone have increased more rapidly than the Ukrainians.

In the west the Poles have also made gains, although of a rather different sort. Here it has been a case of awakening a national movement among Polish-speaking populations which had long been separated from Poland and were apparently quite destitute of any Polish national consciousness. Such has been the work accomplished in the past half century in Upper Silesia and in Teschen, regions that had been politically detached from Poland since the fourteenth century. Such was the task undertaken by a few patriots, among the Protestant Poles ('Masurians') of East Prussia, who had never been directly under Polish rule at all; but here the national revival was only in its first faint beginnings at the time when the World War broke out.

Of even greater importance than these gains around the periphery has been the internal transformation that Poland has undergone since the middle of the nineteenth century. The emancipation of the serfs and the agrarian reforms that grew out of that measure have produced a class of laborious, thrifty, and on the whole prosperous peasant landowners, a class which, as a result both of the propaganda carried on by the intellectuals and of its own hard experience under foreign domination, soon came to rally to the national movement. In Prussian Poland, during the bitter struggle of the last thirty years for the land, in face of the colonizing enterprises of the Government, the peasants have been the mainstay and the salvation of the Polish cause. Meanwhile, Russian Poland, since the 'sixties' of the last century, has been going through an astonishingly rapid industrial development, which made that region one of the chief manufacturing centres of the Russian Empire. This helped to produce a numerous, active, and enterprising middle class, an element hitherto sadly lacking in the social structure of the nation, and a large class of industrial working-men, who have also displayed a patriotism no whit inferior to that of the old ruling classes.

In short, in the last half-century a new Poland has arisen, far stronger, richer, more harmoniously developed, more fitted for self-government than the old Poland of the *szlachta* [1] and the clergy. If the generation that had witnessed the fiasco of 1863 had renounced politics and had almost despaired of Poland, the generation that appeared at the close of the century

[1] The gentry, great and small.

and which is now upon the stage, grew up with a more hopeful and self-confident spirit, proud of the material progress that was being made, full of faith in the new democratic society that was being created, ready to believe that the day of deliverance was not so far off after all. And from the time when the revolution of 1905 gave the first premonition of the internal dissolution threatening Russia, and still more after the Bosnian crisis of 1908 had shown the probability of a great war in which the partitioning Powers would be matched against each other, the Poles began to look forward to and prepare for that Armageddon which alone could set them free.

CHAPTER II

THE RECONSTITUTION OF POLAND

PART II

POLAND AT THE PEACE CONFERENCE

1. *General Introduction.* Poland lies in the very centre of Europe in a situation which, while geographically advantageous in many respects, is rendered difficult by the proximity of two of the greatest Powers of Europe, Russia in the east and Germany in the west. If we take into account all people who are Poles by race and language within the area claimed as Polish, they amount to some 20 millions—a number relatively large in comparison with the general average of European nations, but dangerously small in comparison with the totals of her two powerful neighbours.[1] The Carpathians offer a certain protection in the south, but at the same time in their character as a barrier they direct all movements, whether military or economic, into a channel running east and west, and neither to the east nor to the west is Poland provided with strong natural defensive frontiers. Her position is made worse by the German enclave of East Prussia, which leaves her only the most inadequate connexion with the sea. The situation is further complicated by the existence on her eastern borders of races who in the past formed part of the kingdom of Poland, and are a source of strife between Poland and Russia. These races are, going from north to south, the Lithuanians (a non-Slavonic race), the White Russians, and the Little Russians (known also as Ukrainians and Ruthenians). The Poles claim that the White Russians and Little Russians are distinct from the Great Russians or Muscovites, and they always refer to them (contrary to the ordinary English usage) as White Ruthenians and Ruthenians.

Now it is clear that the most elementary justice demanded the setting up of a Polish state with some reasonable chance of life, nor was any alternative possible to the Peace Conference,

[1] *v. supra*, Part I, § 4, pp. 225–6.

even if it had been desired. Russia was in anarchy, Austria had broken up, Germany was crushed. No malevolence could prevail against the resurrected state, and the judgment of history had been passed (or so it seemed to the Poles) upon the three criminal Powers who had so often sinned against the Polish nation.

The basis of the present settlement and the ground for future hopes lay, however, not in the weakness of Poland's enemies, but in the existence of the Polish nation and the strength of Polish patriotism. In face of the widespread impression (resting partly upon certain historical facts, but more largely upon German propaganda) that the Poles are a nation of selfish individualists dominated by a reactionary and unscrupulous aristocracy, it is well to stress the fact that the chief strength, and perhaps in some ways also the chief weakness, of Poland lies in her extreme and sometimes exaggerated idealism. The passionate patriotism which was always present in the Polish upper class of *szlachta* (a class which includes not only the great nobles but many people who so far as wealth is concerned are little superior to the peasants) spread during the dark days of the nineteenth century to all classes of society. The expression of this patriotism by the poets has often taken on the colours of mysticism. The Poles regarded themselves as the Chosen People, chosen not for victory but for suffering. Poland was the Messiah among the nations, by whose broken body and shed blood salvation was to be wrought for all the nations of the world. As the Partitions of Poland had been the greatest crime of the old régime, so her resurrection was to usher in a new era of peace. The dangers of this doctrine—its tendency to produce sudden recklessness on the one hand and helpless acquiescence on the other—roused just protests in Poland itself and led to a more practical doctrine of hard work, hard thinking, and economic effort. None the less Polish patriotism has never ceased to retain something of the intensity and the idealism of this earlier view. All Poles believe in the historic mission of Poland as an apostle of liberty and as an outpost of Western civilization against what they regard as the barbarism of the East. It was this which enabled the Polish people to stand fast when it seemed as if a wave of Bolshevism might sweep over Europe. It was this also which made them sensitive to what some of them regarded as an

unwarranted interference and mistrust on the part of the Entente Powers.

Again, it is this idealistic patriotism rather than mere arbitrary ambition or economic interest which has been and is the primary cause of the Polish attitude towards the border countries of the East. Poland claims, and claims on the whole with a certain degree of justice, that these countries belonged to her in the past not by conquest but by free union. The Polonization of the upper classes in these countries was not the result of organized oppression but rather of the superior Polish culture. The hostility of these people to the Poles is explained as temporary and artificial—the work of a few intellectuals in German or Austrian or Russian pay. Poland without these areas in which she has been the chief source of civilization will be still a mutilated body; force will be still victorious over right. National ambitions are seldom the product of cold reason or even of selfish interest—they would be easier to deal with if they were—and it is useless to attempt to understand the Polish question without some consciousness of this romantic attachment to the border countries and of the way in which these countries are inextricably bound together with Poland in the Polish mind. To the Pole the sharp categories applied by the foreigner appear divorced from reality. He remembers rather how Mickiewicz, a Lithuanian noble with a White-Russian name, writing as a Polish patriot in the Polish tongue, begins *Pan Tadeusz*, the greatest classic of Polish literature, with the impassioned outburst, 'Lithuania, my country, thou art like health'.

2. *Polish Claims.* Hence, whatever may be thought in regard to its wisdom, nothing could be more natural and more inevitable than that the ultimate desire of the Poles should be for frontiers approximating to the historic frontiers of 1772. It is unnecessary to examine here the Polish demands in detail, and, indeed, these varied considerably from time to time, but it is possible to state their claims in general outline.

As against the Germans they demanded that the ethnographic frontier should be the determining factor, and that, where it was necessary to modify the ethnographic frontier because of economic or other considerations, that modification should be to the advantage of Poland. They interpreted the ethnographic frontier strictly as including all regions in which

Poles by race and language were in a majority, and they were inclined to assume that Polish race and language implied in all cases a wish to be united to the new Polish state. In addition they went considerably further than the Entente Powers in their desire to modify the ethnographic frontier to their own advantage for economic and other reasons. Perhaps in certain cases they asked for more than they really expected to receive and sometimes damaged their position by asking too much. On the other hand, they had a real claim to be treated generously in Posnania and West Prussia, where the strength of the Germans had been founded upon an international crime and built up by methods of organized oppression.

As against the Czechs the Poles insisted on their full ethnographic claims and refused to consider demands for modification in favour of Czecho-Slovakia on economic grounds.

In the east their demands were varying and obscure. They gave up the strictly ethnographic principle, and demanded not only Eastern Galicia but at least some portion of White Russia and the Ukraine, on grounds of defence or economics or history or culture. Their attitude was, however, modified to a certain extent by hopes of securing a 'free union', notably with Lithuania, but they were in some cases rather disinclined to envisage the possibility that freedom should involve freedom to refuse as well as to accept union. Perhaps it would be fair to sum up the Polish attitude here by saying that they demanded a certain portion of these regions in any case, but hoped that a more or less free choice might induce still wider regions to throw in their lot with Poland. The idealists laid more stress upon the latter considerations, while conservative politicians concentrated more upon what they regarded as the minimum claim necessary to Polish safety, and, therefore, over-riding all other considerations in a region where nationality was relatively undeveloped.

3. *Smaller Nationalities.* As regards the attitude of these small nationalities towards the Polish claims, it is sufficient to say here that in all cases there was some larger or smaller national movement, recent perhaps, but apparently growing, and certainly vociferous, reinforced by or even confused with the hatred of the peasant for his Polish landlord. These national movements differed in strength and in character, and it was possible to argue about their intensity and per-

manence, but in all cases they were directed definitely against the Poles.

4. *Claims of Larger Nationalities.*

(*a*) *The Czechs.* Apart from these small nationalities the other peoples directly interested in the solution of the Polish question were the Czechs, the Russians, and the Germans. Of these the Czechs put forward claims in the district of Teschen primarily upon the grounds of certain economic needs alleged to be vital to the new state of Czecho-Slovakia. Otherwise their differences with the Poles were on matters of relatively slight importance.[1]

(*b*) *The Russians.* The Russians, whose interests were affected at many more points, suffered from having no representatives who could speak for the country as a whole. With the Bolsheviks the Conference had no official dealings, while the other Russian representatives had behind them only portions of the former Russian Empire, and, being unrecognized, were unable to put forward authoritative claims. As a consequence the case of the Russians was inadequately expressed and imperfectly appreciated. Their general position was that they accepted the independence of Poland within her ethnographic limits, but disputed all claims to territory farther east.

(*c*) *The Germans.* The Germans, on the other hand, could speak with the authority of their government behind them, and although they were without power to affect the decision, their protests were followed by a certain number of concessions. They disputed the justice of the settlement in all respects, but accepted the cession of at any rate parts of Posnania, while protesting hotly against the proposals in regard to Danzig, West Prussia, and Upper Silesia.

5. *Attitude of Principal Allied and Associated Powers.*

Such, then, were the various claimants. The decision lay with the Conference as a whole, but primarily with the Principal Allied and Associated Powers, the United States, France, Great Britain, Italy, and Japan. The decisions taken by the Five Powers were in all cases unanimous, and there is no need to dwell much upon the differences which preceded the final decision. It will generally be sufficient to set forth, irrespective of their origin, the main considerations which were urged and weighed before the final decisions were ultimately reached.

[1] A full treatment is given in Vol. IV, pp. 348–67.

As, however, a certain amount of information leaked out during the progress of the negotiations, it may be well at this stage to give some quite rough indication of the general attitude adopted by each of the Great Powers primarily concerned.

On the central point all the Powers were agreed—that it was necessary to establish a Polish state and to establish it with a real chance of existence, that is to say with the greatest possible stability and strength. Opinions differed only as to the manner in which Poland could be made most strong and most stable—a question very intimately bound up with considerations as to what was just as between her neighbours and herself.

(*a*) *France.* France, conscious of her historic friendship with Poland, proud of her part in building up and training the Polish army, and above all ever mindful of a common menace from Germany which threatened both countries alike, may be said to have constituted herself the principal advocate of Polish expansion. She was not, however, unconscious of the difficulties involved, nor did she wish to go as far as the Poles themselves. In one case, that of Teschen, she supported the claims of the Czechs against the contentions of the Poles.

(*b*) *United States.* America had displayed very early an interest in the question of Polish independence and, like France, had memories of historic ties with Poland. As regards the frontier with Germany, the Americans were, like the British, conscious of the danger of including too many Germans in the new Polish state. In the earlier stages of the negotiations the American and British points of view approximated very closely, but in the later stages, notably in regard to Danzig and Upper Silesia,[1] the Americans displayed considerable reluctance before accepting the further modifications introduced on the initiative of the British. In other regions the Americans upheld the Polish claims with great energy, particularly in regard to Teschen and Eastern Galicia.

(*c*) *Italian and Japanese views.* The Italians had no special

[1] It should be mentioned that the *thirteenth point* (*v.* Vol. I, pp. 434–5) is really ambiguous as regards plebiscites: 'An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.' Is Upper Silesia inhabited by an indisputably Polish population or not?

interest or strong views in regard to the frontiers with Germany. They supported the Poles in Teschen against the Czechs and in Eastern Galicia against the Ruthenians. As regards territory formerly Russian they felt strongly the obligations incurred by the alliance with Russia, and held that while it was desirable to give to Poland the ethnographic frontier which had been recognized by Kerensky's government, it was undesirable to go farther in deciding the fate of regions in which the Russians were concerned. The decision on these matters had in the end to be postponed.

The Japanese were not directly interested in the Polish question so far as it was settled by the Conference. The boundary with Russia, with which they were more immediately concerned, never came up for final decision.

(*d*) *British views.* The British delegation were most conscious of the disadvantages involved in including large numbers of Germans within the Polish frontiers and were the prime movers in the direction of diminishing their numbers and also in securing a special position for Danzig and in providing plebiscites for regions whose allegiance might be regarded as doubtful. They also supported the claim of the Czechs in Teschen. As regards the east they felt strongly both the dangers which the Poles would incur by expansion and the necessity of securing the self-determination of the border peoples. They felt this not only as regards former Russian territory but also as regards the much-debated question of Eastern Galicia.

It is clear, therefore, that Great Britain was the only Power which found itself in the unhappy position of opposing or seeking to limit the Polish claims in all the main questions where there were substantial differences of opinion.[1] The wisdom or unwisdom of the British attitude can be judged only by history, but it is necessary to insist that this attitude arose from no unfriendliness towards Poland. It arose rather from a deeply rooted belief that if Poland was to be strong both

[1] *v.* Lloyd George's Memo., 25th March 1919 (Cmd. 1614, 1922): 'I am, therefore, strongly averse to transferring more Germans from German rule to the rule of some other state than can possibly be helped. . . . The proposal of the Polish Commission that we should place 2,100,000 Germans under the control of a people which is of a different religion and which has never proved its capacity for stable self-government throughout its history, must, in my judgment, lead sooner or later to a new war in the east of Europe.'

internally and externally it was necessary that self-determination should be the guiding principle of the settlement. Internally Poland must in any case possess very large minorities of Jews on the one hand and Germans on the other—neither of them likely to make the wheels of political life run more smoothly. If besides this inevitable alien minority Poland were to receive in the west more than the necessary minimum of Germans and in the east quantities of unwilling Lithuanians, White Russians, and Ruthenians her political effectiveness would decrease with the increase of her size, and she would become like the former Austrian Empire, a conglomerate of nationalities incapable of securing even-handed justice and of working a democratic form of government. Externally she would be surrounded by a ring of enemies, smarting under a sense of injustice, preaching a gospel of irredentism, fostering faction within her borders, and waiting an opportunity—which would not be difficult to find—for military aggression. And these enemies would be two of the greatest Powers of Europe—Russia and Germany. Germany, indeed, would always have causes for dispute with Poland. It was, however, possible and desirable to reduce these causes to the minimum demanded by justice. In such circumstances the Poles would be wise to avoid all possible cause of quarrel with Russia, even if it meant in some cases recognizing Russian claims whose justice they disputed. Above all, it was dangerous to take advantage of Russia's temporary weakness and annex border peoples without securing a free expression of their wishes. Such action, as it separated Russia and Germany in space, would bring them together in spirit and might easily result in a new and this time perhaps a final Partition of Poland from which no human power could save her. Considerations of this kind were alien to the ardent and idealistic Polish temperament, for that very reason it is necessary to stress their importance.

Such were the main lines of divergence where divergence existed, and it must be strongly emphasized that only after the fullest discussion of the principles involved in each case did the Conference arrive at its final decisions. Nevertheless, it cannot be doubted that, contrary to the opinion usually expressed in England at the time, the negotiations suffered not as a result of dilatoriness—though every day that passed made solution more difficult—but as a result of haste. However

much time was devoted to each particular problem as it arose there was little or no opportunity for a comprehensive survey of the problem as a whole. Yet it is possible by solving separate problems in isolation with a reasonable amount of justice to produce a total result which is inconsistent and even unjust. The lack of a comprehensive survey was felt to some extent even on the West taken as a whole by itself. It was felt still more—at least from the British point of view—in regard to the different methods of settlement proposed for the West and for the East.

6. *Tendencies at the Conference.* The Conference manifested —at any rate, as far as the frontier with Germany was concerned—two main tendencies in discussion. The first tendency, which may be called the tendency of the old diplomacy, was based upon the view that friends should be strengthened at the expense of enemies, or that the innocent should be strengthened at the expense of the guilty. It showed itself, not in crude demands for the manifestly unjust, but by insisting that in all doubtful cases the benefit of the doubt should be given to Poland. The second tendency, which we may still believe, or, at any rate, hope to be the tendency of the new diplomacy, rested on the principle of doing justice to enemies as well as friends. It involved the belief that a solution on this principle alone could be permanent since it might in the end receive the support of those who suffered from the application of the principle in any particular case, inasmuch as they would gain by its establishment in international affairs as a whole.

In spite of a widespread impression in England to the contrary it was, on the whole, the second tendency which prevailed. As far, at least, as the frontier with Germany is concerned, strategic considerations were for the most part completely ignored—notably in regard to Danzig and the Polish corridor. This was done deliberately in the belief that in this way alone could justice be secured, and that subsequent disputes would be settled not by force of arms but by the League of Nations. It is, as we shall see later, mere nonsense to suppose that the Conference was following in these matters a policy of simple revenge. It may be added that in regard to regions which had been taken away from Poland by a gross international crime and Germanized by unashamed political injustice, it was neither unreasonable nor unjust to give

Poland the benefit of the doubt in cases where doubt really existed.

Considerations involving a distinction between friends and enemies did not properly speaking arise in regard to the eastern and southern frontiers of Poland, but the relations of the Great Powers with the Bolsheviks not only deprived the Russians of adequate opportunities for stating their case, but also secured for the Poles a degree of consideration which they would not have received if Russia had still been regarded as an ally. The French at least appear to have felt that the duty of the Conference was to create a large Poland as a barrier against the Bolsheviks and as an ally of France in any future war against Germany.

In the attempt to secure justice as between nation and nation it was universally agreed that nationality must be the chief basis of the settlement. It was equally agreed that in certain cases it was necessary to modify or even over-ride considerations of nationality by reference to other factors and especially by reference to economic factors. Modifications on strategic grounds received much less support, but the economic factors when they were intimately bound up with geography sometimes involved strategic considerations as well. History was not and could not be altogether ignored. Religion was taken into account mainly negatively, that is so far as it threw doubt upon the national sympathies of people who clearly belonged to a particular nation by race and language, but were of a different religion. Differences of opinion were concerned solely with the extent to which these other factors might justly be allowed to over-ride considerations of nationality pure and simple, and it was no unusual thing to find the positions taken up by the representatives of the Great Powers exactly reversed in dealing with different problems.

The necessity of taking into account factors other than nationality, at least in matters of detail, becomes obvious as soon as any attempt is made to deal with concrete problems. It is often supposed that a solution in terms of nationality is the simplest thing in the world, whereas in reality it is one of the most difficult.[1] It is clearly impossible to have islands of one country situated on the territory of another, and there are geographical facts which preclude the construction of an inter-

[1] *v.* on this, Vol. IV, pp. 429–34.

national frontier after the fashion of a jig-saw puzzle. In all such cases it is necessary to decide contrary to the wishes of one or other of two bodies of people, and to do so on grounds of general justice, taking into account questions of history and religion and the economic interests both of the territories immediately concerned and of the nations which lay claim to these territories.

In no region is this more true than in the area claimed by Poland. Apart from the awkwardly placed enclave of East Prussia (in the north of which the German conquest of the native Borussi—a people akin to the Lithuanians—was ruthless and complete) there has been an overflow of Germans into Poland and of Poles into the border countries in the east. There are of course differences in the two cases. The German overflow was, on the whole, originally in the nature of peaceful penetration, but after the Partitions it had been reinforced by the deliberate action of the Prussian Government, especially since 1870. The Polish overflow was due mainly to the Union of Lithuania and Poland, to diplomacy rather than to war, to the superiority of Polish culture, and to natural economic causes. So far as history was concerned the two cases differed, but in their results they were practically the same. Hence, over considerable areas in both west and east, there are large and diffused minorities of alien race and language, possessed of disproportionate influence, belonging to or believing themselves to belong to a higher civilization and culture, controlling most of the means of production, and constituting in general the middle or upper classes. In the towns this alien element tends to become actually a majority, and even in the country districts there may be considerable islands where the native element is in a definite minority. In such cases are we to prefer the will of the ill-educated majority to that of the well-educated minority? Are we to determine the fate of the more compact and wealthy islands by the will of the larger but more sparsely inhabited country districts which surround them? Are we, in short, to prefer quantity to quality or vice versa? One method would be to make a clean cut by majorities on both sides, and to ask the minority in each case to lend their aid to the states in which they would find themselves. This method was the method definitely adopted in the west to the detriment of the Germans. In the east the weight of opinion outside the British

Delegation was in favour of adopting another method to the advantage of the Poles. The people immediately concerned are naturally unable to take a dispassionate view of the situation. Their passions are aroused, their pride is affected, and they refuse to consider the possibility of putting large bodies of their countrymen under the government of 'barbarians'. This in the case of the Germans could be set aside and the principle of the will of the majority could be made to prevail. The Poles in the east were in a position of greater strength, and they pleaded that the only alternative to the satisfaction of their demands was to hand over the border peoples to what they regarded as an equally alien race of Muscovites and Bolshevists. Their plea was at least partially accepted in regard to Eastern Galicia in spite of the various alternative solutions put before the Conference. The problem of the other border countries remained unsettled.

The difficulty of applying the principle of nationality is increased by the fact that national divisions are in this region somewhat uncertain in themselves. There are considerable areas where the national aspirations of the inhabitants have been called in question.[1] It is alleged that the national movements are recent, that they are the work of a few intellectuals without backing among the people, even that the people in some cases are so little developed that they are indifferent to nationality and ready to take on any stamp which may be imposed upon them. The Poles urged this strongly in regard to their border nationalities, the Germans did the same in regard to all Poles who had been severed from Poland before the Partitions and to some who had belonged to Poland as late as 1772. The German plea was met by instituting plebiscites

[1] It should be observed that these questions often give rise to linguistic controversies which are singularly unprofitable. The Germans contend that many Poles within former German territory speak a dialect quite distinct from educated Polish. The Czechs maintain the same view as regards certain of the Polish-speaking people in Teschen, Zips, etc., *v.* IV. 350, 364. Similarly the Poles lay great stress on the differences between the White Russian and Little Russian dialects on the one hand and Great Russian on the other. In regard to such contentions it is well to remember (*a*) that a dialect always differs and may differ very greatly from the educated language to which it is most nearly related, and (*b*) that while nationality cannot be determined on linguistic grounds alone it is generally desirable that people speaking different dialects of the same language should be included in the same state. What really matters, however, is the will of the people and their natural affinities, not the linguistic subtleties of pedantic grammarians.

for the areas whose historical connexion with Poland was remote.

7. *The method of decision by Plebiscite.* Despite many serious difficulties the plebiscite remains the best and, indeed, the only way of determining nationality in areas where the real wishes of the inhabitants are subject to doubt. For this purpose it was used in all parts of Germany where Poles by race had long been cut off from their native country. It was also used, however, in certain instances to meet a momentary political situation rather than to obtain information which was lacking. Here also a comprehensive survey of the problem would have been of considerable value, and might have led to the abolition of certain plebiscites and the institution of others.

This secondary use of the plebiscite is, however, in itself an indication of another difficulty with which the Conference had to contend. It was quite impossible to ignore the actual situation of the moment and to base decisions entirely upon the permanent factors involved. During the period of the Conference great events were happening and these could not fail to influence the decisions. There were grave troubles in connexion with the armistice between Poles and Germans in Posnania, and also in regard to the transport of Haller's army through Germany; there were difficulties in regard to German troops in Lithuania and the Baltic Provinces; there were complaints about the conduct of the German Government in Upper Silesia and West Prussia. Between Poland and Czecho-Slovakia there was continual friction in regard to Teschen. Within Poland itself there were a series of anti-Jewish excesses. All these things—not to mention the countless difficulties which affected Poland less directly—delayed and hampered decisions in the Conference and inflamed the passions of the peopleto be affected by the decisions.

8. *The fait accompli in East Galicia.* Again the actual power and character of the governments involved could not be entirely ignored, and it is useless to disguise the fact that the Poles, by presenting the Conference with a *fait accompli* in Eastern Galicia, materially affected the settlement.[1] The Poles were strong enough to assert their will in the disputed area itself, and pressure exercised by the Conference might easily have led to such an outburst of passion as would have swept away the Polish Government and left nothing but anarchy in

[1] *v.* Vol. I, pp. 335–8; Vol. IV, pp. 84–5, 95, 103–5, 135.

its place. The Poles in this way gained both by their strength and by their weakness.

9. *Bolshevism.* Above all, the shadow of Bolshevism hung over everything and rendered obscure things which ought to have been clear. The alleged danger that the Bolsheviks were about to advance through Eastern Galicia to join the Bolsheviks of Hungary undoubtedly affected the views of the representatives of the Great Powers.[1] The Poles could with every reason occupy portions of the border countries in order to free them from anarchy and to defend Poland itself against attack. Yet while these countries were being fought over, it was impossible to secure self-determination, and hazardous, if not foolish, to legislate for a quite uncertain future. There were, indeed, hopes that first Kolchak and then Dénikin could succeed in establishing a Russian Government with which it would be possible for the Poles and the Allied Powers to treat in regard to the ultimate fate of the disputed territories. It was partly such hopes which prevented the Conference from dealing with these regions, but these hopes were gradually destroyed. The difficulties caused by this situation were enormous. Threatened by Bolshevik armies and assailed by Bolshevik propaganda, weakened by war and famine and disease, the border peoples were, to say the least, not in the best condition to establish a stable form of government. The Poles, on the other hand, even apart from national ambitions, could hardly be expected to hand over willingly to a Bolshevik régime large areas where members of their race constituted the bourgeois element and possessed the bulk of the land. It is no easy matter in such circumstances to secure ideal solutions of problems which are in themselves sufficiently difficult, and it is well for critics of the Conference to remember that there are some tasks which are almost too great for mortal men.

10. *The Settlement.* The complicated details of the Polish settlement can be grasped most easily if they are considered in four main divisions as they affect: (*a*) German territory, (*b*) the boundary between Poland and Czecho-Slovakia, (*c*) Eastern Galicia, and (*d*) territories formerly Russian. The boundary between Poland and Russia is still undetermined, and thus all that can be done under the fourth heading is to indicate briefly the nature of the problems involved.

[1] *v.* Vol. I, pp. 353–5; Vol. IV, pp. 159–61.

(*a*) *Poland and Germany.* The Polish Commission was appointed on the 12th February 1919, and was instructed on the 26th February to report on the boundary between Poland and Germany. Its report was completed on the 12th March and formed the basis of the subsequent settlement. Certain modifications, as is well known, were introduced by the Supreme Council in regard to Danzig and the neighbouring regions. Later, after the German Observations on the Draft Treaty had been received, still further modifications were introduced in regard to Upper Silesia, and the frontier between Germany and Poland was also altered in some points of detail.[1]

The original proposals of the Commission were roughly as follows:

(i) That the Memel district should be ceded to the Principal Allied and Associated Powers.

(ii) That a plebiscite should be held in the region of Allenstein.

(iii) That in Posnania and West Prussia the westernmost limit of Polish ethnographical majorities should, with certain modifications, be made the frontier between Poland and Germany.

(iv) That Danzig and the whole length of the Danzig–Mlawa–Warsaw railway should be included in Poland.

(v) That in Upper Silesia all regions which had a Polish ethnographical majority should be assigned to Poland, while a small area in the extreme south should be given to Czecho-Slovakia.

The last three proposals require a specially detailed discussion, both because they were subsequently modified and because they have been subjects of controversy.

(*b*) *The Memel district.*[2] The Memel district (which concerns Lithuania and not Poland though it was dealt with by the Polish Commission) is a small area in the extreme north-east of East Prussia lying between the river Niemen or Memel and the former frontier of East Prussia and Russia. It contains some 2,500 square kilometres and about 150,000 inhabitants. Practically

[1] *v.* extracts from German Observations and Allied Reply, Vol. II, pp. 283–5. For a brief general treatment with statistics of populations involved, *v.* Vol. II, pp. 207–15.

[2] For German Observations and Allied Reply, *v.* Vol. II, pp. 290–1, 364, 366–7, 382, 391.

all the country districts are inhabited by a majority of Lithuanians who in this region are Protestants, whereas their countrymen in Russia are Roman Catholics. The town of Memel itself is largely German, and, if the town and the country districts are taken together, the population is about half German and half Lithuanian.

It must be remembered that East Prussia was originally inhabited by people of Lithuanian stock called the Borussi who are usually said to have been exterminated by the Teutonic Knights. It is only in the eastern districts that the Lithuanian speech, whatever be the case with the Lithuanian race, still prevails. The Lithuanians indeed claimed extensive regions west and south of the Niemen on the ground that these were still inhabited by people of Lithuanian race who had given up using the Lithuanian speech in quite recent times. It was, however, felt by the Conference that the process of Germanization had gone too far to be reversed and that it was unreasonable to take into account the islands of Lithuanian-speaking people who still lingered on in the midst of Germanism. East of the Niemen the case was different. There the country districts were definitely Lithuanian and there was a strong Lithuanian movement in spite of all German efforts at repression—efforts which, it may be mentioned, continued even during the Conference itself. If wider interests were taken into account it was impossible to argue that this small area was essential to Germany. On the other hand, it formed the only possible outlet to the sea for some two million Lithuanians and for the White Russians who inhabit the upper reaches of the Niemen. In such circumstances it was felt that the national aspirations of the small town of Memel could hardly stand in the way of the vital economic needs of several millions of people, and that the economic interests of the town itself would be furthered by allowing it to go with its hinterland.

The reason why this area was ceded to the Allied and Associated Powers was that no Lithuanian Government was at that time recognized by the Conference. It is still (July 1921) under inter-Allied control with a French officer in supreme command.[1]

(*c*) *The Allenstein Plebiscite.*[1] The Allenstein (Olsztyn) district as defined by the Peace Conference consists (with some

[1] Cp. Vol. II, pp. 201–11, Allenstein, 213, but see note at end of chapter.

modifications) of the former Regierungsbezirk of Allenstein—the most southern region of East Prussia. It contains over 12,000 square kilometres and over 550,000 inhabitants. Of these latter slightly more than half are Polish in race and language, though the Germans call them Masurians and lay stress on the divergences of the local dialect from educated Polish speech. On the other hand, this area has for centuries been under the domination of East Prussian Germans, and as a result the Poles as well as the Germans are Protestants. The only exception is a district, situated, curiously enough, in the extreme north, which belonged to the bishopric of Ermeland or Warmia and was thus a part of Poland till 1772. Within this bishopric (the southern part of which alone is included in Allenstein while the northern part extends to the Baltic east of Danzig) both Poles and Germans are Catholic. The Poles in the Allenstein region are for the most part peasants. The national movement among them is comparatively recent and apparently limited in extent. The country is sparsely inhabited and of little agricultural value—a labyrinth of hills and lakes and bogs. As such it offers an admirable zone of defence to the country which includes it within its frontiers.

This was agreed to be a region which could not be assigned to Poland without a clear expression of the will of the people. History and religion connected the inhabitants with Germany, race and language with Poland. The German-speaking minority was unusually large and was widely distributed. It was recognized that, since the people were politically undeveloped and the Polish national movement was of recent origin, large numbers of Poles might vote for Germany out of ignorance and timidity rather than out of real conviction. The Conference was conscious that this area would probably be assigned to Germany as a result of the plebiscite and yet that the ties of race and language might in the end prove more powerful and lead to a strong Polish movement when it was too late to be effective. It was, however, necessary to take the facts as they were and to leave the future to look after itself. A plebiscite met the actual situation fairly and it was impossible to do more.[1]

The plebiscite was held on the 11th July 1920. 363,209 votes were cast for union with East Prussia, 7,980 for union

[1] For Selections from German Observations and Allied Reply *v.* Vol. II, pp. 289–90.

with Poland. The whole area with insignificant modifications was assigned to Germany.

(*d*) *West Prussia and Posnania.* The important question of Danzig and the Mlawa railway being reserved for special consideration later, we are here concerned only with the western frontier of Poland in West Prussia and Posnania. The frontier as originally proposed by the Polish Commission and presented to the Germans in the first draft of the Peace Treaty was modified in six places after the German reply had been received.[1] The original proposal, which had been subscribed to by representatives of all the Great Powers, was the result of an honest attempt to do justice as between Poland and Germany. It, however, took into account factors other than ethnography to an extent which was afterwards thought, particularly by the British representatives, to be excessive, and while much could be said in defence of its solutions in regard to any particular problem, the result as a whole, owing to the general tendency to give the benefit of the doubt to Poland, was unduly unfavourable to the German claims.

There were three areas in particular where Germany had been treated with extreme severity. All three areas were inhabited by a large majority of Germans, but they had been assigned to Poland on various grounds. In the north a small part of Pomerania was assigned to Poland in order to fit in better with the existing railway lines and in a lesser degree to widen a little the exceedingly narrow Polish corridor. At Schneidemühl an area beginning round the town and extending north-eastwards along the Schneidemühl–Konitz railway received similar treatment in order to prevent the Germans from having a base for the concentration of troops against the exposed Posnanian salient. Further, in order to secure an adequate defence for the Posnanian salient to the south, it was proposed to make the river Bartsch the boundary between Poland and Germany, thus assigning to Poland some 800 square kilometres of Middle Silesia inhabited by perhaps 40,000 people, of whom a quite insignificant fraction are Poles. The first and third of these proposals were specially open to criticism, as the two areas in question had never in the whole course of history formed part of a Polish state and their annexation could not but be regarded by Germans as a violation of every right of nationality.

[1] For Selections from German Observations and Allied Reply *v.* Vol. II, pp. 285–7.

All three areas were assigned to Germany in the final version of the Treaty of Peace.

When it was proposed to modify the original proposals in respect to these three areas, it was pointed out in the Commission specially appointed by the Supreme Council to deal with this question and that of the plebiscite in Upper Silesia that, if the Polish Commission had assigned on economic and strategic grounds certain ethnographically German districts to Poland, they had also on similar grounds and in accordance with a principle of compensation assigned certain ethnographically Polish districts to Germany. It was urged that it was for this reason desirable to reconsider the cases where ethnography had been departed from to the detriment of Poland and not only the cases where it had been departed from to the detriment of Germany. As a result of this reconsideration three areas which had previously been assigned to Germany were finally assigned to Poland. The three areas thus assigned to Poland were the north-west corner of the Kreis of Schlochau, a small district to the south of Filehne, and a strip of territory in the extreme west of Middle Silesia. All three areas are inhabited by a majority of Poles.

These changes, therefore, improved the frontier line from the ethnographic point of view. There may be objections to some of them on economic and administrative grounds, while strategic considerations have simply been swept aside. As regards the two Governments especially affected it was argued that any concessions to the German case would be productive of arrogance and bad faith in Germany and would weaken the German consciousness of defeat. On the other hand, concessions indicated a willingness on the part of the conqueror to be fair to a defeated enemy, and made it easier for the German Government to sign the Peace without losing its authority and so perhaps plunging Germany into anarchy. As to the Poles, they were much more concerned with rescuing a few more Poles from German tyranny than with the strategic and economic disadvantages resulting to Poland from the change in the original proposals. On the whole, they appear to have regarded the proposed modifications with approval.

These changes are, however, matters of relatively little importance. They affected quite small areas and relatively small bodies of men. Of the resulting line as a whole it may be

said, indeed, that the balance is still in favour of Poland from the exclusively ethnographic point of view. Practically every Polish peninsula—if we may employ that term to indicate a Polish arm extending into territory otherwise inhabited principally by Germans—has been included in Poland. Apart from a few villages in Pomerania the only noteworthy exception appears to be the country districts round Bomst, and there, if the town is counted along with the country districts, the Germans appear to have a slight majority. No such effort was made to include all German peninsulas in Germany, and, indeed, it would have been impossible to do so without temporarily paralysing the means of communication in Posnania, as these small German peninsulas are almost always centres of railway communication.

If, however, it is possible, as it well may be, to criticize the new frontier in certain of its details there should be no reasonable doubt that the principle upon which the whole line is based is fundamentally just. That principle is to make the Polish frontier follow the westernmost limit of the area inhabited by a majority of Polish-speaking people and to allow Germany no territorial compensation for the widespread German minority and the considerable number of German islands scattered over Polish territory. Two considerations which support this method of treating a minority apply in West Prussia and Posnania as as they apply nowhere else. The first is that the German overflow is due largely to the fact of the Partitions, and the second is that it has been artificially fostered by the German Government at the expense of its Polish subjects. But even apart from these two special considerations the principle itself is surely sound. In a civilized community it is the majority as a whole which must decide. We have no right to prefer the wishes of the economically and socially superior minority to those of the mass of the people. Indeed, it is easier in some ways for the well-to-do and the educated to adjust themselves to a new government than it is for the poor and the oppressed. It is easier also for the townsman to migrate if he wishes to retain his nationality than it is for the peasant. As to the principle of compensation, it is wrong, or at most right within narrow limits. The fact that over a large area there is scattered a minority whose wishes have to be over-ridden is no reason for selecting arbitrarily a portion of that area and disposing of it

contrary to the wishes of the majority of its inhabitants. To do so is merely to commit an arbitrary injustice on one body of people because it has been necessary to commit an injustice on another, or rather it is to commit an arbitrary injustice on one body of people to balance a just and necessary hardship under which another body of people is suffering. It is to ignore altogether the principle of self-determination which, if it means anything, must mean self-determination by majorities.

It is, of course, infinitely regrettable that there should be so large a number of Germans in the territory assigned to Poland. It is a misfortune for the Germans concerned and not less of a misfortune also for Poland. But it is idle to speak as if these Germans were arbitrarily and unnecessarily included in Poland, or as if a few modifications of the frontier or the retention by Germany of a few square miles around Danzig would easily get rid of them. No other result is possible unless the Germans are deliberately transplanted to their original home. The history of the last hundred and fifty years has been a deliberately organized German invasion of Polish territory so that over almost the whole area there is one German to every two Poles. If, therefore, some two million Poles are to be returned to Poland in West Prussia and Posnania, it is absolutely inevitable that with them must go at least a million Germans. However regrettable this may be, there is no gainsaying the fact. It may, however, be possible to derive some consolation from the reflection that the German census exaggerated slightly the number of Germans thus affected and that a large number of the Germans settled in this area are colonists and officials deliberately planted there by the German Government for the Germanizing of its Polish subjects. When it is remembered that German officials are immensely more numerous than English in relation to the work to be done, that in Germany not merely administrative officers and police, but also teachers and even workers on the railway are Government officials, and further, that from all these offices, even the smallest, the Polish subjects of the German Government were excluded, the actual inclusion of a considerable number of Germans in the new Poland may seem in some respects a working out of historic justice. The Poles displayed moderation and practical sense in allowing large numbers of these officials—some of whom had been bitter enemies of Poland—to retain their positions, but

it is in the interests of all parties that the German Government should find some work for them to do in their own country.

It should also be added that, according to German official figures, the Polish rate of increase on German territory is almost exactly double the rate of increase of the Germans themselves. The Polish rate of increase is in fact almost incredible in these regions and the thorough German methods of sanitation ensure that it is not balanced here, as it is to some extent elsewhere, by a correspondingly large infantile mortality. It is precisely this fact which led the German Government to import Germans from elsewhere at the public expense and to attempt to Germanize the Poles by force. This fact too must surely be taken into account in determining the frontiers. The removal of the artificial factors which have kept up the German proportions, will allow natural forces to work, and these will tend in a few years to make many of the precarious German islands disappear altogether from the ethnographical map.

If the fundamental principle is sound, what is to be said of its application? Setting aside minor details which may be questioned, the area in which the decision of the Conference may most easily be criticized is the area which is loosely referred to as the Bromberg area. This is more than a German island, it is a chain of islands or almost a narrow promontory stretching up the Netze valley and extending past Bromberg to the valley of the lower Vistula. This German promontory was deliberately created by the German Government, which since the time of Frederick the Great has aimed at cutting off the Poles from the sea by stretching a belt of Germans along this line of communications. The promontory is thus largely artificial and in the area of Bromberg itself the majority is to some extent made up of German railway and other officials and their dependents in the widest sense of the word. Even if it were not, adherence to purely ethnographical considerations would produce a wholly impossible frontier, and could hardly be advocated as a reasonable solution. As the case stands it is necessary and just that this area should be assigned to Poland.

The only practical alternative would be to assign to Germany all the territory extending north of the Bromberg area to the Baltic, i.e. in other words, to abolish the Polish corridor to the sea. It is often assumed that this Polish corridor to the sea, which involves the cutting off of East Prussia from the rest of

Germany, is bound up with the question of Danzig and is based on purely economic grounds. Nothing could be farther from the truth. The question of Danzig is a question of whether the corridor is to be economically effective, but the Polish corridor exists quite independently of Danzig. A glance at any ethnographic map based, as it must be, on German figures shows at once that a definite belt of territory containing a majority of Poles extends from the main body of Polish territory to the sea west of Danzig and cuts off the Germans of East Prussia from the Germans in the west. It is not only history and economics which justify this Polish corridor, it is the ethnographic facts themselves. The Germans suggest, of course, that the Poles in this area are not Poles but Kashubians, and can point to differences between their dialect and educated Polish almost as remarkable as the differences which exist between High and Low German. No one suggests, however, that these people are really German in sympathy, and they are Catholics like most of the other Poles. Only by a flagrant piece of injustice to these people could this area be assigned to Germany. East Prussia was historically and still is a German colony detached by Polish territory from the rest of Germany.

If we pass beyond the region immediately concerned to the two countries affected it is infinitely more important to a nation of over twenty million inhabitants to have access to the sea and direct contact with Western Europe than it is for some two million Germans in East Prussia to have a land connexion with the rest of Germany. East Prussia retains her connexion with Germany by sea, and it is by sea that most of the trade between East Prussia and Germany has in fact been carried on. If it be said that the needs of Poland might be adequately met by rights of transit over German territory to the Baltic, it is still more true that the smaller needs of East Prussia can be adequately met by rights of transit across Polish territory to Germany, and such rights are in fact given by the Treaty. No doubt there is a blow to German pride in this solution, but it is a blow to that German, or rather Prussian, pride which has received its strength and its evil character precisely from the subjection of others by force in this very region. The opposite solution would involve a blow not only to Polish national pride but also to the sentiment of justice which is here manifestly on the side of the Poles.

It may indeed be argued that just or not this is a decision to which Germany will never submit, and that it would be well to avoid future trouble by allowing her to have her way at once. The naked right of the stronger is, however, a curious basis upon which to found a Peace, which was intended to inaugurate an era of justice for all nations and to protect the rights of small nationalities. Every principle supposed to underlie the Peace demands that in this area justice should be done, and for the future, in this as in other cases, it can only be hoped in spite of indications to the contrary that the decision may secure in the end the support of all nations including Germany herself on the simple ground that it is just.

(*e*) *Danzig and the Mlawa Railway* (*Marienwerder*). By the original proposals of the Polish Commission Danzig and the whole length of the Danzig–Mlawa–Warsaw railway was to be made Polish territory. The first criticisms of these proposals raised in the Supreme Council affected only the question of the Mlawa railway and assumed the justice of the proposals in regard to Danzig. Later the question of Danzig itself was raised and the original proposals of the Polish Commission considerably modified. But the solutions of both questions were in their final form before the first draft of the Treaty was presented to the Germans: (1)

(i) *Mlawa railway* (*Marienwerder*);[1] *plebiscite result.* Of these two questions that of the Mlawa railway is important, though very much less so than that of Danzig. Unless this railway is given to Poland the shortest route between Danzig and Warsaw must lie in German hands. The serious disadvantage of this to Poland is obvious, and its seriousness is not diminished by the fact that the circuitous route which remains open can with difficulty be made adequate to the economic requirements of the country. It need hardly be said that the strategic disadvantages are even more serious. The Polish Commission believed, and, indeed, reiterated its belief in the teeth of the Supreme Council, that in the circumstances it was necessary to override the wishes of the local inhabitants because of the vital importance to Poland of this line of communications. The Supreme Council took, however, the opposite view in the end. It was pointed out that with the exception of a relatively small area (the area of Stuhm which was histori-

[1] Cp. Vol. II, pp. 210–11, 213.

cally Polish and has by no means lost its Polish character) all this territory had belonged to East or Ducal Prussia for centuries and was inhabited by Germans whose national sympathies were undoubted. The strategic argument was set aside, the economic was met by giving Poland rights of transit, and a plebiscite was decided upon for the whole predominantly German area (generally called the Marienwerder area) between the railway and the Vistula.[1] In this case the plebiscite is clearly not necessary to ascertain the wishes of the inhabitants about which there is no reasonable uncertainty except in the area of Stuhm, but it probably helped to calm Polish opinion which had been excited by the unauthorized publication of the proposals of the Polish Commission and greatly resented any changes which it regarded as detrimental to Poland. The plebiscite was held on the 11th July 1920; 96,923 votes were recorded for union with East Prussia, 8,018 for union with Poland. With certain modifications the whole area was assigned to Germany.

(ii) *Danzig.*[2] The crucial question is, however, the question of Danzig. The inhabitants of Danzig are for the most part German in race and language, and many people in England—even among those who disapprove of the Italian attitude towards the parallel problem of Fiume—speak as if it were self-evident that Danzig ought to remain in Germany in accordance with the principle of nationality. Yet surely the principle which ought to be applied is clear. As a general rule it is desirable to follow the wishes of the majority of the inhabitants in regard to nationality, but there are certain exceptions. One is where an island of one national character is surrounded by territory of another national character. The other—and this is the case of Danzig—is where the national aspirations of a small body of men clash with the vital necessities of a much larger body of men. In both cases the interests of the smaller body must give way to those of the larger. The relative size of the two communities of course affects the force of this principle, and another determining factor is the extent to which the needs of the larger body can really be called vital.

Now it is hardly possible to find a clearer case than the case of Danzig. The construction of another harbour on the Polish

[1] *v.* Extracts, German Observations and Allied Reply, Vol. II, pp. 289–90.
[2] Ibid., Vol. II, pp. 291–3, and *v.* also p. 214.

coast was seriously investigated by experts at the Conference and found to be impracticable. We have, therefore, to consider the needs of a nation of over twenty million inhabitants occupying the whole basin of the Vistula with certain ramifications and extensions particularly to the west. Every law of geography insists that the natural outlet for this country, possessed of all sorts of economic possibilities and now in process of being industrialized, is by the mouth of the river around which and upon which the whole fabric of Polish society has been built. It is futile to expect that the main bulk of Polish products should pass down the Dniester through foreign territory to the Black Sea or even follow the difficult route, also through foreign territory, to the Adriatic by way of the Moravian gates. By far the greater part of Polish trade must pass by way of the Vistula and the port of Danzig. Surely, if any nation has a claim to direct contact with the outer world it is the nation which is certainly the largest and perhaps the most highly developed of all the new nations established or re-established by the Peace. Nor is this merely an economic question. If a powerful nation like Germany, whose history has not shown her to be over-scrupulous, is to control the main outlet of Polish trade, she will in the end make Poland a mere vassal. It is bad enough that the corridor given to Poland should be so inadequate in comparison with her economic needs, and it is a regrettable necessity that both sides of that corridor should be held by a hereditary enemy. Poland may, however, be able to live with German fingers on either side of her windpipe. She cannot live with a German finger in her throat. For the Polish nation the possession of Danzig, in some form or other, is a matter not of mere economic convenience but rather of life and death.

On the other side, it is impossible to claim that the retention of Danzig is essential to the existence of the German state. So far is this from being the case that it has been a deliberate German policy to restrict the development of Danzig with the result that a city, which has a situation not incomparable to that of Hamburg, remains considerably smaller than the East Prussian garrison and university town of Königsberg—a result which is obviously not due entirely to the Russian system of tariffs. Further, as has already been pointed out, the question of Danzig is not bound up with the question of cutting off East Prussia from the rest of Germany. That would have to be done

in any case on purely ethnographical grounds, even if Danzig were to remain in German hands. The German interest is, therefore, primarily one of national sentiment, and there is no doubt that, as a result of the historic connexion of Poland with the town, her sentiment for Danzig is as strong as that of Germany.

The town of Danzig was, like other Polish towns in the Middle Ages, composed of German traders who settled in Polish territory for purposes of commerce. Owing to its proximity to Germany it retained its German character and its special privileges long after the other towns had ceased to do so. Its loyalty to Poland during the whole period was undoubted. It was annexed to Germany against the wishes of its inhabitants, who persisted in their preference for Poland even till so late as 1815. No doubt a century of German rule has brought about a change of attitude, but it is impossible to prefer the interests of some 170,000 Germans in Danzig (or even of some 360,000 if the surrounding territory be included) to the vital necessities and the historic claims of the Polish state. Further, the union between Danzig and Poland, if it is contrary to the national sentiment of the inhabitants, is entirely favourable to their economic interests. There were clear indications even at the time of the Conference that this was realized by some of the Danzig merchants, and there are still clearer indications of it to-day. Danzig, if the Polish state prospers, will become in no long time a first-class port, and it may well be that its German inhabitants may find it difficult not to prefer their economic interest to their national pride. It may be added that, if the artificial barriers maintained by the German and Russian Governments are removed, the working of natural economic laws is likely to bring an influx of Polish traders to the town as it increases in size.[1] It is only by artificial means that Danzig can be prevented from becoming what nature intended it to be—a Polish port.

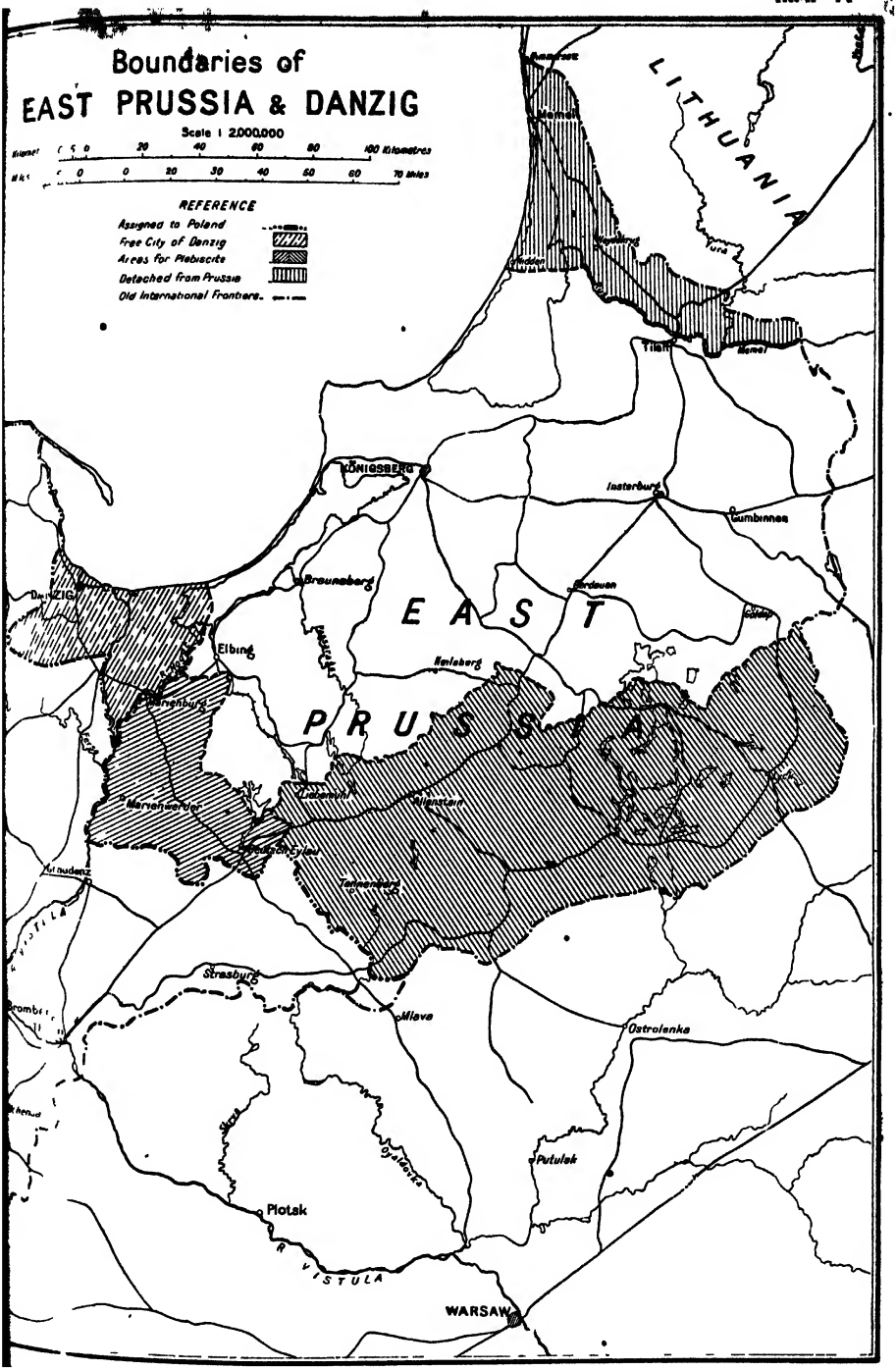
It was on such considerations that the Polish Commission recommended the inclusion of Danzig in the Polish state. The report had to be completed within a very brief period and contained one grave omission in that no recommendations were made as to the status which Danzig was to have within the

[1] For extracts from German Observations and Allied Reply see Vol. II, pp. 291–3; for statistics *re* Danzig, *v.* II, 215.

Polish state. It was in fact doubtful at the time whether such recommendations were within the terms of reference of the Commission. The question was finally raised in the Supreme Council on the initiative of the British. It was felt strongly that the national aspirations of the inhabitants could not simply be overlooked. The solution finally adopted may be criticized as unnecessarily vague (although this vagueness was no doubt deliberate) and it may be urged that it would have been better to have restored to Danzig its historic status of autonomy within the Polish state, and to have recognized explicitly the sovereignty, or at any rate the suzerainty, of Poland. The proposals adopted did not go so far in recognition of the Polish claim, and the real situation will not be clear until the Treaty [1] to be made between Poland and Danzig has been tested in practice. The Peace Treaty lays down only the general principles upon which the Special Treaty is to be based (Art. 104). The city, together with the German area around it, becomes a Free City under the League of Nations. A High Commissioner appointed by the League of Nations is to act as a sort of arbitrator between Danzig and Poland. Polish suzerainty is not expressly recognized, but Poland is to control the foreign relations of the Free City and is to exercise a sort of economic control (now defined in a subsequent Treaty) over the means of communication. Danzig is to be within the Polish Customs Union. As neither of the two parties involved can do without the other, it should be possible with the exercise of a little common sense on both sides to produce a quite workable arrangement, and

[1] [The treaty between Poland and the Free City of Danzig was signed the 27th October 1920 and accepted by the city the 9th November 1920, from which date it came into force. The Constitution was approved by the High Commissioner on the 11th May 1922. The essential feature of both systems is that the High Commissioner (in 1922 the British Lieut.-General Sir R. C. Haking) decides all disputed questions as between Germans and Poles. A right of appeal to the Council of the League exists and has been frequently exercised. As is remarked in the text it is impossible at present to tell how the system will work out. Certainly much will depend on the individual High Commissioner. It seems clear, however, that a single individual as arbitrator between two nationalities is far superior to an international Board (as, e.g., in the Saar valley). A French President of an international Board in the Saar is evidently a different thing from a British High Commissioner mediating between Germans and Poles in Danzig. A study of the appeals, etc., referred to the League from Danzig suggests that both Germans and Poles recognize that it is to their interest to adopt working solutions of disputed and delicate questions. The success of the experiment will be proved by the gradual lessening of appeals to the League.—*Editor's note.*]

MAP IV


Boundaries of
EAST PRUSSIA & DANZIG
Scale 1 2,000,000
Kilometres
Miles
REFERENCE
Assigned to Poland
Free City of Danzig
Areas for Plebiscite
Detached from Prussia
Old International Frontiers
LITHUANIA
Memel
Tilsit
KÖNIGSBERG
Insterburg
Gumbinnen
Braunsberg
Sensburg
EAST
PRUSSIA
DANZIG
Elbing
Marienburg
Marienwerder
Graudenz
Strasburg
Mlava
Ostrolenka
Pułtusk
Plotsk
VISTULA
WARSAW

it may be hoped that a union of interests may lead later to a union of hearts, as it did in the past.

It can hardly be doubted that this solution is as just as could be obtained in the circumstances—if anything it takes too much account of local feeling and too little of Polish needs. The Poles, however, after their first protests, have acquiesced in these arrangements, and will, it is to be hoped, settle down to work them out in a spirit of practical compromise.

Only one thing remains to be added. If the Polish problem could have been dealt with as a whole, Poland would have been willing to acquiesce in almost any sacrifice elsewhere in order to secure Danzig. It was, however, not the Polish question but the German question which of necessity formed the centre of gravity of the Conference. Poland had to be dealt with piecemeal, and having secured certain rights over Danzig the Poles naturally accepted these as a matter of course and began to stress the importance of other things.

(*f*) *Upper Silesia.*[1] The final solution of the Danzig question was determined before the first draft of the Treaty had been presented to the Germans. In the case of Upper Silesia the original proposals of the Polish Commission were accepted without modification by the Supreme Council and were embodied in the Draft Treaty. As a result of the German criticisms the original proposals were seriously modified, and this modification was one of the most important concessions which the German Delegation secured. The details were determined by a specially appointed Commission which dealt also with the minor changes made in the western frontier of West Prussia and Posnania.

The proposals in the Draft Treaty were simple. The western boundary of the ethnographically Polish area was made the frontier between Germany and Poland. The only noteworthy exception was the undoubtedly German peninsula of Leobschütz, a peninsula with an extraordinarily narrow isthmus which intruded between the Poles to the north and the Austrian or Czecho-Slovak frontier to the south in a fashion so awkward that its retention by Germany made a practicable frontier impossible unless a considerable part of ethnographically Polish territory were to remain within the German state. It

[1] *v.* Vol. II, pp. 211, 213 on economic and strategic importance, and pp. 287–8, 391, for extracts from German Observations and Allied Reply.

is to be noted further that of the territory cut off from Germany by the original proposals a small strip of country west of the Oder in the extreme south was inhabited by a Czech population. It was intended to assign this territory, together with a part of Leobschütz, to the Czecho-Slovak state, and proposals for determining this part of the frontier between Czecho-Slovakia and Poland were drawn up by the Polish and Czecho-Slovak Commissions in joint sittings. Owing, however, to the subsequent changes in regard to the treatment of Upper Silesia as a whole only the small area inhabited by Czechs was assigned to the Czecho-Slovak state.[1]

The area which it was thus intended to cut off from Germany contained some 11,000 square kilometres with a population of nearly two millions. Of these two million inhabitants almost exactly two-thirds are Poles and one-third are Germans. The number of Czechs is quite insignificant. The proportion of Poles to Germans is the same as that which prevails generally in what was formerly German Poland, and it should be noted that, in spite of its small size, this area contains almost as many Poles as there are in the Polish regions of Posnania, which cover an area considerably more than double the size. Here, as elsewhere, the strength of the Germans lies in the towns, in some of which they have a clear majority. The area to the east of the Oder is of very great industrial importance owing to the presence of coal, and in a lesser degree of iron-ore.

The Polish Commission in its original proposals, therefore, merely followed the same principles which were universally accepted as applying to Posnania and West Prussia. There were, however, certain differences between the two cases. Posnania had been Polish during the whole course of Polish history down to the Partitions, and West Prussia had been Polish during the greater part of that history. Upper Silesia had, however, separated from the rest of Poland very early as a result of dynastic quarrels, and its connexions had been with Bohemia, and finally through Bohemia with the Habsburgs, until Frederic the Great succeeded in securing it by force of arms in 1742. Its economic development had been due to Prussian enterprise and Prussian capital, although—it may be well to remember—the labour was mostly contributed from the side of the Poles, who are of course the original inhabitants of the country.

[1] *v.* Vol. IV, pp. 366–7.

The Germans in their reply to the demands of the Peace Treaty in regard to Poland singled out the case of Upper Silesia for special criticism. Their reply laid stress upon two main lines of argument: (1) that Upper Silesia was economically necessary to Germany and unnecessary to Poland, and (2) that the will of the inhabitants was in favour of remaining in Germany.

(1) The first argument has a certain amount of truth in it, although it was somewhat exaggerated. The loss of Upper Silesia in addition to that of Alsace-Lorraine will seriously diminish the wealth of Germany, will involve a certain readjustment of the German economic system, and naturally will make it harder for Germany to perform her Treaty obligations in regard to Reparation. Nevertheless she will still retain in the Westphalian coal-fields the largest coal-area in Western Europe. It is also true that the present needs of Polish industry (which is still relatively limited as a result of Russian mismanagement and oppression) could be adequately met from the coal-mines in Russian and Austrian Poland. But it is to be hoped and expected that Polish industries will expand enormously if freed from the artificial restrictions against which they have had to struggle in the past. It is very important to Poland that she should have an adequate opportunity of continuing her industrial development, nor is there any reason to believe that she will be unwilling to sell her superfluous coal to Germany, who was further given certain rights of purchase in the final version of the Treaty.[1] There is clearly no conclusive argument on the purely economic side taken by itself. It is only in the most exceptional circumstances that need for a commodity justifies the annexation of the country which contains it, and in spite of the hardship that a region developed by German capital should pass to the Polish state it is hardly possible to prefer the national aspirations of the capitalist to those of the labouring classes who constitute the majority of the population.

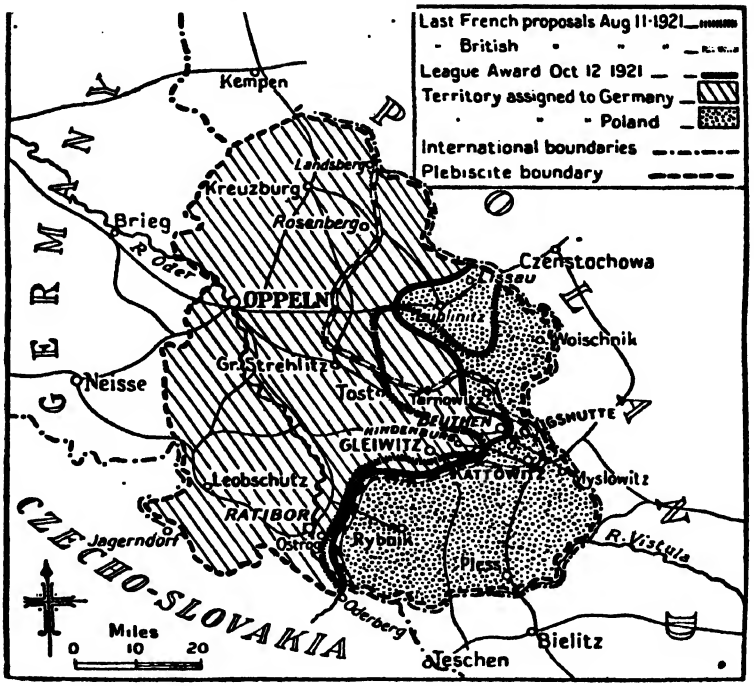
[1] *v.* Vol. III, p. 162, Art. 90 of Versailles Treaty: 'Poland undertakes to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia transferred to Poland in accordance with the present Treaty. Such products shall be free from all export duties or other charges or restrictions on exportation. Poland agrees to take such steps as may be necessary to secure that any such products shall be available for sale to purchasers in Germany on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or in any other country.' But see also App. III to this volume.

(2) The more serious contention of the German Delegation was, however, that the real wishes of the bulk of the population were in favour of Germany. This German contention was perfectly familiar to all those who had studied the Polish question. Just as in East Prussia it was a favourite German device to call certain Poles Masurians, and in West Prussia to call other Poles Kashubians, so in Upper Silesia the Poles were described as speaking Wasser-polnisch, and their Polish character was said to be as diluted as their language. In the 'German Observations' these customary assertions were supported by figures in regard to voting of a somewhat misleading character. The figures, when analysed, appeared to indicate a Polish majority in the disputed area, and it was only a small body of Protestant Poles in the north (outside of the industrial districts) whose national sentiment as a whole was considered open to reasonable doubt. There was, indeed, a somewhat artificial movement for the independence of Upper Silesia which was fostered by the Germans and apparently ignored by the Poles; but the independence of Upper Silesia would mean in the end its dependence upon Germany, and it was agreed not to take this possibility into consideration in the Treaty. Speaking generally, the Polish movement in Upper Silesia had the majority of the population behind it in the Polish districts before the War, and it appeared probable that this movement had been strengthened by the resurrection of the Polish state. If, however, there was any doubt about the question it was only reasonable that it should be settled by a plebiscite, and this is the solution which was adopted in the final version of the Treaty of Versailles.

It must not, however, be disguised that the opposition to the plebiscite was very strong. This opposition rested not only on the theory that it was an error to make any concessions to the Germans, but also on considerations affecting this particular case. It insisted on the difficulty of providing the troops necessary to maintain order, and it laid special stress upon the illegitimate pressure exercised upon the Polish lower classes by priests and pastors, officials and teachers, capitalists and managers. To meet this contention the period before the taking of the plebiscite was in this instance unusually prolonged. There was a real danger that the Polish movement, which was certainly gaining strength, had not yet attained sufficient force

MAP V

ILLUSTRATING UPPER SILESIAN AWARD 1921



to enable the Polish labourer to judge clearly the issues which were at stake. The uneducated Polish voter is liable to be affected by German statements that he will lose his industrial insurance, and perhaps even his livelihood, if he votes for union with Poland. The result might be a vote which did not express the real wishes of the people, and might be bitterly regretted in later years by the majority of the population. Such a state of affairs would be certain to cause trouble both locally and in Poland. There is no need to disguise the reality of this danger, but its seriousness was estimated differently by different observers.

On the other hand, it was thought to be an enormous gain to Poland if the district should join Poland by an explicit affirmation of its wish to do so. The Germans, no doubt, would probably maintain, even in such a case, that illegitimate pressure was exercised upon the voters and that the decision was not the expression of the real will of the people, but was due to a desire to escape the heavy taxation in Germany and to other accidental causes. Yet even if such contentions should be urged, a free vote was bound to affect the attitude of the more reasonable among the Germans to this question. It was bound to affect to an even greater extent the general attitude of the civilized world.

It may be noted in conclusion that the general trend of the Conference in regard to this, and, indeed, to all other parts of the Polish problem in German territory, was to lay more and more stress on the principles of nationality and self-determination and to attach less and less importance to economic and strategic considerations.[1]

For the actual results of the plebiscite and the Silesian Award by the League see Map, Appendix III, Part II.

(g) *Poland and Czecho-Slovakia.* The question of the frontiers between Poland and Czecho-Slovakia, though they caused the Conference almost as much trouble as those between Poland and Germany, can be dealt with much more briefly. There are really only three problems involved—the problem of

[1] *v.* e.g. Annex to Art. 88 of Versailles Treaty (Vol. III, p. 161). After the plebiscite in Upper Silesia the Commission were to recommend a boundary between Germany and Poland. 'In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.' This has been generally interpreted as putting national claims in the foreground. *v.* App. III.

Upper Silesia; the problem of Teschen; and the problem of Zips and Orava. All these are treated in Vol. IV, pp. 348–66.

11. *Eastern Galicia.* Of all the questions affecting Poland that of Eastern Galicia was perhaps the most complicated and the most difficult of solution. All the general difficulties in regard to the determination of Poland's eastern frontier are found here in their most aggravated form; and there are in addition several special difficulties peculiar to this area. The Polish minority is more numerous and more widely distributed, the national antagonisms are more bitter, and the economic stakes are of greater value. Eastern Galicia is to the Poles very much what Upper Silesia is to the Germans, although it is perhaps fair to say that in regard to Eastern Galicia considerations of national sentiment are stronger, and those of economic interest perhaps weaker, than is the case in regard to Upper Silesia.

Galicia as a whole (apart from certain minor modifications which need not detain us) has been Austrian since 1772, and the Austrian connexion has produced a type of civilization different from that both in German and in Russian Poland. In particular during the last half-century the Poles in alliance with the Austrian Government have possessed great privileges and have enjoyed political preponderance—not always, it is alleged, by legitimate methods. The division between Western and Eastern Galicia is merely a judicial one—Cracow being the judicial centre of the one and Lemberg (Lwów) the judicial centre of the other. Western Galicia is solidly Polish, with a small minority of Jews. Eastern Galicia is inhabited by Ruthenians, Poles, and Jews.

As regards the international status of this country, Austria ceded the whole of Galicia to the Principal Allied and Associated Powers by the Treaty of St. Germain in September 1919.[1] The Principal Allied and Associated Powers assigned Western Galicia to Poland by the 'Certain Frontiers' Treaty which they signed at Sèvres on the 10th August 1920 (Vol. IV, pp. 135–6; vol. V, p. 169), but the Poles refused to sign this Treaty apparently on the ground that they could not accept any

[1] Treaty of St. Germain, Art. 91: 'Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and titles over the territories which previously belonged to the former Austro-Hungarian monarchy, and which, being situated outside the new frontiers of Austria as described in Art. 27, Part II (Frontiers of Austria), have not at present been assigned to any State.' *v.* Vol. IV, pp. 134–5; Vol. V, p. 169.

separate treatment for Eastern Galicia. The whole of Galicia, and certainly Eastern Galicia, is still in international law the property of the Principal Allied and Associated Powers.[1]

It may be said at once that there was never any intention on the part of any of the Great Powers to exclude the whole of Eastern Galicia from Poland. The solid Polish bloc crosses the division between Western and Eastern Galicia and extends to the line of the River San. The line, which the British Delegation proposed as the Eastern frontier of Poland proper in this area, ran to the east of that river and included in Poland the whole solidly Polish area besides a strip of mountainous country in the south inhabited by the Lemkians, a body of mountaineers whose national affinities and sympathies were all with Russia but whose geographical situation rendered it apparently inevitable that they should remain within the Polish frontiers.

The Eastern Galicia, whose fate was so hotly debated at the Peace Conference, was, therefore, not identical with the former judicial division of the Austrian Empire, and it is misleading to quote figures applying to the latter in support of contentions in regard to the former. Eastern Galicia will be used here throughout as meaning that part of Eastern Galicia lying to the east of the frontier proposed by the British Delegation.

In the sense here adopted Eastern Galicia is an area of slightly under 50,000 square kilometres. Its inhabitants number slightly over four and a half million—a number sufficiently large to render its ultimate fate of very serious importance. Of these—to judge by the census of religions—just under 3,000,000 or 63 per cent. are Ruthenians, just over 1,000,000 or 23 per cent. are Poles, and a little over 500,000 or 12 per cent. are Jews. The linguistic census includes most of the Jews among the Poles, as the Austrian system took into account not the mother-tongue—which in the case of the Jews is Yiddish—but the language of ordinary intercourse, and did not acknowledge Yiddish as a language. In view of the doubtful attitude of the Jews towards the Polish State, it is generally regarded as fairer to consider them as distinct from the Poles proper.

The Ruthenians maintain that the number of Poles is grossly exaggerated and that the Poles are in reality only some 500,000 or 600,000. It is, however, safer to accept the census in

[1] Written before the assignment of East Galicia to Poland in March 1923, *v.* note, p. 283.

spite of its Polish bias and to regard the Poles as constituting something under a quarter of the whole population, nearly two-thirds of which is composed of Ruthenians.

The Ruthenians, who are simply a branch of the Little Russian race, are for the most part peasants with a small class of *intelligentsia* who are their leaders; in religion they are Uniates accepting the Roman faith but following the Orthodox ritual. The Jews are petty traders in the towns and villages, and supply a certain proportion of the professional classes. The Poles constitute the upper and professional classes with their dependents, but there is a considerable number of peasant settlements in the country districts, and the towns (which apart from Lemberg never rise above 50,000 inhabitants) are on the whole divided between Poles and Jews.

The distribution of the two chief races is very mixed. There is a considerable Polish minority almost everywhere and in places even in the country districts the Poles are actually in a majority. There is, for example, a chain of Polish islands running east towards Lemberg somewhat similar in character to the German island of Bromberg in Posnania. Lemberg itself and the country round it are in majority Polish, and there are certain areas, curiously enough in the extreme east, where the Poles are in a definite majority. Eastern Galicia is in short a Ruthenian sea with a large number of Polish islands rising above the surface in a curiously irregular manner.

The attitude of the Poles towards this area is simple. They claim the whole of it as an essential and integral part of Poland. Its historical connexion with Poland has been longer and closer than that of the territories lying farther to the east. The Polish minority is larger and more influential than elsewhere and especially since the national passions have been inflamed by tales of atrocities. Polish sentiment cannot tolerate the idea that a million fellow countrymen should be placed under the rule of 'barbarians'. They feel especially strongly in regard to Lemberg, a Polish town of some 200,000 inhabitants with a large Jewish minority and a small number of Ruthenians. They cannot forget the recent and heroic defence of the town by its inhabitants against its Ruthenian assailants when even boys and girls took part in the fighting. They claim also the oil-wells of Drohobycz as having been developed by Polish enterprise and as being vital to Polish needs. In short, they regard the whole

of Eastern Galicia as their just right, but claim with special passion the western parts with the two important centres of Lemberg and Drohobycz. Further, they attach enormous importance to a common frontier with Rumania and the establishment of a continuous Polono-Rumanian front against Bolshevik Russia.

The attitude of the Ruthenians is alleged to be less clear and more equivocal. They are a people less developed than the Poles and, apart from a small body of *intelligentsia* who are fanatically anti-Polish, they have no upper class to supply them with leadership and traditions. It is even contended that as a whole they have no political and national self-consciousness. Although, however, there may be differences of opinion as to the extent and the profundity of Ruthenian national feeling, to the dispassionate observer two things are perfectly clear. One is that national consciousness is much stronger in this region than it is among the people of the same stock in the Russian Ukraine. The other is that during the last fifty years there has been a steady increase in national feeling and in bitterness against the Poles, a bitterness enormously increased by the local war during the Peace Conference and undoubtedly manifesting itself in a number of atrocities committed upon Polish landlords. The Ruthenians have been compelled to submit to the superior force of the Poles, but it is not credible that they welcome their own subjection.

The position of the Ruthenians was, however, enormously weakened in Paris by their own internal discord, which, as is seen in the past history of the Poles themselves, appears to be the special temptation of a defeated people. So far as can be judged the majority of the Ruthenian people pride themselves on their separate nationality and express a hostility to Great Russia second only to their hostility to the Poles. There is, however, a considerable minority lying chiefly along the slopes of the Carpathians and in certain other regions who are definitely pro-Russian and regard themselves as simply a branch of the one Russian race. Hence the representatives of Eastern Galicia came to Paris speaking with two voices, and this made it easier for their opponents to maintain that they were a people politically undeveloped and nationally ill-defined. Such uncertainty served in some quarters to confirm the Polish claim.

Each party also laid itself open unnecessarily to a special argument—thus weakening its own case and distracting attention from the real situation. The Russophil party wished to bring Russia to the very summits of the Carpathians. Who, it was asked, could support the responsibility of causing such a menace to the stability of Europe, especially at a time when Russia was in the hands of Bolsheviks? The Ruthenian or Ukrainian party, on the other hand, proclaimed their intention of acting as the 'Piedmont' of Ukrainia, and of becoming a centre of propaganda in Russia on behalf of an independent Ukraine. Who would venture to set up such a storm-centre in the heart of Europe, a source of sedition and disruption for the Russian Empire? In this way by focussing attention not only on their own disunion, but also upon academic questions of no possible practical importance at the moment, the two parties allowed the fundamental contention upon which they were really united to become obscure, that it was contrary to every principle of self-determination to hand over three million people to the Polish State without securing for them the right to make some free and public expression of their will.

As to the Jews, they do not appear to have given much expression to their opinions one way or the other. As a small and not very popular minority it was no doubt dangerous for them to do so, especially when fighting was going on and the issue hung in the balance. They appear wisely to have waited upon events.

Such then was what may be called the internal situation—on the one hand, a strong Polish minority accustomed to command, determined to maintain its position, and backed by a vehement national sentiment throughout the length and breadth of Poland; on the other, a Ruthenian majority doubtfully equipped for government, bitterly hostile to its Polish masters, and divided against itself. During the greater part of the Peace Conference the two nations were more or less continuously at war, the lines running in such a way that Lemberg was held by the Poles and the oil-wells of Drohobycz by the Ukrainians. The local difficulties were in themselves already sufficiently serious.

When one turns, however, to the possible solutions which the Peace Conference had to consider, the difficulties appear only to increase. To declare the whole country independent would

have satisfied the Ruthenians, but the Poles would certainly not have submitted, and even if they had there was no guarantee that the Ruthenians could have set up a stable government or that the Polish minority would be adequately protected. To hand the whole country over to the Poles could be done only by force of arms and would be manifestly unjust. It was necessary to seek some sort of solution which would at least attempt to do justice between the contending parties.

It may be said with confidence that there was no possible solution which did not receive serious consideration by the Polish Commission in Paris. Even the most improbable contingencies were envisaged, including such remote possibilities as a temporary occupation of the whole territory by Czecho-Slovakia or Rumania. All the Delegations in Paris, except the British, were, however, strongly in favour of assigning the whole territory as a natural unit to Poland in some form or other and with such safeguards and limitations as might be thought necessary. There were, indeed, proposals to split up the country by a frontier running east of Lemberg and Drohobycz. Such a frontier would have assigned to Poland a large area in which the majority was definitely Ruthenian; it would not have satisfied the Poles; it would have meant bitter hostility on the part of the Ruthenians; and it would have left the portion of Eastern Galicia excluded from Poland a mere mutilated fragment resting on nothing and incapable of existing by itself. These proposals were, however, put forward as desirable only in case the British view should be accepted, that sooner or later the Ruthenians should be given a real opportunity for self-determination. If the future fate of the country was to be left in any reasonable doubt, then such doubt, it was maintained, should not be allowed to affect Lemberg and Drohobycz, both of which should be secured for Poland. The possibility of self-determination—if this should be thought desirable—ought to be given only to the east of the Lemberg-Drohobycz line.

There were two serious possibilities before the Conference; one was to attempt to secure a free expression of the people's will under proper international safeguards, the other was to give Poland some sort of authority and control at least for a time.

Of these the first was very difficult—its opponents said impossible. An immediate plebiscite could not be held unless

the country was occupied by a neutral force, it would have taken place at a time when men were inflamed by passion and little inclined to vote from a reasonable consideration of the true interests of the country. Further, what alternatives could be put before them at a time when Russia was in chaos, and independence would lead to internal troubles and perhaps, it was urged, to co-operation of some sort with the Bolsheviks? Clearly it was desirable that the plebiscite should be postponed, till passions were cooler and Europe had taken definite shape again after passing through the furnace of war and revolution. But to secure this it would be necessary to have some sort of supervision by the League of Nations. If a representative of the League of Nations arrived without forces in a country seething with civil war what chance was there that his wishes would be obeyed? On the other hand, it was impossible to send a large international force to this remote inland area with hostile forces all around and the Bolsheviks hammering at the gates. Similarly, what Great Power would accept from the League of Nations a temporary mandate over this country at a time when troops were urgently needed elsewhere, when demobilization was being demanded, and when all the nations were on the point of exhaustion? Even if a Great Power did accept such a mandate the result would be economic dislocation and political instability, and the country would continue to be a hotbed of agitation and strife until some permanent settlement was secured. Poland, it was urged, was the only Power in the vicinity, Poland alone could bring about a permanent and immediate settlement, and Poland was both willing and anxious to undertake the responsibility.

In spite of strong protests from the British Delegation these considerations appeared to be conclusive to the majority of the Powers at the Peace Conference. The matter was, however, to some extent taken out of their hands. As related elsewhere, in May 1919 the Poles attacked successfully and the Polish advance stopped after protests from Paris only when the greater part of Eastern Galicia had been occupied by Polish troops.[1] Subsequently (on the 19th June) the Poles were authorized to continue their advance to the borders of Eastern Galicia on the ground, which later events hardly confirmed, that what remained of the Galician-Ukrainian army was no

[1] Vol. I, pp. 335–7.

longer in a position to resist the Bolshevik army which at that time appeared to be engaged in an attempt to join up with the Hungarians. The British proposal that at the same time a High Commissioner should be appointed by the Allies to safeguard the interests of the Ruthenians was rejected. The Poles thus received authorization from Paris for a military occupation of Eastern Galicia modified only by some vague references to ultimate self-determination; and although this was not intended to prejudice the final political decision, it committed the Conference to a Polish solution of the question, until such time as the final decision should be taken.

The Ruthenians naturally considered that they had been betrayed by Paris, and their bitterness at the betrayal was increased by two special considerations. In the first place they maintained that in reliance upon the promises of the Allies and the proposals for an Armistice they had removed troops from the Polish front and sent them against the Bolsheviks. This is to some extent borne out by the subsequent adventures of a body of Galician troops who fought on various sides in South Russia. In the second place, they believed that the Polish success was possible only because of the arrival in Poland of Haller's army—an army which had been equipped and trained by the Allies. Even apart from these special considerations they regarded Paris as having yielded to *force majeure* on the part of the Poles and as having turned a deaf ear to the just demands of the weak and the oppressed.

It was in this hopeless situation that the Paris Conference set itself to work out for Eastern Galicia some sort of local autonomy within the Polish State. A great deal of labour was devoted to the preparation of a statute defining the extent of East Galician autonomy. The difficulties in the way of any kind of Ruthenian autonomy were, however, by this time almost insurmountable. National bitterness and hatred were too strong. If the local authorities in Eastern Galicia were given real power the result could only be a deadlock between them and the Polish Government. If they were not, the whole thing was little better than a farce. Home Rule can be worked only where there is goodwill between the local and the external authorities, and the possibility of such goodwill in this area had by now altogether disappeared. The Conference, however, persisted in its intentions in the face of these difficulties, and

after a great deal of somewhat confused discussion, in which the representatives of Great Britain were usually in a minority of one, a decision was reached on the 20th November 1919. The Poles were to have a mandate over Eastern Galicia for twenty-five years. At the end of that time the League of Nations was to consider the whole question afresh.

The Poles objected very strongly to any such solution, since they regarded Eastern Galicia as a part of Poland proper and resented interference from outside. The Great Powers appear to have had little enthusiasm for the scheme, and finally on the 22nd December 1919 these proposals, on the initiative of the French, were quietly shelved. The result is that this problem has received no solution from the Peace Conference. Eastern Galicia is still in International Law the property of the Principal Allied and Associated Powers, but it is occupied and administered by the Poles without obligations or conditions of any kind.[1]

This state of affairs can hardly be regarded as satisfactory from any but the Polish point of view. The Ruthenians have no guarantees for the protection of their liberties, and they complain bitterly of Polish injustice and of Polish attempts to colonize them on the German model. Above all, they have no assurance that in the course of time they will be allowed an opportunity for the free expression of their will as to their ultimate fate as a nation. No doubt the difficulties in the way of intervention by the League of Nations were enormous from a practical point of view, and they have grown more serious with the lapse of time, but it is hard not to feel that these difficulties might have been surmounted and ought to have been surmounted—perhaps that they could even yet be surmounted. As things stand, four and a half million people have by a tragic collocation of circumstances been deprived of their rights of self-determination, and a new Ireland has been set up in the heart of Europe—with what consequences no man may know.

12. *Poland and Russia.* The question of the Eastern Territories is still unsettled.[2] The local difficulties are enormously increased by the present conditions in the former Russian Empire which in this area add to the conflict between national ambitions, a conflict between different systems of government

[1] Certain Frontiers' Treaty, Vol. IV, pp. 135–6.
[2] *v.* note and map p. 283.

and economic organization, or, as the Poles would prefer to express it, a conflict between European democracy and civilization on the one hand, and the tyranny of a band of fanatical idealists and professional criminals on the other.

It is of course universally recognized that ethnographically Polish territory must be in Poland, and this covers almost the whole of Congress Poland. The Polish Commission spent some time in drawing up a frontier including in Poland all that was certainly Polish without prejudice to the ultimate allotment of territory farther east. This frontier excluded from Poland on the north-east a part of the Government of Suwalki which, though it formed part of the Congress Kingdom, is inhabited by Lithuanians. It included in Poland, on the other hand, a considerable portion of the Government of Grodno which had lain outside the Congress Kingdom. South of Brest-Litovsk it coincided with the former frontier of the Congress Kingdom including within Poland the whole of the Government of Kholm, which is inhabited by a majority of Ruthenians similar in language and religion to the Ruthenians of Eastern Galicia but nationally less self-conscious. The British Delegation, indeed, wished to exclude the two southern powiats of this Government from Poland on the ground that here there was a specially compact Ruthenian majority which ought to be given the same rights of self-determination as their kinsmen in Eastern Galicia. The line was accepted by the Supreme Council in December 1919 and became known later, together with its continuation in Eastern Galicia, as the Curzon line. The Polish occupation, however, extended beyond it towards the frontiers previous to 1772.

Subsequent events leading up to the Treaty of Riga are sketched in Chapter III, Part II. It should be observed here, however, that the Curzon line at the time it was drawn up was only a provisional minimum frontier, and that both the French and the Americans believed that the final frontier line should be farther to the east. It should be noted also that by the Treaty of Versailles (Art. 87) Poland undertook to accept the decision of the Principal Allied and Associated Powers as regards her future frontiers, so that in law the question is an open one until such a decision is finally made.

All that can be done in the present chapter is to indicate very briefly the reasons which lay behind the claims of the Poles to

expand in the east and the difficulties of the problem as it presented itself to the Peace Conference.

Although the Poles claimed much of what was before the War Russian territory and is certainly not ethnographically Polish, it is a mistake to regard their claims as merely a striking example of national chauvinism and imperialistic folly. The Russian Bolsheviks are dangerous neighbours, and, apart from the historical connexion of these territories with Poland, the Poles believed that it was their task to rescue the border peoples from a race at least as alien to them as their own, and that by so doing they might save a large part of Europe from the false doctrines and foul practices of the Bolshevik Government. Once more, as in the old days, Poland must bring to these peoples the blessings of liberty and order. Once more she must enter upon the historic mission of defending European civilization from the barbarism and tyranny of the East. This conviction was, of course, much strengthened by the startling Polish victory over the Bolsheviks before Warsaw in the middle of 1920.[1]

Even if the question be regarded from a somewhat less exalted standpoint it is easy to see reasons behind the Polish claim. There were three main courses possible. The first was that Poland should abandon these territories to the Bolsheviks. But if these territories did not wish to be Bolshevik why should they be forced to become so, and was it not too much to ask that the Poles should peacefully make over to the Bolsheviks territories in which their compatriots constitute the greater part of the bourgeoisie and still possess a very great portion of the land? The second was that these intermediate peoples should become independent. But without Polish help their independence would immediately fall before a Bolshevik invasion, and even apart from that it is more than doubtful whether any of them (with the exception of the Lithuanians who are in contact with the sea and can secure foreign help) is capable or even desirous of organizing or maintaining any kind of stable national government. The third course was that the Poles should take these people under their protection, should become responsible for their defence, and should introduce such order and institutions as were suitable for their needs. It is small wonder that the Poles preferred the last course, and it is

[1] *v.* Chap. III, Part II, § 9 *d*, p. 321.

a misconception to maintain that in so doing they were necessarily actuated only by blind folly and criminal ambition.

On the other hand, there are certain considerations which quite naturally do not appeal to the Poles, but which ought not to be overlooked. A Polish occupation, even if it could be maintained against the Bolshevik armies, almost inevitably meant that the fate of millions of people would be decided without any opportunity for self-determination. It may be that self-determination, owing to the undeveloped condition of the people, is difficult or inexpedient, but the fact remains that those members of the border peoples who have become vocal are bitterly opposed to the Polish claims. That their influence would be likely to make the task of Poland difficult can hardly be disputed, for the Polish landlords cannot avoid arousing the dislike which is usually aroused by their class, and the peasants cannot but be influenced in their ideas by the fact that the rest of Russia has forcibly expropriated the landlords. When the economic equilibrium has been disturbed and when in addition the economic antagonism involves the Pole on one side, and the White or Little Russian peasant on the other, it is easy for even a few fanatical idealists to awaken the dormant consciousness of nationality and to turn an economic conflict into a national one. It is far too common an assumption that because a national movement like any other must begin in a small and rather unrepresentative body of men it is unlikely to become a permanent and powerful force. Nationality is probably a much more serious factor in the situation than the Poles are wont to admit.

The feeling of nationality may be specially dangerous in this case because in spite of artificial attempts to regard it as distinct from and opposed to the Russian, as well as the Polish, nationality, it may at any moment in the case of the White and Little Russians become merged in a general Pan-Russian movement. The Russians themselves regard these people as simply branches of the one Russian people, and, apart from the Poles and the Ruthenian leaders in Galicia, it is difficult to find any large body of people who take a different view. The Poles might possibly have been able to develop a non-Polish, non-Russian national feeling in these areas, but the chances were heavily against their being successful, and there is little doubt that at the present time such a feeling is relatively insignificant.

One thing, however, is clear. A Polish occupation of these regions means the hostility of every Russian, Bolshevik or Monarchist, Liberal or Reactionary. In the end this must involve, as we suggested in our introduction, an alliance of Russia and Germany against Poland. It is almost impossible that Poland could hold her own against such an alliance. A solidly united and homogeneous country might perhaps in favourable circumstances be able to do so, but the very facts which are the source of Russian hostility are likely to be also a source of Polish weakness. The permanent occupation of these regions means that millions of men of a different race and language and of an admittedly inferior civilization would constitute part of the fabric of the Polish State. They would tend to make democratic government difficult because political education is necessary to the smooth working of democratic institutions. They might easily make it altogether impossible if they came into conflict with their political superiors. If, on the other hand, the Poles gave up the democratic ideal and attempted to rule these people with a strong hand, they might indeed succeed in securing a numerical increase to their army, but it would be at the expense of admitting the enemy within their gates.

It was such considerations and not any lack of sympathy or failure to grasp the difficulties of the situation which led the British Delegation in particular to feel very great hesitation as to the ultimate wisdom of the Polish policy of expansion in the East.

It may be well to indicate briefly in conclusion the special character of the three separate problems, Lithuania, White Russia, and the Ukraine, so far as they affect Poland.

13. *The Lithuanians.* The Lithuanians are a non-Slavonic people numbering some 2,000,000. In religion they are Roman Catholics. Their ethnographic frontier is defined with reasonable clearness. Their leaders are bitterly hostile to the Poles and they have at present an organized government which has now been recognized by the Allies and by the Poles. They are quite distinct in race and language from both Poles and Russians and the national movement if not very profound is certainly far too strong to be ignored. They are thus in a position entirely different from that of the White and Little Russians. They have before them some real possibility of

independence, though the Poles hope that they will enter into some sort of union with the Polish State comparable to that which existed in the past. Considering the smallness both of their numbers and of their territory it is difficult to see how they can maintain complete independence with Germany on the one side and Russia on the other.

It should be noted further that their ethnographic frontier circles round the town of Vilna on the north and west. Vilna itself is a Polish town with a very large Jewish element and is situated just inside White Russian territory. As it was the former capital of Lithuania the Lithuanians attach great importance to its possession.[1]

14. *The White Russians.* The White Russians are a people numbering about 6,000,000 lying between the Lithuanians to the north and the Pripet marshes to the south, and extending from the frontiers of ethnographic Poland to east of the Polish frontiers of 1772. They are the most backward and undeveloped of all Slavonic peoples. They are Roman Catholics in the west and Orthodox in the east. It is these western Catholics especially that the Poles wish to bring within the frontiers of Poland on the ground of similarity of religion and even, it is maintained, of language.

It should be mentioned here that the Poles assert the existence of a narrow band of Polish-speaking territory running from the Polish ethnographic frontier as far as Vilna. This is flatly contradicted by the Russian census of 1897, but it is to some extent supported by a partial census taken during the German period of occupation. The matter could be settled only by an independent commission of linguistic experts or by a plebiscite carried out under an impartial authority. Even if such an area does exist it is doubtful whether its geographical position is such as to justify its inclusion within the Polish frontiers.

15. *The Little Russians or Ukrainians.* The Little Russians or Ukrainians cannot fall far short of 30,000,000 if we include the Ruthenians of Galicia and other parts of Austria-Hungary. They lie to the south of the White Russians but extend far beyond them to the east. Their national movement is strong chiefly in Galicia (where they are Uniates) though it has spread into Russia (where they are Orthodox) to a very limited extent.

[1] The Poles have recently shown a desire to annex Lithuania, *v.* Chap. III, Part I, § 4, p. 309, and note on p. 283.

They were the first branch of the Russian race to make their presence felt in history, and the Russian Empire began originally in the Little Russian capital of Kiev.

It is clearly impossible for the Poles to take in hand the protection of a race so much more numerous than their own. The Polish attitude towards them is a little difficult to understand. In Eastern Galicia, where the national movement is strong, it is in conflict with the Poles. In Russia, where it is weak, it appears to have Polish support. The Poles can clearly have little influence upon it to the east of the Dnieper, but they appear to have been anxious to establish some sort of Little Russian autonomy to the west of the Dnieper in Volhynia, Podolia, and Kiev. Their hope was no doubt that they might be able in this way to see Russia split into two and so avoid the presence of one powerful neighbour to the east, but it may be doubted whether this policy was not too complicated and whether it ever had before it any chance of success.

16. *Future prospects.* It is altogether idle to attempt anything in the nature of prophecy in regard to the future prospects of the Polish State. The utmost that can be done is to indicate briefly some of the more important factors in the situation, many of which have already been suggested by the previous examination into more detailed questions.

It is clear in the first place that Poland is a large country with great possibilities in front of her. In the present uncertainty with regard to frontiers it is impossible to estimate the extent of Polish territory, but it may be pointed out that the territory inhabited by definitely Polish majorities amounts to something like 90,000 square miles, while if the territory claimed for Poland on historic and other grounds be taken into account the total would amount to something like 300,000 square miles. The Poles themselves number over 20,000,000, excluding the three or four million Poles who live outside the former kingdom, of whom about 1⅓ millions are in the United States of America. As we have seen, Poland must in any case contain also some millions of Germans and some millions of Jews. If even the most moderate demands of the Poles were satisfied there would in addition be large numbers of Little Russians (Ruthenians), White Russians, and possibly Lithuanians, so that the total number of inhabitants would hardly be less than 30,000,000, and might be very much more.

The economic possibilities of the country are also enormous. The results obtained by the introduction of German methods of agriculture into Prussian Poland, one of the least naturally fertile parts of Poland, give some indication of the future which might lie before Polish agriculture if modern methods were adopted in the Polish plain, or the still more fertile plateau regions to the south. The richest part of Upper Silesia, with its coal, iron, zinc, and lead, and part of Teschen, have now been added to Poland, and East Galicia with its oil is under Polish control. Thus the mineral wealth of the country will be enormous, and even without these there is coal in the Congress Kingdom and in Western Galicia, while the hills round Kielce are rich in iron-ore, copper, and lead. In industry also the development of textiles in such towns as Kalisz, Lodz, Warsaw, and Bialystok had been phenomenal before the War, especially in view of the very unfair Russian methods of competition. The War and the German occupation have given all this industry a terrible set-back, and Poland, like other Central European countries, finds it difficult to get the raw materials to restart her industries. Yet in view of the very great ability in industrial and engineering enterprises which the Poles were manifesting before the War it is not unreasonable to hope that, if once successfully restarted, Polish industry might develop in a very remarkable and rapid way.

The temporary difficulties which Poland has to face are, of course, exceedingly formidable. The country has been invaded by a typhus epidemic. The lack of raw materials and machinery affects every branch of the national life. Even apart from the Russian war and all the consequences arising from it, in particular the very low rate of the Polish exchange, there are most serious economic problems to be solved both in the way of securing a reasonable subsistence for the workmen and of satisfying the demands of the peasants for land. The economic problems of the west of Europe are serious enough, but in the east all these problems are aggravated, and conflicts are conducted with much greater bitterness on both sides.

The solution of all these problems is made more difficult by the special circumstances of the Polish State. We have already alluded to the weaknesses arising from the presence of too many nationalities within the Polish frontiers, and it may be added that the presence of so many Jews with their own language,

religion, customs, and aspirations gives rise to many difficulties which are not always treated in the most reasonable way by either side. But it must be remembered further that the Poles themselves since the Partitions have become accustomed to different types of civilization, law, and administration in different parts of the country, and that there are thus enormous obstacles in the way of their working smoothly and harmoniously together. It is to be hoped that the different types of character thus produced may in the end all contribute to the special excellences of the Polish State, and that the Poles may be able to adapt for themselves the better features of all the countries under which they have suffered. To begin with, however, these differences do little but add to the enormous difficulties of organizing a new system of government.

If the Poles had enjoyed a great deal of political experience during the last hundred years these difficulties might not indeed be so serious. The exact reverse, however, is the case. In Austria they have certainly possessed a considerable amount of political power, but Austria can hardly be considered the best school for statesmen. In Germany they have profited by German science and German education, and they have displayed the most remarkable qualities in organizing their co-operative system in the teeth of German opposition, but it appears to be doubtful how far this experience has fitted them for the wider functions of government. The aim of the Russian Government seems to have been the weakening of the moral fibre of the nation, and if that aim has been only partially successful, it is undoubtedly the case that the educational level of the Polish peasant in Russian territory is deplorably low. The critics of Poland very often make too little allowance for the enormous difficulties she has had to face.

In the perilous adventure of reconstituting a new state the Poles are supported by the intense and fervent patriotism of a whole people and by a deep-rooted and passionate love of liberty. No doubt both of these may have their bad side as well as their good. Patriotism may so easily become imperialism, and liberty may so easily become licence, yet without these it is impossible to lay the foundations of any state. No one has ever doubted that the Poles possess the heroic virtues of courage and fidelity, nor again that they are capable of the highest achievements in literature and art and of what may be called the

flowers and graces of civilization. All these great qualities may well make men hopeful of a great future for their country. Yet the very ardour of their temperament exposes them to special temptations, and there is a real danger that in aiming too high they may once again be brought low. The great question of the future is whether they will be able in addition to the qualities they have to develop others, less attractive perhaps but no less necessary, the common-place qualities of steadiness, thoroughness, perseverance, the capacity for organization and co-operation, and in general the humbler virtues of the business man. The history of the Poles in Prussia suggests very strongly that they may, and this is borne out by the way in which the smaller nobility or squirearchy has begun to take to commerce and industry as well as to the professions. The great need of the future for Poland is work and peace. The development of industry and commerce, as well as of agriculture, can alone give them that solidity which it is doubtful if they at present possess.

This brief review cannot but suggest that the prospects in front of Poland are full of danger, although there is much in the situation which gives occasion for hope. Germany almost certainly and in all probability Russia also are likely to be her enemies. In the course of time both of these countries are bound to recover most if not all of their former strength. Poland will have to walk very warily between these two great nations, and it is essential that she should be free from domestic discord and internal weakness. The next fifty years will be fraught with fate for her and for the other countries of Central Europe. It is to be hoped that the whole energies of the country may be concentrated on the one task of laying her foundations safe and sure.[1]

[1] *Editor's Note.*—On 15th March 1923 The Principal Allied Powers, under Article 87 of the Treaty of Versailles (Vol. III, pp. 157–8), assigned the following boundaries to Poland, East Galicia, and the Vilna area from Grodno to south of Dvinsk. They also recognized the boundary line of the Treaty of Riga concluded between Poland and Russia at Riga (*v.* map and Chap. III, Part II, § 9 e. See Mr. Bonar Law's explanation (20 March 1923, Hans. Ded., cols. 2320–1). Memel was in January 1923 assigned under Article 99 of Versailles Treaty (Vol. III, p. 168) to Lithuania.

CHAPTER III

EVOLUTION AND REVOLUTION IN NORTHERN EUROPE

PART I

THE RECOGNITION OF THE BALTIC STATES

1. *General.* Russia was really never so much a National State as a State composed of several nationalities, and consequently it was noticeable that with the progress of the War a process of crystallization of the various constituent national elements, which had set in previous to 1914, was now going on apace. Of the Border peoples from Finland in the north-west to the Tartars in Trans-Caucasia—all of them non-Slavonic with the exception of the Poles—most had, at the commencement of the War, affirmed their loyalty to the Russian Government, through their representatives in the Duma.[1] Their national self-consciousness was at very different stages of development, yet they felt, in varying degrees, none more acutely than those of the Baltic Provinces with their German social stratum, that Russia could not ultimately threaten their national aspirations to the same extent as the more relentless Prussian will to dominate. The course of the War, marked as it was in each of these States by local circumstances that only intensified the national and separatist feeling of these Border peoples, and reaching its climax, so far as Slav Russia was concerned, in the establishment of the Soviet Government and the Treaty of Brest-Litovsk, led, therefore, naturally to the disintegration of the Empire of the Tsars, a process which was rendered the more easy as the result of the Allied victory. In following this movement in the Baltic States, characterized as it was by features common to them all, it will be found convenient to attempt to trace its main outlines in the case of Finland, Esthonia and Latvia, and Lithuania respectively.

[1] Finland had no representatives in the Duma, and paid an annual sum to Russia in lieu of military service.

2. FINLAND

The case of Finland demands separate notice if for no other reason than that it had always held a peculiar and privileged position within the Russian Empire. It was a country with a Constitution of its own, the maintenance of which had been definitely guaranteed to the Finnish people when their country was annexed by its conqueror, Alexander I, in 1809. It was a country with national aspirations and traditions of statehood to which its highly educated people jealously clung, and of which the Russian Government in its most arbitrary, and therefore least intelligent, acts was never able to deprive them. Yet these very people as a whole, in spite of the dark periods in the past, were to the last strangely reluctant, to snap entirely the bond that had held them to Russia; even with the Provisional Government of 1917 they were prepared to enter into new relations which would leave matters of foreign policy and military defence in the hands of Russia, if only the Diet were allowed supreme control in all domestic affairs. Events, however, developed in such a way that on the 6th December 1917, the Diet proclaimed the independence of Finland as a sovereign state.

(*a*) *Results of the War.* The Great War, opening during a period at which an intensified Russification of Finland was being attempted, had naturally found that country less wholehearted in its support of the Russian Government than other regions of the Empire. Nevertheless if Finns to the number of 2,000 crossed over to Germany, and were eventually incorporated as the 27th Jäger Battalion which saw service on the Riga front, no less a number served in various capacities with the Russian forces. At first upset and damaged, the economic life of the country later received a tremendous stimulus through the imperial demands upon its manufacturing centres; these developed at the expense of the agricultural interests and needs of the country, so that by 1917 food conditions began to be difficult. Although one of the earliest acts of the Russian Provisional Government, after the Revolution of March 1917, was to restore the constitutional autonomy of Finland which had been taken away under the Bill for Imperial Legislation (1910) and other similar later Acts, still the Provisional Government did not take kindly to the fundamental assumption

of the Finns that with the abdication of the Tsar the personal bond that held their country to Russia was dissolved and that it was in consequence a free country. Under the Finnish Constitution, even as amended in 1906, all executive power lay with the Senate, a body nominated by the Tsar, and only capable of submitting proposals to be considered by him as Grand Duke of Finland. But it was in particular the growing unrest in Russia—for the sense of nationality had long ere this reached mature development—that drove Finland to the extreme step of cutting loose entirely from that unhappy country. The impulse to separation was strongest among the bourgeois who had prospered during the War; the Social Democrats, who were in sympathy at any rate with the earlier stages of the Russian Revolution, were not so set upon complete independence, and toyed with ideas of a status in relation to Russia comparable to that of a British Dominion. Still in a slight majority in the Diet, the latter party, while putting through democratic legislation such as the eight hours' day, began to look towards the now restless Russian garrisons, in addition to their use of the strike, as a means of impressing the bourgeois parties with the necessity of yielding to their demands. With the refusal of the Russian Provisional Government to go any further in the matter of Finnish independence, the situation became still more serious; and on the 18th July 1917 the Diet, as the one authority directly representing the people, assumed the supreme power in Finland without reference to the Senate, Governor-General, or Russian Government. The latter replied by dissolving the Diet, and fixing the new elections for October, when the Social Democrats were returned in the minority. Meanwhile the internal unrest grew, fostered by a food shortage, obtrusive capitalism, and an alien army of occupation daily getting more out of hand. The Soviet Government was now in power, and while the Finnish bourgeois parties were only thereby strengthened in their determination to cut loose from Russia, the Social Democrats found themselves drifting into sympathy with the Bolsheviks, as the result of the treatment meted out to the Diet by the Provisional Government. They attempted to try and secure by force what their numerical inferiority prevented them, at any rate for the time being, securing by constitutional methods. After the Russian Revolution the Social Democrats, who were then in the majority in the

Diet, had replaced the police, many of whom were Russians, by a local 'militia' whose composition became so progressively 'Red' that the bourgeois parties organized a corresponding White Guard. The Social Democrats had also organized a Red Guard all over the country to safeguard the fruits of the Russian Revolution. These Red bodies continued to make common cause with the Russian soldiery, whose removal the Diet had been unable to obtain from the Russian Government; and the general sense of insecurity and unrest was increased by the growing undiscipline and terroristic acts of the Reds, due to the fact that their pay had ceased. It was under these circumstances, in the belief that 'the only means to save Finland from famine and anarchy is to declare her a Sovereign Power', that the Declaration of absolute Independence was made by the Diet, being carried by the bourgeois White majority against the Socialist proposal that it should be realized by means of a mutual friendly understanding with Russia. The Soviet Government had meanwhile replaced some of the Russian troops in Finland by others that were definitely Russian Red Guard troops who were deliberately sent with the purpose of fomenting disturbance in Finland. This having been done it was possible for the Soviet Government to grant formal recognition of Finnish Independence on the 4th January 1918, in which course they were followed by Sweden, Germany, and France.

(*b*) *The 'White' Reaction*, 1918–19. All the elements, economic, social, and political, were now in existence for a far-reaching conflagration, and with a cue given by the forcible closing of the Russian Constituent Assembly by the Bolsheviks on the 19th January, it was not difficult for the extremer elements amongst the Social Democrats, aided by arms and munitions as well as Red troops from Russia, to carry out a *coup d'état* which put them in possession of Helsingfors on the 29th January 1918. The civil war which followed was really of the nature of a class war—an endeavour to establish 'a dictatorship of the proletariate' in one of the most democratic countries in the world, which was resisted with equal determination. Success lay initially with the Reds. But their programme had never made much impression in the north-western part of Finland. The bourgeois Government made Vasa its headquarters, and the White Army, the bulk of which was drawn from the White Guards, was rapidly organized under General

Mannerheim, with considerable assistance from the survivors of the German-trained Jäger Battalion. Appeals by members of the Government to Sweden for assistance in men and arms received tardy consideration owing to the political situation, and apart from volunteers nothing was eventually done. A more immediate response was given by Germany, who saw the prospect, not merely of reasserting her position in the Baltic and possibly of re-establishing a reactionary government in Russia, but also of striking at the Allied forces at Archangel and Murmansk.[1] The Germans landed in the Aland Islands on the 3rd March and on the mainland under Von der Goltz nine days later. In the interval, a very one-sided Commercial Treaty between Germany and Finland was drawn up and signed. By forced marches Von der Goltz moved on Helsingfors, while the White Army meanwhile took the industrial centre of Tammerfors. On the 12th April Von der Goltz entered Helsingfors, and by the 26th May General Mannerheim was also able to make a solemn entry into the capital in token of the cessation of hostilities. The Russian elements had been pushed across the border, and about 74,000 Finnish Social Democrats were prisoners of war. Any hopes that the former had cherished of using a Bolshevized Finland as a base for a further campaign in Scandinavia were at an end.

Not unnaturally, though quite unconstitutionally, the bourgeois or Conservative parties now sought to exclude the Social Democrats from participation in the work of the reassembled Diet; as it was, the actual representation of that party was only a single member, the others having fled or being prisoners of war. The Swedish and Old Finn parties in particular, showed as a whole very marked pro-German leanings, and succeeded, in spite of the opposition of the Young Finns and Agrarians in getting a decision on the 19th October by 64 to 41—a total vote of little more than half the membership of the Diet—to offer the 'Finnish Crown' to a German princeling. This step was taken with a view to securing the maintenance of social order and close political co-operation with Germany. The German troops were invited to remain in the country,

[1] The whole subject is treated with a certain frankness in Von der Goltz's *Meine Sendung in Finnland und im Baltikum* (1920). He omits, however, to mention that the German General Staff had a secret understanding with the Finnish pro-Germans about the establishment of a German monarchical régime in Finland. In short, the whole expedition was as much a German as a Finnish idea.

German officers reorganized the Finnish army, out of the successful White Guards; and the idea of a Greater Finland, which should include the nearly allied population of Eastern Karelia, seemed practicable to many members of the Conservative parties. The defeat of Germany, however, put an end to the pro-German schemes of what was after all a minority. The Conservative Government of Mr. Paasikivi had to resign, and was succeeded on the 26th November by a new Coalition Ministry under Mr. Ingman. The Commercial Treaty with Germany was annulled, and the German troops left the country. The acting Regent, Mr. Svinhufvud, who had held this position since the 18th May, also resigned, and on the 12th December the Diet elected General Mannerheim to succeed him. Under amnesties enacted by these two Regents more than half of the Red prisoners of war were liberated. The new Government also dissolved the Diet and fixed the new elections for March 1919.

(*c*) *Position after the Armistice; British recognition, 6th May 1919.* The economic condition of Finland at this time was perilous in the extreme, and it is only right to mention the part played by the Allies in solving the food problem in particular. As soon as the Commercial Treaty between Finland and Germany was annulled, and guarantees for the withdrawal of the German troops were secured under the Armistice Convention, the Allied Governments took steps to sell large quantities of food to the Finnish Government. An agreement to this effect was arranged on the 10th December 1918 in London between Mr. Hoover and Dr. Holsti, the Finnish representative in London. Further, in the matter of the recognition of Finnish independence by the Allies, while France gave early recognition, which was withdrawn after the Diet vote of the 9th October 1918, Great Britain proposed to recognize it in April 1918, while the German troops were in the country, provided that Finland would maintain her neutrality during the war. The Germans, in their endeavour to secure Finnish co-operation on their side, gave definite undertakings to arrange for the recognition of Finnish independence by all states at the Peace Conference which should follow the end of the war. The question of the recognition of Finnish independence was discussed anew by the Allied Powers on the 3rd May 1919, and the British recognition followed three days later.

As the result of the new elections, the Socialist representation numbered 80 out of 200, while 50 votes were representative of the Conservative or Extreme Right parties, and 70 of the Centre parties. The Diet having been convoked immediately, a new Government came into power in April. The Premier was Mr. Castren, and his Cabinet consisted of representatives of all the bourgeois parties. A Bill was introduced with the object of giving the country a democratic Republican constitution. In spite of the Conservative opposition this Bill was passed and became Fundamental Law on the 17th July. On the basis of it the Diet elected Dr. K. J. Stahlberg, who had been leader of the Progressist (Young Finn) party, to the highest office of the state. In the beginning of August the Government resigned, having accomplished its main purpose of carrying through the constitutional reform, and a new Government was formed by Professor Vennola, consisting of Centre party politicians only.

(*d*) *Relations with Russia, advance on Petrograd, 1919.* We must now return to the question of Finnish relations with Russia. Soon after the close of the Finnish civil war, the German Government had invited the Finnish and the Russian Governments to send delegates to Berlin, with a view to the conclusion of a definite peace between these countries. Negotiations were commenced in August, but ended in complete failure, chiefly owing to the refusal of the Russian delegation to accept any of the principal Finnish proposals. As the Russians were not aggressively inclined at the time, it was found possible to reduce the war strength of the Finnish army gradually, although local hostilities had not definitely ceased. In the autumn of 1919, however, the adventure of General Yudenitch induced the Conservative parties in Finland, who numbered 50 votes in the Diet, to advocate active intervention openly. The same minds that conceived the idea of a Greater Finland were convinced that a rapid march of the newly organized Finnish army on Petrograd under the victorious Mannerheim, in co-operation with Yudenitch, would mean the capture of that city and the ultimate fall of Bolshevism, and that Russia, receiving her capital again from Finnish hands, would out of gratitude respect for all time the independence of that people. The 80 Socialists in the Diet were bitterly opposed to the idea of granting assistance to, or co-operating with,

Yudenitch, and urged the Government to make peace with Russia. The two Centre parties, comprising 70 members, likewise considered new hostilities inopportune, but on the other hand, found no sufficient reason for fresh efforts to initiate peace proposals. In the meantime the Finnish Government had been in close touch with the Esthonian, Latvian, and Polish Governments, and had learned that only the Esthonians, who had just concluded a successful war of defence, were inclined to conclude an immediate peace with Russia. The situation was sufficiently perplexing, for it was clear that what Finland needed above all was a period of peace in which to strengthen and develop her new independence, reorganize her economic life, and heal the bitter feuds engendered by the civil war with all the difficulties it entailed. For the Government to join in any unprovoked attack on Russia would simply have been to challenge afresh the extremer Socialist elements, while on the other hand, the call for aid and incorporation in the Finnish state from some of the East Karelians was difficult to resist. In the solution of her problems, Finland was supremely fortunate to possess from the time of the Castren Ministry onwards so sagacious and far-seeing a Foreign Minister as Dr. Rudolf Holsti.

In the spring of 1920 events took a turn unfavourable to the hopes of the Finnish war party; for with the evacuation of the Archangel regions and Murmansk by the Allied forces of the north, the whole military situation was changed. As long as White Russian forces remained in occupation of Eastern Karelia, Finland had practically no cause for anxiety. Now she suddenly saw her eastern frontier exposed to the possibility of Bolshevik concentrations, with the situation in Eastern Karelia more problematic than ever. With a view to averting any chance of fresh hostilities on a large scale, the Finnish Government entered into preliminary *pourparlers* with the Russian Government in the hope of arranging an armistice until peace negotiations could be renewed. Plenipotentiaries met at the frontier on the Karelian Isthmus, but failed to agree as to the terms of an armistice. In April the Finnish Government resigned, and was succeeded by a bourgeois Coalition under Professor Erich. This Cabinet decided to accept a Russian invitation to open peace negotiations, and as the new Prime Minister and some other members of the Cabinet belonged

to the Conservative parties, the Government policy encountered no opposition in the Diet.

(*e*) *Peace Negotiations with the Bolsheviks, 1920.* Peace negotiations commenced at Dorpat in Esthonia on the 12th June, but were adjourned on the 14th July, owing to the unwillingness of the Russian Government to accept the Finnish terms; in particular the question of the destiny of Eastern Karelia proved a very difficult one on which to reach agreement. Simultaneously with these negotiations the Russian Government reopened hostilities against Poland, and carried their initial success to the precincts of Warsaw. Public opinion in Finland solidified under the pressure of events towards acceptance of the Russian promise of local autonomy in Eastern Karelia. The negotiations were resumed on the 28th July. The Finnish delegates strove further to secure the right of national self-determination for the Karelians, but without any positive result. The Social Democrats and the Swedish Party, representing together a small majority in the Diet, declared themselves opposed to further efforts in this direction. The Peace Treaty was subsequently signed on the 14th October. The Diet empowered the Government to ratify the Treaty, which came into force on the 1st January 1921.

The Governments of Professors Vennola and Erich alike did very much for the country by the laws which they carried for organizing the state finances and for social reforms. Efforts were also continually directed towards mitigating and overcoming the bitterness prevailing between the bourgeoisie and labour and other aftermath of the civil war. By a Bill introduced on the 28th May 1920, the Government were authorized to request the admittance of Finland into the League of Nations. A formal request was addressed to the Secretary General on the 30th June, and on the 16th December 1920, Finland was unanimously accepted into the membership of the League.

3. ESTHONIA AND LATVIA

(*a*) *General.* In the case of these two countries, inhabited by peoples of very different race but with a history that had had much in common, the struggle for freedom and for national independence was an even more remarkable process than in the case of Finland. The severest phases came after all

the exhaustion of the Great War, when both states were fighting with both Germany and Russia, and backed by no previous experience of what constructive statesmanship meant. We are still too close to the events to get a true perspective, but it may be confidently asserted that when the full story comes to be told, the epic of the Esthonian and Latvian struggle for independence will rank high amongst the world's records of such performances. 'A people without an *épopeé*,' said Goethe, 'can never become of much worth,' but in the recent elaboration of their *épopeé* these peoples proved their worth.

It would be a mistake to suppose that the political situation in these two Baltic Provinces about the time of the Allied Armistice with Germany was the direct result either of the war, or of the fact that a Communist Government had established itself in Russia, or of the declaration of the Allies that they were fighting for the small nationalities, or even of the glamour surrounding the mystic word 'self-determination'. Rather did these circumstances provide the conditions under which a movement, or national self-consciousness, which came distinctly into being in these Provinces during the sixties of the previous century, rapidly developed into maturity and expressed itself in significant action. This deepening desire for freedom of economic and cultural development had already manifested itself in the rising of 1905, and, in the defence of Latvian territory during the war against the Germans, and later against the pro-German Bermondtists and the Bolsheviks alike, showed itself to be a very real thing. It must not be forgotten that from the spring of 1915 right up to the spring of 1920, Latvia had been,[1] almost without a break, an arena of military action. In their retreat the Russians used every effort to leave this once flourishing country a desert. Owing to the removal of machinery, raw materials, and the workers into the interior, and the deliberate destruction of what could not be removed, the large industries characteristic of Latvia, and particularly of Riga, were entirely destroyed, so that in this respect Latvia had suffered more than any other region of the former Russian Empire. Attempts had been

[1] Lack of space alone prevents a corresponding measure of detail in the case of Esthonia, where events concerned with the main issues were broadly parallel, although, owing to her more northerly position, she suffered much less in the Great War.

made to remove rolling-stock and all means of transport by sea or river, and whatever was left behind of this nature or in the way of grain or cattle or supplies had been seized by the German occupational authorities and either used by them or transferred to Germany, along with many loads of timber. But, more particularly, although troops that were native to these regions fought magnificently in defence of what was their homeland, no real defence of Courland or Livonia had been attempted by the Russians. The fight made by two battalions of Lettish reservists before Mitau inspired the idea of purely Lettish detachments in the regular army. Permission was obtained from the Russian commander-in-chief, and in July 1915 the Lettish Duma delegates issued a recruiting appeal which resulted in the formation of eight regiments from the refugees and by transfer of nationals from other regiments. Their daring gallantry on various occasions during the years 1915–17, and especially before Riga, led to their being described by the Kaiser in a field speech as the 'eight stars on the Riga front' which would have to be extinguished before that city fell into his hands. Yet the Russians continued to retreat, and circumstances in connexion with the evacuation of Riga on the 3rd September 1917, produced a very profound impression, and deepened the conviction that there had been a systematic betrayal of these regions by the Supreme Command. Two-thirds of the inhabitants of Courland were now refugees all over Russia, and it is not surprising that out of these refugees and regiments alike the Bolsheviks eventually recruited a certain number of adherents. On the other hand, many returned to fight for Latvia, while the Lettish organization charged with the care of these refugees, and operating from Petrograd so long as this was possible, not merely kept alive their national feeling, but proved a good training ground for men who were later called upon to create and mould the future state.

Already after the Russian Revolution in March 1917, and especially after the later Bolshevik *coup d'état*, it became clear to the Lettish patriots that they had nothing to hope for from Russia, and that they must take the destinies of their country into their own hands. This was the more evident since the commander of the German forces of occupation, after the fall of Riga, called into existence various Landtags and Landesrats, arbitrarily composed of representatives of the German baronial

class, who began to plan for some form of annexation to, or incorporation in, the German Empire. Accordingly the Lettish National Council, composed of representatives of the different Lettish democratic political parties, outstanding Lettish organizations and individuals, constituted itself at Walk on the 16th November 1917, and proceeded to take steps for proclaiming and establishing the independence of Latvia. At the All-Russian Constituent Assembly which met in Moscow on the 5th January 1918, the Lettish Deputy Goldman announced that Latvia now regarded herself as an autonomous unit whose position, international relations, and internal organization were matters for the decision of her own Constituent Assembly. The Lettish National Council held a second session in Petrograd on the 17th and 18th January 1918, at which Latvia, that is Courland, South Livonia, and Latgalia, was declared an independent democratic republic. Protests were also made on behalf of the Lettish people against any attempt to divide up the country, as also against any attempt at a conclusion of peace that implied any limitation of the rights of peoples to self-determination. Similarly, representatives of the Esthonian people had met at Reval in November 1917, and in the name of the right of self-determination had proclaimed Esthonia a sovereign state, and carried the resolution into effect by the establishment of a Government in Reval on the 24th February 1918.

(*b*) *German Occupation, 1918.* Meanwhile, during the interruption of the Peace negotiations at Brest-Litovsk, the Germans occupied Estland and Livonia, so that, with the exception of a part of Latgalia, the whole of Latvia and Esthonia was in German hands. In conformity with the terms of the Treaty of Brest-Litovsk, Courland together with the district and city of Riga was placed under a German protectorate; the remainder of the country (as also Estland) was to remain under German occupation until peace and order were restored, while the destiny of Latgalia was to be settled later. The agitation for union with Germany was vigorously carried on by the various Rumps of the Landesraten, e.g., that of Courland, praying the Kaiser on the 8th March 1918 to accept the Grand-ducal crown of Courland, and expressing the hope that Courland, Livonia, Esthonia, and the island of Oesel might be formed into a state and united to Germany. To these and similar

representations made at Berlin and supported in person, the Kaiser replied that he would 'mit Rat und Tat zur Herbeiführung dieses Zustandes helfen'. Between requisitions, wholesale arrests, suppression of the press, and restriction of personal liberty, the occupation everywhere took on the character of a 'terror'. These details are mentioned partly because they illustrate and confirm the conviction, expressed at the time by a few observers, that it was in her East European, rather than West European, frontier that Germany was really interested, that Courland was the last of the territories occupied by her that she would wish to surrender, and that at the time of the Armistice negotiations no less attention ought to have been given to the situation on her eastern frontier than was given to the situation in the west. More particularly, they serve to indicate the intensity of the difficulties under which the Esthonian and Lettish patriots alike had to carry on their struggle for independence.

(*c*) *British and Allied Attitude towards recognition, 1918.* During the spring and summer of 1918 it was apparent, particularly from the situation in Poland and Czecho-Slovakia, that the countries where Bolshevism made least appeal were those of nascent nationality. They wanted to be themselves; hence disorder and class warfare had no interest for them. It looked as if the best card to play against Bolshevism at that particular stage was the support of incipient nationality, wherever discerned. Examination of the Baltic border states showed the existence of a will to resist Germanism and Bolshevism alike, to which there was nothing comparable in any party of Slav Russia proper. So there developed in certain quarters the idea of helping the non-Slavonic Russian Border States, both on the Baltic and in Trans-Caucasia, in their struggle for independence, primarily in the interests of their self-determination, but also with a view to stabilizing conditions in a zone around Russia, from which, with the help of the co-operative societies, food and industrial necessities might be introduced into that unfortunate country. It is to the lasting credit of Great Britain, to which country more than any other these border states looked for guidance and assistance, that this policy of interest in them as a whole commended itself to her first amongst the Great Powers, the only drawback being that it was not more extensively, opportunely, and energetically carried out. There

was, however, always the difficulty that France and the United States of America were consistently opposed to it, for reasons of their own which have since proved to be unjustified.[1] As it was, the Esthonian National Council was recognized *de facto* by the British Government on the 3rd May 1918, and similar recognition was given to the Lettish Council on the 11th November 1918.

(*d*) *The Armistice and its execution.* At the time of the cessation of hostilities between Germany and the Allies, the former country had overrun the Baltic Provinces, and from the terms of the Armistice Convention of the 11th November 1918 it became clear that the attention directed to the conditions on the eastern border had been based on inadequate information, although sound information was at hand. The French and Italian political representatives on the Council of the Allies were unfortunately of the opinion [2] that to believe in a Bolshevik danger to the Baltic States and elsewhere was 'to let ourselves be deceived by German propaganda'. Unfortunately also, Mr. Balfour withdrew his more energetic and practicable proposals in view of Marshal Foch's opinion that they were not realizable. The French, however, were naturally engrossed with their own frontier, and were less interested in the East German frontier. The result was that, while the principle of the evacuation of territory by Germany in east and west was agreed upon, an Allied Commission was appointed to superintend that

[1] President Wilson defined his attitude as follows in a note on Russian affairs delivered to the Italian Embassy at Washington, published in the press the 12th August 1920. 'By this feeling of friendship and honourable obligation to the great nations whose brave and heroic self-sacrifice contributed so much to the termination of the war, the Government of the United States was guided in its reply to the Lithuanian National Council on the 15th October 1919 and in its persistent refusal to recognize the Baltic States as separate nations independent of Russia. The same spirit was manifested in the Note of this Government of the 23rd March 1920, in which it was stated with reference to certain proposed settlements in the Near East, that no final decision should or can be made without the consent of Russia. In line with these important declarations of policy the United States withheld its approval from the decision at the Supreme Council at Paris, recognizing the independence of the so-called Republics of Georgia and Azerbaijan.' He further stated that, though recognizing the independence of Armenia, the United States 'has taken the position that the final determination of its boundaries must not be made without Russia's consent and agreement'.

[2] Partial accounts of these proceedings are gradually being made public (cf. Mermeix, *Les Négociations secrètes et les Quatre Armistices, avec Pièces justificatives*; R. S. Baker, *Woodrow Wilson and the World Settlement*). The sooner the whole account is published the better; it will afford an admirable world lesson in comparative statesmanship. For a general account of the evacuation *v.* Vol. I, pp. 341–6.

evacuation in the west, but no corresponding Commission was appointed for the east. And not merely so, but clauses XII and XIII in the Armistice Convention under which that evacuation was regulated were so clumsily drawn up that their ambiguity was easily exploited by the Germans in their endeavour to hold the fruits of their conquests in the east. Indeed, not till more than a year after the Armistice were conditions on the eastern frontier in the way of being settled according to the intention of the Allies, and in one instance, at least, such settlement is still outstanding

Under Art. XII of the Armistice Convention the Germans were to withdraw from territory which formed part of the Russian Empire at August 1914, 'as soon as the Allies shall consider this desirable, having regard to the interior conditions of these territories', while under Article XIII the evacuation was to commence 'at once'. A 'Progressive Bloc' of Lettish patriots, representative of many parties, who had been secretly organizing the life of their country under the leadership of Mr. Ulmanis, and alike protesting against incorporation with Germany, were now joined by the members of the National Council, who had left Petrograd, fleeing before the Bolsheviks; and a conjoint National Assembly was held at Riga on the 18th November 1918, under Mr. Tschakste, which proclaimed the sovereign independence of Latvia, and elected a Provisional Government to take charge of affairs during the coming critical days, until a Constituent Assembly could be elected on a normal basis. Meanwhile, the Bolsheviks had crossed the Narova on the northern Esthonian border on the 28th November, and at various points on the Latvian frontier a few days later. The Germans, who wished to avoid all conflict with the Bolsheviks, at the same time did everything in their power to hinder the Esthonian and Lettish Provisional Governments in their endeavours to organize local forces of resistance. The German maintenance of control of telegraphs and railroads, together with their removal of arms and ammunitions, was all part of a policy directed in the hope that Esthonians and Letts alike would request their assistance in the imminent struggle with the Bolsheviks, and thus provide the legal excuse which they required for remaining on in these countries, in which they had established themselves specifically to protect them and to introduce peace and order there. Under the

nerveless action of the Allies as a whole, it looked more than once as if the local German nobility with the aid of the occupational forces might succeed in their design of crushing the young Nationalist Governments or rendering them helpless against the Bolshevik invaders, with whom the Balts[1] might have come to terms later with the help of the German Government. Great Britain was, however, giving assistance with arms, ammunition, and food-stuffs, while the presence of units of a Baltic squadron at different times in Reval and Libau gave both active and moral support. Further, Finland rendered valuable assistance to Esthonia in the forms of a volunteer force and of a loan, while Danish and Swedish volunteers also fought side by side with the Esthonians against the invaders. In Latvia the conditions were for a time even harder, that country being as yet entirely under German control, while a movement of slow retreat from Esthonia had begun. Further, the Provisional Government had no funds and only a few companies of soldiers badly armed.

(*e*) *Von der Goltz in the Baltic.* By January 1919 the Government was compelled to evacuate Riga, and retire to Libau, the Germans having retreated to the line Libau–Shrunden Goldingen. In and around Libau the Lettish Government strove to build up an army of defence from the patriotic students and peasants who were concentrating on that town. Common action on the part of the Latvian army with the Balts and Germans against the Bolsheviks was hindered by the fact that at every point Von der Goltz, the German commander, made it apparent that he wished to be master of the country. Sent to the Baltic Provinces, according to his statement,[2] originally for the defence of East Prussia against the Bolsheviks, he arrived at Libau on the 1st February, and quickly 'I conceived my task in the larger sense of the future of Germany'. His idea was to try still to carry out the eastern policy of his country which had been upset by the recent course of events, by coming to an understanding with the White Russians under the common standard of a campaign against the Bolsheviks, and so to build up a close understanding with the Russia that was to be. Russia would have need of German merchants and

[1] A term applied to the element in the population of German extraction. They formed 6 per cent. of the population and held 60 per cent. of the land.
[2] *Op. cit.*, p. 127.

technical men, for her *intelligentsia* had been destroyed. Germany needed land for many of her ex-soldiers; why not settle them in the devastated border provinces which their industry would soon restore to their former prosperity? By promises of land out of that third part of their estates which the Baltic barons agreed to devote to this purpose, Von der Goltz was able to maintain an effective force of German volunteer soldiers alongside of the Balts, prepared to see the business through on these conditions, even when the growing pressure of the Allies began to insist on the evacuation of these provinces by the German forces. The only obstacles to success were the young National Governments. A first plot failed, but on the 16th April Von der Goltz with the aid of the Balts overthrew the Lettish Provisional Government, which took refuge on a ship at Libau under British protection. Thereafter he proceeded to attack the Bolshevik forces, and with the assistance of the Balts and also of some Lettish national units which saw as their primary duty the necessity of ridding their country of the Bolshevik, recaptured Riga on the 22nd May 1919. In the north of Latvia a mixed force of Lettish and Esthonian nationals had also been successfully operating against the Bolsheviks. They, however, stood in the way of the German commander's project of a reconquered Latvia, which was to be supplemented by a revolution provoked against the Provisional Government in Esthonia. The result was a realignment of Esthonian and Lettish national forces against the Germans and Balts, which resulted in the defeat of the latter in June.

(*f*) *Expulsion of the Germans from the Baltic Provinces.* An Allied Commission had now been appointed to supervise matters in the Baltic States, and under its authority the Lettish Provisional Government was reinstated at this stage, and concluded an Armistice with the Germans on the 3rd July, under which the Germans agreed to withdraw from Riga and evacuate Courland. Five days later the Provisional Government returned to Riga and recommenced the work of consolidating the Latvian army; an endeavour was also made to conciliate the Balt element by offering them representation in the Government, and so secure their co-operation in the common struggle against the Bolsheviks. The purely German forces did not carry out the terms of the Armistice and remained within the limits of Courland, where they were reorganized and joined by units

composed of liberated Russian prisoners of war. Von der Goltz's recall having been insisted on by the Allies, he was succeeded by the adventurer Avaloff-Bermondt, who continued for some time to inspire this 'Russian Army of the North-West', which was as much a danger to the young Border States as in its original purely German composition under Von der Goltz. Very quickly it showed itself in its true light as an anti-Lettish, rather than anti-Bolshevik, force, and by the 8th October was marching once more on Riga. Supported by Allied men-of-war the Latvian army under General Balod successfully held the passage to the Dwina, although the city was under the fire of Bermondt's forces for a month. Supplies began to fail, and the Bermondtist rabble was compelled to retreat, perpetrating acts of vandalism and wanton destruction surpassing anything that Latvian property had suffered previously at Russian, German, or Bolshevik hands. On this occasion the evacuation of Courland was complete. Inspired by its success, the Latvian army after a month of preparation commenced a fresh campaign in January 1920, with a view to driving the Bolsheviks out of Latgalia, the only part of Latvia still remaining in their hands. Here again the operations were completely successful by the end of the following month, and carried no farther than strictly ethnographical, rather than strategical, reasons demanded. Elections were held for the Constituent Assembly in the middle of April, and at its first meeting on the 1st May 1920, Mr. Tschakste, the president of the National Council, was elected President of the Assembly.

(g) *Peace Negotiations, Recognition of Latvia and Esthonia by Supreme Council, 26th January 1921.* The new Government under Mr. Ulmanis concluded an armistice with Germany on the 15th July 1920 and a Treaty of Peace with Russia on the 11th August. On the 26th January 1921, Latvia and Esthonia were recognized *de jure* by the Supreme Council of the Allies and on the 22nd September admitted as members of the League of Nations. As in the case of Latvia so also with Esthonia, only after a Peace Treaty had been signed with Russia on the 2nd February 1920, following a heroic defence against vastly superior numbers, did the Esthonian people have a chance for the first time of organizing the economic life of their country, and setting their internal affairs in order. A Constitution corresponding closely to that of Switzerland and of the German

Republic was passed by the Constituent Assembly on the 15th June 1920. Under it citizens of both sexes from the age of twenty have the right to vote, or stand for election to the Diet. The membership of the latter is 100, elected for a term of three years. The initiative for legislation does not lie solely with the Diet; thus 25,000 electors may claim a plebiscite, or propose a new law.

4. LITHUANIA

(*a*) *German intervention, 1915–17.* In the case of Lithuania, the progress in self-determination has not been so outwardly marked, partly because the peculiar geographical situation of that country, lying directly between Russia and Germany, has made an interest in its position and native richness and fertility something not easily surrendered by either of these countries, and partly because, owing to a long past period of close relationship with Poland, it has seemed naturally desirable in many Polish minds that history should be made in some sort to repeat itself. Yet this does not mean that there has been any less determination on the part of the Lithuanian people to become a sovereign independent state, or that their recent past has not had its episodes of attempted Russification and denationalizing treatment during the early stages of the war as in the cases of Latvia and Esthonia, which only deepened the resolve to be free from domination whether from the east, west, or south. In the earlier revolution of 1905, Lithuanians alone of all the constituent peoples of Russia held a convention (4th and 5th December) of about 2,000 delegates in their historic capital of Vilna, demanding autonomy for their country (represented by the four Governments of Vilna, Kovno, Grodno, and Suwalki) and a Diet of their own at Vilna. Again, in the same city, on the 18th–22nd September 1917, another representative gathering of over 200 delegates was held during the German occupation, after a long period of discussion with the military authorities and subsequent preparation and organization, at which the Taryba or National Council was elected, consisting of twenty Lithuanian members and six representing national minorities,[1] and expression was given to the demand that for the free development of Lithuania, it was absolutely necessary that

[1] Of these the Jews and White Russians did not co-operate before the last months of 1918; the Poles never co-operated.

she become 'an independent State, organized on democratic principles within her ethnographical frontiers'. German policy with regard to Lithuania, while ultimately favourable to cultural autonomy, was tending rather at this time in the direction of annexation, and it therefore seemed desirable to create some sort of Lithuanian Council which might be persuaded or forced to co-operate with the military authorities as an auxiliary organ with limited powers. The Lithuanian difficulty was how to concede that measure of agreed co-operation with the Germans which was set down as a condition of their being allowed to hold the Conference at all, without endangering the primary object of national independence. As no elections could be held, an organizing Committee was compelled to select the delegates from each of the districts of the country, having due regard to class and comparative strength of political parties.

(*b*) *The Taryba, 1917–18.* The Taryba at once set to work on its two principal tasks of creating and organizing the Lithuanian State, and of attempting to restore, or at least ameliorate, the economic and social condition of the country. This meant that it had to protest vigorously against the unnecessarily heavy requisitioning and consequent insufficient feeding of the population, the banditism of escaped Russian prisoners of war, exploitation of the forests, forced labour, and against the attempt to introduce the compulsory teaching of German in primary schools, with the prospect always of being forcibly dissolved by the local German authorities. It also endeavoured to get into touch with Lithuanian refugees in other parts of Europe, and the emigrant population in the United States of America, as also, on the one hand, to put its case for the self-determination of the country before the representatives of the Allies, and, on the other, seek by establishing relations with certain groups in the Reichstag and with the Central Government at Berlin to secure some investigation of the actions of the military authorities in Lithuania, and recognition of the independence of the country. On the 29th November 1917, Count Hertling, the newly appointed Chancellor, recognized, in a speech in the Reichstag, the right of Lithuania, Courland, and Poland to dispose of their own destinies. It was, however, very speedily made clear in Berlin to representatives of the Taryba that such recognition of independence and support of Lithuanian claims at the Peace Conference would have to be

purchased by a perpetual alliance with Germany which should find expression in military, transport, customs, and currency conventions. The success against Russia, however, stiffened the German attitude; Brest-Litovsk had the result that the direction of Lithuanian affairs fell back once more almost completely into military hands. A new formula was proposed by Germany in the verbiage of which the independence of Lithuania seemed less recognizable than before. By declaration, on the 11th December 1917, the Taryba in view of all the circumstances adopted and signed the earlier agreed formula, in which amongst other points, Vilna was recognized as the capital of the Lithuanian State. But this action in no way modified the German attitude on the spot, even although Lithuania had now formally asked for 'the aid and protection' of the German Empire. Nor would the Germans allow Lithuanian delegates to appear at Brest-Litovsk and explain the circumstances under which they had declared the independence of the Lithuanian State. In consequence the Taryba asked the German Government for a definite answer on these three points. Does Germany recognize Lithuania as an independent State? Does she agree to hand over the administration of the entire country to the Taryba? Does she agree to withdraw her troops from Lithuania? To the first question only was a definite answer given by letter on the 27th January 1918, stating that while the German Government recognized Lithuania as an independent State, in terms of the resolutions of the 11th December 1917, it reserved the right of deciding at what moment this recognition should be made: further, the aforesaid conventions had still to be drawn up. The Taryba decided that if Germany did not grant recognition, it would annul the rest of the understanding expressed in the aforementioned resolutions. On the 16th February 1918 it reaffirmed the re-establishment of an independent Lithuanian State 'founded on a democratic basis with Vilna as capital, and the dissolution of all political connexions that had existed with other peoples. The Taryba declares at the same time that the basis of this State and its relations with other States will be definitely fixed by a Constituent Assembly', which ought to be convoked as soon as possible and elected by all the inhabitants on a democratic basis. Count Hertling very truly replied that this declaration overturned the basis on which the German Government was

prepared to recognize the independence of Lithuania, and that it could not do so under these modified conditions.

These details are mentioned in order to show that, even under a German occupation of all Lithuania that had lasted since September 1915, and in opposition to a Government that was peculiarly anxious to annex their industrious, orderly, and law-abiding population and their rich territory, the Lithuanian representatives struggled persistently to effect the recognition, in theory and practice, of the independence of their country. At the same time the hard facts of the situation had also to be taken into account, and particularly when the threat of a Bolshevik invasion began, later, to assume the form of a reality. Since a German withdrawal was a possibility under the terms of the Armistice, it was only natural that the new State, without resources in funds, munitions, or trained troops, and from its peculiarly inland position unable to receive consignments of arms from the Allies, should take assistance from Germany. For the moment the situation was that Germany had complete control of the country, and having been successful in her negotiations at Brest-Litovsk, was no longer prepared to give even the most shadowy recognition of Lithuanian independence except on her own terms. Recognition was finally granted by the Kaiser on the 23rd March 1918, on the original basis, with the additional condition that Lithuania should bear a part of the German war costs, as having been liberated by that country.

(*c*) *Situation in 1918.* In Lithuania the actual situation in no way improved as the result of these negotiations. The local German authorities endeavoured to thwart or embarrass the Taryba on every occasion in its now recognized task of trying to build up the State. They even tried to start an agitation in favour of a personal union between Lithuania and Saxony or Prussia. By harsh requisitions and propaganda of various kinds they produced growing restlessness and unsettlement, and under various pretexts hindered free movement about the country and isolated Vilna. None the less the Taryba held to their task, and by attempting to institute a bureau for dealing with complaints against the occupational authorities, as also by trying to take up such matters as the repatriation of Lithuanian refugees from Russia, the still harsh requisitions, attempts at Germanization in the schools, the reorganization

of Vilna University and the professional schools, strove to discharge their responsibility to the Lithuanian people. At every turn resistance was encountered from the local military authorities on the ground that Lithuanian administration could not begin till after the end of the war: in no sense would they allow that the Taryba either possessed sovereign rights or was an organ of government. Foiled partly in their endeavours, isolated from Allied support, disquieted by suggestions of forced union of Lithuania with Saxony or Prussia, and by 'tendencious' articles in the local German press to the effect that Lithuania had not a sufficiency of citizens capable of administering the country, and realizing also that the agreed close relations could not be maintained between a monarchical Germany and a country with any other kind of constitution, the Taryba rather abruptly decided on the 11th July 1918 to call Duke William of Urach, a German Catholic princeling, to 'the throne of Lithuania'. It was believed that he could trace descent in some degree from an old Lithuanian king called Mindangas, but a majority of the Taryba was more influenced by the practical argument that, in the circumstances, the formation and consolidation of a Lithuanian state would proceed more rapidly under a constitutional monarch.[1] The project had an unfortunate issue. On the one hand, a minority of the Taryba rightly maintained that this question of the form of a Constitution was one on which a Constituent Assembly alone had a right to decide. On the other hand, the German Government resented this independent action on the part of the Taryba, and maintained that in the matters of a Constitution and candidates to the throne alike, it must be consulted: the Taryba was also reminded that the question of a personal union between Saxony and Lithuania had not yet been decided. More than ever, if possible, Germany was treating Lithuania as occupied enemy territory, and doing nothing by way of practical recognition or securing an international status for her. Meanwhile, however, events were moving in a direction which tended to weaken the German grip on Lithuania. Following the speech of the new Chancellor, Prince Max of Baden, in the Reichstag on the 5th October 1918, in which he stated, in replying to Mr. Wilson, that the German

[1] It was also believed that Duke William might influence the Centrum in the Reichstag to prevent annexation to Prussia.

Empire saw no objection to nations organizing their State and government in their own way, by virtue of their right to self-determination, the President of the Taryba was informed on the 20th October of the decision of the German Government to delegate legislative and administrative power to a Lithuanian Government which it was now the business of the Taryba to organize. Although anxious to withdraw its troops at the earliest possible moment, the Government was still disposed, he was assured, to satisfy the often expressed desire of the population and leave troops and the necessary means of transport in the country yet awhile. The Taryba immediately took up the question of the still harsh requisitioning and of the organization of a militia for national defence. This meant a request to the German Government for arms, and also for a loan of three million marks in connexion with the reconstruction of the State, the formation of a Government, and the organization of the militia. Towards the last proposal the Germans showed no cordiality, hoping in this way to compel the people to request their continued presence in the capacity of protectors. Delay also characterized their attitude in relation to the other requests. Meanwhile, the Taryba worked out the basis of a Provisional Constitution and empowered its President to nominate a President of the ministers who should constitute the Provisional Lithuanian Government. In this way, on the 5th November, Professor Voldemaris was designated President of a Cabinet which he formed six days later. On the 2nd November, the Taryba formally departed from its resolution of the 11th July in which 'the throne of Lithuania' was offered to Duke William of Urach, and referred the final solution of the question of the régime to the Constituent Assembly.

(*d*) *Germans evacuate Lithuania, 1918–19; de facto Recognition by Great Britain, 24th September 1919.* After the Armistice Convention Germany showed almost as little desire to evacuate Lithuania as she did in the case of Courland. Lithuania, still unrecognized and unaided by any of the Entente Powers, found her position daily more precarious. Threatened by the Bolsheviks, the Lithuanians were disturbed by German propaganda to the effect that the failure of the Allied Powers to recognize Lithuania as an independent State was due to their intention to unite Lithuania either to Poland or to

Russia, and that accordingly she would be better off with a German orientation. A new Taryba had been elected in January, and in April Mr. Smetona, President of the Taryba, was made President of State. Renewed attempts were made to secure the moral support of the recognition of Lithuanian independence by the Entente, for with it went the assurance to the young Lithuanian army that their fight would then really be one for the maintenance of their independence. Not, however, before the 24th September 1919 did Great Britain grant *de facto* recognition to the Lithuanian Government, being followed generally by the other Powers—exactly seventeen months after the *de facto* recognition had been accorded to Esthonia (3 May 1918) and ten months after the *de facto* recognition of Latvia (11th November 1918).

(*e*) *The Bolshevik Intervention, 1919–20.* The Germans, putting their own interpretation on Art. XII of the Armistice, had evacuated Vilna without notice. This involved the removal of the Lithuanian Government to Kovno, and the Bolsheviks entered the city on the 5th January 1919. The progressive evacuation of the country by the Germans was accompanied by a wholesale plundering of public and private property, while the Bolsheviks followed them at a distance of 15 to 20 kilometres. The Lithuanian Government had begun recruiting for its army in the beginning of January, and speedily about 20,000 men were enrolled in regiments. These were initially supplied with arms and ammunition in part by Germany who still occupied the western part of Lithuania in March 1919, and was beginning to be apprehensive about the danger of Bolshevism to herself. Assistance was later furnished by Great Britain. As soon as it was possible, the Lithuanian army took the offensive, but owing to insufficient munitions was unable to push its victorious onset to the limit of attempting to expel the Bolsheviks from Vilna, and halted on the line Ponievicz–Wilkmerge–Landwarowo–Troki. The Poles, advancing against the Bolsheviks from the direction of Lida, entered Vilna on the 20th April 1920. Thereafter, the history of the Lithuanian State becomes entangled against its will with that of the romantic yet aggressive Polish State. On the 12th July 1920, Lithuania having expelled the Bolsheviks from her territory, concluded with Soviet Russia at Moscow a Peace Treaty under which Vilna and its territory were conceded to her. Russia was now apparently anxious to establish connexions with

the outside world through the Border States, but her success in stemming the Polish onslaught towards Kiev brought with it a stiffening of the terms of the Treaty. Both during the subsequent Russian offensive and Polish counter-offensive, the Lithuanian Government observed a neutral attitude.

(*f*) *The Polish intervention, 1920–2.* With the retreat of the Bolsheviks, the territorial disputes between Lithuania and Poland, especially in respect of Vilna and its district became acute, and on the initiative of Poland reference was made to the Council of the League of Nations on the 5th September 1920. A provisional line of demarcation between the two armies, the so-called Curzon line was mutually agreed upon on the 20th September at the instance of the Council, but the Poles failed to observe the agreement. On the 7th October a Control Commission appointed by the League arranged a further agreement at Suwalki with the object of avoiding further occasion of hostilities by closing the road to Vilna where the Lithuanian Government were in possession, to the Poles. Two days later Vilna was occupied by the Poles under Zeligowski, in contravention of the Suwalki agreement, the Lithuanians having been attacked by superior forces, and deciding to retire. The Polish Government disarmed Zeligowski but did nothing to expel him.

The nerveless and helpless attitude of the League of Nations in face of this initial *coup de force*, produced a sense of impunity in one of the parties to the quarrel. It seemed a repetition of the manœuvres of Korfanty in Silesia. Thus arose a feeling of exasperation and consequent intransigence on the part of Lithuania that all the subsequent able handling of the situation by the Council of the League could hardly overcome. It was also unfortunate in the interests of the appearance of impartiality that the chief of the League's Control Commission should have been selected from a nation already tied by military and commercial conventions to one of the parties to the dispute.[1] The United States granted Lithuania recognition (30th July 1922). Lithuania was received into the membership of the League of Nations on the 22nd September 1921, and *de jure* recognition was also afforded by the leading Allied Powers on the 20th December 1922.

[1] *v.* Map and note at end of Chap. II, p. 283, In January 1923 the Principal Allied Powers assigned Memel to Lithuania, and on 15th March the Vilna area to Poland.

5. *Mutual Relations of the Baltic States; General Conclusions.* Mutual relations between the various Baltic States have been growing closer and more cordial. The natural relations between Finland and Esthonia, which were temporarily cooled during the 1918 rapprochement of Germany and Finland, were subsequently restored by Finnish aid in the form of volunteers and a loan during the Esthonian struggle against the Bolsheviks. Latvia and Esthonia are fortunate in having all their frontiers delimited, contrasting in this and other respects with Lithuania. Defensive military, political, and economic agreements are in various stages of development. In particular the idea of a defensive League has engaged the attention of the leaders of the various States. In January 1920 the Finnish Government convoked the first Baltic Conference at Helsingfors which was attended by representatives of Poland, Lithuania, Latvia, Esthonia, and Finland. The idea of a Baltic Alliance was accepted in principle, and close economic co-operation was organized. A second Conference was held at Riga in August 1920, for which the Latvian Government had elaborated an extensive programme. Owing to the Bolshevik invasion of Poland, and the Polish and Lithuanian dispute, the net result was not great. On the 17th March 1922, a political agreement was signed at Warsaw between Poland, Latvia, Esthonia, and Finland. But the Finnish Diet, under the lead of the Socialists, who were adverse to any agreement with the Baltic States even for the purpose of defence against Russia (while the Right parties did not consider that it went far enough as a defensive alliance), brought about a change of Cabinet, and consequent delay. None of the Baltic States but perceives that their future in great part depends upon their ability to make Russia feel that she is not cut off from the Baltic ports, and their policy in face of this situation has been broad-minded. They are doing everything that they can to facilitate Russian transit; Reval harbour, for example, is being enlarged with this in view. Russia on her part shows herself desirous of carrying out her side of the economic conditions laid down in the Dorpat Peace Treaty of the 2nd February 1920, in spite of her disordered transport and other difficult internal conditions. On the wall of the building now used as Foreign Office in the capital of one of these States is a Latin inscription, 'In Concordia Res Parvae Crescunt.' Its lesson is rapidly being assimilated by them all.

CHAPTER III

EVOLUTION AND REVOLUTION IN NORTHERN EUROPE

PART II

THE BOLSHEVIKS AND DIPLOMACY [1]

1. *General.* The opening of the Peace Conference in January 1919 found Russia dominated by a Soviet Government enjoying what was then generally believed to be the last brief phase of its precarious tenure of power. Two years before, in March 1917, the first revolution, which drove the Tsar from Petrograd, had taken place. In November of that year Kerensky and his moderates had fallen in their turn before the subversive forces kindled by the fierce appeals of a Lenin and a Trotsky. In March 1918 the Peace of Brest-Litovsk had been signed with Germany, Russia thereby surrendering Poland, Lithuania, the Baltic Provinces, and the Ukraine.

January 1919, therefore, found Russia at peace with Germany but engaged on almost every frontier in a desperate struggle with adversaries supported for the most part by her former allies. At Omsk, in Siberia, the anti-Soviet Admiral Kolchak was established, endeavouring, with American and Japanese assistance, to push westward across the Urals to join hands with an anti-Soviet Archangel Government resting on British, American, and Italian bayonets. At Murmansk another Allied expedition was based on Northern Russia's only warm-water port. General Yudenitch did not begin his march on Petrograd till later in the year; but in the Baltic region Germans were supporting the local troops, Esthonians and Letts, against the Bolsheviks. Poland was doing her best to

[1] No attempt is made in this chapter to deal with the internal, or even with many of the external, aspects of Bolshevism. Lenin denied the authority both of the Peace Treaties and of the League of Nations, and Russia's History, therefore, lies outside the History of the Peace Conference. The attempt is here made to show how political events and economic necessities gradually brought Soviet Russia within the orbit, first of the commerce, and then of the politics, of Western Europe.

drive her eastern frontier deeper into Russia. In the Ukraine Petliura, who had lately obtained the chief power, was threatening Russia's western governments. And in the Crimea, General Denikin, with Allied fleets to supply him and guard his rear, was driving towards the basin of the Don.

At Paris all these rival sections had their champions and most of them their accredited representatives. M. Sazonoff, the former Foreign Minister, represented Omsk, M. Tchaikovsky, Archangel, while Professor Miliukoff, the Social Revolutionary leader, Prince Lvoff, M. Savinkoff, and General Gutchkoff, the Octobrist, were all prepared to support any plan that would effect the downfall of the Soviet Administration. And round them had gathered a number of émigrés of distinction, attracted to Paris by the hope that external action by the Western Powers would achieve that internal upheaval in Russia which would enable them to regain their old authority and what was left of their material possessions.

2. *The Prinkipo proposal, 22nd January 1919.* In point of fact the Russian situation was practically the first problem to which the heads of the Allied delegations in Paris applied themselves. The first meeting of the Peace Conference proper took place on the 18th January, and on the morning of the 21st President Wilson read to the Council of Ten a report drawn up by Mr. W. H. Buckler, then attached to the American Embassy in London, on his recent conference with the Soviet representative M. Litvinoff at Helsingfors.

There had, however, already been conversations between the heads of the Allied States, notably one which took place at the Quai d'Orsay on the 16th January, at which the alternative policies regarding Russia were exhaustively examined. It was on that occasion that Mr. Lloyd George, who observed incidentally that General Denikin was merely occupying a little backyard near the Black Sea and that Admiral Kolchak would appear to be at heart a monarchist, presented the three policies between which in his view it was necessary to choose. The first was military intervention, the second the establishment of a 'cordon sanitaire' between Russia and the rest of Europe, and the third the British plan of calling the leaders of all the Russian factions to Paris in the hope of bringing them to some agreement in concert with the Allies.

The latter proposal was immediately and vigorously con-

tested by M. Clemenceau, who imposed an absolute veto on any invitation of Soviet representatives to the French capital. Another rendezvous had therefore to be found, and President Wilson accordingly proposed that 'the various organized groups in Russia should be asked to send representatives to some spot like Salonika, there to meet representatives of the Allies to see if a basis of agreement could be discovered.' In actual fact the meeting-place fixed in the proclamation issued over President Wilson's name on the 22nd January was the island of Prinkipo in the Sea of Marmara, the date proposed for the meeting being the 15th February.

The meeting never was held, either at Prinkipo or anywhere else. The Paris representatives of the four so-called Governments of Omsk (Kolchak), Ekaterinodar (Denikin), Archangel, and the Crimea refused definitely to meet the Bolsheviks, and the former Cadet leader, Professor Miliukoff, publicly deplored the issue of the invitation. The Soviet Government itself, when it received President Wilson's proclamation after an unexplained delay, transmitted a qualified acceptance, declaring that, if the Powers would undertake to refrain from interference in Russian internal affairs, 'the Russian Soviet Government is disposed to enter into immediate conference on Prince's Island or at some other place, be it with all the Entente Powers or with some of them separately, or even with some Russian political groups at the request of the Entente Powers'.

President Wilson's proclamation had contained the stipulation that the conference should be preceded by a truce among the parties invited, and that aggressive action against Finland or any part of pre-war Russia should cease. There could be no truce if the anti-Bolshevik forces preferred to go on fighting, and Mr. Lloyd George was severely economical of fact when he told the House of Commons in the following April that the Soviet Government 'would not accede to the request that they should cease fighting'. In any case, the proposal was quietly permitted to lapse, though the three Baltic Republics of Esthonia, Latvia, and Lithuania had accepted the proposal.

3. *The Bullitt Mission, 18th February 1919.* Between February and April the Council of Four, as it had then become, was almost wholly engrossed with the German peace, and Mr. Lloyd George in the memorandum he circulated privately on the 25th March contented himself with observing that 'it

is idle to think that the Peace Conference can separate, however sound a peace it may have arranged with Germany, if it leaves Russia as it is to-day '. By that time, however, a step had been taken round which controversy long continued to centre. On the 18th February Mr. William C. Bullitt, a member of the American Commission to negotiate Peace, received instructions from Mr. Lansing, then Secretary of State, ' to proceed to Russia for the purpose of studying conditions, political and economic, therein for the benefit of the American Commissioners plenipotentiary to negotiate peace.'

A full statement was made by Mr. Bullitt as to the nature and outcome of his mission before the Foreign Relations Committee of the American Senate in September 1919. He was instructed, according to this testimony, to go to Russia ' to attempt to obtain from the Soviet Government an exact statement of the terms on which they were ready to stop fighting ', and he was empowered by Colonel House, a member of the American Commission, to indicate the willingness of the United States Government to support proposals for an armistice on all fronts, the re-establishment of economic relations (for Russia was still under Allied blockade), and the conditional withdrawal of all Allied troops from Russian soil. Mr. Bullitt gave it in evidence that he had discussed his mission with Mr. Philip Kerr, Mr. Lloyd George's private secretary, and had prepared in collaboration with him an outline of possible conditions of peace. Mr. Kerr, added Mr. Bullitt, stated that he had discussed the whole matter with Mr. Lloyd George and Mr. Balfour.[1]

4. *The Bolshevik Offer, 14th March.* The immediate outcome of the Bullitt Mission was a document drawn up on the 14th March by M. Tchitcherin and M. Litvinoff containing terms which the Soviet Government undertook to accept provided they were tendered not later than the 10th April. Those terms may be thus briefly summarized.

(1) Short armistice pending a peace conference.
(2) All *de facto* Governments in Russia to retain the territory they hold.

[1] [Mr. Wilson does not appear to have denied Bullitt's statements when brought to his notice, though he did not affirm them. Mr. Lansing, so far as he was concerned, ' found it impossible to make an absolute denial,' *The Peace Negotiations*, 1921, p. 242. Mr. Lloyd George called the whole statement ' a tissue of lies '. Ed. note.]

(3) Economic blockade to be raised and trade relations restored.
(4) Soviet Russia to have unhindered transit to ports on former Russian territory.
(5) General amnesty and resumption of diplomatic relations.
(6) Allied troops to be withdrawn and Allied assistance to anti-Soviet Governments to cease.
(7) The Soviet Government and other Governments on former Russian territory to 'recognize their responsibility for the financial obligations of the former Russian Empire to foreign States parties to this agreement and to the nationals of such States'.

These proposals were immediately telegraphed from Helsingfors to the American Delegation and Mr. Bullitt himself returned forthwith to Paris. Thirty-six hours after reaching there he breakfasted with Mr. Lloyd George (who had been furnished with copies of the Helsingfors telegrams), General Smuts being also present. The British Prime Minister, according to Mr. Bullitt's evidence, attached great importance to the report the American emissary had brought back, and urged him to make it public. He spoke, however, of British public opinion as a fatal obstacle to the action he personally would desire to take.

5. *Mr. Lloyd George on the Bullitt Mission, 16th April 1919.* The report was never published, President Wilson vetoing that course. The appointed day, the 10th April, passed with no action taken, and on the 16th April, just over a fortnight after his conversation with Mr. Bullitt, Mr. Lloyd George rose in the House of Commons and made the following statement in answer to a direct question by Mr. Clynes:

'We have had no approaches at all. Of course there are constantly men of all nationalities coming from and going to Russia, always coming back with their own tales from Russia. But we have had nothing authentic. We have no approaches of any sort or kind. I have only heard of reports that others have got proposals, which they assume to have come from authentic quarters, but these have never been put before the Conference by any member of the Conference at all. There was some suggestion that there was some young American who had come back. All I can say about that is that it is not for me to judge the value of these communications. But if the President of the United States had attached any value to them he would have brought them before the Conference, and he certainly did not.'

That declaration—the ethics of which may, perhaps (in

words employed by Mr. Lloyd George later in another connexion), be left to the unprejudiced judgment of posterity [1]—ended any possibility that might have attached to the Bullitt Mission, and advocates of peace with Russia were left to discover some new method of approach. It was found, or appeared to be found, through the agency of Dr. Fridtjof Nansen, inspired, there is reason to believe, by Mr. Hoover, who held strongly that contacts with Russia established on a humanitarian basis might have valuable political results.

6. *The Nansen Proposal, 3rd April 1919.* What Dr. Nansen, writing as a neutral, proposed to the individual Members of the Council of Four on the 3rd April was the organization of a commission for the relief of Russia, the enterprise to be strictly non-political and carried out under neutral management. After a fortnight's consideration the Council of Four addressed to Dr. Nansen a letter accepting his proposal on conditions embodied in the following paragraph:

> 'That such a course (local distribution on purely humanitarian basis) would involve cessation of all hostilities within definite lines in the territory of Russia is obvious. And the cessation of hostilities would necessarily involve a complete suspension of the transfer of troops and military material of all sorts to and within Russian territory.'

On that basis Dr. Nansen transmitted, or endeavoured to transmit, his proposal to the Soviet Government. There were, however, difficulties, not all unavoidable, in the matter of wireless communication, and it was over a fortnight before his communication reached Moscow. It met with an immediate response in the shape of a characteristically prolix and argumentative Note from M. Tchitcherin, the purport of which was that the letter of the Council of Four, in its insistence on the cessation of hostilities and the suppression of the movements of troops and material, had interwoven military and political proposals with a humanitarian plan; that the Soviet Government would be ready to enter into the former questions with its adversaries, i.e. the Entente Governments, direct; and that meanwhile it would be glad to send delegates to meet Dr. Nansen somewhere outside Russia and discuss the possibilities.

7. *The Question of recognizing Admiral Kolchak.* This suggestion, like those handed to Mr. Bullitt some six weeks

[1] *v.* note on p. 314.

earlier, was not judged worthy of consideration and the Nansen proposal went the way of the Prinkipo proposal and the Bullitt Mission. The next steps taken, indeed, constituted an adventure in quite another direction. Admiral Kolchak, the anti-Bolshevik commander at Omsk, having about this time made a substantial advance westward, the Allies, while temporizing over the proposal to accord him official recognition, announced their intention to support him with money and supplies conditionally on his undertaking to call a Constituent Assembly in the event of his victory over the Bolsheviks.

At the same time the Siberian leader was to undertake to recognize the independence of Finland and Poland, and in the case of the Baltic States and the Caucasian territories to recognize their autonomy pending a final settlement in co-operation with the League of Nations. Admiral Kolchak declined to give a definite assurance with regard to the independence of any portion of former Russian territory, holding this to be a matter for the Constituent Assembly when it came into being; but on other points, including the recognition of the debts of the Tsarist Government, his reply was sufficiently satisfactory to the Allies to lead them to promise him support within the limits already indicated.

Unfortunately for any hopes based on this rapprochement, Admiral Kolchak forthwith began a series of forced retirements and his star from that moment continued steadily to decline. It was indeed not in him, but in General Denikin in Southern Russia, that the Allies placed reliance in the later months of 1919, but Denikin, after reaching Kiev in September, and Oral in October, found himself like the Siberian commander swept back by the tide of Bolshevik resistance. General Yudenitch, operating in the north against Petrograd, suffered a like fate, and in November Kolchak's stronghold of Omsk fell before the Red Army. Thus 1919 closed with the Allies' hopes for the White invaders shattered into ruins.

8. *The Bolsheviks and the Baltic States, February–August 1920.* Not unfittingly the new year ushered in new policies. Henceforward two processes were in constant and simultaneous operation, neither of them making rapid or prosperous headway, but neither ever brought completely to a standstill. One was the attempt at the opening up of commercial relations between Russia and the West, the other the gradual cessation of

hostilities between Russia and her neighbours. Among these the three Baltic Republics of Esthonia, Lithuania, and Latvia concluded peace in February, July, and August respectively, in each case on terms that must be regarded as broadly reasonable.

9. *The Bolsheviks and Poland.* Between Russia and Poland the struggle was longer and more bitter. That was due not merely to the fact that Poland, with the 20 odd millions of inhabitants which the Peace Treaties then gave her, was capable in herself of developing considerable military strength. The protraction of her contest with the Bolsheviks was due much more to the action of the Allies, and in particular of France, whose policy was based on the theory of a powerful Poland as counterpoise to Germany on the one hand, and as a barrier against Bolshevism on the other. In consonance with that theory, General Haller's Polish legion, raised in France, where it had served down to the Armistice, was transported in April 1919 to Poland via Danzig.[1]

When 1920 opened Poland was in a position of no little danger. Kolchak was beaten, Denikin was beaten, the Baltic Republics were near the end of their resistance. The Poles, still executing a policy conceived in Paris, were left to face what, but for the diversion in the south caused by the attacks of General Wrangel (whom the French recognized later in the year as the head of a *de facto* Government), would have been the whole strength of the Soviet Army. The military aspect of the struggle has, however, no special relevance here except in so far as it throws light on the attitude of the Entente Powers, with Poland as their agent, towards the Soviet Government, and of the Soviet Government towards them.

The history of the relations between Russia and Poland in the year 1920, down to the Peace of Riga in October, is a history of strange alternations of victory and defeat, with peace conversations, among which the negotiations initiated at the Spa Conference in July are conspicuous, proceeding simultaneously with little intermission.

(*a*) *The Supreme Council's advice, February 1920; Poles capture Kiev, 8th May.* Poland, as has been said, down to the end of 1919 was acting in large measure as agent for the Allies, and endeavouring broadly to hold the line from which the

[1] *v.* I. 340-1.

Germans fell back after the Armistice, but on the 24th February 1920 the Supreme Council, meeting in London, declared that with regard to the communities bordering on Russia the Allied Governments

'cannot accept the responsibility of advising them to continue a war which may be injurious to their own interest. Still less would they advise them to adopt a policy of aggression towards Russia. If, however, Soviet Russia attacks them inside their legitimate frontiers, the Allies will give them every possible support.'

Poland did not seriously regard that formal warning. The frontier laid down for her provisionally by the Allies in Paris—the Curzon line as it was called—had not at this time been disclosed, but it was revealed later as running roughly from Grodno through Bialystock down to the Bug at Brest-Litovsk and thence along that river to near Sokol, and finally south past Przemysl to the Carpathians.

With that line few Poles, the historic frontier of 1772 occupying all their thoughts, would have been satisfied in January 1920. While the Bolshevik armies were still preoccupied with Kolchak and Denikin, Polish forces captured Dvinsk and moved south-east towards Kiev. February and March were occupied in resultless peace negotiations and towards the end of April the great Polish offensive, undertaken in conjunction with a Ukrainian army under Petliura, was launched. The result was a considerable success, culminating in the fall of Kiev on the 8th May. That was the high-water mark, the Bolshevik armies massing, regaining the Ukrainian capital, and pressing the Poles steadily back.

(*b*) *The Supreme Council and the British advice to Poland, July 1920.* By the time the Supreme Council met at Spa in July the Poles were in full retreat. M. Grabski, the Polish Prime Minister, accompanied by the Foreign Secretary, M. Patek, appealed for Allied intervention, with the result that a proposal was framed that the Polish armies should retire voluntarily behind the Curzon line, already defined. That was only part of a peace proposal placed before both belligerents, the suggestion being that Poland's withdrawal of some 125 miles should be followed by the convocation of a Peace Conference in London, to be attended by Russia, Poland, and the various border states. The actual Note, dispatched on the 11th July, specified the Curzon line to which it was proposed

that the Poles should withdraw, and then developed the proposal

'that, as soon as possible thereafter, a conference sitting under the auspices of the Peace Conference should assemble in London, to be attended by representatives of Soviet Russia, Poland, Lithuania, Latvia, and Finland, with the object of negotiating a final peace between Russia and its neighbouring States.'

The Note continued:

'The British Government, as a separate proposal, suggests that an armistice should similarly be signed between the forces of Soviet Russia and General Wrangel on the condition that General Wrangel's forces shall immediately retire to the Crimea and that during the armistice the isthmus be a neutral zone and that General Wrangel should be invited to London to discuss the future of the troops under his command and the refugees under his protection, but not as a member of the conference.'

An immediate answer to the Note was requested, and it was intimated without any language of menace that if, despite these proposals, the Soviet Government took action against Poland within Polish territory, Great Britain and the other Allies would feel bound to assist the Poles with all the means at their disposal.

To have attended a political conference in London in 1920 would have meant for the Soviet Government a rapid step towards recognition. It was, indeed, largely on that ground that the French declined to add their signatures to the British Note. There was, therefore, every reason to expect a favourable reply from Moscow, unless the military success achieved by the Red Armies led the Soviet Government to prefer other methods of settlement than conference.

(*c*) *Lenin's reply.* It was soon made apparent that Lenin and his colleagues did take that view. In a lengthy reply transmitted a week after the receipt of the British Note, the Soviet Government declined the proposals put before it. London, it was contended, was not a suitable venue for such a conference, in view of England's anti-Soviet bias. There was no point in inviting the border States, for they were at peace with Soviet Russia already. The Armistice line fixed for Poland was actually less favourable to her than the line the Soviet Government was ready to offer. And as for General Wrangel's forces, their unconditional capitulation was demanded.

In reply to this communication the British Government

telegraphed to Moscow waiving the proposal that the Conference should meet in London, and to Warsaw advising the Poles to accept the Russian offer of direct negotiations. Whether that offer was seriously meant was impossible to decide, particularly since it was both in keeping with Soviet methods generally and to the advantage of the Soviet leaders in this special case, to spin out time in abortive negotiations while their armies continued to advance. The least favourable view of Moscow's intentions was taken in Paris, and the French Government took what proved the decisive step of sending General Weygand to Warsaw as military adviser.

(*d*) *The Russian advance and defeat, July–September 1920.* The Russian advance from this time was rapid, and the Polish capital being gravely threatened, Poland, on the 30th July, appealed for an armistice. But delays and controversies followed, the Soviet troops continuing meanwhile to overrun Polish territory. The Allies now discussed the situation at a conference at Hythe and decided to help Poland with munitions but not with men. On the 10th August, the peace terms offered by Russia were made known, but procrastination still continued at Minsk, where *pourparlers* began. The Russians had, meanwhile, got within twelve miles of Warsaw, and a Polish counter-offensive began under General Weygand's direction.

A diplomatic development of some importance at this juncture calls for mention. The Russians at Minsk put forward a demand, indicated only vaguely in the statement handed to Mr. Lloyd George by the Russian representative in London that, while the Polish Army should be reduced to 50,000, there should be an armed gendarmerie of 200,000 consisting of Trade Unionists only. In view of that demand Mr. Lloyd George and Signor Giolitti, who happened at the moment to be in conference together, issued a declaration to the effect that the terms proposed were incompatible with national independence.

Such moral intervention was hardly needed by the Poles, whose armies were now driving eastwards, and fortune continuing to favour their troops they penetrated far into regions to which Poland could make no just claim on grounds of nationality. In point of fact the Polish Armies had in the course of September passed beyond Grodno, Brest-Litovsk, Kovel, and Luck, and before the month was over they had occupied

Baranovitchi and Pinsk. (Incidentally also Vilna, of which the Lithuanians had taken possession on its evacuation by the Russians in August, was seized on the 9th Oct. ostensibly without orders from Warsaw, by the White Russian General Zeligowski, an ally of the Poles and in their pay.) Poland thus succeeded at Russia's expense in practically doubling the territory the Curzon line would have given her, raising her population to an estimated 27,000,000.

(*e*) *Russo-Polish Armistice and Treaty of Riga, 12 Oct. 1920.* Under such circumstances the negotiations, which had been broken off at Minsk, were resumed in September at Riga, and there an armistice and a preliminary treaty on lines dictated, not by the Russians but by the Poles, were signed on the 12th October. A definitive treaty, by which Poland gave Russia *de jure* recognition, was negotiated, also at Riga, in the following March. With this settlement Allied contacts with Russia, through or in relation to, Poland terminated. (*v.* map, p. 283).

10. *Supreme Council and Supreme Economic Council begin to develop trade relations with Russia, January–May 1920.* The first important step towards the development of trade relations with Soviet Russia took place during a meeting of the Supreme Council in Paris in January 1920, when it was decided

> 'to give facilities to the Russian co-operative organizations which are in direct touch with the peasantry throughout Russia, so that they could arrange for the import into Russia of clothing, medicines, agricultural machinery, and the other necessaries of which the Russian people are in sore need, in exchange for grain, flax, &c., of which Russia has surplus supplies.'

Prior to this some attempt had been made to open up trade with the co-operative societies in the area controlled by General Denikin in South Russia, but the failure of that commander to hold the territory he was occupying brought the plan to nothing. During the Supreme Council sittings representatives of the Russian Co-operative Societies were in Paris, and there was some idea of arranging direct trade relations between them and the co-operative organizations in Great Britain and other countries. Italy, it may be observed, was already doing sporadic trade with Russia, and while always prepared to support any joint plan for the development of trade relations, never recognized any imperative necessity for such a plan, since each nation was perfectly free to take its own course in the matter.

That was emphasized at the San Remo Conference in April 1920, by Signor Nitti, who pointed out with force that, while the Allies had undertaken to make no separate peace with Germany, they were not at war with Russia, and if they could not conclude trade agreements with her jointly they had better go their several ways in independence.

The proposed arrangements with Russia were in the hands of the Supreme Economic Council, which still existed at this date, and difficulties early arose through the British Government's refusal to readmit M. Litvinoff to its soil as a member of the trade delegation it had agreed to receive. That and other matters were discussed at Copenhagen in April by members of the Supreme Economic Council with representatives of the Russian Co-operative Societies, which by this time had been taken over by the Soviet Government itself.

At this point political considerations began, as was inevitable, to blend with economic. M. Krassin, nominated by the Moscow Government to represent the Russian Co-operatives, wired that it was necessary 'in the first place to agree on broad lines on general conditions for re-establishing economic and commercial agreements between the countries in question, which require formal negotiations and definite agreements'. This and other aspects of the general question were discussed at San Remo, with the result that the Supreme Council, in the persons of Mr. Lloyd George, M. Millerand, and Signor Nitti, decided to empower the Permanent Committee of the Supreme Economic Council, subject ultimately to the Allied Governments, 'to make such arrangements with the Russian Delegation as are necessary to enable trade with Russia to be resumed as rapidly as possible'.

11. *Krassin and the Russian Trade Mission to London, May 1920.* The way thus cleared, a Russian Trade Delegation, with M. Krassin at its head, reached England at the end of May, its members undertaking on landing to engage in no form of political propaganda. M. Krassin was soon brought in touch with the Prime Minister and other members of the Cabinet, but no great progress was made towards a general agreement, much dissatisfaction being expressed in Whitehall with the Soviet Government's failure to execute duly the agreement on an exchange of prisoners negotiated between Mr. James O'Grady, M.P., and M. Litvinoff at Copenhagen in February, and with

that Government's assiduous endeavours to stir up trouble in the Middle East and elsewhere.

(*a*) *The four British points, June 1920.* The purpose of M. Krassin's mission was in the first instance merely to negotiate as to the conditions under which more or less normal trade relations between Great Britain and Russia could be resumed, but it became increasingly apparent that there could be no real severance between the political and economic aspects of the situation. By the end of June, however, four requirements were definitely laid down by Great Britain as conditions of a formal agreement, viz.:

(1) Mutual undertaking to refrain from hostile actions and subversive propaganda.
(2) Mutual return of all prisoners, civilian and military.
(3) Soviet Government to recognize its obligations to compensate private citizens to whom payment for goods or services is due.
(4) Right of each party to object to individual agents of the other as *personae non gratae.*

Small progress, however, was made on this basis owing to the intervention of the Polish offensive, the dispatch of the Allied Note from Spa proposing a conference in London, and the decision of the British Government to suspend negotiations regarding trade till these more specifically political questions had been settled or put in the way of settlement.

That detracted considerably from the importance of a telegram received from Moscow, whither M. Krassin had returned with the British terms, indicating acceptance of those terms on principle, and it was not till the end of July that the British Government signified its readiness to receive the Russian delegation. The situation meanwhile was becoming complicated as the result of indications that the Bolsheviks, by offering to subsidize *The Daily Herald* and in other ways, were endeavouring to make political propaganda in London; and in September M. Kameneff, who had joined the delegation in London earlier in the summer, was informed by the British Government, on the eve of his departure on a visit to Moscow, that he would not be permitted to return to England.

(*b*) *The Draft Trade Agreement, November 1920.* It was not till the end of November that matters were so far advanced as

to admit of a draft Russian Trade agreement, prepared by the Interdepartmental Committee which had been established in Whitehall to deal with Russian commercial questions, being handed to the Soviet representative M. Krassin. Public attention was focussed mainly on the important point of whether goods 'nationalized' by the Soviet Government would be liable to attachment if imported into this country. On that Mr. Justice Roche had given an affirmative decision, which promised to impede gravely the development of trade relations, but the Law Officers gave it as their opinion that such a judgment would not lie once the Government had, by signing the Trade Agreement, recognized Russia *de facto*, and M. Krassin was informed that, if any other steps were needed to meet this difficulty, the British Government would take them.

12. *The Russo-British Trade Agreement, 16th March 1921.* Finally, on the 16th March 1921, the Trade Agreement between Great Britain and the Russian Socialist Federal Soviet Republic was signed in London by Sir Robert Horne, the Chancellor of the Exchequer, on the one side, and M. Krassin, on the other. It consisted of fourteen clauses, with an annex, the following being among the main provisions embodied:

(1) Mutual pledge against hostile action and propaganda.
(2) Mutual release of persons forcibly detained.
(3) Raising of blockade.
(4) Freedom of movement of shipping of either country in the ports of the other.
(5) Regulations with regard to the admission of trade representatives and official agents.
(6) No attachment of Russian gold or commodities in Great Britain.
(7) Soviet Government to recognize its obligation to compensate private citizens to whom payment for goods or services is due.

The preamble of the document declared that the agreement was merely preliminary to 'the conclusion of a formal general Peace Treaty' covering both political and economic relations between the two countries. On the occasion of the signature of the Trade Agreement Sir Robert Horne handed to M. Krassin a long letter enumerating in detail examples of that subversive propaganda from which the Soviet Government under the

first clause of the Agreement undertook to refrain for the future.

13. *Causes of its failure.* The road was now clear of all obstacles (except *de jure* recognition) to the development of trade between Great Britain and Soviet Russia. Trade between Great Britain and Soviet Russia failed to develop. That was due partly to the impoverished condition of Russia, visited in 1921 by famine which made the demand for relief on an international scale inevitable. Most of the Western Governments made a gesture of response, but a conference of Government representatives which met at Paris in September and at Brussels in November stipulated that the acknowledgment of Russian debts must precede any movement of assistance, after which the whole proposal dropped. Active relief work was, however, initiated by the American Relief Administration and by an *ad hoc* organization created through the co-ordination of existing agencies by Dr. Nansen, acting as the agent of a conference of representatives of Governments and of private societies which had met at Geneva in August.

A more serious obstacle to the expansion of Russo-British trade was the failure of the Soviet Government to give any satisfactory assurances regarding foreign properties nationalized since the downfall of the Tsarist Government in Russia. It was manifest that trade with Russia would for the immediate future be dependent on the grant of commercial credits (since no Government was prepared to advance money to Moscow), and the private investor whose properties in Russia had been confiscated without any assurance of compensation could not be expected to engage in the operation commonly known as throwing good money after bad. That situation was not substantially improved by certain relaxations effected in March 1921 in the communistic economic system then established in Russia, and so far as Great Britain and other Western European countries were concerned trade with Russia still formed a negligible percentage of their commerce as a whole. The main outcome of the Trade Agreement diplomatically was the dispatch of a British official agent to Moscow, but without the definite status either of Minister or Consul.

14. *Cannes; the proposed Economic and Financial Conference, 6th January 1922.* These conditions persisted through 1921 and were still maintained when the Supreme Council of

the Allies met at Cannes in January 1922, to discuss primarily the new crisis then impending in regard to German reparations. The meeting had been preceded by direct conversations in London a fortnight earlier between Mr. Lloyd George and M. Briand, and though the French were far from enthusiastic regarding fresh approaches to Russia they were in no sense taken by surprise when the British Prime Minister raised the whole Russian problem in a new form at Cannes.

The essential feature of the resolution by Mr. Lloyd George unanimously adopted on the 6th January was the proposal that Russia should be invited to meet the other nations of Europe on an equal footing at a general 'Economic and Financial Conference'. The only occasion at which contacts at all comparable—and even so in a very limited field—had been established since the Russian Revolution was at a Health Conference held under the auspices of the League of Nations in March 1921.

The resolution was drafted with special reference to Russia, and its terms had so direct a bearing on what subsequently took place at Genoa that it is desirable to quote them *in extenso*, as follows:

'The Allied Powers in conference are unanimously of opinion that an Economic and Financial Conference should be summoned in February or early March, to which all the Powers of Europe, including Germany, Russia, Austria, Hungary, and Bulgaria, should be invited to send representatives. They regard such a Conference as an urgent and essential step towards the economic reconstruction of Central and Eastern Europe, and they are strongly of opinion that the Prime Ministers of every nation should, if possible, attend it in person in order that action may be taken as promptly as possible upon its recommendations.

'The Allied Powers consider that the resumption of international trade throughout Europe and the development of the resources of all countries are necessary to increase the volume of productive employment and to relieve the widespread suffering of the European peoples. A united effort by the stronger Powers is necessary to remedy the paralysis of the European system. This effort must include the removal of all obstacles in the way of trade, the provision of substantial credits for the weaker countries, and the co-operation of all nations in the restoration of normal prosperity.

'The Allied Powers consider that the fundamental conditions upon which alone this effort can be made with hope of success may broadly be stated as follows:

1. Nations can claim no right to dictate to each other regarding the principles on which they are to regulate their system of owner-

ship, internal economy, and government. It is for every nation to choose for itself the system which it prefers in this respect.

2. Before, however, foreign capital can be made available to assist a country, foreign investors must be assured that their property and their rights will be respected and the fruits of their enterprise secured to them.

3. The sense of security cannot be re-established unless the Governments of countries desiring foreign credit freely undertake:

(*a*) That they will recognize all public debts and obligations which have been or may be undertaken or guaranteed by the State, by municipalities, or by other public bodies, as well as the obligation to restore or compensate all foreign interests for loss or damage caused to them when property has been confiscated or withheld.

(*b*) That they will establish a legal and juridical system which sanctions and enforces commercial and other contracts with impartiality.

4. An adequate means of exchange must be available, and, generally, there must be financial and currency conditions which offer sufficient security for trade.

5. All nations should undertake to refrain from propaganda subversive of order and the established political system in other countries than their own.

6. All countries should join in an undertaking to refrain from aggression against their neighbours.

'If in order to secure the conditions necessary for the development of trade in Russia the Russian Government demands official recognition, the Allied Powers will be prepared to accord such recognition only if the Russian Government accepts the foregoing stipulations.'

15. *Genoa, 1922.*

(*a*) *The six points.* Genoa was chosen as meeting-place, and a provisional agenda of six points, the last three of them uncontroversial and the first three the reverse, drafted and circulated as follows:

(1) Examination of the methods of putting into practice the principles contained in the resolution adopted at Cannes on the 6th January 1922.
(2) The establishment of European peace on a firm basis.
(3) Essential conditions for re-establishment of confidence without injury to existing treaties.
(4) Financial subjects.
(5) Economic and commercial subjects.
(6) Transport.

At the same time the Supreme Council approved the establishment of 'an International Corporation, with affiliated

National Corporations, for the purpose of the economic restoration of Europe and the co-operation of all nations in the restoration of normal prosperity'. It was well understood that the main purpose of this body was to finance trade with Russia, but as the result of subsequent developments at Genoa it never acquired any actual importance.

(*b*) *Tchitcherin accepts the invitation; problem of recognition.* The decisions of the Cannes Conference being duly reported in the press, and through that channel transmitted to Moscow, M. Tchitcherin precipitately and enthusiastically accepted the prospective invitation before it had been officially issued at all. The United States, on the other hand, whose participation in the Genoa Meetings was greatly desired, declined to be represented.

It was manifest that the real problem before the Genoa Conference would be the recognition of Soviet Russia. The position at that date was that trade agreements had been negotiated with a number of individual nations, notably Great Britain, Germany, Italy, Norway, and Austria, and that treaties had been signed involving full *de jure* recognition with Poland, Finland, and the three Baltic Republics. Of the three principal members of the Supreme Council, Great Britain, as represented by her Prime Minister though not by the whole Cabinet, was anxious for the development of closer relations with Russia. Italy took the same view, but France showed herself markedly reluctant to move with her Allies. She had signed no trade agreement with Moscow, and representatives of the Russians of the old régime had always found a more sympathetic ear in Paris than in London or Rome.

The Genoa Conference was actually attended by representatives of thirty-four States, and though its technical commissions did work of some value, controversy centred predominantly round the question of relations with Russia. The Soviet Government was represented by its Foreign Minister, M. Tchitcherin, M. Krassin, M. Litvinoff, and M. Rakowsky, President of the Ukraine Soviet.

Day by day, from the polemic intervention of the French delegate, M. Barthou, at the opening session, down to the final collapse of the negotiations five weeks later, every point raised was vigorously and tenaciously contested. The main antagonism was between the French on the one hand and the Russians

on the other, with Britain and Italy making unwearied efforts to prevent the two extremes from losing contact altogether.

(*c*) *Methods at the Conference.* On the methods adopted one word must be said, since it was claimed, with a considerable show of justice, that they were largely responsible for an unlooked-for development which in the end remained the sole political outcome of Genoa. The Conference held one plenary meeting, at which it determined to resolve itself into four Commissions, the chief of them dealing with all purely political questions. That Commission duly met and appointed a working sub-commission (consisting of the representatives of Britain, France, Italy, Poland, Rumania, Belgium, Switzerland, Sweden, Germany, and Russia), which, after holding a preliminary meeting, when an important memorandum on trade with Russia drawn up by Allied experts in London was produced, adjourned for forty-eight hours to enable the Russian delegation to study the memorandum.

At the end of that interval it failed to reassemble. Private conversations had been in the meantime initiated at the villa of the British Prime Minister, in which there participated representatives of the four Supreme Council Powers, Britain, France, Italy, and Belgium, the Russians being from time to time called into consultation. To these conversations Germany was not invited, a fact which, combined with the alleged failure of the head of the German delegation, Dr. Rathenau, to gain access to Mr. Lloyd George after repeated attempts, led the Germans suddenly to sign at Rapallo, close to Genoa, a Treaty they had for some time been negotiating with the Soviet Government.

(*d*) *German-Bolshevik Treaty of Rapallo.* The Treaty consisted of six articles, the contracting parties undertaking to renounce mutually all claims for war damages and indemnities and to assist in supplying one another's economic needs. Its signature caused an immediate sensation, and there was for a time some prospect that the French delegation would withdraw altogether, on the ground that the Germans by taking separate action had run counter to the whole spirit of the Conference. They also argued that Germany, in according diplomatic recognition to Russia, had departed from the implied conditions embodied in the Cannes invitation, which she had formally accepted. The course actually followed was that an

irregular and improvised body, consisting of the four major Allied Powers, with Belgium, Czecho-Slovakia, Yugo-Slavia, Rumania, Poland, and Portugal, excommunicated Germany from the Political Sub-Commission and announced that they held themselves free to declare the Treaty of Rapallo null and void. This action could, of course, have had no effect on its validity as between the two Powers concerned.

16. *The break-down of the Conference.*

(*a*) *Russian demands.* The Rapallo episode conspired with other factors to prejudice gravely the success of the Genoa Conference, and by the time the Conference had reached its fifth week it was clear that there could be no agreement on the vital question of compensation for private property nationalized—a matter which the French and Belgian delegations declared to be of capital importance to them. In the early part of the Conference there seemed reason to hope the Russians would accept a settlement based on the following principles:

(1) Allies admit no compensation claims advanced by the Soviet Government.
(2) Allies agree to write down war debts and, in regard to other claims, to consider the postponement or even the partial remission of interest.
(3) Russia must meet fully the claims of foreign nationals in regard to debts due to them or compensation for foreign property nationalized.

Though, as has been said, the Soviet delegates replied to proposals of that nature in a Note which seemed to indicate acceptance, they insisted that *de jure* recognition must precede any recognition of Tsarist debts. It further appeared, as the discussions developed, that the Russians had understood the term 'writing-down', applied to the war debts, as meaning 'writing-off'. At all events they stood in the later stages of the Conference for—

(1) Complete cancellation of war debt.
(2) Extensive credits direct to the Soviet Government.
(3) Compensation due to Russia for damage sustained through the Allied support of Denikin, Kolchak, and other White aggressors.

(*b*) *The question of compensation for private property.* The

latter demand was merely put forward for bargaining purposes, and it assumed no great prominence in the discussions. On the other two the Russians stood firm. It was, however, the question of compensation for private property which led to the final break-down of the negotiations, for on this matter the united front of the non-Russian Powers broke, Belgium being content with nothing less than the physical restoration of foreign property where it was still in existence, and France reserving her assent to the non-Russian proposals as a gesture of friendship with Belgium. The other non-Russian Powers would have been satisfied with an assurance of equitable compensation, but the Soviet delegation never went farther than undertaking to accord to former foreign owners a 'preferential right' to the recovery of their property on terms to be fixed, and it was explained, unofficially but candidly, that if some new speculator should outbid a former owner in relation to the latter's property the new-comer would enter on possession.

(c) *The Hague Conference and the Non-Aggression Pact.* Under those circumstances the Genoa Conference reached its last phase at a meeting consisting of the four Supreme Council Powers with Belgium, which on the 14th May drafted a reply to a lengthy Russian memorandum dated three days earlier. In the memorandum in question one loophole for the continuance of negotiations had been left. The Russians had observed that the best method after all might be for purely financial questions to be discussed as such by experts. That suggestion the Allied Powers seized on, and at the final plenary session of the Genoa Conference on the 19th May it was decided that a meeting of experts should take place at The Hague in the following month, with the understanding that, pending the conclusion of the experts' discussion, the Governments represented at Genoa should refrain from recognizing or supporting private arrangements made by their nationals with the Soviet Government. An undertaking, known as the 'Non-Aggression Pact', singular in that there was no attempt to make it more than merely verbal, was simultaneously entered into by the delegates present at Genoa. It bound the nations they represented to refrain from acts of aggression or hostile propaganda for a period of four months from the closing of the work of the Hague Commission. The pledge, for what it was worth, affected no one but Russia, all other nations being already much more

effectively bound by the League of Nations Covenant or by the Peace Treaties.

Such was the output of Genoa. With regard to certain technical matters, concerning transit, financial, economic, and health questions, various problems were referred to the League of Nations, with the suggestion that representatives of such countries as Russia, not members of the League, should be given places on the League Committees dealing with these matters. Though the Russians at Genoa made formal protests against this arrangement it seemed by no means improbable that advantage would subsequently be taken of it, a certain slender contact with the Western Powers being maintained in this way.

17. *The Hague Conference, June–July 1922.* The Hague discussions of experts formed a postscript to Genoa, and constituted to all appearance the last attempt to settle with Russia through the method of international conference. The conversations continued for over a month, and at the end no progress of any consequence could be reported. Once more the question of private property proved the stumbling-block, the sub-commission appointed to deal with that baffling problem being compelled to open its report with the declaration that:

> 'The First Sub-Commission has to report with sincere regret that as a result of its labours it is plain that no satisfactory arrangement on the subject of private property can be recommended at the present Conference.'

At the final plenary session at The Hague one door was indeed half-opened, in appearance, at any rate, by M. Litvinoff, who offered to refer to Moscow a proposal that the Russian Government should acknowledge the debts due by itself and its predecessors to foreign nationals, and give compensation for property nationalized, on the undertaking that terms of payment and of compensation should be left to be arranged direct between the Soviet Government and the individuals concerned over a period of two years. That wholly inconclusive proposal was formally welcomed by the Conference, but it was impossible to regard it as justifying further discussions on the spot. When the delegates dispersed the suggestion simply lapsed.

18. *Summary and Conclusion.* The Bolshevik revolution

took place in November 1917. Five years later, in November 1922, Russia was still largely in the position of an outlaw among the nations. Her Government had of course obtained *de facto* recognition. There could be no question as to that. But it was recognized *de jure* only by Poland, Germany, the Angora Government (itself unrecognized by the Powers), Persia, Finland, and the Baltic Republics. In addition it had taken part in the Genoa Conference, on an equal footing, for that purpose, with the other nations, and it was a party to trade agreements with Great Britain, Italy, Germany, Czecho-Slovakia, and other States. It had sent delegates to a League of Nations Health Conference, but from the League itself it held resolutely aloof. In its isolation it continued to constitute not merely a European problem but a European peril.

CHAPTER IV

THE WORLD OUTSIDE EUROPE

PART I

THE BRITISH DOMINIONS

A. The Status of the Dominions before the Peace Conference

1. *Imperial Management of the Foreign Relations of the British Empire.* At the time of the armistice the British Dominions had come to occupy, with regard to the United Kingdom, a curious and anomalous constitutional position, the full significance of which was but imperfectly understood in the British Empire itself, and which was necessarily still less comprehensible to foreign powers. This was the inevitable result of the genesis of responsible government as a practical method of providing for the conduct of the affairs of large European communities in oversea settlements. The pioneers of self-government for the Colonies recognized that in the ultimate issue it was impossible to reconcile the freedom of the local government and legislature in internal affairs with subjection to Imperial authority in matters external. But they wisely disregarded difficulties which might not be of substantial importance for generations, and secured for the Colonies a measure of internal freedom which transmuted discontent and disaffection into loyalty and prosperity.

As mere colonial dependencies, in all international matters the British possessions had no status of their own, and the control of international relations affecting them lay with the Imperial Government and Parliament; if Canadian or Newfoundland authorities interfered with the exercise of fishery rights in North American waters by citizens of the United States, it was the British, not the Canadian Government, from which the United States' administration demanded redress, and the British Government owed neither legal nor constitutional responsibility to Canada. Yet every consideration of equity and prudence demanded that, in all matters directly and vitally

affecting the Colonies, their Governments should be consulted by the Imperial Government in the conduct of its policy, and in 1856 a formal pledge of consultation was given even to the small colony of Newfoundland which had just received responsible government. An obvious mode of securing co-operation was to associate colonial statesmen with British representatives in treaty negotiations, as when the Premier of Canada took part in the discussions which resulted in the Treaty of Washington of 1871. This method assured the fullest presentation and consideration of colonial views, but the final determination in each case rested with the Imperial Government, which did not hesitate to override the wishes of colonial governments, when it deemed such action necessary in the interests of the Empire as a whole. Thus in 1883 an attempt by Queensland to annex New Guinea was disavowed, and at the Colonial Conference of 1907 Australia and New Zealand protested against the failure of the Imperial Government to meet their wishes regarding the New Hebrides, while Newfoundland protested on the score of the concessions made by the United Kingdom to the United States as regards fishery rights. Notwithstanding these protests, the Imperial Government proceeded to the extreme measure of suspending the operation of Newfoundland legislation to avoid any contravention of American treaty rights, and the objections of the Government of Newfoundland were not seconded by any other colonial government.

2. *Consultation of the Dominions on Issues directly affecting them.* While, however, the Imperial Government retained final control of foreign issues affecting the colonies, its action was naturally dominated by the desire to meet the wishes of the colonies, especially in the sphere of economic policy. It was early recognized that it would be a derogation from effective self-government that the colonies should be bound automatically by commercial treaties concluded by the United Kingdom, and from 1880 steps were taken to obtain the insertion in such treaties of clauses which rendered their application to the self-governing colonies dependent on the desire of those colonies. From 1899 foreign powers were asked to concede to the colonies the right of withdrawing separately from general treaties of commerce to which they might adhere, and by 1914 the process had been carried so far that the Dominions were in a position to withdraw, if they so desired, from almost every commercial

treaty entered into by the United Kingdom. Moreover, there had grown up a practice, definitely regulated in 1895, under which special commercial arrangements were negotiated by the Imperial Government with foreign powers in the interests of individual colonies, such as that of 1893 regarding Franco-Canadian trade. The substance of such conventions was determined on the British side by the colony concerned, the Imperial Government reserving to itself the decision as to whether the terms proposed could be accepted without injury to the rest of the Empire, while every tariff concession made to a foreign power had automatically to be extended to every part of the Empire. In 1907 a further concession was made; whereas in earlier negotiations colonial representatives had acted in conjunction with British diplomats, it was now agreed that the negotiations might be left in the hands of colonial ministers, acting on the authority of powers granted by the King, and British officials be associated with them only in the signature of agreements duly arrived at. The formal and real control of the Imperial Government remained intact; it could refuse to issue the necessary powers to negotiate, without which colonial ministers could not act; no treaty could be signed until it had approved its terms; it could refuse to ratify any convention of which, even after signature, it disapproved. On the other hand, the colonial ministers had the fullest power of negotiation within the limits marked out by the Imperial Government, and were subject to effective control by their Parliaments, to which by constitutional usage they submitted the arrangements concluded, before asking the Imperial Government to advise their ratification by the King.

While commercial negotiations of this type emphasized the development of a separate individuality on the part of the Dominions, as the self-governing colonies came to be styled after 1907, there was still no breach in the diplomatic unity of the Empire. The Dominion negotiators both technically and actually were Imperial representatives, though the subject-matter of their negotiations affected only a portion of the Empire. In 1912, however, a very important departure from this practice took place; at the Radiotelegraphic Conference the Dominions were represented separately from the United Kingdom by Dominion plenipotentiaries, acting under the sole instructions of their own governments and not of the Imperial Government,

and authorized to represent the views of the several Dominions only. The Imperial Government still retained the sole power of issuing the necessary authority to the Dominion representatives to act as plenipotentiaries, and it could refuse to advise the King to ratify any convention arrived at, even though ratification was asked for by the Dominions. But it had lost the right of issuing instructions to Dominion representatives as to the views they were to take in the course of the negotiations; it could no longer intervene to prevent the signature of a treaty which it disliked, and it left the Dominion representatives free to oppose British views, if they thought fit. The precedent thus created was followed in the Conference on the Safety of Life at Sea in 1914, and a model thus came into existence which was to have decisive influence on the position of the Dominions in the peace negotiations of 1919.

3. *Sole Control by the United Kingdom of General Imperial Questions.* Abundant provision thus existed in 1914 for the due influence of the Dominions in all matters directly and immediately affecting them, as opposed to questions of general Imperial concern. For almost the whole period of responsible government in the colonies before the war of 1914, such issues remained the exclusive affair of the Imperial Government. Of this anomaly there was a simple historical explanation. In the early years of responsible government there was no thought of exacting either military or naval aid in case of European wars from the struggling dependencies; indeed Imperial forces were at first maintained in them, available to safeguard internal order as well as to secure them from external attack. By 1870 it was recognized that the presence of these forces was inconsistent with the principles of responsible government; British troops were gradually withdrawn from all save naval bases, and the duty of maintaining order locally was left in the hands of the colonial governments. Each colony was also expected to assist in her own defence from external aggression, but was assured of the protection, primarily of the British Navy, and secondarily of the British Army. Reliance on this aid discouraged military preparations; it was only in 1909–12 that in Australia, New Zealand, and South Africa, limited measures of compulsory training of youths for home defence were introduced, while Canada remained content with voluntary training on a small scale. Apart from co-operation in case of actual attack, there

was no constitutional obligation for the Dominions to afford assistance to the United Kingdom in case of war. In the Boer War of 1899–1902, it was popular pressure rather than governmental initiative, which resulted in the dispatch of colonial forces to South Africa, and the Dominion Governments showed a consistent reluctance to enter into any arrangements with the Imperial Government as to affording military aid in the event of war.

4. *Dominion Claims at the Imperial Conference of 1911.* In naval matters the situation was radically similar. At the Colonial Conferences of 1887, 1897, and 1902, agreements were entered into by the Colonies, other than Canada, for small pecuniary contributions to naval funds in return for the undertaking by the Admiralty of measures of local protection in excess of those deemed necessary from the purely naval point of view. Even in 1907–14 when Australia, New Zealand, and Canada adopted the policy of developing local navies, the essential aim of these schemes was defensive, and the Dominion Governments declined to enter into any formal engagement that those forces should co-operate with the British Navy in the event of war, although they recognized that such a step would normally be taken. The development of Dominion naval interest, however, was largely prompted by the lessons of the Russo-Japanese war and the obvious growth of tension in Europe consequent on the war. These events brought home to the people of the Dominions the fact that they could not content themselves with leaving foreign affairs in general entirely in the hands of the Imperial Government, and this feeling took shape in a protest made formally at the Imperial Conference of 1911 against the conclusion of the Declaration of London in 1909 without reference to the Dominions. New Zealand, indeed, went so far as to propose at that Conference a scheme of Imperial Federation as regards foreign affairs and defence. But the other Dominions, and particularly Canada, were not prepared to accept a system which would impose on them definite obligations in respect of defence, while the actual decision in foreign affairs would still rest, by reason of her superiority in population, with the United Kingdom. The Conference, therefore, contented itself with the promise of the Imperial Government to consult the Dominions in preparation for the participation of the United Kingdom in general political

conferences such as the Hague Conferences. At the same time an important innovation in procedure was made; at a meeting of the Committee of Imperial Defence a statement on British foreign policy was made by Sir Edward Grey to the Dominion representatives, in which the principles affecting the action of the Imperial Government were explained. Shortly after the Conference there was a change of government in Canada; the new ministry evinced a greater interest in foreign relations than its predecessor, and the Premier, Sir R. Borden, after a visit to London, asked Parliament to sanction a grant of 35 million dollars to be expended on the construction of capital ships for presentation to the British Navy, a project defeated by the opposition of the Senate. The Imperial Government reciprocated this increase of interest by suggesting that each Dominion should maintain in London a resident minister from the Dominion cabinet, who would be in direct touch with the Foreign Office, and serve as a means of securing to the Dominions due influence on British foreign policy. But this suggestion was hardly acted upon prior to the outbreak of war.

5. *The Dominions in the War and the Imperial War Cabinet; the Position of India.* Hence it was that the Dominions had no share in, or knowledge of, the policy of the Imperial Government in entering into the war of 1914 other than the statements made in Parliament immediately before the declaration of war. That event automatically brought them into hostile relations, first with Germany, and then with her allies; but it left them free to decide whether to take an active part in the struggle, or to content themselves with repelling any attack made on them. In point of fact they hastened to give assurances of approval of the British decision, and of determination to lend their aid. The valuable Australian fleet and the small ships owned by Canada and New Zealand were placed at once under the control of the Admiralty, and in all the Dominions steps were taken to raise military forces for dispatch to England. These forces were at first raised on a purely voluntary basis, but, as the struggle was prolonged and the need of men increased, recourse was had to a compulsory system in New Zealand in 1916; in Canada the same step was taken in 1917, but only after a conflict between the advocates of conscription and of the voluntary system, which resulted in the formation of a coalition government, united on the principle of taking every step to secure the

reinforcement of the Canadian troops in France. Newfoundland also applied compulsion, but proposals for its acceptance were twice rejected at referenda in Australia in 1916 and 1917, and could not even be contemplated in South Africa in view of the cleavage of opinion there. Local operations were also undertaken, in co-operation with the navy, by Australia and New Zealand, resulting in the occupation of the German possessions in the Pacific south of the equator, while South African forces with naval aid reduced German South-West Africa in 1914–15, though opposition to participation in the war from Boers, anxious to recover the independence lost in 1902, led to a rebellion which was only suppressed with considerable loss of life.

The naval and military forces sent overseas by the Dominions fell under the control of the Imperial Government, but in return an assurance was given to the Dominions that they would be consulted in regard to the terms of peace when that came to be negotiated. As the war progressed and the probability of an early issue vanished, the necessity of closer relations between the Imperial and Dominion Governments became obvious, and on the change of government in the United Kingdom in 1916 arrangements were made for meetings between Dominion and British ministers to consider co-operation in war activities and the terms on which peace might be made. To these meetings in 1917 and 1918 the style of Imperial War Cabinet was given, as a parallel to the term British War Cabinet, applied to the new ministerial body created to deal with the war, but the term Cabinet in this application had a novel sense. The Imperial War Cabinet had no Prime Minister, the British Premier presiding only as *primus inter pares*; its members had no collective responsibility, and owed an account of their views to different authorities; majority decisions were impossible, as no Dominion could be required to sacrifice its freedom of action; nor had the Cabinet any direct executive authority; any action taken after discussion in this Cabinet of Governments, as Sir R. Borden styled it, had to be carried out by order of, and on the responsibility of, the several governments represented. Yet, although this body was inevitably dominated by the British ministers under whose control were the naval and military forces of the Empire, the new machinery afforded the Dominions the best available opportunity of sharing in the

determination of Imperial policy for the conduct of the war and the terms of peace.

Both in 1917 and 1918 India, including the Native States, was accorded like representation with the Dominions in the War Cabinet. When the constitution of the Imperial Conference was drawn up in 1907, India was excluded on the ground that she did not enjoy responsible government, and that accordingly her interests would properly be safeguarded by the Imperial Government. The great services, however, rendered by India in the war, both in men and money, rendered it impossible to treat India on the footing of a Crown Colony; on the 20th August 1917, the Imperial Government pledged itself to the introduction of reforms leading up to self-government, and the Dominions readily conceded the right of India, even during the transition state, to take her place in the War Cabinet.

B. The Dominions at the Peace Conference.

6. *The Dominion Demand for separate Representation.* Scarcely had the sessions of the War Cabinet in 1918 terminated, than the success of the Allied offensive rendered it necessary for the Imperial Government to summon its members to consider the British attitude in regard to the terms of peace. At this juncture occurred an incident which made an unhappy breach in the harmony hitherto existing between the Imperial and Dominion Governments. The decision of the Imperial Government to express acceptance of the Fourteen Points laid down by the President of the United States as the basis of peace, subject only to a reservation as to the freedom of the seas and an interpretation of the sense of the restoration demanded for the countries invaded and occupied by Germany, was taken without consultation with the Dominions. A strong protest against this procedure was immediately made on the 7th November by Mr. Hughes as Premier of Australia, on the ground that the terms accepted did not guarantee to the Commonwealth the possession of the Pacific territories conquered from Germany, might be held to limit the autonomy of Australia in tariff matters, and did not permit of a demand being made on Germany for a full indemnity for the costs of the war. Mr. Hughes's protests were in part based on a mistaken inter-

pretation of the purport of the Fourteen Points, and were not regarded with entire favour even by his colleagues in the Commonwealth Cabinet, while they did not receive support from the other Dominions. Nor, it seems clear, could the Imperial Government have given effect to his objections at this juncture of events; but no adequate defence was forthcoming for the technical irregularity of failing to consult him, especially as such consultation might have satisfied him and convinced him of the necessity of the course of action pursued.

If, however, Canada and the other Dominions were not prepared to take exception to the general basis of the peace, they were in full agreement with Mr. Hughes as to the necessity of the adoption of such a procedure as would ensure the Dominions an effective position in the determination of the detailed conditions of a settlement. So far the Dominions had appeared to foreign Powers merely as portions of the British Empire; their forces were under British command and control, and they had no separate representation on the Supreme War Council, as established in February 1918 by the Allies fighting on the western front. That Council had taken the preliminary decision that at the Peace Conference each of the five Great Powers should be represented by five delegates, and the Imperial Government suggested that the places should be allotted to four British representatives and a Dominion or Indian delegate, chosen from time to time as the subject-matter to be discussed might dictate. The suggestion was in accordance with precedent, for at no political conference hitherto had the British Crown been represented by separate and independent delegations, and it was argued that the Dominions and India would have a more effective part in this way than if they received representation for themselves on the same basis as the minor Powers allied in the war. But this view did not commend itself to the Canadian Cabinet, which on the 4th December, urged that 'in view of the war efforts of the Dominion the other nations entitled to representation at the Conference should recognize the unique character of the British Commonwealth, as composed of a group of free nations under one sovereign, and that provision should be made for the special representation of these nations at the Conference, even though it may be necessary that in any final decision reached they should speak with one voice'. The Canadian Government also pressed for the right that a Canadian

representative should take part in all the Conference proceedings, urging that Canadian opinion would not appreciate the right of five American representatives to sit throughout the Conference, while Canada was denied any representation of this kind, especially as Canada 'had as many casualties as the United States and probably more actual deaths'. The claim of Canada was supported by General Smuts, who pointed out that Canada and Australia had made a greater war effort than any other Powers below the rank of first class, and even Australia had suffered more losses than the United States, and by Mr. Hughes, although his Cabinet was decidedly doubtful as to the wisdom of insisting on separate representation as possibly injurious to Imperial unity. It was, however, obviously impossible to secure for each of the Dominions and for India representation throughout the Conference, and a compromise was devised on the initiative of Sir Robert Borden and adopted by the Imperial War Cabinet. Under this arrangement the Dominions were to have the same representation as Belgium and the other small allied nations at the Conference, but, as the representatives of these Powers were to be taken into consultation only when their special interests were under consideration, some of the representatives of the British Empire were to be drawn from a panel on which each Dominion Prime Minister would have a place.

7. *Recognition of the Dominions and India at the Conference.* The compromise had then to achieve the approval of the Supreme War Council, and naturally enough strong objections were at first raised to the proposed separate representation of the British Dominions. But the Dominion representatives with the support of the British delegates maintained their position, and the rules of the Conference as made public on the 15th January 1919, included the British Dominions and India among 'the belligerent Powers with special interests' which were to attend the sessions at which questions concerning them were discussed. Representation of two delegates each was attributed to Canada, Australia, the Union of South Africa, and India (including the Native States); New Zealand was allowed one representative, while Newfoundland was recognized to be too small to claim such treatment. Each delegation was permitted to set up a panel from which the delegates to act on any special occasion might be chosen. Under the same system, as applied to the

British Empire delegation, it was possible for Dominion or Indian representatives to be selected to serve on that delegation, though, of course, it normally was composed of representatives of the United Kingdom and the parts of the Empire which had no separate representation. In practice the value of such representation became minimal, as the exigencies of negotiation led to the supersession of the Council of Twenty-Five by the Council of Four; but the policy of the delegation was decided by the British delegates in consultation with the Dominion and Indian representatives, the activities of the Imperial War Cabinet being thus continued in a new form on French soil. Towards the close of the Conference, in the absence of the Prime Minister, the chairmanship of the British Empire delegation was held by Sir R. Borden. Dominion ministers were also freely appointed to act for the Empire on the principal Commissions and Committees appointed by the Conference to consider special aspects of the peace conditions. Mr. Hughes, as Vice-Chairman, was the leading spirit of the Commission on Reparations; Mr. Massey sat on that dealing with responsibility for offences against the laws of war; Mr. Sifton's Canadian experience marked him out for membership of the Commission on the International Control of Ports, Waterways, and Railways; and General Smuts lent great aid in the construction of the League of Nations. Sir Robert Borden sat on the Committee to deal with questions affecting Greece and Albania, while Sir Joseph Cook and General Botha dealt with the affairs of Czecho-Slovakia and Poland respectively. The extent and importance of this representation becomes obvious when it is remembered that on these bodies the Great Powers were restricted to two representatives apiece, and the other Powers were only permitted to select five of their number for representation, a fact which would normally have precluded the Dominions from representation, but for the inclusion of Dominion ministers in the British Empire delegation.

The unique position of the Dominion and Indian representatives, with their effective access to the British Empire delegation, doubtless justifies the claim of Canadian ministers that they occupied perhaps a much more important position than the representative of any of the minor Powers at the Conference. In one point, indeed, the Dominions and India were technically inferior to these Powers; in the event of any

voting the British Empire delegation had the sole right to vote; but in the actual conditions of the working of the Conference formal voting was of minimal consequence, save in so far as the absence of the right might be deemed to suggest that the status of the Dominions and India was inferior to that of the minor Powers. A striking illustration of the value placed by Sir Robert Borden on the assertion of the individuality of the Dominions was seen at the second plenary session of the 25th January 1919, when announcement was made of the constitution of the Commissions which the Great Powers had decided to set up. Objection was taken to these decisions by the minor Powers both on the ground that they had not been consulted and that the representation assigned to them was inadequate, and Sir Robert Borden on behalf of Canada, as well as M. Hymans on behalf of Belgium, associated themselves with these protests, although as far as the Dominions were concerned the matter was of minimal practical interest.

8. *Dominion Representation in the League of Nations.* While there was unity among the Dominions in asserting their position at the Conference, there were, naturally, divergences in their interests. Australia and New Zealand were largely concerned with practical questions immediately affecting their national life, especially the issues of reparations and the future of the German possessions in the Pacific. Too weak to stand alone, with territories tempting Asiatic immigration, they had no special interest in asserting the independence of their position. Canada, on the other hand, secure in her friendship with the United States and the protection of the Monroe doctrine, developed a strong desire to assert her status as on an equality with any minor Power, while General Smuts was anxious to confound the Republican opposition in the Union by proving that South Africa could acquire all the advantages and prestige of independence, without severing her connexion with the British Crown and running the almost certain risk of civil war in the process. It was natural, therefore, that it should have fallen to the lot of Sir Robert Borden and General Smuts to make the only important contributions of the Dominions to the formulation of the decisive principles of the League of Nations. Indeed, the fact that the first draft of the League Covenant made no provision for the separate representation of the Dominions was due not merely to the fact that the idea of such

treatment of the Dominions was not at first acceptable to foreign Powers, but also to the reluctance of the British Empire delegation as a whole to accept a principle which might seem dangerously to menace the continued unity of the Empire. The pressure of the views of Canada and the Union, however, prevailed, although Mr. Hughes's action in supporting their position was regarded with considerable misgiving by some of his colleagues in the Commonwealth, and the Dominions were accorded a distinct position, with separate voting power, in the League alongside of the British Empire. A further struggle was necessary, again with Sir Robert Borden as protagonist, to secure that the Dominions should be eligible for election to the Council and entitled to be invited to send a representative to sit as a member of the Council during the consideration of matters specially affecting their interests; it was plausibly contended that the fact that the British Empire was permanently represented on the Council should suffice, but this contention was ultimately overridden, President Wilson, M. Clemenceau, and Mr. Lloyd George concurring formally in the view that the Dominions had the same rights in these matters as any other member of the League. Nor can it be regarded as a derogation from their position that it is understood that, if any dispute arises in which the British Empire is involved and the matter comes before the Assembly or Council under the provisions of Art. XV, the Dominion representatives will not rank as independent members for voting purposes, but will be treated as representatives of one of the parties to the dispute. Any other procedure would obviously be unjust, and the League Covenant, while it recognizes the independent personality of the Dominions, equally recognizes that they form states of the British Empire.

9. *General Smuts and the League Covenant.* Contributions of special importance towards the framing of the Covenant of the League were rendered by General Smuts. His position was, indeed, unique; representing a nationality which had been incorporated by conquest in the British Empire but had found incorporation compatible with autonomy, he could regard the issues to be faced more dispassionately than the average statesman of English race, and he had formed a conception of the relations of the portions of the British Commonwealth of Nations which suggested to him principles applicable to the

whole family of the civilized Powers. His personal experience of the necessity of conciliation in South Africa between victors and vanquished led him to realize more clearly than others the necessity for a peace which would heal as quickly as possible the grievous wounds left by the war in the fabric of European society. He insisted that the Peace Conference 'should look upon the setting up of a League of Nations as its primary and basic task, and as supplying the necessary organ by means of which most of those problems can find their only stable solution', and 'that, so far at any rate as the peoples and territories belonging to Russia, Austria-Hungary, and Turkey are concerned, the League of Nations should be considered as the reversionary in the most general sense, and as clothed with the right of ultimate disposal in accordance with certain fundamental principles'. In the future government of such territories the rule of self-determination should be applied, and any authority necessary in respect of such territories other than their own autonomy should be the exclusive function of the League of Nations. For undeveloped territories the League would appoint mandatories, but would 'directly and without power of delegation watch over the relations *inter se* of the new independent states arising from the break-up of these Empires, and will regard as a very special task the duty of conciliating and composing differences between them with a view to the maintenance of good order and general peace'. In particular he pressed 'that no new state arising from the old Empires be recognized or admitted into the League unless on condition that its military forces and armaments shall conform to a standard laid down by the League in respect of it from time to time'. This conception of the future of Austria-Hungary as a group of states under the active supervision of the League had attractions for President Wilson; had it been possible to act upon it, something might have been done to prevent the development of tariff and other barriers between the severed portions of the Habsburg dominions. In other regards also General Smuts was prepared to impose heavy burdens on the League; suggesting the abolition of conscription for all states, members of the Peace Conference, he proposed that the Council of the League should determine the numbers and training of the militia and volunteer forces which must form their means of defence; the Council was also to decide the amount of military

equipment and armament requisite for the forces which it approved, and factories for the production of weapons of war were to be nationalized and their production was to be subjected to inspection by officers of the Council. In those as in other matters his proposals were too advanced for complete acceptance, but his general conceptions of the constitution of the League and of its functions in preserving world peace were largely incorporated in the Covenant as finally drafted.

10. *Canadian Criticism of Article X.* In some measure of contrast with the views of General Smuts the Canadian delegates showed some anxiety lest the acceptance of the principle of the League of Nations should interfere unduly with the autonomy of the Dominion, an idea probably prompted by the popular impression that President Wilson in his Fourteen Points had enunciated the doctrine of international free trade. It was made clear that Canada understood the Covenant to leave the right of regulation of immigration and all fiscal matters entirely in the hands of the Dominion, and a very spirited attack on Art. X was delivered both by Sir Robert Borden himself and by the Canadian Minister of Justice, Mr. C. J. Doherty, a fact which, curiously enough, remained effectively secret in the Dominion until it was brought to light by the proposal made at the first meeting of the League Assembly by Canada in favour of the deletion of the article from the Covenant. It was contended that, even as regards the territorial arrangements made at the Peace Conference, while it might be just that the Great Powers which determined the settlement should guarantee their own work, it was unjust to exact such a guarantee from Powers which had had no voice in deciding territorial changes. As regards territorial integrity, the signatories of the Covenant were in effect, Sir Robert Borden argued, 'called upon to declare (*a*) that all existing territorial delimitations are just and expedient; (*b*) that they will continue indefinitely to be just and expedient; (*c*) that the signatories will be responsible therefor. The undertaking seems to involve initially a careful survey, consideration, and determination of all territorial questions between the various states who become parties to the Covenant. Even if such a survey were practicable, it is impossible to forecast the future. There may be national aspirations to which the provisions of the peace treaty will not do justice and which cannot be permanently repressed.

Subsequent articles contemplate the possibility of war between two or more of the signatories under such conditions that the other signatories are not called upon to participate actively therein. If, as a result of such war, the nation attacked occupies and proposes to annex (possibly with the consent of the majority of the population) a portion of the territory of the aggressor, what is to be the operation of this article?' Stress was laid by Mr. Doherty on the distinction drawn by the Great Powers between Powers with general interests and those with particular interests, among which Canada ranked. 'Let the mighty, if they will,' he urged, 'guarantee the security of the weak. The respective positions will be more nearly equalized if no reciprocal guarantee is exacted. The burden of that reciprocal guarantee will be in many instances to the young and undeveloped state quite out of proportion to its value to the states benefiting by it, and to any benefit resulting to the burdened state from the guarantee in its favour.' Should the day come when Canada's means of defence with the support of the British Empire and the aid of the United States were insufficient to protect her territory, it might well be doubted whether the aid of the other nations of the League would avail to save her. On the other hand, public feeling in Canada would certainly resent an engagement which imposed on her a direct and absolute obligation clearly binding to military action. The arguments failed to persuade the Conference, and, when Mr. Doherty explained the Covenant to the Canadian House of Commons in September 1919, he had formed the conclusion that Art. X recognized a principle, but imposed no obligation on Canada to take any part in a war to maintain the territorial integrity or independence of any other member of the League, unless the Dominion Parliament approved of such a step.

11. *The Question of Mandates.*[1] In his proposals for a League of Nations General Smuts had emphasized the necessity of the appointment by the League of mandatories to afford assistance and guidance to undeveloped territories formerly portions of Russia, Austria-Hungary, and Turkey, which were not yet capable of standing by themselves. But neither he nor General Botha was prepared to admit that such a system could be applied to the German possessions in South-West Africa, West or East Africa, or in the Pacific. The communities there, he contended,

[1] For a full treatment *v.* Chap. VI, Part IV.

were barbarous; they were incapable of political self-determination in any sense; they might be consulted as to whether they desired the return of German rule, but the result would be a foregone conclusion. These territories should be disposed of in accordance with the principles laid down in the fifth of President Wilson's Fourteen Points, and their case be treated, like that of Alsace-Lorraine, as exceptional. This in effect meant a claim for the sovereignty of German South-West Africa for the Union, of the East and West African territories for the United Kingdom [1], and of the Pacific Islands for Australasia. Naturally enough, this claim was warmly supported by Mr. Hughes and Mr. Massey, who were determined to secure the removal from the Pacific of the menace of German fortified bases. The case of the Pacific, however, was complicated by the fact that, in agreement with the Imperial Government and with the acquiescence of the Dominions immediately concerned, Japan had assumed control of the German islands north of the Equator, which her forces had occupied shortly after the outbreak of the war. This fact ruled out of possibility of acceptance the solution regarded as ideal by Australia, the annexation of all the German Pacific possessions to the British Empire. It was fatal also to the suggestion of the United States that the islands should be subjected as a whole to an Australian mandate. The only solution, therefore, available was to acquiesce in the division of the islands, and to subject both those north and those south to mandates, the former to be allotted to Japan. But a mandatory system was wholly unacceptable to Australia and South Africa, if it were held to import the necessity of granting equal opportunities for the trade and commerce of other members of the League of Nations, and still more if it implied that the mandatory could not impose differential regulations as to immigration, since this would run directly counter to the policy of both Dominions of forbidding Asiatic immigration. A solution was ultimately found, without abandoning the principle of mandates, on which the United States laid stress. A new class of mandates was invented to cover the cases of South-West Africa and the Pacific Islands, which were to be administered under the laws of the mandatory as integral portions of his territory, subject to conditions to safeguard native interests. On this basis mandates were to be accorded

[1] Subject, of course, to such claims as France or Belgium might establish.

to Australia for the German possessions south of the Equator, save Samoa, for which New Zealand was to be responsible, while Nauru with its valuable phosphate deposits was to be assigned to the British Empire. Public opinion in New Zealand would much have preferred that the United Kingdom should have accepted the Samoan mandate, but the burden was one which clearly could not with justice be imposed on the Imperial Government. In the case of Nauru, though the mandate was assigned to the Empire, and not to Australia, arrangements were made to secure a due share in the administration and the product of the phosphate industry for the United Kingdom, Australia, and New Zealand, which together were to find the funds to expropriate the concessionary company which was working the deposits. A mandate for South-West Africa on similar terms to those for the Pacific Islands was awarded to South Africa.

12. *The Question of Asiatic Immigration.* A difficult problem, which had complicated the issue of mandates, was raised in a much more serious form by the Japanese proposal to insert in the Covenant of the League a clause requiring members of the League to accord to all aliens, nationals of states members of the League, equal and just treatment in every respect, making no distinction, either in law or in fact, on account of their race or nationality. It would have been difficult for the United Kingdom delegates, in view of the established policy throughout the Empire under Imperial administration, to dissent from this clause, but the interests of the Dominions were, of course, paramount, and the matter was remitted for consideration by the Dominion Premiers and General Smuts. Mr. Hughes remained, as was inevitable, immovable in his refusal to concur in the proposal; he contended that the doctrine of a 'White Australia' was fully as much entitled to recognition as inviolable as the Monroe doctrine to which express approval was extended by the Covenant, and all that he could offer to Baron Makino on the 11th April 1919 was the principle of equality in respect of nationals resident in Australia as opposed to would-be immigrants. This was in effect the application to Japan of the attitude towards India adopted by the Dominions at the Imperial Conferences of 1917 and 1918, but the suggestion was naturally unacceptable to Japan; no compromise was arrived at, and the issue was left over for future adjustment. None of

the Dominions was prepared to accept full rights of immigration for nationals of League states, and in their opposition they had the support of the United States, where public opinion had definitely decided against Japanese immigration.

13. *The Conflict of United States and British Empire Views on Reparation.* United on the score of mandates and immigration, the Dominions were sharply divided on the issue of reparations. Differences of material conditions accounted no less than theoretical considerations for the strong divergence of opinion between Mr. Hughes and General Smuts. Australia had suffered severely in the war through the dislocation of her trade and shipping; her generous terms to her soldiers made warfare especially costly, and, unlike Canada, her distance from the scene of operations precluded her drawing large revenues from the manufacture of munitions. South Africa, on the other hand, had spent comparatively little on the war; her trade had been less severely hampered; and, while Australia was only to obtain a number of not very valuable island possessions, South Africa was assured of the important addition of South-West Africa. It is not, then, surprising that Mr. Hughes demanded that the whole of Australia's war costs, estimated at £364,000,000, should be refunded, as well as £100,000,000 representing the capitalized value of pensions, repatriation, loss to civilians and civilians' property, &c., and urged that, as a practical measure to this end, power should be given forthwith to appropriate in reparation all German private property in the mandated territories. His views, despite their natural appeal to the other members of the Commission on Reparation, led him into sharp antagonism with the United States delegation as to the proper interpretation of the Allied terms of peace, as declared on the 5th November 1918 and accepted by Germany.

The President of the United States had included in the Fourteen Points, which formed an essential part of the terms of peace, the restoration of invaded territories; but the Allied Powers, when expressing their acceptance of the basis of peace proposed by the President, had laid it down that they understood 'that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany, by land, by sea, and by the air'. The question of the meaning to be placed on this modification of the principles enunciated by the President was obviously

difficult, and admitted of legitimate divergence of opinion. One view, at first sight plausible, was that the meaning of the Allied terms as accepted by Germany was that Germany would pay in full for damage to the civilian population, but no other demand would be made in respect of war costs. This interpretation, however, was rejected without hesitation by the Commission. The United States delegation by a careful process of reasoning arrived at the conclusion that the terms of peace proposed and accepted were 'not to be construed as waiving any clear right of reparation due under accepted principles of international law',[1] but gave the Allied and Associated Powers a contractual right to compensation additional to such rights as they enjoyed under that law. This necessitated an inquiry into the rights conferred by international law, apart from convention, and the United States delegation came to the conclusion that all that could be claimed was 'damage arising from illegal acts' as contrasted with damage arising from cruel, unjust, or immoral acts. Reparation, therefore, must be confined to acts clearly violative of international law, as existing at the time of the commission of the acts, and under this category fell all the damage done to Belgium resulting from Germany's violation of her covenant not to make war upon that country, and such miscellaneous acts as the deportation of civilians, attacks on undefended towns, and sinking of merchant vessels without warning.

The British reply [2] was presented in its more technical legal aspects by Lord Sumner and from a wider point of view by Mr. Hughes. It contended against the acceptance of the United States view on two grounds. In the first place, it denied the validity of the doctrine that under the accepted principles of international law all that could be claimed from Germany was compensation for breaches of that law; no such contention could be put forward by Germany seeing that she herself in 1871 had imposed on France 'an indemnity of twice the cost of the war, an indemnity of which one-half was not reparation but penalty'. The Allies claimed no penalty, but they asked for justice in the shape of the costs of the war. In the second place,

[1] See B. M. Baruch, *The Making of the Reparation and Economic Sections of the Treaty*, p. 294.

[2] Baruch, *op. cit.*, pp. 298–315. The paragraph heading on p. 302 is misleading, as it wholly misrepresents Mr. Hughes's argument.

even admitting the United States doctrine of the limitation of liability to breaches of international law, it was maintained that 'whatever rights Belgium has under international law, by reason of her neutralization, are clearly shared by those powers who guaranteed her neutrality, and incurred fearful losses in enforcing it'. The other associated powers, e. g. the United States and Italy, who helped to defend Belgian neutrality, could also claim their war costs. In any event, therefore, it was open for the Allies to claim full war costs, and the effect of the definition in the note of the 5th November was in no way to derogate from this right, but merely to make it clear that the Allies would exact the full extent of the reparation to which they were entitled under international law, so far as it was practicable to do so.

The United States reply [1] of the 19th February 1919 to the British contention deals summarily with the first of the British arguments by asserting merely that 'it is clear that under no principle of international law has Germany become our debtor for the general costs of the war', thus ignoring the chief British argument from the German interpretation of her rights under international law in 1871. A reasoned answer, however, was given to the second British contention, that British and allied war costs were directly or indirectly due to the breach by Germany of the treaty obligation accepted by her in 1839 to respect Belgian neutrality. It was pointed out that in the case of Great Britain alone could it be argued that there was a direct causal connexion between the war costs incurred by the Empire and the violation of the treaty, since Great Britain alone had based her declaration of war on the violation of Belgian neutrality. Even in the case of Great Britain the claim could not be sustained, for the treaty of 1839 was essentially one for the benefit of Belgium alone, and any violation of it gave Belgium the right to reparation but conferred no right on Great Britain, even if it were her duty under the treaty to intervene to vindicate it against violation. Or, even if this interpretation of the effect of the treaty of 1839 were erroneous, it was clear that the British war costs must be deemed to fall under the general rule of international law, which declines to admit indirect damage as a ground for compensation. The American view, moreover, could be defended on the score of reasonableness; it recognized, as

[1] *Op. cit.*, pp. 331–7.

had Germany, the special position of Belgium and her paramount claim to full reparation for the illegality of the attack made upon her; the British contention, if logically restricted, secured a full indemnity for Great Britain alone, giving her an impossible position of advantage, a conclusion which had led to the generous but unsound attempt to extend the right to all the Powers. Further the American view would secure the maximum reparation and its most equitable distribution; to demand the gigantic total of war costs would be 'to jeopardize securing that specific reparation as to which Germany must clearly recognize her liability, and the satisfaction of which will tax her resources to the limit'.

14. *The Settlement and the Question of Pensions.* There was clearly a fundamental divergence of principle between the United States delegation and the other members of the Commission, and it became necessary to secure the decision of the Council of Four upon the issue. In the Council the American contentions, which had the support of General Smuts, finally prevailed, and the demands made upon Germany in the treaty were based on this interpretation of the rights of the allied and associated powers under the terms of the 5th November 1918. The settlement, whatever its merits in law, had important advantages; it avoided the alternative (*a*) of reducing to mere surplusage the allied declaration regarding compensation or (*b*) of relieving Germany from the obligation to make reparation for her many and heinous breaches of international law. There remained, however, for disposal one point of difficulty; could pensions to injured soldiers, their widows and families, and separation allowances to the wives and families of soldiers, be reckoned as damage to the civilian population? The United States delegation itself was divided on the point, and the final decision to accept these matters as German liabilities seems to have been at least influenced by a memorandum submitted on the 31st March 1919 by General Smuts.[1] The contention of this memorandum is that 'what was, or is, spent on the citizen before he became a soldier or after he has ceased to be a soldier or at any time on his family, represents compensation for damage done to civilians'. This is clearly true in the sense that there

[1] Baruch, *op. cit.*, pp. 29–32; *v.* Vol. V, pp. 372–4 for the text of the memorandum; Smuts has recently made a statement, *The Times*, 7th February 1923, and cp. R. S. Baker, *Wilson and World Settlement*, ii. 383, and House and Seymour, 272.

is damage, and the persons affected are civilians. But the memorandum does not answer or indeed deal seriously with the obvious objection that such items do not naturally fall under compensation as defined in the terms of the 5th November, and it enunciates the paradox that the cost of an injured soldier's maintenance in hospital before discharge is not, while the cost of his pension after discharge is, a legitimate charge on Germany. It is difficult to avoid the conclusion that acceptance of these contentions was not unmotived by the fact that the claim of the British Empire for reparation would otherwise have been minimal. General Smuts's attitude again was doubtless in part determined by consideration of conditions in the Union, which had no parallel in Australia. The presence of a large number of settlers of German origin, together with the danger of driving them into the ranks of the Nationalist party, was sufficient ground to induce the representatives of South Africa to advise and to practise moderation. Consistently with their attitude, the Union Government in 1920 decided not to exercise the power given by the treaty of peace to confiscate the property of German nationals either in the Union itself or in South-West Africa, while in Australia a diametrically opposite procedure was adopted. In Canada, again, consideration of the large population of alien origin as well as the influence of the attitude of the United States rendered the view of Sir R. Borden more akin to that of General Smuts than to the attitude of Australia, with which New Zealand was in practical accord.

15. *Punishment of War Crimes.* There was dissent also between Australia and South Africa on the vexed question of the punishment of war crimes. Mr. Hughes laid great stress on bringing to justice those persons who had been guilty of cruelty towards Australian soldiers, an attitude in strict accord with the summary punishment meted out on the capture of German New Guinea to those officials who had maltreated British subjects on the outbreak of war. General Botha, on the other hand, dissented from any proposal for the wholesale trial and punishment of offenders against the laws of war, urging instead the selection for effective treatment of a short list of the worst criminals, a suggestion which unhappily failed to commend itself to the Conference.

16. *Labour Questions.* There was, on the other hand, hearty co-operation among the Dominion representatives in

regard to the labour clauses of the treaty. Special importance naturally attached to the work of Sir Robert Borden, whose influence was invoked in the effort to attain final agreement on the essential features of the Labour Convention at a time when a deadlock was possible. To Sir Robert Borden also, acting with the cordial support of the other Dominion representatives, fell the duty of maintaining in this connexion the doctrine of the individuality of the Dominions. At his instance the suggestion that no state, including its Dominions, could have more than one representative among the twenty-four members constituting the Governing Body of the International Labour Office was rejected as a derogation from Dominion status, and the only restriction accepted was the rule that none of the eight states of chief industrial importance, which were entitled to governmental representation on the Governing Body, should take part in the election of the other four governmental representatives on that body. India, for her part, was specially concerned to secure that nothing should be included in the convention which would involve her in obligations as to hours and conditions of labour inconsistent with her backward condition of industrial development, and in the terms as finally settled due allowance was made for the needs of both India and Japan in this regard.

17. *The Territorial Settlements and the Anglo-American Pact.* The territorial arrangements for Europe, which found favour in the eyes of the Great Powers, were regarded without much enthusiasm by the Dominion representatives, and evoked strong protests from General Smuts. The occupation of German territory, and the possibility of further portions being occupied in future, though intended as guarantees for peace, merely opened up an endless prospect of future trouble, especially in view of the impossible character of the reparation demands made on Germany. The eastern settlement as regards Poland was not less objectionable, and would merely be the cause of renewed wars. It is significant that both General Botha, who had special experience in connexion with the Polish Commission, and General Smuts, who undertook in April 1919 a mission to Budapest in an effort to effect a settlement of the problems arising from the revolution in Hungary, were profoundly impressed with the danger of the Empire involving itself too closely in European affairs, a sentiment which by May 1921 had developed into General Smuts's conviction that it was essential to resume the

traditional British policy of holding aloof from entanglements in Europe. Sufficient of this feeling was present in 1919 to secure that none of the Dominion representatives desired to be associated with the Imperial Government in the compact between Britain, the United States, and France to assure France the assistance of the two powers in the event of German aggression. The agreement, therefore, expressly stipulated that no obligations under it were incumbent on the Dominions, unless expressly adopted by the Dominion Parliaments. On the other hand, tentative suggestions that France might defer to Dominion interests by ceding her rights in the New Hebrides and St. Pierre and Miquelon met with no response from the French Government.

18. *India and the Turkish Treaty.* The Turkish settlement evoked the special interest of the Indian delegation, for the Indian Government was confronted with the fact that Indian political opinion was united in claiming that no such interference with the temporal power of the Sultan should take place as would prevent the effective exercise of his spiritual authority as Caliph. It was not unnatural that Mohammedans in India should have been perturbed by the obvious danger of the destruction of the Ottoman Empire, or that a Khalifate Association should be formed, pledged to work to maintain the Sultan's authority, even if acceptance of the Sultan's claims to spiritual leadership was of comparatively recent origin. But *prima facie*, in view of the history of India, the Hindu population had not the slightest reason to wish to see anything done to preserve Mohammedan strength. But Hindu politicians, extreme and moderate, had accepted the Khalifate claims in return for promises of co-operation in the agitation for the immediate concession of a full measure of self-government to India, a matter in which the Mohammedans, as the less numerous and well educated element of the population, took scant interest for its own sake. An Indian delegation proceeded to England contemporaneously with the Conference, and pressed their views unceasingly, despite a severe rebuff at the hands of the Prime Minister in an interview of the 19th March 1919. It was claimed that the full sovereignty of Turkey over Constantinople and Thrace should be conceded, that Turkish authority should be left absolute in Asia Minor, and full control be given to the Sultan over the holy places of Islam, a demand which wholly

ignored the rights of the Arab allies of the Empire. The Dominion delegations, naturally enough, were not concerned to support the Indian claims, and Mr. Massey earnestly urged the taking over by the Empire of Gallipoli, so as to remove from Turkish control the graves of the New Zealand and Australian soldiers who fell there in the service of the Empire. But, though the fullest opportunity was afforded to the Indian delegation to present its views on this subject, the Prime Minister and the allied delegations found themselves unable to admit a claim to more than just treatment from Turkey; Turkey, it was held, could be conceded only the same consideration as Austria and Germany; she must cease to rule over non-Turkish peoples who desired freedom, as did the Syrians and the Arabs, whose right of self-determination could not be overridden in the interest of the Sultan's spiritual claims. The Indian delegation remained wholly dissatisfied with the decision, although their influence prevailed on the Conference to treat Turkey with greater leniency than her aggression merited. The sense of grievance was largely due to the interpretation placed in India on Mr. Lloyd George's declaration of the allied war aims, on the 5th January 1918; this was treated as a binding assertion of the allied aims, which could not be affected by the continuance of the war, and on the strength of which India had spared no effort to assist in the achievement of victory, while to the Allies it appeared as the basis on which peace might have been concluded with Turkey, had she accepted the chance then offered to her to make terms apart from her allies.

C. The Influence of the Peace Conference and the League Covenant on the Status of the Dominions.

19. *Dominion Status in regard to the Treaties of Peace.* The net result of the intervention of the Dominions was, as might be expected, efficacious in a high degree in attaining satisfactory results in the matters directly and immediately affecting them, while on questions pertaining to the European settlement proper their views were of much less weight. But, apart from considerations of material advantage, the Dominions and India attained the position of having a recognized place in international negotiations. Prior to the Peace Conference they had ranked merely as dependencies, without any existence in the

eyes of international law; in the main the Dominions were contented to acquiesce in that status for the time being, but, even had they desired international recognition, it would doubtless have been extremely difficult, and probably impossible, to achieve that result but for the importance of the services rendered by them in the war.

A logical consequence of the status allotted to them in the negotiations was the decision that the peace treaties and cognate conventions should be signed separately by the representatives of the Dominions and of India. In this case also the procedure adopted was devised in order to secure that there should be no breach of Imperial unity. The various representatives were authorized by their Governments to sign the treaties, but the full powers from the King conferring upon them diplomatic status were issued by the Imperial Government. After this full acceptance of Dominion status, the only logical step was that ratification of the treaties should take place after the Dominion Parliaments as well as the Imperial Parliament had approved such action; and, on the insistent demand of Sir R. Borden, this course was adopted, in preference to the suggestion of the Imperial Government that express approval by the Dominion legislatures could be dispensed with. The precedent as to signature has since been followed, and it is now constitutionally clear that political treaties to bind the whole Empire must be negotiated with the assent of the Dominions and India, and be signed and ratified on their behalf, as in the case of the Washington treaties of 1922. If the Imperial Government negotiates treaties without such assent, then it is constitutionally bound to except the Dominions and India from the sphere of their operation.

This mode of negotiation and signature, however, does not imply the existence of a separate international personality in the case of the Dominions and India. The invitation of the United States to participate in the Washington Conference was addressed to the Imperial Government alone, and, though the British delegation included Dominion and Indian representatives, it was treated as, and functioned as, a unit; it would, indeed, have been impossible for the President to adopt any other attitude in view of the strong opposition expressed by the Republican party to the acceptance of the League Covenant on the score of its recognition of the separate voting power of

the Dominions and India. It is in entire harmony with this view that the New Zealand Government has intimated that it does not claim the right to enter into diplomatic communications with the United States, and that the Canadian Government has agreed with the Imperial Government that, if it is to be represented specially at Washington, this representation will take the form of a minister plenipotentiary, duly accredited to the President by the King on the advice of the Imperial and Dominion Governments, on whom will devolve the duties of the Ambassador in the absence of the latter. Canada also has decided not to attempt to appoint consular officers to represent her abroad, but to avail herself of the services of the consular officers of the Imperial Government.

20. *International Status of the Dominions and India under the League Covenant.* But under the Covenant of the League of Nations the Dominions and India enjoy a definite measure of international status, which cannot be disregarded by any signatory of the Covenant, or Power since admitted to the League. These governments in their communications with the League and in their actions at Assembly meetings are wholly independent of the Imperial Government; their representatives act without any authority other than that of their own governments, and do not receive full powers from the King through the Imperial Government. The Dominions and India, therefore, can vote in any Assembly discussion without regard to the views of the Imperial Government, a position which was not realized by foreign powers until the right was freely exercised at the Assembly meeting of 1920. The fact is hardly remarkable; although for over fifty years the Dominions had been endowed with the right of managing without interference all their domestic affairs, the mention of this commonplace by Mr. Rowell, representing Canada, on the 8th December 1920, produced a mild sensation among many of the foreign delegates, who seemed to think it heralded the dissolution of the British Empire. Still more difficult, therefore, was it to conceive that in dealing with subjects before the League the Dominions would do anything except express the views of the British Government, a consideration which was urged in the United States as a conclusive reason against accepting the separate voting power of the Dominions and India in the League. Canada, however, and South Africa, which selected Lord Robert Cecil as her chief

representative, displayed from the first marked individuality. While South Africa demanded greater publicity for League activities, a strong protest was immediately addressed by Mr. Rowell against any suggestion that the League should arrogate to itself the right of dealing with such issues as the distribution of raw materials; in Canada, as in America, there was unanimity in opposing anything suggestive of interference with their internal affairs, and the true purpose of the League must be to devote itself to the primary work of the prevention of war. The question of raw materials, he contended, did not fall within the scope of the Covenant; the League was not a super-state with power to take up any subject which it desired, but an agreement among states to co-operate for certain strictly defined purposes in a definite manner; and, even if the question could be held to fall within Art. XXIII of the Covenant, there was no right to deal with it, unless and until an international convention regarding it was agreed to by the members of the League, and then only in accord with the terms of such convention. The other Dominions and India strongly supported this view, which the British delegates were not in a position to support, since in the Council, on the motion of the Italian representative, the British representative had already concurred in the idea of an inquiry into the question of raw materials. Mr. Rowell was equally emphatic in rejecting the proposal to place on the League generally the burden of certain technical organizations which it was proposed to set up to deal with economic and financial questions and with communications and transit, insisting that these organizations should form the subject of separate conventions among such states as desired to support them, and their cost be defrayed by the contracting states. On the question of the admission of new states Canada showed equal independence; in the Commission on this topic the French and British delegates supported the refusal of the application of Albania for admission until her international status had been more clearly ascertained; this was opposed by South Africa and Canada, but was carried in the Commission; the decision, however, was reversed in the Assembly itself, when South Africa and Canada won the day, the French and British objections being withdrawn. The harmony between Canada and South Africa on this point was not repeated in the case of Armenia; Canada alone of the Dominions supported

her admission, while Lord Robert Cecil felt it to be impossible since neither Art. I nor Art. X of the Covenant could be effectively complied with in her case. Canada and South Africa were also in disagreement on the subject of the South African proposal that new states desiring admission to the League must enter into engagements as to the treatment of racial minorities similar to those imposed on the new states of Central Europe in the peace treaties; Mr. Rowell objected that it was not wise to add a new condition to those laid down in the Covenant as governing the admission of states, and that, suitable as such a regulation might be for European conditions, it was inapplicable to the new world, where Canada herself was not prepared to consider favourably the maintenance of racial minorities in lieu of the creation of a single nationality. The proposal, therefore, was amended to obviate these objections and accepted, Canada refraining from voting. Canada again went so far as to suggest formally the deletion of Art. X of the Covenant, a proposal which shared the common fate of other suggested amendments in the shape of reference to the Council. The representative of Australia was especially active in demanding the revision of the absurd basis on which the expenditure of the League was apportioned; like the other Dominion delegates, he was appalled at the rates of remuneration wholly unheard of in the Dominions, and their activities resulted in a more or less satisfactory adjustment at the Assembly meeting of 1921.

21. *The Dominions in relation to the Court of International Justice and Mandates.* The discussions as to the creation of the Permanent Court of International Justice, provided for in Art. XIV of the League Covenant, emphasized the distinct personality of the Dominions and India as members of the League, and their power in their own right to refer matters to the Court and to appoint national groups empowered to make nominations of jurists for appointment as members of the Court. It was made clear for the purpose of the statute that there was a distinction between nationals of the Dominions and India and British nationals, so that the condition forbidding the appointment to the Court of more than one national of the same member of the League would not apply to prevent the selection of a British and a Canadian candidate simultaneously. Incidentally the distinction introduces a new and far-reaching conception into Imperial constitutional law, effect to which is

given by the Canadian Nationals Definition Act of 1921 so far as it concerns Canada.

Even more prominence to the individuality of the Dominions is given by the system of mandates. These they may hold direct from the League, and it is to the League direct that they owe an account of their stewardship. In their attitude towards the question there is, it is true, a marked divergence between New Zealand on the one hand and South Africa and Australia on the other. New Zealand, indeed, has doubts as to the wisdom of the separate position accorded to her in the League, being more anxious to secure effective Imperial co-operation, and a share in moulding Imperial policy, than to exercise a right of independent action which is practically to her of negligible value. She applied, therefore, to the Imperial Government for legal authority under the royal prerogative to act under the Samoan mandate, and she has deprecated direct correspondence, so far as possible, with the League. On the other hand, South Africa has asserted her independence of the Imperial Government in her treatment of the mandate for South-West Africa, and her Parliament has claimed an inherent right of legislation for that territory, which it must derive from the new status of the Union in the League, since it does not pertain to it as a Dominion legislature. Australia also has claimed an unfettered right of legislation, but in her case no constitutional difficulty is involved, owing to the wide terms of the federal legislative authority granted by the Imperial Parliament in the Constitution Act of 1900. Two difficult questions arising out of the mandate confronted Australia at the Assembly meeting of 1920; Japan was inclined to press her view that the terms of the mandate must include equal rights for the trade and commerce of all members of the League, and, although in deference to the arguments of Mr. Balfour and Senator Millen, who represented Australia, the mandate was allowed to issue without this condition, Japan reserved the right to raise the point later on, and similar views on the issues have been expressed on behalf of France and of the United States. Further, a communication was addressed to the League by Germany putting forward a claim to be allotted colonial mandates, a fact which resulted in Australia refraining from voting in favour of the admission of Austria to the League, on the ground that that state might favour German aspirations

in the event of Germany's admission to the League and renewal of her colonial claims.

22. *The Reconciliation of Dominion Individuality and Imperial Unity.* The independence of action thus freely exercised in connexion with the affairs of the League by the Dominions has not gone without question in Canada, Australia, or New Zealand; criticism, by no means following party lines, has been directed against a practice which may menace the continuance of the unity of the Empire; and it has been suggested that the better policy would be that there should be one and the same attitude adopted by all the parts of the Empire in international matters, determined by consultation and compromise between the Imperial and Dominion Governments. The reply to this contention, as given by Sir R. Borden and General Smuts, is that the separate position of the Dominions and India in the League affords the necessary means of the expression of the individuality of these territories, while permitting the Empire still to retain some measure of unity and coherence. It is significant that the strong supporters of the position assigned to the Dominions are far from inclined to treat this status as pointing the way to the final emergence of the independence of the Dominions or India. The doctrine of the right of the Dominions to secede from the Empire, if they so desired, which seemed to be countenanced by a declaration of Mr. Bonar Law, as Leader of the House of Commons, in the debate on the Government of Ireland Bill on the 30th March 1920, has been rejected emphatically by General Smuts as applicable to the Union of South Africa.

It must, however, be admitted that the possibility of separate expression of views in international matters is not unlimited, and that the League Assembly, by reason of the nature of the matters discussed in it and its restricted sphere of action, is especially suited for the recognition of the status of the Dominions and India as *sui generis*. Apart from the impossibility of the United States recognizing the Dominions as separate entities, it would have been disastrous, had the Empire been divided in sentiment, Canada opposing, Australia and New Zealand favouring, a Pacific compact with Japan. There is, it is clear, a sphere, as yet impossible to define with accuracy, within which the Empire must act as a whole, and, where this is necessary, it becomes inevitably a matter of great

delicacy to decide how far the Dominions or India should go in the expression of views which are counter to those of the Imperial Government, which, in the relative state of strength of the parts of the Empire, must at present have the final voice in the case of controversy. The Dominion or Indian Governments have clearly the right to press their views on such issues upon the Imperial Government, and to give them publicity, in order to satisfy their constituents and so far as possible to influence opinion, in other parts of the Empire. But expediency and Imperial comity set limits, not less real because difficult to define, to the measure of publicity which should be given to divergences between the members of the Empire on questions of high policy; the Government of India, for example, had clearly an absolute right to seek to induce the Imperial Government to alter its policy as to the terms on which peace should be concluded with Turkey, but it was obviously inconsiderate to desire to publish these views immediately before the holding of a conference to discuss the modification of the treaty of Sèvres, and thus to weaken the position of the British representative at the conference. The constitutional error, which involved the resignation by Mr. Montagu of his office as Secretary of State for India in March 1922, was not his support of the claims of the Indian Government, which indeed it was his duty to maintain, but the personal assumption of the responsibility of authorizing publication of those views, in lieu of consulting his colleagues whether the international situation did not render it desirable in the interests of the Empire to suggest to the Indian Government that a more opportune moment for publicity might be awaited.

The episode is sufficient to illustrate the difficulties which surround the international status achieved by the Dominions and India through their position as members of the League of Nations. Their position is not precisely parallel to any existing conception of international law, and it is not surprising that some difficulty has been felt in foreign countries in apprehending its true signification. The British Empire, however, is in itself unique in structure; it was inevitable that in its development it should necessitate the introduction of new ideas of international relationships, and it is eminently natural that these ideas should take shape simultaneously with the evolution of a new conception of international organization so remarkable as that of the League of Nations.

CHAPTER IV

THE WORLD OUTSIDE EUROPE

PART II

SHANTUNG AT THE PEACE CONFERENCE

1. *Introductory, 1897–1914.* The Shantung problem had its origin in policies pursued, acts committed, and agreements concluded during the 'scramble for concessions' which immediately preceded and which in no small measure provoked the 'Boxer Rebellion' of 1900. This was a frenzied effort on the part of the Chinese to solve the problem of foreign contact by ending it.

Germany's seizure of Kiaochow (1897) was *not* the first move in the 'scramble' of the Powers for concessions in China. The staking out of 'spheres of interest' had begun some time before; France and Great Britain had acquired concessions in the south; Japan's easy victory in the north (1894–5) had exposed China's military weakness; and the compulsory cession of Formosa and the Liaotung Peninsula to Japan[1] had given rise to widespread consideration of the possibility that China might be partitioned. Representations by Russia, Germany, and France had induced Japan to retrocede[2] the territory which she had taken in Manchuria. But scarcely had Japan moved out of this territory when Russia proceeded with plans to move in, and in the course of the next three years not only Russia and Germany but also France, Great Britain, and Japan took from China territorial leases and sundry special pledges which officially signalized the location and implied the recognition of 'spheres of interest'.

Russia began her penetration of Manchuria in 1896, railway concessions being made to serve as the entering wedge. In the same year Germany decided that Shantung was to be her sphere of action. In the next year the murder of two German missionaries by Chinese brigands gave the German Government

[1] In the Treaty of Shimonoseki, 1895.
[2] Against the retrocession China paid a cash compensation.

its opportunity. A German fleet took possession of Kiaochow Bay. Forthwith, a Russian fleet moved into Port Arthur. Before the end of 1898 Germany was established in Shantung, Russia in Manchuria, Great Britain at Weihaiwei, and France at Kuangchouwan; Great Britain had secured the lease of an additional area at Kowloon; Great Britain had specifically recognized Germany's position in Shantung; and France, Great Britain, and Japan[1] had each secured 'non-alienation' pledges with regard to regions in which each considered herself primarily interested.

2. *German Rights and Activities in Shantung, 1898–1914.*

(*a*) *German exclusive privileges.* The rights which Germany first acquired in Shantung were granted and defined in a Convention signed by China under duress on the 6th March 1898. By this Convention an area later delimited to embrace 193 square miles surrounding Kiaochow Bay, together with the bay and outlying islands, was leased to Germany for a period of 99 years. Outside this area there was established a 'neutral zone' fifty kilometres wide. Rights of sovereignty within the neutral zone were specifically reserved to China, but the right to administer within the leased territory was delegated to Germany. Germany gave the specific pledge that she would not sublet the leased territory. It was agreed that Germany might construct two lines of railway and that German subjects might 'hold and develop mining property for a distance of 30 li (10 miles) from each side of these railways' along their whole extent. Germany declared that her motives were solely 'the development of Commerce' and 'to improve the relations between the two countries'. Finally, China promised 'in all cases where foreign assistance, in persons, capital or material, may be needed for any purpose whatever within the Province of Shantung, to offer the said work or supplying of materials in the first instance to German manufacturers and merchants. . . .' This was perhaps the most important single item in the Convention—for by it Shantung Province was marked out as a sphere of interest of a single foreign Power, in terms more comprehensive and more specifically exclusive

[1] Another serious question for Japan was the Yap Controversy. On this see Chap. VI, Part IV, § 12, p. 515.

than had or have been employed and recognized by treaty in reference to any other of the spheres of interest in China.

It is to be noted that, while the lease of Kiaochow was made for a period of 99 years, no time limit was set for the duration of the other rights and privileges. Art. 29 in the Kiaochow–Tsinanfu Railway Agreement concluded two years later (21st March 1900) states that, 'It shall be the subject of further agreements when and under what conditions the Chinese Government may in future take over this railway.' So far as is known, this tentative provision was never reduced to specific terms. There was also provision that troops for the protection of the railway should be stationed by the Governor of the Province and 'therefore outside the 100 li (33⅓ miles) zone no foreign troops shall be employed for this purpose'.[1]

(*b*) *United States and the 'open door'*. In 1899 the American Government took the initiative in securing declarations by the German, the British, the Russian, the French, the Italian, and the Japanese Governments respectively that they would observe the 'open door' principle in their several spheres of interest or influence in China. During the next year, again upon the initiative of the American Government, these and other Powers declared it their intention to respect the territorial integrity of China. Great Britain and Germany, furthermore, entered into an agreement formally declaring themselves committed to both these principles.

(*c*) *German control over railways and customs*. In setting about the development of her sphere, Germany made agreements with China whereby the customs administration remained under the Chinese Maritime Customs. For the building of the railways the German Government issued a charter to a German-Chinese Company. It was formally agreed that outside the Leased Territory and the Neutral Zone the Chinese authorities should afford the protection, if necessary, of Chinese soldiers, but that no foreign troops should be used for that purpose and that no foreign troops or munitions should be transported outside the Neutral Zone. For the exploitation of mines another company was organized. In the course of the next ten years this company opened a few coal mines; in 1911 it entered into an agreement whereby all its mining rights outside specifically designated and delimited areas were

[1] Art. 16.

relinquished; and in 1912 it sold its remaining rights to the Railway Company. In 1913 and 1914 Germany and China entered into new agreements for the construction of railways: one line was to be built from a point near Tsingtao to a point on the Tientsin–Pukow Railway at the border of Kiangsu Province; another, westward from Tsinanfu to a point on the Peking–Hankow Railway in Chili Province; options were given for loans on other lines, including a third line in Shantung; but all these lines were to be constructed for, and to be the property of, the Chinese Government.

Midway in the period just covered, in 1906, the Chinese Government 'voluntarily' opened three important cities, one of them the provincial capital, as commercial 'ports', but with the provision that 'the control of all affairs therein shall pertain entirely to China'.

3. *Capture of Tsingtao by Japan, 7th November 1914.* When the War began in Europe in 1914, certain Chinese officials conferred with representatives of foreign Governments in Peking with a view to securing action whereby the belligerents should agree not to engage in hostilities either in Chinese territory and marginal waters or in the leased territories on the China coast. Before Japan issued her ultimatum to Germany there were negotiations between China and Germany looking toward voluntary return by the latter to the former of the Kiaochow Leased Territory. The President of China, Yuan Shih-kai, also considered the advisability of China joining in the war upon Germany. Yuan actually consulted foreign representatives in regard to this matter; and he was advised by at least one very influential minister not to take that step.

On the 6th August 1914 the Chinese Government issued a proclamation of neutrality. This was accompanied by certain 'Precepts of Neutrality', as follows:

'1. Belligerents are not allowed to occupy any part of the territory or the territorial waters of China; nor to commit an act of war therein, nor to make use of any place therein as a base of operations against their adversaries.

'2. Troops of any of the belligerents, their munitions of war or supplies are not allowed to cross the territory or territorial waters of China.

'In the event of a violation, the troops shall submit to the Chinese Authorities to be disarmed and interned and the munitions of war and supplies shall be held in custody until the termination of the war.

'3. If belligerent war-ships and auxiliary vessels are found in a port within the territorial waters of China where they are not entitled to remain, China may order them to disarm and detain the officers and crew until the termination of the war.'

The presentation of the Japanese Government's ultimatum to Germany on the 15th August, followed by the declaration of war on the 23rd August, put an end to negotiations intended to exclude Chinese soil and neighbourhood from the theatre of hostilities. When Japanese and British forces began their operations against Tsingtao the British troops were landed at Lao Shan Bay, within the Leased Territory, and the movements of the British forces were kept within that territory. The Japanese, however, entered China's neutral waters with war vessels and landed troops at Lungkow on the north shore of the Liaotung Peninsula, more than a hundred miles outside the boundaries of the Leased Territory, whence they marched an army southward across the peninsula. China protested, but without avail. On the 3rd September 1914 China declared a 'war zone'. This embraced an area including the whole eastern end of the peninsula, to a line drawn west of the line of the Japanese march from Lungkow and about a hundred miles west of Tsingtao. In their march toward Tsingtao the Japanese requisitioned labour and supplies from the Chinese, constructed military railways, and seized the Chinese postal and telegraph offices. Ultimately they disregarded the boundary of the 'war zone' and occupied the whole of the Tsingtao-Tsinanfu railway and its stations, including the capital city—256 miles inland.

The general bombardment of Tsingtao began on the 31st October, and on the 7th November 1914, the Germans capitulated. In the operations the Japanese had employed a land force of 30,000 men, had suffered total casualties of 1,524, and had incurred an expense of about 65,000,000 yen (6,700,000 pounds). Some 4,750 Germans were taken prisoners and were removed to Japan.

4. *The Twenty-one Demands and the Japano-Chinese Agreements of the 25th May 1915 and the 24th September 1918.* Shortly after the beginning of the Tsingtao campaign, Count (later Marquis) Okuma, then Japanese Premier, declared in an open statement to the world[1]: 'As Premier of Japan I have stated and

[1] Cabled to the New York *Independent* for publication.

I now state to the American people and to the world that Japan has no ulterior motive, no desire to secure more territory, no thought of depriving China or other peoples of anything which they now possess.' A few weeks after the fall of Tsingtao, in December, the Japanese Minister to Peking was given in Tokyo instructions with regard to a number of demands which were to be presented at an opportune moment to the Chinese Government. On the 7th January 1915 the Chinese Government gave notice of cancellation of the 'war zone' in Shantung and requested Japan to withdraw her troops. On the 18th January the Japanese Minister presented to the President of China, in secret and with the injunction that the matter must be kept secret, a memorandum containing twenty-one demands, which have occasioned much criticism ever since. After four months of diplomatic resistance on China's part, during which period Japan increased her military forces in China, the Japanese Government delivered on the 7th May an ultimatum, giving China approximately two days in which to comply with the terms of a revised edition of the demands.[1] Under these circumstances the Chinese yielded, and two weeks later the Chinese Minister of Foreign Affairs finally signed the Japano-Chinese treaties and agreements of the 25th May 1915. In an official statement concerning these negotiations, the Chinese Government declared that it was 'constrained to comply in full with the terms of the Ultimatum' but that the Government nevertheless 'disclaim any desire to associate themselves with any revision, which may be thus effected, of the various conventions and agreements concluded between other Powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the *status quo*, and the principle or equal opportunity for the commerce and industry of all nations in China'. The American Government took occasion to communicate to the Chinese Government, under date of the 13th May 1915, and in identical tenor to the Japanese Government, that the United States 'cannot recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of China and Japan impairing the treaty rights of the United States and the citizens of China, the political or territorial

[1] For the text of the twenty-one demands and their embodiment in the subsequent agreements of the 25th May 1915 *v.* App. IV, Parts I–III.

integrity of the Republic of China, or the international policy relative to China commonly known as the "Open Door" policy'.

Fifteen of the twenty-one demands had been insisted on.[1] Japan had served notice that some of the others were 'postponed for later negotiation'. Among the agreements concluded, the most important were those relating to Manchuria and those relating to Shantung. Japan had by the Treaty of Portsmouth (1905) which concluded the Russo-Japanese War, and by the Treaty of Peking of the 22nd December 1905, which followed, become heir to Russia's rights, titles, and privileges in South Manchuria. In the agreements of 1915 she insisted that China should extend the period of the lease of Kwantung (which includes Port Arthur and Dairen) and of her railway and mining rights in South Manchuria. In respect to Shantung, the agreements of 1915 were made to provide in part, as follows:

'The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests and concessions which Germany, by virtue of treaties or otherwise possesses in relation to the Province of Shantung.

'The Chinese Government agrees that as regards the railway to be built by China herself from Chefoo to Lungkow to connect with the Kiaochow–Tsinanfu Railway, if Germany abandons the privilege of financing the Chefoo–Weihsien line, China will approach Japanese capitalists to negotiate for a loan.

'Within the Province of Shantung or along its coast no territory or island will be leased or ceded to any foreign power under any pretext.

'When after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said territory to China under the following conditions:

1. The whole of Kiaochow Bay to be opened as a Commercial Port.
2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.
3. If the foreign powers desire it, an international concession may be established.
4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.'

These agreements having been concluded, Japan continued her military occupation in Shantung, increased her forces at

[1] *v.* Agreements of 25th May 1915 App. IV, parts I–III.

some points where she had troops in China, built new barracks, and constructed powerful wireless installations. In October 1917, the Japanese authorities established 'civil administrations' at important points along the Tsinanfu railway, outside the Leased Territory and the Neutral Zone. This provoked threats of violence on the part of the local Chinese population and led to uneasiness on the part of the Peking government. The situation was aggravated by the fact which became known that large quantities of opium and opium derivatives were passing into Shantung through the port of Tsingtao and the Japanese post offices. Finally, to relieve the tension, Peking[1] gave consent to a plan drawn up between the Chinese Minister at Tokyo and the Japanese Foreign Office, which provided that the existing railways should be made a joint Chinese-Japanese undertaking and the concessions which had been granted to Germany for the building of new lines should pass to Japan, the *quid pro quo* on Japan's part to be the withdrawal of the Japanese 'civil administration' and the advancing of funds on the credit of the railway enterprise. The substance of these agreements may be summarized as follows: The first provided that Japanese capital should build the railways in Shantung Province upon which China and Germany had agreed in 1913—and on the security of this concession the Japanese at once advanced several million yen to the Chinese Government. The second provided that: Japanese troops along the Tsinanfu railway should be withdrawn, except a contingent to be left at Tsinanfu; the Chinese Government might police the line, the railway paying a share of the expense, but Japanese must be employed at the police head-quarters, at the principal stations, and at the police training school; Chinese should be employed as 'part of the staff' of the railway administration; the railway, 'after its ownership is definitely determined', should be made a joint Chino-Japanese enterprise; and the civil administration established by Japan should be abolished. The third and fourth provided for the building by Japanese capital of four railway lines in Manchuria and in northern Chili Province. These were the agreements of the 24th September 1918, concluded in secret, protested against in China as soon as their existence became known, disclosed

[1] There is uncertainty as to the approval of the Chinese Foreign Office. The matter was handled in Peking by the Minister of Communications.

officially to the other allied powers only after the Peace Conference had begun its work in Paris, and destined to be highly damaging to the claim which the Chinese Delegation presented to the Conference for the direct restoration to China of the former German rights, titles, and privileges.

5. (*a*) *Entente Secret Agreements, 1916–17.* But other 'secret agreements' were more important, agreements to which China was not a party and of which apparently none but the contracting parties had been made cognizant.[1] In 1916, certain exchanges of view had passed between Japanese and British officials with regard to the possible ultimate disposal of former German holdings in the Pacific. In January, February, and March 1917, the Japanese Government asked the British, the French, the Russian, and the Italian Governments for formal pledges, respectively, that they would support such claims as Japan expected to make, when the Peace Conference should assemble, with regard to the disposal of Germany's rights in Shantung and in the Islands in the Pacific north of the Equator. At that moment the Allies had particular need of additional naval assistance in the Mediterranean. The British Government gave its unqualified pledge to support the Japanese claims, on the understanding that Japan would support British claims with regard to the Pacific Islands south of the Equator. The French Government agreed to give its support provided Japan would aid in persuading China to break off diplomatic relations with Germany and in making that severance of relations effective. The Russian Government pledged its support without condition. The Italian Government was thereupon approached and, on being informed of these pledges, the Italian Minister of Foreign Affairs took note and stated orally that his Government 'had no objection'.

(*b*) *The Lansing-Ishii Agreement, 2nd November 1917.* In the autumn of 1917 a Special Japanese Mission under Viscount

[1] Mr. Lansing, American Secretary of State, and member of the American Delegation at the Peace Conference, testified before the Senate Committee on Foreign Affairs on the 12th August 1919, that he had had no knowledge of these agreements until early in February 1919.

It has been asserted that knowledge of these 'agreements' was communicated by Mr. Balfour to the American Government after their entry into the War in 1917, but no documentary evidence of this has been produced. The text of these Secret Allied Agreements will be found in App. IV, Part II.

Ishii proceeded to Washington. An agreement was arrived at, confirmed by an exchange of notes between Mr. Lansing and Ishii 'in order to silence mischievous reports'. The points were a recognition by the two Governments that territorial propinquity creates special relations between countries and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous. Both Governments denied that they had any purpose 'to infringe in any way the independence or territorial integrity of China', and declared their adherence to the 'Open Door' in commerce and industry. They added that 'they are opposed to the acquisition by any Government of any special rights or privileges that would affect either of these principles'.[1]

6. *The Shantung Question at the Peace Conference.*

(*a*) *Japanese and Chinese positions, 27th–28th January 1919.* On the 27th January 1919, at the Quai d'Orsai, in the presence of the leading members of the American, the British, the French, the Italian, the Japanese, and the Chinese Delegations, Baron Makino, on behalf of the Japanese Government, entered a claim for the unconditional surrender to Japan of: first, the leased territory of Kiaochow and the railways and other rights possessed by Germany in respect of Shantung Province; second, all the German Islands in the Pacific Ocean north of the Equator, with all rights and properties connected therewith. In support of this claim, Baron Makino set forth that Japan had taken these places during the war, that she held them in occupation, that Germany could not be allowed to reoccupy them, and that Japan's contribution to the victory of the Allies rendered it only just and fair that Japan should retain them. On the next day, the 28th January, Minister V. K. Wellington Koo, on behalf of the Chinese Government, stated that the Chinese Delegation would ask the Conference for the restoration to China of the Leased Territory, of the railway, and of all other rights which Germany had possessed, before the war, in Shantung. In support of this claim Dr. Koo submitted the following considerations. The territories in question are an integral part of China; they are part of a

[1] *v.* Text in App. IV, Part III.

province whose people, numbering 36,000,000, are Chinese in race, language, and religion. The German lease had been wrung from China by force; restoration was one of the conditions of a just peace. Further, Shantung Province was the cradle of Chinese civilization, the birthplace of Confucius, a Chinese Holy Land. The province was densely populated, therefore not suited to colonization, and the introduction of a foreign power could lead only to exploitation; Kiaochow was a vital point, as it commands strategically one of the main gateways to North China and one of the shortest approaches to Peking. China appreciated what the Japanese and the British had done in driving out Germany; but China too had assisted—the population of Shantung had contributed labour and supplies for the support of the Allies' military forces.

Baron Makino thereupon stated that a friendly exchange of views had been entered into between Japan and China; Japan had already agreed to restore Kiaochow as soon as she had free disposal of it; and agreements had already been reached with regard to the railways. Dr. Koo stated that the agreements referred to were presumably the treaties and notes made in consequence of the negotiations of 1915 on the 'Twenty-one Demands'. The Chinese Government had agreed to the provisions in question only under the pressure of an ultimatum, and it looked upon them as provisional and temporary, subject to review by the Conference, inasmuch as they dealt with questions which had arisen out of the war. Moreover, China had expressly stated in her declaration of war against Germany that all treaties and conventions theretofore concluded between China and Germany were abrogated; the lease of Kiaochow was therefore terminated; but even if such were not the case, Germany was without legal right to transfer the territory to another power, because of the express provision in the lease itself against transfer.

(*b*) *The question in suspense, February to April 1919.* The Shantung question was not taken up again formally by the Council until late in April. In the interval, neither the Japanese nor the Chinese were idle with regard to it. The Japanese showed irritation over the action of the Chinese Delegation in demanding the direct restoration. They had tried before the Conference met to induce the Chinese Government to leave to Japan the presentation of Far Eastern questions.

They declared that His Excellency Lou Tseng-tsiang, Chinese Minister of Foreign Affairs and official head of the Chinese Delegation, had promised while in Tokyo on the way to Paris, that China would co-operate with Japan and would not present an independent case at the Conference. They brought pressure to bear in Peking to induce the Chinese Government to repudiate the claim which had been put forward by its Delegation. Both sides appealed to the public, through the publication of pamphlets, by interviews, by cultivation of the press, and by the issuing of 'authorized statements', affirmations, and denials. The Chinese presented to the other Delegations an official memorandum setting forth their claim, and this was given a considerable circulation. Public opinion appeared sympathetic, on the whole, to the Chinese plea. It was generally felt that from the legal point of view the Japanese could make a powerful argument, but that from the point of view of political and moral principles the Chinese had presented a strong case.

During February, March, and early April, the efforts of the Conference were directed particularly toward the production of the Covenant of the League of Nations. The Japanese Delegation made a determined effort to secure the adoption of a 'racial equality' clause. When this was eventually refused them, they concentrated on their claim regarding Shantung. It was matter of common knowledge, however, that the United States Government, traditionally the champion of the 'open door' policy and the integrity of China, recently responsible in no small measure for China's having entered the war, was sympathetically disposed toward the Chinese claim; and it was expected that President Wilson would insist that the question be considered on its merits independently of the various previous commitments cited. Although neither the Japanese nor the Chinese Delegations gave any sign of less than absolute insistence, officially, upon their respective claims, there were evidences toward the middle of April that both were considering what terms might be proposed or conceded by way of a compromise.

At a meeting of the Council of Five on the 15th April, Mr. Lansing made a proposal that Germany be made to renounce all rights, titles, and privileges in and over territory outside her European frontiers. The Japanese objected that, in view of previous commitments, the Leased Territory of

Kiaochow could not be made subject to such a disposal. President Wilson shortly thereafter suggested that the five Principal Powers act as trustees of the former German rights in Shantung. To this also the Japanese Delegation said they could not agree.

(*c*) *The question before the Three, 22nd–30th April.* On the morning of the 22nd April, the Japanese case was heard formally by the Council of Three. Baron Makino stated that what his Delegation asked involved the concession of economic, not of political privileges; that they had already promised in formal agreements to restore the Lease of Kiaochow, to 'restore sovereignty' in Shantung to China; that the railways were to be a joint Chinese-Japanese enterprise; and that the railway police were to be Chinese, with Japanese only as instructors. On the afternoon of the same day, the Chinese Delegation was called before the Council. In this hearing the Council concentrated its attention almost entirely upon inquiries and statements concerning treaties, agreements, and exchanges of notes, including the Japanese-Chinese railway agreement of the 24th September 1918 and the secret agreements which Great Britain and France had made with Japan in 1917.

On the 23rd April, President Wilson issued his manifesto with regard to Fiume. The Italian Delegation withdrew from the Conference, and the Italian people enthusiastically supported the position which their Government and its Delegation had taken. This gave the Japanese Delegation the opportunity for which they had waited. They had already intimated, and they now lost no time in letting it be understood that the Shantung question must be disposed of at once and in accordance with their claim; that if they were refused this, they would withdraw from the Conference, they would not sign the treaty, and Japan would not join the League of Nations.

On the 25th April, the Chinese Delegation submitted to the Council a proposal whereby Germany was to renounce to the Five (Principal) Allied and Associated Powers her holdings, rights, and privileges in Shantung, for restoration to China; Japan was to engage to effect the restoration to China within one year after the signing of the treaty; China was to make pecuniary compensation to Japan for the military expenses of the Tsingtao campaign; and China was to open Kiaochow

Bay as a commercial port and to provide a special quarter, if desired, as an international settlement.

Throughout the week between the 23rd April and the 30th April, the influence of the Fiume controversy, the withdrawal of the Italian Delegation, the Japanese claim for 'racial equality', and solicitude for the adoption of the Covenant of the League of Nations affected the discussion of the Shantung question. Suggestion after suggestion was made with a view to a compromise adjustment between the Chinese and the Japanese claims. Several of the technical experts urged consistently that transfer of the German rights to Japan would not be warranted and would not produce a satisfactory settlement, and some answered every inquiry with data supporting the arguments for direct or indirect restitution to China. On the 29th April, General Bliss of the American Delegation, with the knowledge and approval of his colleagues, Mr. Lansing and Mr. White, sent to President Wilson a letter cogently discussing the conflicting claims from the point of view of the 'moral right or wrong involved'.[1]

The Shantung question had, however, already been decided. It had been decided in February and March 1917, when Japan secured the individual pledges from each of four European Governments that her claims would be given their support. The British and the French spokesmen now stated and held that they were bound by these pledges. On the 30th April, the Japanese made, at a meeting of the Council, a statement declarative of their policy, in substantially the following terms: Japan would hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Japan, and the right to establish a settlement under the usual conditions at Tsingtao; the owners of the railway would use special police only to insure security for traffic—these police would be used for no other purpose; the police would be composed of Chinese, and such Japanese instructors as the directors of the railway might select would be appointed by the Chinese Government. With Italy gone from the Conference, with the British and the French insisting on the sanctity of their engagements, believing that the League of Nations was at stake, fearing for the Covenant and for the very

[1] Lansing, *Peace Negotiations* (1921) pp. 230–3. *v.* also R. S. Baker, *Wilson and World Settlement*, III, 311–18 for 2 documents.

life of the Conference, President Wilson yielded, and the decision which had been made in favour of Japan two years before (by agreements to which the American Government had been in no way party) was confirmed.

The text of the clauses which were to carry this decision into the Treaty had already been submitted. Slight amendments were made in the Council. In agreeing to these provisions, President Wilson placed full confidence in, and let it be understood that he considered as a binding corollary, the statement of policy which had been made by Baron Makino on behalf of the Japanese Government. He also insisted at the time, and repeatedly thereafter, that this settlement should be construed independently of the Chinese-Japanese agreements of 1915 and 1918 and without reference thereto.

7. *The Terms and Conditions of the Settlement.* The Council concluded its deliberations on the Shantung Question on the 30th April. News of the decision was given that evening to the Press and, in an informal statement, to the Chinese Delegation, by the Director of the Press Bureau of the American Delegation.

It was stated to the Chinese Delegation that the former German rights in Shantung were to be transferred without reservation to Japan; that Japan had voluntarily engaged to hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany and the right to establish a settlement at Tsingtao; that the railway police force would be composed of Chinese with Japanese instructors appointed by the Chinese Government; that the Japanese military forces would be withdrawn at the earliest possible moment; that Japan was thus getting 'only such rights as an economic *concessionnaire* as were possessed by one or two other great Powers', and the whole future relationship between China and Japan would fall at once under the guarantee of the League of Nations.

The exact terms of the agreement which was to appear in the Treaty were not communicated until some days later. The terms, which went into the Treaty as Section VIII of Part IV, were as follows:

ARTICLE 156. Germany renounces in favour of Japan, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables—which she acquired in virtue of the Treaty concluded by her with China on the 6th March 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao–Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges, and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 157. The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connexion with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances.

ARTICLE 158. Germany shall hand over to Japan within three months from the coming into force of the present Treaty, the archives, registers, plans, title-deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements or agreements relating to the rights, title, or privileges referred to in the two preceding articles.[1]

8. *Analysis of the Settlement.* Reuter's dispatch of the 30th April to the London *Times*, said:

'The Council of Three, after hearing both the Japanese and the Chinese Delegations . . . came to the conclusion that the Japanese demands must receive satisfaction.

'Japan receives the free disposition of Kiaochau,[2] to which she is entitled under her Treaty with China of 1915, and which was all she asked from the Conference. In the Treaty Germany will surrender the Kiaochau territory to Japan, who will, in accordance with her Treaty with China, transfer it to the latter in due course.

'The Chino-Japanese Treaty of 1915 and the agreements concluded in 1918 stand in their integrity. . . .'

This represents a view different from that of President Wilson, and from that which was conveyed, in part specifically and in part by implication, in the statement issued from the Press Bureau of the American Delegation.

To understand what really had been done, it is necessary not alone to scrutinize the provisions of the Treaty clauses, but to take careful account of the antecedents, and of the direct and indirect consequences of the decision of which those articles are the formal evidence. Attention may be directed here to only a few points.

[1] *v.* also Text in Vol. III. 186–7.

The rights, titles, and privileges which Germany had possessed in Shantung were based on bi-lateral agreements between Germany and China. In one of these, the Convention of the 6th March 1898, it had been specified that Germany should not transfer the lease of Kiaochow to any other Power. The decision of the Three required that the collection of rights, titles, and privileges which China had granted to Germany be transferred and assigned to Japan. In form, the transfer was to be made by Germany; in fact, the assignment was to be made by all the Powers which signed and ratified the Treaty. It was of course assumed, when the decision was made, that all the Allied and Associated Powers, including China and the United States, on the one side, and Germany on the other, would be parties to the Treaty. Japan's title was to rest, therefore, not on a bi-lateral agreement, but on a broad, international Act.

The terms of this new and broader undertaking assigned to Japan more than Germany had possessed. Not only was Germany to 'renounce in favour of Japan all her rights, title, and privileges', but, 'all *German* rights in the Tsingtao-Tsinanfu railway', &c., together with 'the German State submarine cables', 'are and remain acquired by Japan',—i.e., the treaty provisions assigned to the Japanese Government not alone all that had been German public property, but some things which both the Chinese and the Germans contended were of private or of mixed ownership.

There was thus granted to the Japanese Government everything to which that Government might deem it advantageous to lay claim, under the terms of any or all of the German-Chinese 'arrangements relative to the Province of Shantung', regardless of the extent to which Germany had or had not exercised her rights under the agreements. From the difference in their respective situations, relations with and policies toward China, Japan might consider it to her interest to avail herself of privileges under these agreements to which Germany had not thought it desirable to give attention. The legal and political warrant for a concession of rights, titles, and privileges by one sovereign Power in favour of another must rest on the relations between the grantor and the grantee; the conditions in this respect cannot fully attach to and be carried over with a transfer of the grant to a third party;—

whence the logic and the practical intent of such provisions as that which had been written into the German-Chinese Convention of 1898 expressly prohibiting transfer of the lease. The Chinese contended that Germany could not lawfully transfer the lease. Even if there had been no specific prohibition—but there was such—there would seem to be ground for the contention that the transfer could not legally be made by one—i. e., by either—of the parties to the original agreement, except with the express consent of the other. As to consent, China had undertaken, in the agreements of 1915 with Japan, to abide by the settlement which might be arrived at between Japan and Germany. But, inasmuch as, according to the terms of the original agreement with China, Germany had undertaken not to transfer the lease, was China's agreement with Japan to be construed as an authorization to Germany to make terms with Japan without reference to that limitation? In other words, did China's agreement with Japan of 1915 cancel a part or all of the German-Chinese Convention of 1898? The Chinese had contended that their declaration of war on Germany terminated all the treaties and agreements between China and Germany. The Council of Three had not accepted that view. Arts. 156, 157, and 158 of the Treaty imply the continued binding obligation of the Chinese-German Convention of 1898 and all the agreements supplementary thereto. If, however, those agreements were and remained binding, if neither Germany nor China had been released from any of the obligations thereunder, it would certainly seem that Germany had not the right to transfer the lease; and it would follow that the assignment of the lease to Japan was in disregard of Germany's legal disability in respect thereto. On the other hand, if those agreements were, as the Chinese contended, no longer binding, the assignment to Japan of the rights, titles, and privileges for which they provided could be effected legally only by the express and immediate consent of China. That consent, the Chinese held, had not been and would not be given.

The articles in the Treaty make no mention of China or of Chinese rights. They contain no reference to any condition or any obligation entered into on Japan's part; they refer neither to the pledges in the agreements of 1915 and of 1918 nor to the explanatory statements and declaration of policy made by the Japanese Delegation in the meetings of the Council.

In the absence of any textual reference to the Japanese-Chinese agreements of 1915 and of 1918, the provisions which appeared in the Treaty seemed to imply, given the antecedents and their own sweeping character, a recognition of the validity of those agreements. The Japanese had throughout the negotiations insisted that those agreements were and must be considered binding, and, notwithstanding President Wilson's contention that the settlement must be independent of those undertakings, they had never expressly committed themselves to an assent to that view.

The statements of policy made by Baron Makino, on behalf of the Japanese Delegation, in the conversations of the Council of the 22nd April and of the 30th April, had not been reduced to the formality of an official, published declaration. No official minutes had been kept of the proceedings and hearings of the Council of Three. Sir Maurice Hankey, accompanying Mr. Lloyd George as Secretary, made notes and memoranda, and there exists, in this form, a record of the conversations; but these were not formal Conference records. The official record, the Treaty itself, expressed no conditions and laid down no limitations in reference to the provisions of Arts. 156, 157, and 158.

Under these circumstances, and in the presence of informal and abbreviated oral statements by individuals rather than an official announcement by the Council, and with a refusal by the Council to give the Chinese Delegation a copy of the informal record of the hearing at which the Japanese statement was made,[1] there was uncertainty as to the extent of the pledges and doubt as to the binding obligation of the undertakings upon which the Treaty articles were said to be conditioned.

On the 5th May, Baron Makino made a statement to the Press, in which he declared: 'Japan's policy is to hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany and the right to establish a settlement under the usual conditions at Tsingtao.' Viscount Uchida, Japanese Minister of Foreign Affairs, made on the 17th May a similar statement to the Press; and he made later, on the 2nd August, a further statement in which, after reference to the Japano-Chinese agreements of 1915,

[1] A copy was given the Chinese Delegation, 'confidentially', later.

he declared that Japan was willing to enter into negotiations with the Government at Peking as to the arrangements necessary to give effect to Japan's pledge to restore the Kiaochow Leased Territory. He said also that the Japanese Government had under contemplation plans for the establishing in Tsingtao of an international settlement instead of the exclusive Japanese settlement which it was entitled to claim. President Wilson immediately issued a public statement declaring that in the statements made by Baron Makino in Paris in reply to questions which he, President Wilson, had put, no reference was made to Japan's declaration of policy as being dependent upon the execution of the 1915 agreements, and that nothing to which he had agreed should be construed as acquiescence on the part of the American Government in the policy of the Notes exchanged between China and Japan in 1915 and in 1918.

9. *The Chinese Delegation refuses to sign the Treaty.* To the Chinese, the decision of the Council was of course a bitter disappointment. They found the provisions written into the Treaty unsatisfactory; and they looked on the account given them of the Japanese pledges as not reassuring. The Delegation prepared a formal protest to the Conference and issued authorized statements to the Press. In these and in other statements, both written and oral, they pointed out that they had had unsatisfactory experience of the granting of 'economic privileges' to foreign governments, especially of the consequences of foreign control of ports, railways, and other instruments of communication. Referring to the 'sovereignty of Shantung' they said that Germany had possessed no right of sovereignty in Shantung, and that there could be, therefore, no restoration of 'sovereignty'. They expressed suspicion of the declared intention of Japan to 'restore the lease of Kiaochow', inasmuch as under the 1915 agreements there existed the undertaking that Japan should be allowed to choose a point on Kiaochow Bay as an exclusively Japanese 'concession'. The lease to Germany had been for a period of ninety-nine years, but a 'concession' would be without date for termination, and would amount practically to a cession in full title. If Japan chose the city of Tsingtao or the port and the railway terminals, she would retain all that was of practical value in the leased territory. They explained their apprehension as to the use which might be made of the agreements of 1915 on the score

of their painful recollection of the circumstances under which those agreements had been extorted and their knowledge of the history of similar agreements elsewhere.

At the plenary session of the Conference on the 6th May, the Chinese Delegation gave notice of a reservation on their part to that portion of the Treaty which was to contain the Shantung provisions. On the 26th May they officially notified the President of the Council that they would sign the Treaty subject to this reservation. On the 24th June they were informed by the Secretary-General that reservations to the text of the Treaty were not permissible. They then asked that they be allowed to enter their reservation as an annex to the Treaty. Permission to do this was refused. They next proposed that they should send to the President of the Council before proceeding to Versailles a separate declaration explaining that their signature would be subject to the reservation. They were informed that there could be no reservations of any kind before the signature, but that they might send a declaration *after* they had signed the Treaty. They finally made a last effort three hours before the assembling of the Conference at Versailles for signing the Treaty, proposing so to modify the wording of their reservation that it should simply state that the fact of their having signed was not to be understood to preclude China from asking at a suitable time for reconsideration of the Shantung question.—They were seeking some assurance, though merely that of a technical intimation, that the League of Nations might be expected to consider their claims.—The Secretary-General reported that none of the Council would consent to this.[1] The Chinese Delegation therefore refrained from signing the Treaty.

10. *Effects and Consequences.* The most readily discernible of the immediate effects and consequences of the 'Shantung settlement', direct and indirect, legal, political and economic, may be summarized as follows:

It left Japan in control of the most valuable natural harbour on the coast of China proper and of the main east-and-west highways within and extending westward from Shantung Province.

It conceded to Japan a 'sphere of interest', embracing

[1] Final authorization to the Delegation to refuse to sign had already been dispatched from Peking, but had not yet been received in Paris.

the whole of a rich Province, in which the preferential position of the original concessionaire power had been granted in extensive and comprehensive terms.

It strengthened Japan in the consolidation of her strategic position on the Continent and in the China Sea.

It implied, in some measure at least, a recognition of the agreements of 1915 and of 1918, both groups of which China had sought in vain to have disallowed or amended by the Conference. It thereby not only furnished an authorized basis for the consolidation of Japan's newly acquired interests in Shantung, but it also added to the strength of Japan's whole position in South Manchuria.

It further dislocated the 'balance' of interest and influence which had been established with approximate effectiveness in the years just preceding 1900 when each of five foreign Powers had more or less clearly delimited the area which it regarded as henceforth to be its 'sphere of interest'.

It amounted, practically considered, to a formal international confirmation of the 'spheres of interest' conception, giving to the Shantung type of 'sphere' the benefit of general (or at least European) conventional recognition.

It shook the confidence of the Chinese in the benevolent professions of the Western Powers.

It occasioned immediately in China a widespread boycott of Japanese goods and business.

It strengthened the position among their own people of the Japanese 'militarist' leaders, constituting as it did a crowning vindication, in terms of successful achievement, of the policy which those leaders had pursued; and it strengthened throughout the Orient the impression of Japan's military and diplomatic irresistibility.

It did more probably than did any other one thing in the Treaty to create among the American people distrust of the work of the Paris Conference; it certainly contributed very substantially to the argument and sum total of considerations which led to America's refusal to ratify the Treaty.

It injected new complications into the problem, first, of Chinese-Japanese relations, and second, of Occidental-Oriental contact.[1]

[1] For the further development of the Shantung question *v.* next page.

Editor's Note on the Shantung Treaty (4th February 1922).

Articles 156–8 of the Treaty of Versailles, relating to Shantung, are quoted in full in the text, pp. 382–3, and also in Vol. III, pp. 186–7. At the Washington Conference 'a Treaty for the settlement of outstanding questions relative to Shantung' was signed between China and Japan on the 4th February 1922. This treaty contained provisions for Japan restoring to China the former German-leased territory of Kiaochow (Art. 1), the transfer of the administration of the former German-leased territory and of public property in that territory by Japan to China (Arts. 2–8), for the withdrawal of Japanese troops (Arts. 9–11) from the territory, for the transfer to China of the Tsing-tao–Tsinanfu Railway (Arts. 14–20).

Various other articles and an annex provided generally for the opening of the Kiaochow territory and for the renunciation of preferential rights by Japan.

On the 2nd June 1922 ratifications were exchanged of the Shantung Treaty by China and Japan. By that time the Japanese troops had finally evacuated the territory in Shantung. They had evacuated Hankow (31st May), promised to withdraw from Siberia (24th June), actually withdrew at the end of 1922, and made great reductions in their army.

In addition to the Shantung Treaty signed between China and Japan, a treaty was signed on the 6th February 1922 between the United States, Belgium, British Empire, China, France, Italy and Japan, the Netherlands and Portugal, 'relating to principles and policies to be followed in matters concerning China'. A treaty between the same Powers was signed on the same day 'relating to the Chinese Customs Tariff'. In addition a number of Resolutions regarding Far Eastern Questions (3), Extra-territoriality in China (4), Foreign Postal Agencies in China (5), Armed forces in China (6), Radio stations in China (7), Unification of Railways in China (8), Reduction of Chinese Military Forces (9), Existing commitments of China or with respect to China (10), and regarding Chinese Eastern Railway (11–12) were passed by the United States, British Empire, France, Italy, and Japan. All had for their general purpose the maintenance of the territorial integrity of China and the preservation of equal opportunities of commerce to all nations.[1]

[1] The Prince Regent of Japan ratified all these arrangements on the 5th August 1922. For the text of the Shantung Treaty, for the Treaty of the 4th February 1922, and the Resolutions, *v. Bulletin of Amer. Assoc. for International Conciliation*, No. 172, March 1922, pp. 89–116, 133–45.

CHAPTER V

THE ATTITUDE OF THE UNITED STATES SENATE TOWARDS THE VERSAILLES TREATY: 1918–20

Introductory. Excepting the House of Lords, the American Senate is the oldest upper chamber in existence. Starting in 1789, with a membership then of twenty-two men representing eleven communities all east of the Mississippi River, it is to-day a body of ninety-six members from the forty-eight states which stretch from the Atlantic seaboard 3,000 miles westward to the Pacific Ocean, and southwards, from the Great Lakes and Canada to the Gulf of Mexico and old Mexico, some 1,500 miles. Its members are chosen for six years, but a third of its membership is changed every two years, and usually to some extent its political colour. Originally and for upwards of a century Senators were chosen by the legislatures of the states, but since 1913, in accordance with the seventeenth amendment to the Constitution, they have been chosen by popular vote. This comparatively recent amendment affects neither the powers nor the essential attributes of the Senate—it marks a change in the mechanism of election. To some extent already it has brought in younger and less experienced men than formerly, but it has interfered in no marked way with old traditions or modified the common belief that the Senate is our most dignified political body, wisely conservative and yet in closer touch than ever before with popular wishes and demands. The Senate reveals much of that genius for politics which Walter Bagehot thought so peculiarly characteristic of Americans, and shows moderation in action notwithstanding the superficial and often violent aspects of its oratory. One seldom fails, in following closely its proceedings, to observe an underlying regard for law and high respect for the Constitution.

1. *President and Senate as Factors in Treaty-Making.* In dealing with foreign nations the President of the United States represents in theory his country: in the absence of anyone equivalent to a prime minister, he is its chief official and spokes-

man. But it should be noted also that the Senate shares with the President the executive function in the power of making treaties. It is a co-ordinate factor, for, as the Constitution declares, the President

'shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur'.

It has been disputed as to whether during the negotiation of a treaty the Senate has any right to interfere or to communicate to the chief executive its views. The better opinion is that it has no right to interfere. There is, however, no doubt that Presidents from Washington's day onwards have occasionally consulted the Senate informally before negotiating treaties: at times they have sought the Senate's judgment, or that of individual Senators, as to whether negotiations should or should not be undertaken. That President Wilson was familiar with the practice is clear from his own words written many years ago—in 1908. 'The Senate', he remarked, with a backward glance at history, 'has shown itself particularly stiff and jealous in insisting upon exercising an independent judgment upon foreign affairs.' A wise President, finding the Senate 'stiff and offish' towards his policy, may himself act, according to Mr. Wilson,

'in the true spirit of the Constitution and establish intimate relations of confidence with the Senate on his own initiative, not carrying his plans to completion and then laying them in final form before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his plans are in course, when their advice will be of service to him and his information of the greatest service to them, in order that there may be veritable counsel and a real accommodation of views instead of a final challenge and contest. The policy which has made rivals of the President and Senate has shown itself in the President as often as in the Senate. . . .'[1]

The practice here brought into view reveals the mode by means of which flexibility and vital interrelations can be brought about in a government which was originally planned on the theory of rather a strict separation of powers.

2. *President Wilson's Appeal for Partisan Aid, 25th October 1918.* In the latter part of October 1918, rather more than a fortnight before the terms of the armistice were signed,

[1] Woodrow Wilson, *Constitutional Government in the United States* (N. Y., 1908), pp. 139–40.

Mr. Wilson issued an appeal addressed to his fellow-countrymen. It was not, as it might have been, an appeal to the voters of America irrespective of party affiliations to put the best possible men into Congress; on the contrary it was a plea made avowedly to increase the Democratic majority in both Senate and House. These were his words:

> 'The congressional elections are at hand. . . . If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and the House. . . .'

A Republican majority, he urged, would certainly be interpreted abroad as a repudiation of his leadership. He made the plea, he declared, neither for himself nor for his party; it was done solely on behalf of the nation itself in order that the nation's 'inward unity of purpose' might be evident to all the world.[1]

The President's appeal was not without precedent. But it was widely felt that it might better have come from some party leader than from him. At the moment he had reached the acme of his position and was acclaimed throughout the world as the one leader who had, through a series of state papers and public addresses of marked ability, crystallized clearly the best thought of the struggling nations in their yearnings for a peace that should be based on justice and right. Neither political friends nor opponents in America could forget his clear-cut utterances of the previous May when he said:

> 'Politics is adjourned. The elections will go to those who think least of it; to those who go to the constituencies . . . with a plain record of duty faithfully and disinterestedly performed. . . . The great days have come when the only thing they [i. e. the people] ask for or admire is duty greatly and adequately done. . . .'[2]

Discussion of the appeal was widespread and vigorous. Indeed, reference to it cropped up in the Senate debates at intervals from 1918 to 1920 over the Versailles Treaty, for it made a lasting impression.

3. The Republican Response of the 25th October 1918. There had been in inner party circles for several months before the appeal was issued a suspicion of some such design on the

[1] *Washington Post*, Saturday, 26th October 1918.
[2] *Congressional Record*, 65 Cong., 2 Sess. (27th May 1918), *v.* LVI, 7115.

part of the President. Republican opponents were consequently prompt in issuing a counter reply which was published almost contemporaneously. This reply was stimulated by ex-President Roosevelt's clear and public pronouncement against Mr. Wilson's series of diplomatic notes to Germany, for Roosevelt had for some time been eager for a peace based upon unconditional surrender. 'Let us dictate peace', said the ex-President, 'by the hammering gun and not chat about peace to the accompaniment of the clicking of typewriters.'[1] The counter reply called attention to Mr. Wilson's plea for Democrats irrespective of their quality. It was intimated that he would thus favour the election in Michigan of Henry Ford, the well-known pacifist, and the retention as Speaker in the House of Representatives of Champ Clark who had declared that 'there is precious little difference between a conscript and a convict'.[2] It promised that a Republican Congress would not be guilty of fixing the price of western wheat and leaving the southern planter's cotton untouched—a direct reference to Democratic partisan legislation for the benefit of the south; and it concluded with the sentiment, familiar, it assumed, to all the world, that the Republican party was opposed to diplomatic notes and would demand of the hostile armies unconditional surrender.[3]

Had not the President made a serious tactical blunder in issuing his partisan appeal? It would seem so, for the November elections resulted in a slight but controlling majority of Republicans in the Senate, raising their number from 47 to 51, and of the new members three were men from the middle western states who displaced Democratic opponents. In other words, the Democrats could reckon on simple issues, on only about forty votes after the close, on the 4th March, three months later, of the sixty-fifth Congress. The November elections were unmistakable evidence of a slight change in the party balance of power and correspondingly of public sentiment toward President Wilson and his following. In brief, the Democrats had lost control of the body which must

[1] Extract from telegram of Roosevelt, sent in triplicate, 24th October, to Senators Lodge, Poindexter, and Hiram Johnson, from Oyster Bay. Four days later (28th October), Mr. Roosevelt, in the course of an address at Carnegie Hall, New York City, on 'What Wilson did and Lincoln didn't', repeated this same sentiment to a large audience. Cp. an utterance reported in *The Times* of the 5th December 1918, quoted in Vol. I, p. 198 n.

[2] 25th April 1917. [3] *Washington Post*, 26th October 1918.

pass final judgment on anything in the shape of a treaty that Mr. Wilson might negotiate.

4. *Senate Opposition: December 1918 to 4th March 1919.* When President Wilson sailed out of New York harbour on that fateful Wednesday, the 4th December 1918, bound for France, he went as the spokesman of his country and with clear knowledge on his part that his negotiations, if resulting in a treaty, must pass finally the test of careful review by the Senate before becoming law. While there were expressions both in and outside the Senate of opposition to his departure for foreign shores, it was understood by the wiser portion of the Senate that President Wilson, in deciding to go to France for the purpose of entering upon negotiations, was entitled to exercise his judgment free from the interference of the Senate. The simple truth was well expressed by the Republican ex-President Taft when he said:

> 'There is no constitutional inhibition, express or implied, to prevent the President's going abroad to discharge a function clearly given him by the Constitution.' [1]

Addressing the Congress on the 2nd December, President Wilson spoke his final word before his departure. He was acting in accordance, he said, with his paramount duty to assist the Allied and Central Powers who had accepted the 'Fourteen Points' to interpret and apply them to the situation created by the armistice conditions as determined on the previous 11th November. 'You will', he remarked, 'know all that I do'; and he added hopefully: 'I shall count upon your friendly countenance and encouragement. . . .'

There was immediate evidence of dissatisfaction with the President in the Senate: a good deal of captious criticism was indulged in. What did the President intend to do when he reached Paris? It was assumed that his plans had been for some time 'in course', yet little enough regarding them had been clearly or definitely divulged. A considerable portion of the Senate, friends as well as enemies, was dissatisfied. The President's most voluble, if not his chief spokesman, Senator James H. Lewis of Illinois, the party whip, sounded loud and prolonged but uninforming notes about the President's designs; Senator Hitchcock of Nebraska, Democratic chairman of the

[1] *Washington Post*, 5th December 1918.

Foreign Relations Committee, not wholly sympathetic with Wilson's projects (it was believed), proved neither a strong nor an effective debater. Hence it was easy for the Republican leaders—such tried men as Senators Lodge, Knox, and Borah—to take prompt advantage of the situation and to attack vigorously the general ideal of a League of Nations on which Mr. Wilson had been dwelling for many months. Outside the Senate, Wilson had conspicuously strong defenders in the membership of the League to Enforce Peace, an organization founded in 1915, and notably in ex-President Taft who, although a Republican, rose high above partisan bias and was eager to give to President Wilson the benefits of such doubts as were easily suggested by men of a less liberal mould.

Early in December it was proposed that a committee of eight Senators, four from each party, should be dispatched to Paris, there to make itself familiar with conditions and circumstances, and to report frequently back to the Senate, making a final report 'at or before the time that the treaties growing out of the Conference are laid before the Senate for approval, rejection, or modification'.[1] Senator Pittman of Nevada, a Democrat, in a cynical mood, offered as a substitute, the suggestion that the entire body of ninety-six Senators transfer themselves to Paris to watch and wait! But the plan of a Senatorial Committee, reported upon unfavourably by the Committee on Foreign Relations, was quickly dropped.

Until the 15th February, the day after the text of the Covenant as then agreed upon in Paris had been cabled to the United States, the debates were partly concerned with vague and rather general projects for a League. It became, however, quickly clear that a large group of Senators influenced by two Republican Senators, Henry Cabot Lodge and Philander C. Knox—men very familiar with the history of foreign policy—favoured first of all a treaty of peace. As quickly as possible let there be the completion of a definite settlement. Let it be made as severe as possible—in consonance with the 'un-

[1] The narrative of this chapter, largely the result of a study of speeches and debates in the Senate, is, unless otherwise indicated, dependent for direct quotations on the language found in the *Congressional Record*, Vols. LVII–LIX, extending from 2nd December 1918, through 19th March 1920. Divided into successive 'Parts' and 'Appendices', there are actually eighteen volumes of printed matter.

conditional surrender' ideal long since enunciated by Roosevelt and men of his mind. From the 15th February to the close of the session on the 4th March the Senate had the text of the Covenant to conjure with; and the discussions were somewhat better defined, developing along the line of the covenant theme.

5. *Glimpses of the Ideal of a League of Nations: 1910–18.* The ideal of a League of Nations was, as Senator Kellogg of Minnesota pointed out on the 4th December, 'an ancient and honourable subject', one that had been discussed for a long time by publicists and journalists in the United States and abroad.[1] As far back as May 1910, ex-President Roosevelt in his Nobel Prize lecture at Christiania had advocated a League of Nations.[2] Senator Lodge, giving the commencement address at Union College in Schenectady, N. Y. on the 9th June 1915, had favoured a League.[3] President Wilson, addressing the first annual gathering of the League to Enforce Peace at Washington, D. C. on Saturday night, the 27th May 1916, announced in no doubtful fashion his adherence to the ideal of a League.[4] And Senator Lodge on the same occasion went so far as to say

> 'I think the next step is that which this League proposes, and that is to put behind international peace an international league or agreement or tribunal for force. We may not solve it in that way, but if we cannot, it can be solved in no other. . . .'[5]

[1] 'As far as I am able to judge, the consensus of public opinion among the allied nations to-day is in favour of the general principles of a League of Nations to prevent war.' *Cong. Record*, LVII, 76.

[2] See 'International Peace', esp. pp. 81–3, in Roosevelt's *African and European Addresses* (N. Y. and London, 1910).

[3] 'It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order; but it is through the aspiration for perfection, through the search for Utopias, that the real advances have been made. At all events it is along this path that we must travel. . . .' p. 6. This address, entitled 'Maintenance of Peace', was printed in March 1919, as *Senate Document*, No. 443 (65 Cong., 3 sess.)

[4] Printed in the *Record* on 29th May 1916, LIII, 8854.

[5] Text as printed on Sunday, 28th May, in the *Washington Post*. In the official *Proceedings* of the League, printed later, it was slightly altered, reading: 'I think the next step . . . is to put force behind international peace', &c. Dr. George Sarton translated the volume under the title *Ligue pour Imposer la Paix* (December 1916). The Lodge sentiment read: 'Je crois que nous devons faire ce que cette Ligue propose, notamment d'appuyer la paix internationale sur une ligue ou un accord international, sur un tribunal de paix, en dernier ressort sur la force.' p. 56. [It is rather important that Wilson in his speech on this occasion excluded all reference to force (*v.* Chap. VI, p. 429), so that at this moment Lodge advocated force and Wilson did not.—*Ed. note.*]

An address by Associate Justice John H. Clarke of the Supreme Court was printed in the *Congressional Record*,[1] showing how strong for a League of Nations could be a highly trained legal expert. Admitting the difficulties of its adjustment to our government, Justice Clarke was nevertheless certain that there existed no constitutional objection to the United States joining a carefully designed League of Nations. 'Unless the league shall utterly fail of its purpose,' he declared, 'membership in it will involve a covenant on our part to join the honourable nations of the world to protect ourselves and them from nations which are predatory and false . . . it is the part of prudence, if we must make war, to make it for a just cause and in the company of honest nations.'

6. *The Treaty Ideal.* The November armistice was succeeded in the United States by a 'slump in idealism', and the Senate reflected this situation. The Republican Senators, under the leadership of such veteran statesmen as Lodge and Knox, were extremely cautious in their attitude towards a possible League. Why, urged Knox, had not the President taken steps long since to act upon authorization, given him by Congress as far back as the 29th August 1916, to invite all the great governments of the world to send representatives to a conference which should be charged with the duty of formulating a plan for a court of arbitration or other tribunal to which disputed questions between nations should be reported for adjudication and peaceful settlement?[2] The query remained unanswered. But it became clear that Knox wanted a prompt settlement by treaty distinct from any league.

On the 21st December, Senator Lodge outlined what he conceived to be the essentials of a constructive peace treaty with Germany. He was careful in conclusion to point out numerous subjects, such, for examples, as the practices of secret diplomacy, reduction of national armaments, the illusive subject of freedom of the seas, and in particular the problems

[1] LVII, 2944–7. Address delivered in August 1918, before the American Bar Association. Justice Clarke resigned from the Supreme Court in September 1922, and has since given much time to the advocacy of a League of Nations of which the United States shall be a member.

[2] The statute permitted the President 'to appoint nine citizens of the United States who in his judgment shall be qualified for the position by eminence in the law and in devotion to the cause of peace to be representatives of the United States in such a conference'. A sum of $200,000 was granted for the objects involved. U.S. *Statutes at Large*, XXXIX, Part I, 618.

associated with any effective League of Nations, all of which in his judgment should be postponed for the sake of that prolonged and studied attention requisite to the solution, or at least to the better understanding, of these difficult themes. As to a League, this was his final thought:

'The attempt to attach provisions for an effective League of Nations to the treaty of peace now making with Germany would be to launch the nations who have been fighting Germany on a sea of boundless discussion.'

In January, advocates of the League ideal in support of Wilson began to be heard in the Senate. The President's addresses abroad, quoted in the American newspapers, were bringing his projects in a clearer way before the country. Senator Porter J. McCumber of North Dakota, a Republican with twenty years' experience in the Senate and a representative citizen of the north-west, spoke out thoughtfully and definitely for Wilson's projected League ideal; and Senator Walsh of Montana, a much newer man, exceptionally discerning on legal points, was hardly less clearly for it.

After the 15th February, criticism was directed to the newly formulated text of the Covenant. A confidential dinner and meeting at the White House on the night of the 26th February, soon after President Wilson's arrival, between the President and the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House—a gathering summoned by the President by cable from Paris—marked the first real opportunity for a small group of Senators and Representatives to obtain from the President a direct account of the Paris Conference together with first-hand knowledge of his designs. Rumours about it appeared the next morning in the newspapers, but even to-day there is no authoritative record of its colloquies in print.[1] On the last day of the month Senator Lodge once more devoted himself to a careful discussion, this time based on the definite information provided by the White House Conference and the text of the Covenant. While advocating peace with Germany first and a League at some later

[1] See *New York Times*, Thursday, 27th February 1919, for detailed story. Senators Borah and Fall, of New Mexico, and one Representative were not present. About thirty-four members of both Houses attended the dinner. The speech of Wilson, 14th February, in presenting the first draft of the Covenant is given in Vol. III, pp. 60–5, the texts of the Draft Covenant and that finally adopted are given in this volume, App. I.

time, he revealed only slight rancour and seemed inclined to fairness. His main thought was devoted to the necessity of preserving the best American traditions—matters already touched upon by numerous other Senators, mostly Republicans, since December. And these traditions, viewed as peculiarly precious to the United States, were: the avoidance of 'entangling alliances' which Washington and Jefferson had laid stress upon; the Monroe doctrine, a corollary to Washington's policy, and the importance of not surrendering any portion of our sovereignty until at any rate we knew exactly what we were doing. He was doubtful of the import of mandatories, and felt strongly that Article 10—the guaranteeing of territorial integrity and political independence to every member of the League—was likely to involve the United States in questionable if not dangerous complications in the future. On the 1st March, the next day, Senator Knox argued in a similar but somewhat more technical vein: the Covenant was likely to threaten our independence and might actually destroy our sovereignty. As for abolishing war, in the opinion of Senator Knox the League plan 'actually sanctions, breeds, and commands it'.

7. *Senator William E. Borah of Idaho.* One of the most conspicuous opponents of the League ideal at this period, and indeed throughout the months ahead—consistently against the President's ideals and plans, staunch and daring in his expressions of his views, but thoughtful and industrious in studying whatever threw light along the way—was Senator Borah of Idaho, a Republican of an irreconcilable type. Respected by his opponents, he seldom permitted much that was essentially personal or merely partisan to enter into his thought. He wanted peace with Germany and the other warring nations. In a League of Nations he had not the slightest faith. His position was thus free from complications; he appeared to be satisfied with his country's past and on that past he based his vision of its future.

8. *The Republican 'Round Robin', 4th March 1919.* On the 4th March, the closing day of the sixty-fifth Congress, Senator Lodge slipped somewhat suddenly into the *Record*[1]

[1] LVII, 4974. The names of two additional Senators made the signatories number finally thirty-nine. Reed of Missouri, a Democrat, was wholly in accord with the Republican group.

a resolution signed by thirty-seven Republican Senators, a few of them as yet only Senators elect, which has often since then been referred to as the 'round robin'. It was never acted upon—all Senators on the closing day being chiefly eager to conclude business and to depart for home—but its aim was accomplished by the mere fact of its appearance in print. The 'round robin' was designed to clinch a point of view already familiar through Senator Knox's advocacy of it in the preceding December, for it provided the strict Republicans in the following session of Congress with a fundamental feature of policy which, in Mr. Lodge's eyes and those of his thirty-eight followers, was worth struggling for. Would the entire Republican cohort and possibly a few wavering Democrats follow this rather shrewdly devised lead?

Assuming that he was privileged thus to express what the resolution stated as the Senate's 'constitutional duty of advice in regard to treaties', Senator Lodge declared:

'that the negotiations on the part of the United States should immediately be directed to the utmost expedition of the urgent business of negotiating peace terms with Germany . . . and that the proposal for a League of Nations to insure the permanent peace of the world should be then taken up for careful and serious consideration.'

And furthermore:

'the constitution of the League of Nations in the form now proposed to the Peace Conference should not be accepted by the United States . . .'

The names of Lodge and Knox headed the list of signers, followed, among others, by such names as Harding of Ohio, Borah of Idaho, Lenroot of Wisconsin, and Johnson of California. It was clearly an attempt on the part of a special group in the Senate to interfere in the treaty-making process of negotiation, a function belonging solely to the President.

9. *The President returns to France: 5th–13th March 1919.* On Wednesday morning, the 5th March, Mr. Wilson left New York after a busy ten days in the United States. He must have been well informed regarding the rising tide of Republican opposition. The 'round robin' could only exasperate any man in his position. The night preceding his departure, the 4th March, he addressed a great gathering in the Metropolitan Opera House in New York City, and with a touch of bitterness he reminded his hearers that when finally he returned to

America with a matured treaty, that document would contain not only the Covenant, but

'so many threads of the Treaty tied to the Covenant that you cannot dissect the Covenant from the Treaty without destroying the whole vital structure. The structure of peace will not be vital without the League of Nations, and no man is going to bring back a *cadaver* (corpse) with him'.

By means of a few speeches, interviews with Senators and Representatives, and a conference with Democratic national committeemen,[1] Mr. Wilson had made it clear that, in his judgment and that of his co-workers at Paris, a treaty of peace, to be truly effective and to reduce in future the probability of war, must be based upon a Covenant or general League agreement.

On the other hand, Mr. Wilson had discovered that many of his countrymen, irrespective of partisanship, were disturbed over the absence in the Covenant of definite provisions regarding at least four matters: (i) the failure expressly to recognize the Monroe doctrine as an American policy; (ii) apparent lack of any provision against permitting the League to act or to pass judgment on subjects of purely domestic concern; (iii) no clear and simple expression of the right of withdrawing; and (iv) absence of recognition of the right of Congress to have the final word or decision on such subjects, fundamental to the nation's safety, as peace and war. That he was impressed by these failures or omissions is well enough known, for the first revision of the Covenant recognized the reasonableness of them by making amends.[2] There was a widespread impression that the President had developed his projects over a short period of time and among a group of advisers in the nature of a council of oligarchs. The story of the making of the Covenant he had failed to make clear to his people. Some of his many critics were inclined to believe that it had come forth as a plan largely moulded by a few British publicists, if indeed, so far as its details were concerned, it had not been chiefly conceived by them. In any event, the dim outlines of a struggle were assuming some degree of definiteness at home.

10. *Interim (4th March–19th May) between the Sixty-fifth*

[1] See Joseph Tumulty, *Woodrow Wilson as I Know Him* (1921), 332 ff., 367–79.

[2] The text of the Covenant as adopted at the Plenary Session of the 14th February, in Paris, may be seen contrasted with that of the Final Covenant, this volume, App. I.

and Sixty-sixth Congresses. These days were filled with preparations by both political parties; and the daily atmosphere in America was alive with impressions or intimations of the grave problems and circumstances then being faced in France by the Council of three or four leaders which reacted upon our politics. Some of these problems were the troublesome Italian situation associated with Fiume and the Dalmatian coast, the question of the settlement of Shantung, the circumstances of the coming of the German emissaries to Versailles, of the presentation to them on the 7th May of the Pact, and of their crudely expressed hostility to it, with later reflections on its failure to conform in many respects to President Wilson's 'Fourteen Points' and the terms of the November armistice. There was in the United States an almost constant clash of opinion between partisans; and political leaders attempted to rally the public to one side of the issue or the other. Generally speaking, the straight Republicans wanted peace; the Democrats wanted a League of Nations based upon a Covenant. But already shades of difference were making themselves evident preparatory to the Senate struggle. Taft and Wickersham, outside the Senate and both of them Republicans, were with the Democrats for a League. So was the Republican Senator McCumber of North Dakota. On the other hand several Democratic Senators were ready to oppose Wilson at most points.

In the country at large there was not a little opposition to a League. This opposition asserted itself clearly along three or four different lines. There was the ancient prejudice to American participation in European affairs, the heritage of Washington, Jefferson, and Monroe, based to a large extent on widespread ignorance, regretfully common in the United States, of European conditions. Again, there was genuine fear lest the country should become involved in wars and squabbles arising in distant countries. There was some doubt expressed over President Wilson attempting to speak—as he often appeared to do—for one hundred millions of his fellow countrymen. 'If one man can express the mind and will of this nation,' asked a capable lawyer of Philadelphia, 'why do we have a Congress and a Supreme Court?'[1] But probably the

[1] George Wharton Pepper, now Republican Senator from Pennsylvania. *Cong. Record*, LVIII, 2579–81. Address of the 14th June 1919, before the N. J. Bar Association.

larger portion of articulate opposition rested upon the fact that Woodrow Wilson could arouse little popular sentiment of affection. Men might and often did respect and admire him, but they did not love him.

President Wilson was a man without intimates beyond a small circle. His cabinet advisers appeared not to be a very harmonious group, and at any rate were in no sense the President's intimates. His choice of commissioners to aid him at Paris startled the country and was criticized from the beginning. Secretary Lansing was of course a proper person to be selected for the peace mission; but how much had he had already to do with its work? Nobody knew or was to know until he appeared in August before the Senate Committee on Foreign Relations. Mr. House remained a man of mystery. Henry White, a Republican ex-diplomat, was regarded as one who had not been true to strict Republican traditions. The legal expert, David Hunter Miller, was a man of minor distinction in his profession; indeed, his familiarity with international problems had been of very brief duration. For a short while he had held a subordinate place in the State Department. The group of some thirteen hundred aides and experts composed of many intelligent and useful men had been gathered together, nobody knew quite how or when, and worked industriously; but they neither sought nor gained much publicity in their efforts on the President's behalf.

When the sixty-sixth Congress was assembled on the 19th May with a clear Republican majority in Senate and House,[1] there was still an opportunity for Wilson to win the great cause on which his heart was avowedly set. The country was a unit in desiring peace. It was a safe guess at that time

[1] The November 1918 elections had reduced the number of Democratic Senators from 51 to 47; the Republicans, on the other hand, gained 4 Senators, and could thus reckon on 49 members at the opening of the sixty-sixth Congress in May 1919. In the House of Representatives the Republicans numbered 237 as against 191 Democrats. It may be asserted confidently that domestic rather than foreign policy had altered the party balance. Labour was friendly to Wilson and his party. The industrial centres of such states as New York, New Jersey, and Pennsylvania revealed this fact. On the other hand Agriculture, represented by the farming communities of the north and west, had become hostile. Of 87 votes gained by the Republicans from the Democrats, 27 came from the west. To my friend, Mr. Allen R. Boyd of Washington, D.C., I owe thanks for studying out this situation, and stimulating me at various places in this chapter. For statistics, see *Congressional Directory*, 65 Cong., 3 sess., 2nd ed., January 1919. *Ibid.*, 66 Cong., 1 sess., July 1919.

that the opponents of the Covenant would seek to separate it from the body of the Treaty. On the other hand the President was sure to make their efforts difficult if not fruitless by bringing back a treaty so involved with the Covenant that the two sections could not be disentangled without dooming the instrument to destruction. The League ideal had influential friends throughout the country—as an ideal it had gained extensive, if rather vague and sentimental approval. Mr. Wilson's success or failure, many thought, would depend chiefly upon his skill in playing his game, and in particular on his ability to arouse in his favour the more or less inarticulate multitude which, in a democracy such as the United States, must always remain something of an unknown quantity. But in any event he must somehow win the Senate, at least 64 nembers of the body,[1] in order to secure the two-thirds vote necessary to ratify the Treaty. Could he do so ?

11. *First Phase of Organized Opposition: 19th May–10th July.* This phase was concluded with the presentation to the Senate by the President of the final official text of the Treaty on the 10th July. Mr. Wilson had cabled to Senator Hitchcock news of the signing of the Treaty the preceding 28th June, and then referred to it as a ' charter for a new order of affairs in the world. . . . '[2] But as early as the 9th June an unofficial text of the Treaty as originally presented to the Germans at Versailles on the 7th May had reached the Senate in a roundabout way, and through Senator Borah's efforts had been printed for senatorial use.[3] This unforeseen incident may have quickened the zeal of Senator Knox to introduce on the 10th June his resolution advocating the distinct separation of Covenant and Treaty in accordance with the well-known ideal of the ' round robin ' of the previous 4th March.[4] While it must have been understood at the time that any serious attempt to disentangle League from Treaty would mean the doom of the instrument, the Republican and anti-administration forces were already displaying bitter and partisan motives toward their minority adversaries, and sought the opportunity

In the ratification of any treaty the Constitution calls for a vote of a two-thirds majority ' of the Senators present '. The number ' 64 ' assumes of course a full Senate of 96, such as is seldom gathered even on crucial issues.

[2] *Cong. Record*, LVIII, 1952–3.

[3] *Ibid.*, 558 ff., 635, 674 ff., 733 ff., 780 ff., 802–57 (text of 440 articles)

[4] *Ibid.*, 894.

afforded by the Knox resolution to obstruct and to arouse prejudice against the President's definite plan.

Senator Lodge, chairman of the newly organized Committee on Foreign Relations, was the leader of the Republicans in the Senate. He had consulted his forces carefully before the Sixty-sixth Congress assembled,[1] hoping to assure himself and his colleagues of a strong and consistent opposition to the minority which was led by Senator Hitchcock. At the outset of the session there was much criticism of the administration over the failure on the part of the President to keep the Senate and the public informed of the course of discussions or developments in Paris—criticism, be it said, which had some degree of justification in view of Wilson's avowed and printed promises, summarized in his statement of the previous December that 'You will know all that I do'. Misinterpretations of the text of the February form of the Covenant were indulged in by various illiberal men in the Republican group. And Hitchcock and his following had much to do in trying to keep before the Senate and the outside public what they conceived to be the truth.

12. *Ex-Senator Root's Letters.* On the 23rd June Senator Lodge injected into the situation two letters written by ex-Senator Root, one of the ablest minds in the country and a man thoroughly familiar with international problems and their history. One cannot escape the impression that these letters were introduced for partisan purposes, although they were written by Mr. Root, himself a Republican, in no partisan spirit.[2] There were passages in both letters which, selected

[1] On Sunday afternoon, 27th April, the Acting Secretary of State (Polk) had given to the press the revised and final text of the Covenant. It appeared in full in many newspapers the next morning, Monday, 28th April, the day of its adoption at Paris. On Tuesday, 29th April, confident that Congress must soon be assembled, Senators Lodge and Curtis (the latter Republican whip) sent out telegrams to their senatorial colleagues requesting Republican Senators 'to reserve expressions of opinion respecting the amended League Covenant' until it could be studied and until a party conference or caucus on it could be held. For brief summary and comment, see the *New York Commercial and Financial Chronicle*, Saturday, 3rd May 1919, Vol. 108, p. 1,793; for Text, *v.* App. I.

[2] *Cong. Record*, LVIII, 1546–50. The first letter, dated 29th March 1919, had been written by Mr. Root to Will H. Hays, chairman at that time of the Republican National Committee. The second letter of 19th June was addressed to Senator Lodge. Both letters concerned the topic very vital to Americans—our attitude to the proposed Covenant—and afforded political material likely to be not merely informing, but influential.

clear of their context, would furnish excellent and telling material against Mr. Wilson's work in Paris and particularly against the text of the Covenant. These letters cannot be overlooked by any historian desirous of discovering the reasonable position at the time of many citizens opposed, but in no hostile spirit, to the League. Into the essence of the Covenant, especially in its larger bearings, they afforded insight; and they pointed to several weaknesses regarded by many Americans as fundamental. Mr. Root was not opposed to the establishment or the maintenance of a League of Nations that could be efficiently arranged. But clearly the proposed Covenant revealed to him several unsatisfactory features. Among other matters, he disapproved of Article X; he wished to have any League duly recognize and make use of the Permanent Court of Arbitration long since established at the Hague; he was in favour of international conferences at regular intervals, such conferences to state in authoritative form the prevailing principles and rules of international law; and he was opposed to the interpretation by any League of what he regarded as an essentially American policy, the Monroe doctrine.

Underlying much loose and partisan debate there were intimations, as the time for President Wilson's return to America approached, directed toward giving fair play to the President and awaiting the presentation of the official Pact to the Senate. The Knox resolution was lost. And thus a Republican and anti-Wilson effort of long standing failed. In other words, the Wilson programme won its first Senate victory. This victory was due in some measure to the skill and convictions of a few men, all outstanding figures at the time: Senator Hitchcock, leader of the Democratic minority group; Senator Walsh of Montana, a sane lawyer and earnestly bent on understanding the details of the Treaty; Senator Porter J. McCumber of North Dakota, a Republican willing for the sake of conviction in favour of the President's plan to ignore or at least to minimize partisan feelings; and Senator John Sharp Williams of Mississippi, a man liberally endowed with talent, courage, and wit. 'I do not belong', said Senator Williams,

'to the class of legalists who can see nothing in the present and hope for nothing in the future except as based upon precedent in the past I belong to that class of men who dream . . . of a better world and want

it, and, in so far as they are worthy to pray to God at all, pray to Him for it, a world . . . where nations shall govern themselves, and where . . . humanity all over the world shall govern itself by common concert of action and common accord between nations in behalf of the right and justice and peace'.[1]

13. *The Second Phase: 10th July–15th September.* On the 14th July, four days after the President had submitted the official text of the Treaty to the Senate, it was placed in printed form in the hands of the seventeen Senators—ten Republicans and seven Democrats—who constituted the Senate Committee on Foreign Relations, with Senator Lodge as chairman. The Committee was to examine it critically and, if they saw fit, to report it back to the Senate, as they did on the following 10th September. Committee hearings open to the public began on the 31st July and continued with only occasional interruptions through the 12th September. By that time a large mass of evidence had been extracted from about sixty witnesses which, when compiled and printed, formed a volume of 1,297 pages.[2]

14. *Senate Committee's Hearings.* Witnesses were as a rule summoned, although a few appeared by their own request—all of them American citizens and representatives of many nationalities. A good many had acted in official or unofficial capacities at Paris during the peace proceedings—such as the Secretary of State, Robert Lansing, Bernard M. Baruch, economic adviser, David Hunter Miller, legal expert, Thomas F. F. Millard, unofficial adviser to the Chinese delegation, and W. C. Bullitt, member of the staff of the Peace Commission. There were others summoned somewhat at random, but representing a variety of citizens more or less familiar with matters regarding which information was sought. The information was at times exceedingly valuable; but there was evidence strongly indicative of prejudice and of not a little ignorance on the part of witnesses. Included in the hearings was the result of the important interview between the Committee and President Wilson at the White House on the 19th August.

Quite the most significant and influential materials for the

[1] *Cong. Record*, LVIII, 798 (9th June). See also his vigorous characterizations of Senators Lodge and Borah in this same connexion. *Ibid.*, (796 ff.)

[2] *Treaty of Peace with Germany: Hearings before the Committee on Foreign Relations, United States Senate.* Sixty-sixth Congress, First Session . . . Washington, 1919. Senate Document No. 106.

Committee's conclusions came from the President, from Secretary Lansing, from several witnesses on the Shantung settlement, and finally from Mr. Bullitt, although in Bullitt's case the evidence came too late for use in the Committee's report. It was made clear that a large body of Irish-Americans in the United States were irreconcilably opposed to a League, regarded as tainted with British influence, and likely to take no interest in the well-known and perennial Irish claim for complete independence of Ireland from the British Empire's sway and direction.

Frequent questions were directed toward the story in its details of the mode by which Covenant and Treaty had been made. And in this connexion some members of the Committee must occasionally have turned back in thought to the Convention of 1787, when one hundred and thirty-two years earlier a comparatively small group of Americans had spent four months debating over plans for a Constitution and brought forth a slight document which can be read through aloud in less than half an hour. Here was the most formidable project ever brought to the Senate's attention for its approval, the result of heroic efforts on the part of what looked like a body of oligarchs working in more or less secret sessions, and with the aid of a small army of experts selected in ways beyond discovery, and certainly without the knowledge of the people or of the people's representatives. It was now up for the approval of the single body which could in any sense represent the American nation—the Senate.

President Wilson was unable to provide the Committee with any large number of detailed statements or official memoranda and minutes of what had occurred at Paris, where the Peace Conference was still in session. Consequently anything like an orderly view of the doings at Paris, extending over six months, could not be gained. Such knowledge as was gained came little by little and in piecemeal fashion. Only on the 19th August, at the White House interview, did the Committee discover rather incidentally that Mr. Wilson himself was the author of Article X;[1] and it was not until the last hearing on the 12th September that the Committee secured unexpectedly an enlightening variety of important official lore from Mr. Bullitt—information which should have come, if at all, from

[1] *v.* Extracts from Discussion, 19th August 1919, Vol. III, pp. 66–9.

some one higher up. Yet it is remarkable, all things considered, with what skill the Committee extracted information; and still more remarkable was their ability in getting at many of the larger and more critical aspects of the vast document.

The meaning in all its bearings of Article X, the question of safeguarding the Monroe doctrine, the problem of American withdrawal from the League, the many doubtful points suggested by the Shantung settlement, and a dozen other leading matters were explored and discussed preparatory to reaching conclusions. In the process of reading the evidence, one reaches the view that the document could be reasonably opposed, irrespective of partisanship, partly on the ground of its peculiar method of manufacture as well as on the ground of its menace to some of America's most cherished traditions. On the other hand, it was necessarily produced under extraordinary circumstances such as should be taken carefully into the account. And it appeared to be workable and in many ways the result of wisdom and statesmanship of no ordinary kind.

15. *Senate Discussion.* Throughout this second phase of the struggle the Senate in regular session listened intermittently to much discussion of the Treaty which became more and more technical and detailed, as the knowledge, obtained by the Committee on Foreign Relations at its hearings, sifted in. Lodge, Knox, Borah, and Johnson of California, all members of that Committee, were the more conspicuous leaders among the Republicans opposing the Treaty, followed closely by a group of less conspicuous men. Having had to surrender their original plan of attempting to disentangle the Covenant and the Treaty, they were now bent upon amending it; and this object they laboured hard to accomplish. Against them was the administration minority, wholly hostile to amendments, as these were reckoned to be destructive of the Treaty, and bound also to require its submission once more to the Germans as well as to the Paris Conference—an impossible act in the eyes of most reasonable Senators. Hitchcock, John Sharp Williams, Swanson of Virginia, and Walsh of Montana were the leading spokesmen of the minority. The independent Republican Senator from North Dakota, McCumber, did distinguished service for the minority, although he maintained a position somewhat distinct from that of either group, but he was with the minority in favouring the Treaty. The Senate

was not devoid of a few men, whether Republicans or Democrats, who felt and expressed honest doubts; and it was among the doubters that reservations rather than amendments were suggested as a possible way out of the impasse that seemed likely by September to occur.

16. *Amendments versus Reservations.* Reservations had, it is true, been suggested before the Treaty reached the Senate on the 10th July. On the 14th July Senator Kellogg of Minnesota gave notice that he would at the proper time draw some distinction between amendments and reservations, and nearly a month later, on the 7th August, he did so in a masterly way.[1] It is probable that a letter written by ex-Associate Justice Charles E. Hughes, and injected into Senate discussions on the 29th July, was influential in helping to alter hard and fast opinions on the same subject. Although a Republican, Mr. Hughes conceived his letter in no partisan mood. Like Mr. Root, he argued mildly for the Treaty, but with definite reservations in mind, four of which he formulated as in his judgment necessary: (i) a clear enunciation of the right of withdrawal; (ii) the differentiation of domestic matters with which no League should in any wise concern itself; (iii) strict control by the United States of the interpretation of the Monroe doctrine; and (iv) the elimination of Article X which he characterized as 'an illusory engagement'.[2]

It is true, as Mr. Lodge has pointed out, that no fewer than seventy treaties in our history have been amended by the Senate and yet have been finally adopted as satisfactory to the parties concerned. But the Versailles Treaty was as far removed as possible from all treaties heretofore known. It was, and remains, a unique instrument. And Senator Borah spoke wisely when he referred to it as 'something more than a treaty'. His conviction was thus amplified:

> 'While it passes in popular parlance by the name of a treaty, it really incorporates a scheme which, either directly or indirectly, greatly modifies our governmental powers . . . it is not in any sense an ordinary treaty.'

And this statement helped to explain Borah's uncompromising objection to it.[3]

[1] *Cong. Record*, LVIII, 2,543, 3,680–97 (*passim*).
[2] Letter of 24th July to Senator Frederick Hale of Maine. Mr. Hughes has, since March 1921, served as President Harding's Secretary of State.
[3] *Cong. Record*, LVIII, 690 (5th June), 2,730–1 (17th July).

Over one topic, the Shantung settlement, the factions raged.[1] The minority did their best to defend it; but the hearings before the Foreign Relations Committee brought into view many of the inside and diplomatic details which could be easily used against the President. When it became reasonably clear that Mr. Wilson had been forced, for fear of losing the Japanese allegiance to the Treaty, to consent to the Shantung settlement, reservations regarding it were certain to be pushed. Senator McCumber offered such a reservation early in September.

17. *Final Three Reports on the Treaty.* Three reports, dated the 10th, 11th, and 15th September respectively, marked the conclusion of the second phase of the struggle: the Majority Report of the Committee on Foreign Relations drafted by Senator Lodge, its chairman; the Minority Report, signed by Senator Hitchcock and five other Democrats; and a report independently formulated by Senator McCumber.

The Majority Report was in part devoted to an attack upon Mr. Wilson's autocratic methods in denying to the Committee any really complete records of the Paris Conference. It was written in a sharp ironic tone, and made no reference to the large objects of the League plan. It concluded with a recommendation of forty-five amendments and four reservations, the amendments of such a nature as to assure Wilson's refusal to accept them. The Minority Report was a counter attack on conclusions of the majority: it declared against any amendments, deprecated reservations, considered at some length about a dozen concessions from Germany which the United States must lose in case the Treaty failed, and concluded with a perfunctory series of statements designed to point out the significance of the League of Nations to a troubled world. Of the two reports, the Majority was distinctly the abler, bitter and prejudiced though it was. In the ears of many Republicans the Minority Report must have sounded subservient—an appeal for help at a crucial moment in a declining cause. The third Report, that of Senator McCumber, stands out as an impressive tribute to a man able to maintain independence and poise amidst party rancour. Openly deploring the failure of his colleagues on the Committee to touch upon the

[1] *v.* Extracts from Discussion, Vol. III, pp. 71–4, and for some comment on the subject this volume, pp. 381–2.

larger aspects of the Versailles Treaty, he set these aspects forth succinctly:

'The instrument is not as complete and as binding as the constitution of a state or nation. It still leaves to each nation the right of withdrawal, and depends to a great extent upon the moral sentiment of each nation to comply with its own obligations or the enforcement of such obligations upon a recalcitrant member. It is, however, a mighty step in the right direction. Every sentiment of justice and morality is on its side. Some of its provisions are yet crude and uncertain of application. But the whole purpose is most noble and worthy. And, as in our American Constitution, we were compelled, in order to form a more perfect union, to depend upon the right of amendment, so in this great world constitution experience will undoubtedly necessitate many changes in order to make a more perfect instrument that will work for the benefit of humanity. . . .'

He considered carefully two matters of special moment about which criticism raged: the six votes which the British Empire and its five self-governing Dominions were granted (an arrangement which seemed to him reasonable), and the Shantung settlement (which did not disturb his sense of justice). In conclusion he offered six reservations for the purpose of clarifying the Treaty, one of these relating to the sections on Shantung.[1]

18. *The Third Phase: 15th September–19th November.* This was a tumultuous period of debate and senatorial colloquy, lasting just over two months—to the 19th November, a date which marked the first defeat of the Treaty and concluded the session.

When it opened, President Wilson had already left Washington and at the moment was on the Pacific coast, bent on arousing the nation to its duty—as he conceived it—to enforce the acceptance of the Treaty through a general expression of opinion. Stricken by illness in Colorado on the 25th September, the weary leader returned to Washington only to fall a victim to a stroke of paralysis early in October. And he remained thereafter a maimed and broken man, living much in seclusion, but keeping in some touch by correspondence with Senator

[1] These three reports together form *Senate Report* No. 176, Parts I (Majority, p. 7), II (Minority, p. 5), and III (McCumber, p. 9). They may be found in *Senate Reports*, Vol. I (Nos. 1–306), 66 Cong., 1 sess. (1919), and are intended to accompany *Senate Document* No. 51, the text of the Treaty of Peace with Germany (ordered to be printed on 10th July 1919), p. 587, in French and English. Two editions of the text were issued, both in quarto form: a limited edition (1,773 copies) with maps, and a large edition (50,000 copies) without maps.

Hitchcock. Neither the Democrats nor the nation could afford at this critical time to lose Mr. Wilson who, of all men, was best informed about the Treaty and its relation to world affairs. There was no Democratic leader in the Senate who could carry on the fight with skill. It seems possible that, had there been one, the Treaty might yet have been saved. But the President's nature and his methods of doing business were such as to permit no understudies. Moreover, except in the far west, public opinion was not much affected by his tour. Along the Pacific coast he won great ovations.[1]

19. *Reading of the Treaty, 15th September–20th October.* Between the 15th September and the 20th October, the text of the Treaty, section by section, was duly read. There were many interruptions and almost a running fire of colloquies, a few careful speeches, and much rather grandiloquent oratory obviously designed for the consumption of constituents at home desirous of being reassured that their senatorial representatives were attending to the great business of statesmanship. Naturally a number of speakers were ill-informed about many details of the Treaty. There were a few Senators sufficiently discreet and aware of their ignorance to remain all but inarticulate. Among men earnestly seeking light or endowed with wisdom by reason of prolonged and tedious efforts to understand the Treaty—and of course taking fairly conspicuous places for these reasons—were Messrs. McCumber, Lodge, Knox, Walsh of Montana, Hitchcock, Kellogg of Minnesota, Borah of Idaho, Owen of Oklahoma, Lenroot of Wisconsin, and a few others. The strongest and ablest speech in the autumn to justify the British claim to six votes was made by Senator McCumber.[2] He made, too, an excellent appeal to leave the Shantung settlement to time to settle justly.[3] Senator Walsh of Montana was watchful over Article X from an early date, and had imbibed Mr. Wilson's point of view

[1] President Wilson left Washington, D.C., on 3rd September 1919. Beginning at Columbus, Ohio, on 4th September, he spoke in twenty-eight cities, making altogether thirty-seven speeches. He broke down at Pueblo, Colorado, on 25th September, and reached the White House on 28th September. See *Senate Document* No. 120, 66 Cong., 1 sess. 'Addresses of President Wilson . . . on his Western Tour . . .', p. 370. Senators Borah and Johnson of California followed close on the President's trail in an attempt to minimize his influence by speaking against the League of Nations. But Senate business soon recalled them to Washington.

[2] *Cong. Record*, LVIII, 6,439 ff. (6th October), 7,369–73 (23rd October).

[3] *Ibid.*, LVIII, 6,880 ff. (14th October), 6,995 ff. (16th October).

regarding it, although he would not have made the Treaty to hang upon it. 'I want a League of Nations', declared Mr. Lodge early in the autumn. He formulated his thought in this wise:

'My idea of a League of Nations was that we should start building on the Hague conventions, which did a great and good work. I wish to see, as Mr. Root himself desired above all things, a codification of international law which has been torn to pieces and cast to the winds by Germany. I wish to see the great feature of an international court with judges. . . . We have got a document that never mentions the Hague conventions, that never says anything about international law, and the only court is pushed into one article . . .'[1]

20. *Factional Groupings.* Guided to some extent by principles, but seldom free from prejudices begotten by a long train of complicated circumstances, a number of factional groups stood out more or less clearly in the Senate by early autumn. These groups were becoming apparent even before the Committee on Foreign Relations had made its brief reports. There were (i) the group of 'Bitter-enders' or 'Irreconcilables', led by such men as Borah of Idaho and Johnson of California, all directing their energies toward defeating the Treaty. James A. Reed, Democratic Senator from Missouri, was in the group. At the other extreme was (ii) the group of administration Democrats led by Senator Gilbert M. Hitchcock of Nebraska, who accepted the Treaty as it stood and tried to be in accord with President Wilson's views. There was (iii) another small group of Senators, mostly Democrats—men such as Senators Hoke Smith of Georgia and John K. Shields of Tennessee—who, however they voted, revealed in the Senate cloak-rooms hostility to the President, to most of his policies, and to the Treaty. (iv) The 'Reservationists' were an important group in which Senator Lodge was finally to be found—many of whom probably wished secretly to defeat the Treaty without saying so directly. (v) The 'Mild Reservationists', including the Democrat, Senator Thomas J. Walsh of Montana, and such Republicans as Senators McCumber of North Dakota and Kellogg of Minnesota, argued for slight alterations in the text of the Treaty, but were eager for its acceptance.[2]

[1] Quoted in the *Record* (7th October) from a speech by Mr. Lodge, made a few days earlier before a Massachusetts audience.

[2] An amendment would require the assent of every signatory to a treaty, and in the case of the instrument under discussion, would have meant the

Arousing impatience both at home and abroad by what seemed to be inexcusable slowness, the Senate, to one willing to follow its workings during the autumn of 1919, appears to have acted neither blindly nor under the spell of partisan motives. There was within its walls opposition to President Wilson's policy and no little display of personal dislike, together with distrust, of the man. On the other hand, to an influential and obvious degree there was much judgment at work. The fact that all amendments brought forward by the Foreign Relations Committee were defeated by the 29th October through a combination of Democrats and Mild Reservationists should not be overlooked.[1] This amounted to a victory over the extremists—a victory similar, although more significant of judgment and less the result of circumstances, to the victory won in the previous summer when the Knox resolution, devised for the purpose of disentangling Covenant and Treaty and in line with the March 'round robin', was successfully defeated.

21. *First Defeat of the Treaty, 19th November 1919.* On this day, about 10.30 p.m., the issue was decided after a long and very exciting session. At noon, the assembling hour of the Senate, ninety-three Senators (out of a possible ninety-six) had answered the first roll-call. The ratification of the Treaty with fourteen reservations already adopted by the body sitting as a Committee of the whole was twice refused: first, by a vote of 39 yeas and 55 nays, and again, after a considerable interval of debate, by a reconsidered vote of 41 yeas and 51 nays. Finally, in a resolution calling for its unconditional ratification, it failed a third time by a vote of 38 yeas and 53 nays. Thus three times the Treaty fell short of ratification by upwards of 20 votes, or that two-thirds majority called for by the fundamental law.[2] The fourteen reservations, commonly called the

reconvening of the Paris Conference. The purpose of a reservation is distinct from that of an amendment, for a reservation applies to the reserving power alone and, so far as the reserving power is concerned, removes it from that portion of the contract defined or qualified by the reservation.

[1] From the 2nd–29th October 1919, at intervals, many amendments were proposed by the Foreign Relations Committee and defeated. Other amendments by individual Senators were introduced as late as the 6th November, but to no avail. Long before this latter date it was clear that reservations were certain to help to decide the issue; and on the 7th November the struggle for qualifying reservations began in earnest. See for all reservations proposed up to the 6th November, *Senate Document* No. 150, 66 Cong., 1 sess. (p. 50).

[2] *Cong. Record*, LVIII, 8,786, 8,802, 8,803. Senator McCumber was the lone Republican who cast his vote for unconditional ratification along with

'Lodge Reservations', were designed to release the United States from certain obligations assumed by other members of the League of Nations, while they assured Americans of the benefits of the League. In brief, the reservations were supposedly a safeguard to American institutions and to certain historic policies peculiar to the American nation.[1]

A letter from President Wilson addressed to Senator Hitchcock on the 18th November and read into the Senate record the next day, may have had some slight influence on the votes. But it amounted simply to a reassurance on the President's part of his unwavering position against reservations. 'I assume', he wrote,

> 'that the Senators only desire my judgment upon the all-important question of the resolution containing the many reservations of Senator Lodge. On that I cannot hesitate, for, in my opinion, the resolution in that form does not provide for ratification but rather for nullification of the Treaty. I sincerely hope that the friends and supporters of the Treaty will vote against the Lodge resolution of ratification. . . .'[2]

At the basis of his opposition was the reservation affecting Article X, Mr. Wilson's most cherished (and probably his single) contribution to the final text of the Covenant. The sacrifice of this article was, in his language, equivalent to a 'knife-thrust at the heart of the Covenant'.[3]

22. Revival of the Issue: December 1919–January 1920. The second session of the Sixty-sixth Congress assembled automatically on the 1st December 1919. The President's

the thirty-seven Democrats. He voted also in favour of accepting the Treaty with reservations.

[1] *Cong. Record*, LVIII, 8,777–8. [2] *Ibid.*, LVIII, 8,768.

[3] In the course of discussion on this fateful day, Senator (later President) Harding thus analysed the various positions: 'In the Senate there are four distinct schools of thought in dealing with this Treaty: One is the unconditional-ratification school, those who either through their own conscientious convictions or the lash of the Executive—choose as you will—want this treaty ratified without a single modification or reservation. That is group No. 1. In direct opposition is the so-called irreconcilable group, those who are unalterably opposed to any ratification. That is group 2. The third is the group to which I choose to belong, if I may, who are agreed to bring about the ratification of this Treaty if they are convinced that reservations have been adopted which are sufficient to safeguard the interests of the United States of America. There still remains another group—popularly known as the 'mild reservationists', those who are anxious to ratify, who are anxious to safeguard the interests of this Republic, but at the same time desire to make the reservations as little offensive as possible to those who assumed to negotiate the Treaty in contempt of the Senate.' *Ibid.*, 8,792.

annual message was read the next day. It made a single accidental allusion to the League of Nations, and referred at some length to 'the widespread condition of political restlessness in our body politic', which the writer regarded as 'superficial rather than deep-seated'. The causes of this restlessness, he said, 'arise from or are connected with the failure on the part of the government to arrive speedily at a just and permanent peace permitting return to normal conditions. . . .' The message was obviously written in a mood of restraint and designed to avoid any specific references to the recent action of the Senate in the matter of the Treaty. That issue appeared to be settled.[1]

However, on the 13th December, during a discussion in the Senate of domestic economic conditions and foreign exchange rates, Senator Underwood of Alabama suddenly spoke of his desire for unconditional ratification of the Treaty. There was an immediate exchange of views—a somewhat violent colloquy—between Underwood and Lodge as to whether the Treaty was still in the Senate, Underwood claiming that it was, and Lodge declaring that technically the President must re-submit it. Other leaders spoke on the issue, which was thus summarily revived. Nearly a month had elapsed since the 19th November—the Senate was in a calmer and more reasonable mood.[2]

The outside public had never ceased discussing the subject. Such leading men as Taft, Wickersham, Lawrence Lowell, and Herbert Hoover expressed the anxious hope that some compromise could be brought about which would quiet the Senate's disputatious factions. There was a widespread impression, clearly expressed in the more liberal newspapers, that the time had come for America to join the League even though the Treaty might not prove to be in all respects satisfactory. In particular the League to Enforce Peace laboured hard in the cause of settling the difficulties by urging the acceptance by the Senate of reservations. Senatorial leaders could not escape the pressure of popular opinion. During the last fortnight in January a bi-partisan conference of nine Senators (five Democrats and four Republicans) met almost daily in Washington in formal and strictly unofficial sessions seriously to discuss the possible basis on which further discussion of the Treaty might be renewed in the Senate. Senators Lodge and Hitchcock were

[1] *Cong. Record*, LIX, 29–31. [2] *Ibid.*, 532–44 (*passim*).

naturally leaders in the two respective groups. The daily papers sought, with varying success, to inform the public of the progress of the conference. On the 31st January cautious but clear statements of the results of the conference were made public. Refraining from assertions likely to compromise the Senate, the group of nine were agreed on the desirability of modifying slightly the original Lodge reservations, but Senator Lodge made it clear that he would not consent to any, even slight, changes in the two reservations concerning Article X and the Monroe doctrine.[1]

23. *Lord Grey of Fallodon's London Letter.* By a mere coincidence on this same 31st January, Lord Grey of Fallodon published a letter in the London *Times*, which attracted attention on both sides of the Atlantic. Since September 1919—for about four months—Lord Grey had acted as British Ambassador to the United States, but at the moment he was back in England and out of office. The letter was unofficial. It came, however, from such a high source that it seemed reasonable to assume that it expressed opinions likely to meet with the approval of the British Cabinet. On the 2nd February, at the request of Senator Lodge, it was promptly printed in the Senate proceedings. Entitled 'America and the Treaty', it presented the views of a man closely observant of American affairs and was designed to clear up possible international misunderstandings as well as avowedly to help to break down the impasse then existing between the President and the Senate.

Reflecting, at the outset, upon the position of the Senate in the American plan of government, Lord Grey denied that the charge of bad faith could be brought against the United States, whatever action the Senate might finally take. Its reasons for insisting on reservations he declared to be founded on its regard for a traditional policy. The League of Nations is actually a new departure. Acceptance of it by the Senate would mean 'a plunge into something which its historical advice and tradition have hitherto positively disapproved'. Under certain conditions a conflict between President and Senate over treaties is inevitable. The success of the League

[1] *Senate Document* No. 193, 66 Cong., 2 sess., entitled 'Reservations to the Treaty of Peace with Germany. Statements made to the Press regarding the Bipartisan Conference . . . By Senator Henry Cabot Lodge and Senator Gilbert M. Hitchcock', p. 15.

would depend in his judgment upon the adherence of the United States to it. He was definite in his view that Great Britain neither could nor would accept any alteration of the text which gave to the British Empire and its five self-governing dominions a total of six votes in the League Assembly. But the greater portion of the reservations or conditions, he thought, were reasonable and must not be lightly refused at the risk of losing America's co-operation.

'Without the United States, the present League of Nations may become little better than a League of Allies for armed self-defence against a revival of Prussian militarism . . . predominantly a European and not a world organization.'

24. *The Last Stage: 2nd February–19th March 1920.* Early in February Senator Lodge, majority leader, gave notice that he would, if permitted, resurrect the Treaty together with reservations on the 9th February for further consideration. And this he accordingly did.[1] There is no evidence (or indeed any probability) to indicate that Lord Grey's impressive letter had anything to do with this move. It was the result of circumstances—in particular a growing impression in the country at large that the Senate should reach a final settlement. President Wilson, ill as he was, had already written to Senator Hitchcock, consenting to certain suggested reservations. But it was generally understood that the President had never, since his illness, seen either Lord Grey or Mr. Hitchcock. In markedly serious fashion the debate on a variety of reservations was carried on for about five weeks. On the 9th March Senator Hitchcock made public a letter from the President written the previous day. In it for the last time Mr. Wilson refused to accept the Lodge reservation on Article X which declared that the United States would assume no obligations to preserve the independence of other nations by military force, by the use of its resources, or by any form of economic discrimination, without the consent of its Congress. In brief, the economic outlawry of an offending State on which, as a means of coercion, the President placed his trust, was thus weakened and might be sacrificed to a dilatory Congress, or even wholly surrendered by a timid one. It was in this letter that the President characterized all reservations heretofore

[1] *Cong. Record*, LIX, 2,335, 2,627 ff.

proposed as amounting to a 'sweeping nullification of the terms of the Treaty.[1] Henceforth no administration Democratic Senator could have any doubt about his duty to the President when the hour for voting on the Treaty should arrive.

The final test came on the 19th March. There was less excitement in the Senate than there had been exactly four months before, on the 19th November. No longer was there any thought of unconditional ratification. If accepted by the Senate, the Treaty must carry reservations and understandings, fifteen in number. Shortly before the vote was taken, Senator Walsh of Montana made a carefully reasoned appeal to his Democratic colleagues to accept the Treaty even with reservations and in spite of President Wilson's clearly expressed opposition. He reminded his colleagues of his own consistent opposition in the past to most of the proposed reservations. He had fought vigorously against any alteration of Article X. But the modified Treaty was, in his eyes, too important to be lost. He should vote for it, for the Treaty, he acknowledged frankly, is 'supported stoutly by men as high minded as I can claim to be'.[2]

Voting in favour of the Treaty were 49 Senators (28 Republicans and 21 Democrats); voting against it were 35 Senators (12 Republicans and 23 Democrats). It failed to obtain the necessary two-thirds majority by only seven votes. In other words, the affirmative or favouring attitude of 56 Senators in a Senate that at the moment could count on a total of 84 votes, would have carried the Treaty through and thus have made the United States in all probability a member of the League of Nations. Generally speaking, Senator Walsh's attitude was typical of the 21 Democrats voting for the Treaty. The opponents of the Treaty were the small group of 'irreconcilables', 12 in number, and 23 Wilson adherents who determined, against all odds, to follow their leader. After more than eight months of strife in the Senate, reckoning from the 10th July 1919, the Treaty was lost.[3]

25. *Conclusions.* It is too soon after the events just narrated to formulate any final judgments concerning them. Behind the events is a long and complicated train of circum-

[1] *Cong. Record*, LIX, 2,622, 4,051–2, for Wilson's two letters of 26th January and 8th March 1920.

[2] *Ibid.*, 4,581 ff.

[3] *Ibid.*, 4,599.

stances that evidence, now withheld, is sure to reveal in the future. Some day the eddies and the cross-currents in the stream will be better understood. Could the Treaty have been won? On this question opinions will differ, probably always. Several conclusions, however, may be drawn which have a bearing on the question.

(i) The Democrats, losing control of the majority in the Senate after the 4th March 1919, suffered for want of really able and wise leadership. They had no such capable or thoughtful men in debate as Senators Lodge and Knox—no men so thoroughly qualified by experience and long training to understand and correctly to interpret American foreign affairs and policy. Too often they fell back upon the speeches of President Wilson instead of trusting to their abilities to study documents and, in particular, the text of the Treaty. Outside the Senate discerning leaders of public opinion—such, for examples, as ex-President Taft and ex-Attorney-General Wickersham (both Republicans in politics)—assisted their cause. Even ex-Senator Root and ex-Associate Justice Hughes were never outspoken against the cause of a carefully designed League. But it should not be forgotten that the cause was new. Against abler adversaries the Democratic group failed to make it appear that the League of President Wilson was not a dangerous scheme likely to involve the United States as a member in grave world complications.

(ii) The illness of President Wilson was a most unfortunate circumstance. The terrible strain of the war, the complicated tasks which he undertook to shoulder in Paris, the ordeal of his interview with the Foreign Relations Committee on the 19th August 1919, and lastly his speech-making tour in September following are quite enough to account for his collapse. Illness took the real leader of the Democratic cause away from any effective contact with his followers. It deprived him of cabinet consultations. It rendered an obstinate man weak at the time when, for his country's sake as well as for that of his party, he should have been strong. Indeed, it probably increased his obstinacy: he became unyielding and inflexible when many of his Democratic friends besought him to be liberal.

(iii) Senator Porter J. McCumber of North Dakota, a Republican, in the Senate since 1899, favoured the League

of Nations as arranged by the Treaty. He proved himself to be a man of extraordinary courage and independence, willing for the sake of convictions carefully reached to stand at most of the points of issue with the Democratic minority. His Report of the 15th September 1919, based upon his view of the evidence obtained by the Foreign Relations Committee, is a short paper; it is likely always to afford enlightenment to any one desirous of reaching sound conclusions regarding that juncture of affairs. In the course of the debates he proved himself to be an intelligent and discerning exponent of several rather technical aspects of the Treaty text. His attitude was frequently that of a man disinclined to partisanship in the face of what he regarded as stupendously important and fateful issues. From personalities and petty flings at his opponents he was strikingly free.

(iv) During these years the work of Senator H. C. Lodge of Massachusetts can under no circumstances be overlooked. It is likely always to be sharply criticized, for Senator Lodge's bitterness toward President Wilson was often strongly expressed and sounded malicious. It impresses one as a serious blot upon his record. Furthermore, there can be no doubt about Mr. Lodge's partisan attitude and actions against his Democratic opponents of whatever hue. He was influenced by his well-known intimacy with ex-President Roosevelt, whose death on the 7th January 1919—near the beginnings of the struggle in the Senate—Mr. Lodge commemorated in an address about a month later (9th February) in the national House of Representatives. That he tried to guide himself in the matter of the Treaty by what he believed that his dead friend, Roosevelt, would have desired, is a fact in accordance with his own statement. On the 16th September 1919, Mr. Lodge said, referring to Roosevelt:

> 'The position that I have taken and now take had his full approval . . . it is a help and a strength to me to feel that I have behind me the approval, the support of the great American, the great patriot, the great man. . . .'[1]

From time to time he changed his point of view. When he found that Covenant and Treaty could not be disentangled, he turned to the policy of reservations and worked for it—just how earnestly is perhaps a question not at present to be

[1] *Cong. Record*, LVIII, 5,503.

determined from evidence thus far available. He was not greatly disturbed by inconsistencies in his own statements and thought. He took delight, however, in pointing to the inconsistencies of President Wilson.[1] That he was one of the most industrious men in the Senate there can be no doubt. He laboured hard to keep prominently before an impatient public the grave risks which, in his judgment, an unqualified acceptance of the Treaty would mean to his country. He was one among a very few men on either side of the issue whose appeals to history were made after careful investigation. As a rule these appeals are apt to be informing, and they were generally well applied. It is only fair to Senator Lodge to cite in conclusion a passage written by him in 1921, long after the issue was settled, in brief explanation of his opposition to President Wilson's tactics. The question at stake, he explains, was this:

'whether constitutional government in the United States which has been successfully maintained for one hundred and thirty years should be broken down by a single well-directed attack and replaced by the old and simple method of autocracy and the plebiscite, which would mean not only the loss of free government but a distinct retrogression to a government system of a lower type and more purely tyrannical in operation and results. . . .'[2]

(v) To the European world, President Wilson never gave any adequate conception of the limitations and bounds to his office. He was subject of course to the Constitution of the United States. He spoke at times as though he was an all-powerful autocrat. Hence it was probably never recognized generally in Europe that the Treaty, once the negotiations were completed, would inevitably be passed in review by a critical Senate as nearly as possible under the circumstances representative of the American people, but at the same time under the sway of a party out of sympathy with many of the President's ideals. In other words, as Professor Alison Phillips has pointed out, in claiming to represent the American people, President Wilson was bound to be misleading.[3]

[1] *Cong. Record*, LVIII, 5,502–4 (*passim*).

[2] *The Senate of the United States* and other Essays and Addresses, Historical and Literary. By Henry Cabot Lodge (N.Y., 1921), pp. 30–1. Cf. Senator Harding's remarks in the Senate on the 19th November 1919. *Cong. Record*, LVIII, 8,792.

[3] *Edinburgh Review* (July 1920), Vol. 232, pp. 4 ff.

(vi) The national election of November 1920 resulted in the defeat of President Wilson's party. At that time ex-Senator Warren G. Harding, the Republican candidate, won an astonishingly complete victory over a Democratic opponent and became President-elect. Was this failure of the Democrats to be ascribed to the failure in the Senate of the Versailles Treaty? An answer to this question has been well formulated by Mr. J. A. Spender as follows:

'The defeat of President Wilson in 1920 was not a repentance on the part of the American people of their action in the war; nor was it a declaration that they would retire into their continent and take no further part in world affairs. But it was very definitely a revolt against the idea that American policy should be subject to European, or that European nations should have the right to call for American intervention, apart from the decision of Congress, on a given set of circumstances arising, which might be determined in Europe and not in America. . . .'[1]

[1] *Ibid.*, (July 1922), Vol. 286, pp. 3–4.

CHAPTER VI

INTERNATIONAL DEVELOPMENTS UNDER THE LEAGUE

PART I

THE MAKING OF THE COVENANT [1]

1. *Introductory.* The circumstances in which the Paris scheme of a League of Nations was conceived and born have been outlined in a previous volume of this History.[2] It was there explained that, though much thought had gone to its making, the scheme was based on practical experience rather than abstract principles, that it was rapidly put into shape at a few meetings spread over a few weeks, and that it was not intended to be a complete constitution so much as a framework or nucleus for free development in the future. It will be shown in this chapter how the ideas in the minds of the makers of the Covenant actually took shape. It has not seemed necessary to trace the genesis of the League in ideas current before the war, or even to mark the stages of opinion during the war, except in so far as a brief summary is required to explain the making of the Covenant.

2. *Pre-war Organization for the Maintenance of Peace.* The machinery for regulating international relations before the war was fragmentary and unco-ordinated. It was designed

[1] Part I of this chapter was originally written in 1920; so far as facts are concerned, it has been brought up to date to December 1922, but the general treatment has not been changed. Authoritative information on the subject-matter of Part I is available from the following published sources: United States Senate Document No. 106, 66th Congress, 1st Session, Washington, 1919, which includes the hearings of President Wilson, Secretary Lansing, Mr. D. H. Miller, and Mr. W. C. Bullitt, with original documents; R. Lansing, *The Peace Negotiations, a Personal Narrative*, London, 1921; *What Really Happened at Paris*, edited by E. M. House and C. Seymour, London, 1921; André Tardieu, *The Truth about the Treaty*, London, 1921; *Taft Papers on League of Nations*, edited by T. Marburg and H. E. Flack, New York, 1920; R. S. Baker, *Woodrow Wilson and the World Settlement*, London, 1923. See also H. Wilson Harris, *The Peace in the Making*, London, 1919; E. J. Dillon, *The Peace Conference*, London, 1919.

[2] Vol. II, Chap. I, Part 1. *v.* this Vol. App. I for Draft and Revised Covenant of 1919 and Amendments of 1921.

partly to facilitate international co-operation in peace in a general way, partly to secure a pacific settlement of disputes. It consisted on the one hand of the 'Concert of Europe', plus a number of permanent unions and commissions for special purposes, on the other of a network of arbitration conventions, reinforced from 1914 onwards by a series of so-called 'Bryan treaties'.[1] A word on these two systems may be excused.

The Concert of Europe was little more than an understanding between the six European Great Powers that on important matters of common interest they would take counsel, and possibly act, together. This understanding was disregarded by the Austro-Hungarian Government in the matter of Bosnia in 1908–9, but proved of practical value in securing the localization of the Balkan wars of 1912–13; and its success in this last case caused Sir Edward Grey to hope that, if the storm of July 1914 could be similarly weathered, 'some more definite rapprochement between the Powers' might follow. There existed at the same time several permanent international organizations, ranging from such governmental bodies as the Danube and Suez Canal Commissions to the Universal Postal Union and the International Statistical Institute.

With regard to the settlement of disputes between nations, the state of things before the war has been thus described by Sir Frederick Pollock:

> 'There was no jurisdiction to hear and determine disputes between sovereign States except by consent given either in a standing Convention of the parties, or in a special agreement to refer the case to arbitral decision. But there was a method of appointing an arbitral tribunal by selection from a standing list of competent persons, and there was the official establishment of a court, with a local habitation and records at The Hague. Most Powers were bound by a number of conventions of similar type to refer to the tribunal so provided all such disputes as did not affect their independence, honour or vital interests.'

To this we must add the so-called 'Bryan treaties', of which some thirty have been negotiated by the United States with different Powers, beginning with the United Kingdom in September 1914. These provide for the establishment of Permanent International Commissions, to which the parties undertake to refer all disputes whatever for 'investigation and report', with an agreement not to resort to war in the mean-

[1] There was, however, a limited term for all these. Germany was conspicuous in refusing to sign any of these treaties.

time; but the parties reserve to themselves full right of action after the presentation of the report.

There existed, therefore, provision for submitting justiciable issues not of a vital nature to a Court of Arbitration for definite award, and for submitting all other disputes to a Commission for investigation and report.

The events of the last days of July 1914 showed the inadequacy of all these organizations to preserve peace, and there arose a strong determination in many countries that the war must not end without the establishment of some more durable and effective machinery.

3. *Developments during the War.*

(*a*) *Early schemes.* This is not the place to describe the numerous schemes for a League of Nations put forward by societies and individuals during the war.[1] We may note in particular the schemes of the 'American League to Enforce Peace' founded in June 1915, and the British 'League of Nations Society', which published its 'Project for a League of Nations' in August 1917. The American Scheme contained the following four articles:

1. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits, and upon any issue as to its jurisdiction of the question.

2. All other questions arising between the signatories and not settled by negotiation shall be submitted to a Council of Conciliation for hearing, consideration, and recommendation.

3. The signatory Powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

4. Conferences between the signatory Powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in Article 1.

The British scheme was very similar, but went further, in that it provided that:

'All disputes arising out of questions of International Law, or the interpretation of Treaties, shall be referred to the Hague Court of

[1] An excellent summary of these is to be found in an appendix, written by Lord Phillimore, to the (unpublished) Report of the British Official Committee on the League of Nations, presented to Mr. Balfour in 1918.

Arbitration, or some other judicial tribunal, whose decisions shall be final and shall be carried into effect by the parties concerned;'

and also that there should be mutual defence against aggression from a State outside the League.

Neither scheme provides for the enforcement of an arbitral award or a recommendation of the Council of Conciliation; but the British includes, which the American does not, an obligation to obey an arbitral award, and a definition of 'justiciable questions', thus admitting in certain cases the principle of compulsory arbitration.

(*b*) *Wilson's early attitude, 1916.* More important than these and other unofficial schemes are the statements and suggestions of the respective governments. As early as September 1914, Mr. Asquith, then Prime Minister of the United Kingdom, pleaded for 'a real European partnership based on the recognition of equal right, and established and enforced by a common will'. But it was not till December 1916 that the question of a League of Nations was brought prominently before the belligerent statesmen as a real issue by President Wilson's Peace Note. The character and tendency of the President's earlier ideas on the subject of international relations have been considered in a previous chapter of this History.[1] It was there shown that his conception of a League of Nations was no mere war-product, but a natural part of his system of political philosophy. In January 1916 we have seen him suggesting that the states of the American continent should unite in 'guaranteeing to each other absolute political independence and territorial integrity'—words since immortalized in Art. X of the Covenant; in May 1916 he extended the application of this principle, and these very words, to 'a universal association of nations', which should 'prevent any war begun either contrary to treaty covenants or without warning and full submission of the cause to the opinion of the world'. We have seen him also in his early utterances expressing his conviction that a nation ought to submit its actions for the approval of the public opinion of mankind, and that such publicity is likely to have beneficial effects.[2] Here undoubtedly are some of the germs of the Covenant.

[1] Vol. I, p. 177 sqq.

[2] See note, Vol. I, pp. 179–80. Lansing, *Peace Negotiations*, p. 32, states that, in his address of the 27th May 1916 to the League to Enforce Peace, Wilson went over and erased all reference to the use of physical force

(*c*) *The Phillimore Report.* To the President's Note the Allied Governments replied on the 10th January 1917 that 'they associate themselves whole-heartedly with the plan of creating a League of Nations to ensure peace and justice throughout the world.'[1] As regards the British Empire, the matter was discussed in April 1917 by a Committee of the Imperial War Cabinet, which recommended the adoption of the principle that the signatories of the Peace Treaty should agree not to go to war with one another without previously submitting their dispute to a conference. In France an official Foreign Office committee was appointed to consider the organization of a League, and in March 1918 an important British committee, comprising three historians and three representatives of the Foreign Office, with Lord Phillimore as Chairman, produced a Draft Convention in eighteen Articles.[2] This Convention provided that no state, a member of the League, should go to war with another without previously submitting the dispute either to arbitration or to a Conference of all the Allied States, and (save in exceptional circumstances) awaiting the award or report; and that no state should go to war with one which complied with this award or report. A breach of any of these covenants was to be punished by an automatic severance of relations and by military and economic sanctions. The Conference, however, was only to recommend, and for a recommendation to have effect the consent of all members of the Conference, except the disputants, was required. It may further be noted, first, that there was to be no obligation on a state to accept an award or recommendation; secondly, that the League was to have no activities beyond the actual settlement of disputes, and no permanent character beyond a fixed place of meeting. A copy of the Phillimore proposals was sent to the President of the United States.

(*d*) *Wilson's pronouncements in 1918.* Meanwhile on the 8th January 1918 President Wilson had enunciated his 'Fourteen

in preventing wars. By January 1917 he had become convinced that force was the practical method of checking aggressions. The text of the speech is in J. B. Scott, *Wilson's Foreign Policy*, New York (1918), pp. 189–95.

[1] Vol. I, pp. 172–3.

[2] The other members were Sir Eyre Crowe, Sir Julian Corbett, Sir Cecil Hurst, Professor A. F. Pollard, Professor J. Holland Rose, and Sir William Tyrrell; Mr. A. R. Kennedy acted as Secretary. *v.* Vol. II, pp. 30–1. The Interim Report is published as Document 8 in Baker, *Woodrow Wilson and World Settlement*, Vol. III, p. 67.

Points', of which the last ran: 'A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.' This statement he amplified in his speeches of the 4th July and the 27th September, and in the course of the summer he put on paper his first draft of a constitution for the League, or, to use his own phrase, of a Covenant. It was based partly on the Phillimore report, partly on a scheme prepared at his instance by Colonel House as an improvement on the Phillimore report, which the two friends had discussed together. In the President's speech of the 27th September he declared that 'the constitution of that League of Nations and the clear definition of its objects must be a part, in a sense the most essential part, of the peace settlement itself'. He said further: 'There can be no leagues or alliances or special covenants and understandings within the general and common family of the League of Nations. And more specifically, there can be no special selfish economic combinations within the League, and no employment of any form of economic boycott or exclusion, except as the power of economic penalty by exclusion from the markets of the world may be vested in the League of Nations itself as a means of discipline and control.'[1]

This speech of the 27th September was the President's last pronouncement before the initiation by Germany of the negotiations leading up to the armistice; it will be remembered that his addresses of this year were accepted by both sides as the basis of the peace settlement.

(*e*) *Practical organs of international co-operation.* Along with this gradual approach, official and unofficial, towards the acceptance of the League in the world of theory, the practical development of international organs of co-operation between the Allies calls for notice. Rudimentary at first, and as a rule intermittent, these efforts took on a new character with the formation in November 1917 of the Supreme War Council, composed of two statesmen from each of the chief Allied countries with permanent military and naval advisers and a permanent joint secretariat at Versailles. This organization

[1] For texts of all these speeches in 1918 *v.* Vol. I, pp. 431–8, and of some later ones in 1918 and 1919, Vol. III, pp. 58–74. The House and first Wilson drafts are published as documents 9 and 10 in Baker, *op. cit.*, Vol. III.

was modelled on that of the British War Cabinet as elaborated during the war, out of the Committee of Imperial Defence, by Sir Maurice Hankey.

The Supreme War Council dealt with high policy, but there were other Inter-Allied bodies concerned with particular sides of war organization, such as the Commission Internationale de Ravitaillement, the Inter-Allied Food Council, the Inter-Allied Munitions Council, the Inter-Allied Council on War Purchases and Finance, and, most important of all, the Allied Maritime Transport Council formed early in 1918 to allocate tonnage in the general interest. The Transport Council consisted of two ministers each of France, Great Britain, and Italy, and two representatives of the United States, and was served by a permanent secretarial organization which prepared matter for decision by the members of the Council at their occasional meetings and in the meantime supervised the execution of their decisions by the appropriate authorities.[1]

The practical experience gained in the working of these international bodies must not be overlooked as a factor in the creation of the League of Nations. It serves to explain the difference between the point of view of the statesmen who framed the Covenant and that of the many jurists, publicists, and professors who in all countries drafted schemes often of great logical and theoretical perfection. The former knew from experience what was, and what was not, possible in international co-operation, or at any rate how international official bodies actually tended to work, whereas the latter in many cases did not possess this knowledge.

4. *The League of Nations Commission.*

(*a*) *The Smuts pamphlet.* Such were the circumstances with regard to the League of Nations in the Allied countries, when the conclusion of the armistice bade the Governments prepare for a Peace Congress. In England a special section of the Foreign Office was promptly formed under Lord Robert Cecil, who had recently resigned the posts of Assistant Secretary of State for Foreign Affairs and Minister of Blockade, and who was already prominent as an enthusiastic advocate of a League

[1] *v.* Vol. I, p. 299 sqq.; Vol. II, p. 22. See also J. A. Salter, *Allied Shipping Control; an Experiment in International Administration*, and Sir M. Hankey, *Diplomacy by Conference*, No. 1, Proceedings of the Institute of International Affairs, which latter includes a diagram of the inter-allied war organization.

of Nations.[1] Both before and after the Section moved to Paris a mass of preliminary work was accomplished. In December a most valuable contribution was made by General Smuts in a confidential memorandum and in a published pamphlet which at once became famous.[2] General Smuts's proposals differed from previous suggestions of responsible statesmen in taking a much more ambitious view of the League, which he envisaged as by no means a mere organization for the settlement of disputes and the prevention of war. A wide extension of its scope was suggested by the break-up of the Russian, Turkish, and Austro-Hungarian Empires, which presented the victorious Allies with vast problems of national or international reconstruction. General Smuts proposed that the right of ultimate disposal of these territories should be regarded as vested in the League of Nations subject to the principle of self-determination, or the consent of the peoples concerned. The League was to take the form of 'a permanent conference between the Governments of the constituent states for the purpose of joint international action in certain defined respects', but was not to derogate from the independence of those states. It was to consist of a General Conference, in which all states would have equal voting power and whose resolutions would have the effect of 'recommendations' to the national Governments and Parliaments; of a Council, or executive committee, giving the Great Powers a bare majority, allowing a veto to a minority of three or more states, and served by a permanent secretariat; and of Courts of Conciliation and Arbitration. General Smuts further proposed the abolition of conscription, the nationalization and inspection of armament factories, and compulsory arbitration in justiciable causes.[3]

When the Conference finally assembled in Paris in January 1919, there were frequent conversations between members of the British and American Delegations and a general agreement as to objects and methods was arrived at.[4]

[1] Lord Robert Cecil's speech at Birmingham on the 11th November 1918 from which extracts are printed in Vol. III, pp. 51–2, was of particular importance.

[2] Extracts from the Smuts pamphlet are given in Vol. III, pp. 52–4.

[3] Extracts from General Smuts's pamphlet are printed in Vol. III, pp. 52–4. Similarities of ideas have been noticed between it and the suggestions to be found in the *Round Table*, December 1918.

[4] See Chap. XVII (by D. H. Miller) of *What Really Happened at Paris* edited by Col. E. M. House and Professor Charles Seymour, and Baker, *op. cit.* Chaps. XVI ff.

(*b*) *Appointment of Commission; terms of reference.* On the 25th January the Preliminary Peace Conference, as it was then styled, in plenary session appointed a Commission on the League of Nations with the following terms of reference:

1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations, and to provide safeguards against war.

2. This League should be treated as an integral part of the General Treaty of Peace, and should be open to every civilized nation which can be relied on to promote its objects.

3. The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the conferences.

The Conference therefore appoints a Commission representative of the associated Governments to work out the details of the constitution and functions of the League.

This Commission was to be composed of fifteen members, two representing each of the Great Powers, and five the remaining Powers. At a meeting of these last on the 27th January, Belgium, Brazil, China, Portugal, and Serbia were chosen to appoint one representative each. Representatives of Greece, Poland, Rumania, and the Czecho-Slovak Republic were added later.

The Commission thus appointed was a very strong one. It comprised besides the President of the United States, who was its chairman, a future President of Brazil, the Prime Ministers of Italy, Greece, and Czecho-Slovakia, a former Prime Minister of France, the Belgian Foreign Minister, a former Foreign Minister of Japan, and a future Foreign Minister of Italy. Lord Robert Cecil and General Smuts had both done much towards making the idea of the League of Nations appear practical in the eyes of the world, while M. Léon Bourgeois had represented France at the First Hague Conference in 1899, and stood for the tradition connected with that system.

The meetings of the Commission were held at the Hôtel Crillon. The practice was for President Wilson to sit at the head of a long table, an interpreter at his side, with Signor Orlando on his right, and beyond Signor Orlando the French delegates. On President Wilson's left sat Colonel House, and beyond him Lord Robert Cecil and General Smuts; beyond

them again were the representatives of Japan. These details are not wholly insignificant, since the harmony between the American and British delegates, on which the making of the Covenant largely depended, was distinctly favoured by the fact that they could consult together without leaving their places.

The fact, and the importance, of this harmony cannot be too much stressed. The commanding prestige of President Wilson alone, as not only the representative of the least exhausted and most disinterested of the Great Powers, but also the author of those fateful Notes which had remorselessly exposed the pretensions of the German and Austro-Hungarian Governments and appealed to the idealism of mankind, made it hard for the delegates of the Continental Powers to oppose him, had they desired to do so. It was infinitely harder when he was supported, as was nearly invariably the case, by the vigilance, the dialectical skill, the lucidity, the tact and the patent sincerity of Lord Robert Cecil. The fact that these two had agreed on the general lines of the Covenant was of inestimable value from the point of view of business-like discussion and dispatch.

(*c*) *The meetings of the Commission.* The Commission first met on the 3rd February, and decided to work on a Draft Covenant laid before it by President Wilson. Ten meetings were held before the draft, as provisionally accepted by the Commission, was presented to the full Conference on the 14th February. President Wilson then left for America. On his return two informal meetings were held, under the chairmanship of Lord Robert Cecil, with the representatives of thirteen neutral Powers. Three more meetings of the Commission followed, between the 22nd and 26th March, at which amendments were made with a view to meeting neutral and American criticisms. The Covenant so amended was referred to a drafting committee of four, and the text as it left their hands was considered at two final meetings of the Commission on the 10th and 11th April, and on the 28th April the revised Covenant was accepted unanimously at a plenary meeting of the Conference. Thus only fifteen meetings of the Commission were held in all, while the first provisional draft of the Covenant was agreed to on the 11th February—only eight days after the Commission set to work.[1]

[1] It should be said that such rapid progress could not have been possible but for the amount of preliminary work already done and the frequent unofficial meetings and redraftings which filled the hours between the formal

These facts, and these dates, show better than could any words what was the intention of the President and his chief collaborators. They might have proceeded so differently. They might have reasoned that the adoption of a document of such unique importance as the constituent instrument of the League of Nations required long and careful discussion. They might have appointed subcommittees to consider, report on, and harmonize the various schemes proposed from official and unofficial quarters. They might have invited the views of eminent diplomatists, publicists, and international lawyers. In the light of the matter thus placed at their disposal, they might have set themselves slowly and cautiously to draw up an elaborate constitution meticulously providing for every possible emergency. They did the very reverse of all this. They decided that it was all-important to produce an agreed draft at the earliest possible moment; to run no risk of the League being side-tracked and perhaps finally added as an irrelevant and incongruous appendage to a treaty complete in itself. Some at least of them were resolved that, on the contrary, the Covenant of the League must be the framework on which the whole Treaty should be built. So far as the Old World is concerned, their action was justified by the event. It would have been evidently impossible to assign rights and duties to the League—as has been done in the Treaties—if its very form and character had remained indefinite and unknown. They wished also to forestall the inevitable complaints that the conclusion of peace was being delayed by time devoted to the League of Nations. Never were complaints less reasonable. The Commission arranged its sittings so as not to clash with those of the Supreme Council, which President Wilson had of course to attend, and on one occasion at least sat on till long after midnight.[1]

The adoption of this policy—of coming to a rapid agreement on essentials—involved the avoidance of contentious matter so far as possible. Valuable time would have been lost had the Commission indulged in protracted debates on questions of principle where the minds of both sides were obviously made up.[2]

sittings of the Commission. *v.* Vol. III, pp. 56–8 for revisions of text of Covenant, and *ibid.*, pp. 60–5 for President Wilson's speech, 14th February 1919, introducing the Draft Covenant.

[1] For a strong criticism of the method adopted, see R. Lansing, *Peace Negotiations*, particularly Chaps. XII, XIV, XVI.

[2] President Wilson told the Senate Committee on Foreign Relations: 'We did not discuss ideas half as much as we discussed phraseologies.' Senate Document No. 106, 66th Congress, 1st Session, p. 508.

Such questions were reserved for private discussion between the parties chiefly concerned, in the hope that an agreement might be reached out of Court after further consideration and the consultation of principals. Often therefore the most important decisions were not come to, or only nominally come to, at the formal meetings—a concession to 'secret diplomacy' apparently essential in the interests of convenience and efficiency. These negotiations behind the scenes were sometimes successful, sometimes not. A notable case in which agreement on a difficult question was attained outside the Commission is that of the Mandate section of the Covenant. The question of Mandates (*v.* Vol. II, p. 26), 'was raised in the Council of Ten at an early meeting in January; it immediately became the subject of acute controversy, and the whole project seemed in danger of splitting on the rocks of South African and Australian nationalism. The situation was saved by a carefully drafted compromise which appears bodily in Art. XXII of the Covenant, and was left untouched by the Commission of Nineteen throughout its deliberations'.

An unsuccessful instance of this method occurred in the case of the Japanese proposal to insert in the Covenant some recognition of the principle of racial equality. Much time was spent in trying to find a formula acceptable to all the parties principally concerned, but without success, and finally the Japanese representatives carried out their intention of making a public protest against the rejection of their proposals.[1]

(*d*) *The Wilson Drafts.* It has been stated above that the Commission worked on a draft Covenant submitted by President Wilson. In August 1919 the President gave to the Senate Committee on Foreign Relations certain information as to its origin. Some months before the Conference assembled he had received a copy of the Phillimore report and had used it more or less as a basis on which to 'build a draft' of his own, 'which was quite different, inasmuch as it put definiteness where there had been what seemed indefiniteness in the Phillimore suggestion'. Later on, after his arrival in Paris, he rewrote his draft in the light of a study of General Smuts's proposals.[2] The

[1] One of the results of this lack of success was the dropping of a stipulation in the Draft Covenant approving the principle of religious equality.

[2] See Senate Document No. 106, 66th Congress, 1st Session, pp. 504, 546. Baker, *op. cit.*, Vol. I, pp. 225–8, Vol. III, p. 100.

revised version was shown to the President's advisers on the 10th January. Various modifications were made in the next three weeks as the result of discussions with them and with members of foreign delegations; on the British side a short memorandum was produced by Lord Robert Cecil, followed by a more elaborate Draft Convention, dated the 20th January. The scheme which the President finally presented to the Commission on the 3rd February had been put into shape a few hours previously, on the basis of the previous discussions and drafts, by Mr. (now Sir Cecil) Hurst, of the British Foreign Office, and Mr. David Hunter Miller, of the American Peace Commission; both in matter and wording, though not in arrangement, it was to a large extent closely modelled on the British draft convention of the 20th January. This latter document and the President's revised draft may be regarded, therefore, as the parents of the League of Nations Covenant; both of them owe much to the Phillimore Report and to General Smuts's Memorandum.[1]

(*e*) *Influence of the Smuts pamphlet on the Wilson Draft.* The revised Wilson draft consisted of a preamble, thirteen articles, and six supplementary agreements, some of which last in particular, dealing with the establishment of a mandatory system, were based on the Smuts recommendations. From General Smuts came also the dual organization of Conference and Council, the suggestion that the former should act only on the initiative of the latter, the distribution of seats on the Council among great, small, and medium Powers, and the grant of a veto to a minority of three. From the same source came the abolition of conscription and of the private manufacture of weapons of war, though President Wilson did not go so far as General Smuts with regard to the limitation of armaments. The demand for 'full and frank publicity' as to armaments and programmes is the President's own. So is the mutual guarantee, under certain conditions, of political independence and territorial integrity, and a curiously complicated suggestion

[1] See Mr. Miller's account in *What Really Happened at Paris*, pp. 403–5; also Mr. Bullitt's evidence before the Senate, *op. cit.*, pp. 1,161 ff., where the schemes of President Wilson and Lord Robert Cecil are printed; some of these are reprinted by Mr. Lansing, *The Peace Negotiations*, pp. 253 ff. See also Baker, *op. cit.*, Vol. I, pp. 229 ff. and Vol. III, pp. 117 ff., where the President's final draft and the British Draft Convention are printed as Documents 14 and 15. The former did not differ greatly from the President's second (first Paris) draft referred to above.

for an appeal in certain cases from an arbitral award. The general principles proposed for the settlement of disputes—including compulsory arbitration in justiciable causes, which are here defined—and for the coercion of the covenant-breaker are similar to those in the Smuts memorandum. The two last articles provide for the admission to the League, by a two-thirds majority of the Body of Delegates (or Conference), of any Power 'whose government is based upon the principle of popular self-government', and for the abrogation of all treaty undertakings inconsistent with the Covenant. There are, moreover, vague stipulations for the fair treatment of manual labourers and of racial or national minorities in all countries represented in the League.[1]

(*f*) *The British Plan.* The British Draft Convention has three chapters, the first dealing with the functions and organization of the League in more or less general terms, the second providing detailed machinery for the performance of one of these functions, namely the restraint of war. Other functions include the protection of the territorial integrity of Members against forcible aggression from without (with an important reservation in the case of a Member refusing to accept a modification of frontiers recommended by the League); the tutelage of backward peoples; the supervision of the arms traffic; and the study of various questions of international interest, including conditions of industry and labour, and the making of recommendations on these subjects. The organization of the League is to consist, much as suggested by General Smuts, of a general conference of 'responsible representatives' of all Member States, of a Council of the five Great Powers, with provision for co-operation, as temporary members of the Council, by other states on matters 'directly affecting' their interests, and of a permanent Secretariat under a Chancellor. The right of the British Empire to separate representation for the Dominions and India is expressly recognized. The provisions for the avoidance of war are based, like those of the schemes previously mentioned, on the principle that war is inadmissible except after the submission of the dispute either to a legal or a conciliatory body. The bodies proposed by the British draft are a Court of

[1] The President's third and final draft contained four additional supplementary agreements, dealing with religious equality, the closing of the high seas by the League, the publication of treaties, and commercial equality respectively.

International Law and the Council, or Conference, of the League. The sanctions for breach of the agreement not to go to war are substantially those of the Covenant, but are rather more elaborately defined. It is noteworthy that there is no provision for compulsory arbitration in any case, nor any obligation to carry out an award or unanimous decision, though Members do agree not to go to war with any state complying therewith. Nor does the draft say anything on the subject of disarmament, of the publication of treaties, of amendment of the convention, or of withdrawal from the League. Though much more ambitious than the scheme of the Phillimore Committee, and much less so than that of General Smuts, it is evident how much it owes to both.

(*g*) *The Hurst-Miller Draft.* The Hurst-Miller draft, as laid before the Commission by President Wilson, incorporates the main provisions of the British draft as to the functions and organization of the League and as to the settlement of disputes. It omits the clause making the guarantee of territorial integrity conditional on compliance with the League's recommendation, but takes from President Wilson the declaration now forming Art. XI of the Covenant, and from General Smuts the obligation to carry out an arbitral award; 'arbitration' is spoken of rather than a 'Court of International Law'. From General Smuts, too, come stipulations regarding the reduction of armaments and 'the feasibility of abolishing compulsory military service', and the acceptance of the Mandate principle and that of the Open Door in Mandate territories. From President Wilson come the preamble, stipulations for publicity of treaties and of armament programmes, a guarantee of religious equality, and the proposal that non-Members may be admitted to the League by a two-thirds majority of the Assembly. The draft consists of twenty-two articles, and contains the main features and much of the wording of the Covenant of the League of Nations.

The drafts submitted by the French and Italian delegates at the first meeting of the Commission will be touched on later. They were never considered as a whole by the Commission, which worked throughout on the English text of the President's draft, discussing it article by article.

(*h*) *Summary of the Work of the Commission.* On the whole, there was wonderful agreement. It was quite the exception for

a vote to be taken. On some questions members of the Commission reserved their opinion till they should have consulted their Governments, and at the Plenary Conference of the 28th April protests were made on particular points by the representatives of France and Japan. But as to the general lines, and indeed most of the details, of the Covenant unanimity was attained and maintained, and it was possible to present the document to the Conference as an agreed report. This unanimity was all the more remarkable in face of the fundamental difference between two points of view represented on the Commission. This difference was not between the Great and Small Powers, as some may have supposed. After the principle that the Small Powers, or 'Powers with special interests', should be permanently represented on the Council had been accepted at the second meeting, there was a good deal of discussion as to the number of places to be given to them and the method of selection, but the nine spokesmen of the Small Powers on the Commission did not by any means all take the same side.[1] The real divergence lay between the adherents of the rigid, the definite, the logical, in other words the juridical point of view, and those who preferred the flexible, the indefinite, the experimental, the diplomatic; between those who feared human nature and wished to bind the future, and those who believed in human nature and were content to trust the future; between those who desired written guarantees, and those who desired moral obligations only; to be cynical, between those who expected to receive under the Covenant, and those who expected to give; in a word, between the continental point of view and the Anglo-Saxon. Very naturally, those states which by bitter experience knew most of the sufferings of war, and by the accident of position were most exposed to them, were not anxious to give up the protections of the old order, such as they were, except for definite promises of assistance under effective sanctions. No less naturally the great non-continental states, with their less intimate knowledge of the horrors of land-warfare and their tradition against interference and alliances, were less in bondage to fear, and, while fully

[1] The principle of differentiation between Great and Small Powers appeared in the schemes both of Lord Robert Cecil and of General Smuts; but whereas the former gave the Small Powers no representation on the Council, General Smuts—followed by President Wilson—put them in a permanent minority of one.

intending to meet the demands of duty and honour, preferred to leave particular decisions to posterity. The result was a compromise, but no is stronger than yes, and on the whole the principle of flexibility and elasticity prevailed.[1]

5. *The Principles of the Covenant.* It is impossible within the space of a single chapter to analyse the Covenant article by article, exploring the origins of the several provisions and tracing the modifications to which they were subjected. Only the principal features of the Covenant can be studied, and it will be convenient to consider them in the light of the divergence just mentioned, which became very prominent in the discussions on the delicate question of sovereignty.

(*a*) *Was the League a dissoluble or indissoluble union?* For instance, to begin with, was the League of Nations to be a dissoluble or an indissoluble union? Was it of the nature of an alliance or a federation? There was nothing said on the point in the first draft of the Covenant, nor was the question seriously raised till the President came back from the United States. But in the later series of meetings a very interesting debate occurred. On the one side it was maintained that this was the inauguration of a new world order, which, almost by hypothesis, must be permanent. How could states in an exposed position be asked to give up their age-long traditions of self-defence for a mere temporary promise of protection, which might at any moment be cancelled by the withdrawal of the more powerful guarantors? You cannot have the new world order one day, and the old diplomacy the next. On the other side it was argued that proud nations, jealous for their sovereignty, would not readily join the League unless they knew that they *could* retire from it if they so desired. A state conscious of ultimate freedom will not be nervous about its independence, and will be unlikely to exercise its right to withdraw; attempt to bind it, and it will feel distrustful and constrained. In this case the principle of permanence prevailed, though a very important saving provision was included at the end of Art. I; even this, however, failed to satisfy the Senate

[1] These sentences have been left as they were written in 1920, before it was clear that President Wilson did not represent the view of the United States. The Senate feared that the indefiniteness of the Covenant would in fact bind America, and would have preferred something at once more rigid and more narrow. Mr. Lansing always held the rigid juridical point of view, and consequently wished to limit the scope of the League; see *The Peace Negotiations, passim.*

of the United States. A suggestion that no withdrawal from the League should be allowed till after a fixed term of years was considered on the Commission but dropped.

(*b*) *Obligation as to delay in international disputes.* Let us turn to the all-important question of the extent of the obligations to be accepted by Members of the League in the matter of international disputes. The official Dutch and Swiss proposals made war at any time illegal. None of the Anglo-Saxon schemes already referred to went so far as this; nor was this view even considered on the Commission. There was general agreement that the essential thing was to secure delay; there must be no *sudden* aggression. Delay and publicity, both of which were so noticeably lacking in 1914, would give public opinion a chance to assert itself. The first paragraph of Art. XII is the keystone of the Covenant: 'the Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.' Further negative undertakings are contained in the last paragraph of Art. XIII, and the sixth of Art. XV. They are those with which we are familiar from the various Anglo-American proposals.

(*c*) '*Justiciable*' *and* '*non-justiciable*' *disputes.* But could not more have been done? Could not more account have been taken of the essential distinction between disputes that are, and are not, justiciable? Could not the Commission have agreed to eliminate war in the case of the former, by making a judicial settlement in such case compulsory? This would, of course, have implied a definition of 'justiciable'. The answer is that here again the juridical point of view was worsted by the diplomatic. The Commission were loth to force a particular process of settlement on a reluctant state, and fought shy of compulsory arbitration in any form, even in the matter of the interpretation of the Covenant. This decision may have been necessary, but it amounted to the refusal to take a step which is essential for the establishment of the reign of law in international affairs. All that could be secured in this direction is found in Arts. XII–XIV, namely:

(i) A definition of certain issues 'generally', i. e. prima facie, suitable for arbitration: this list, which is borrowed from the First Hague Convention of 1907, is not exhaustive.

(ii) An obligation to carry out an arbitral award 'in full good faith'.

(iii) An instruction to the Council 'to propose steps' in the case of an award not being carried out. The fact that this instruction is not given in the case of a recommendation by the Council adds somewhat to the prestige of an arbitral award.

(iv) The decision to form a Permanent Court of International Justice, to which the Council or Assembly can refer any issue for an advisory opinion.

It is to be noted that everywhere else the Covenant speaks of 'arbitration', not of 'judicial decision', though the latter is allowed for by the third paragraph of Art. XIII. Yet arbitral awards, it is generally agreed, can never have the force of the pronouncements of a permanent Court of Law, capable of working out a coherent system of jurisprudence. It is therefore of good augury that the Assembly of 1921 approved drafting amendments to Arts. XII, XIII, XIV, and XV, adding the words 'or judicial settlement' after the word 'arbitration' wherever it occurs.[1]

(*d*) *Article X and the Guarantee of Territorial Integrity.* It was said above that the prohibition of sudden aggression is the keystone of the Covenant. A similar phrase, with the same intent, has been used by President Wilson of the undertaking in Art. X 'to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League'. We may remember that practially identical words were used by the President in 1916 to express his ideal first for a Pan-American, and later for a world-wide, union. He admitted to the Senate Foreign Relations Committee in August 1919 that he was the author of Article X 'as much as anybody'; though his own original proposal contained a significant qualification.[2] Art. III of the President's first Paris draft ran as follows: 'The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations, or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of

[1] For matters concerned with the establishment of the Permanent Court of International Justice, and the 'optional clause' accepting compulsory judicial settlement on condition of reciprocity, see this Chap. Part III, *passim*.

[2] *Op. cit.*, p. 546.

three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.'[1] The British Draft Convention of the 20th January contained a similar qualification: 'If at any time it should appear that the boundaries of any state guaranteed . . . do not conform to the requirements of the situation, the League shall take the matter under consideration, and may recommend to the parties affected any modification which it may deem necessary. If such recommendation is rejected by the parties affected, the States members of the League shall, so far as the territory in question is concerned, cease to be under the obligation to protect the territory in question from forcible aggression by other states, imposed upon them by the above provision.'[2] Neither form of qualification, however,—and the fact may well be regretted—survived into the Hurst-Miller draft, and Art. X bore the brunt of American attack on the Covenant, as forcing on the United States an obligation to send troops to all parts of the world in defence of possibly inequitable frontiers. The Senate was not satisfied by the President's assurance that 'it is a moral, not a legal, obligation, and leaves our Congress absolutely free to put its own interpretation upon it in all cases that call for action. It is binding in conscience only, not in law'.[3] The President also explained without avail that, as he understood Art. X, 'territorial integrity' meant immunity not from 'armed intervention' but from forcible annexation.[4] In other words, the

[1] This draft article was violently criticized by members of the American Peace Commission; see Lansing, *op. cit.*, Chap. VII; Senate Document No. 106, pp. 1176 ff. Baker, *op. cit.*, I, 230, states that the words 'as against external aggression' were inserted on the advice of General Bliss. In point of fact the germ of this idea dates back to the 3rd October 1914, when House wrote to Page 'with the President's knowledge and consent' . . . 'When the War is ended and the necessary territorial alignments made, it seems to me, the best guarantee of peace could be brought by every nation in Europe guaranteeing the territorial integrity of every other nation'. To this America was later added. *Life and Letters of W. H. Page*, London, 1922, Vol. I, pp. 414–15.

[2] Baker, *op. cit.*, III, 132.

[3] Senate Document, p. 502. See also pp. 509, 514, 534.

[4] *Ibid.*, p. 538. The explanation of Art. 10 in the text is hard to reconcile with a statement of the President occurring on p. 502 of the work quoted: 'Art. 10 seems to me to constitute the very backbone of the

Article was directed against the violent transference of territory from one sovereignty to another without the consent of the League. Armed invasion was provided against by the Covenant in Art. XII quoted above, breach of which brings the sanctions in Art. XVI into force; Art. X really adds very little to this, and would seem to have received an undue share of attention. Nevertheless to the continental states in an exposed position it meant everything; one might say it was the price for which alone they were willing to barter such of their independence as they surrender under the League.[1] That there was no intention to stereotype the existing territorial settlement is clear from paragraph 2 of Art. XI and Art. XIX, while paragraphs 1, 6, and 7 of Art. XV seem to show that the guarantee is not perpetual and unconditional. For all that, Art. X is a stumbling-block to many, and its deletion was formally proposed by the Canadian Government in 1920.[2] The proposal was, however, ultimately adjourned by the Assembly in 1922.

Mr. Lansing's hostility to the Wilsonian League of Nations was largely due to his disapproval of any such 'affirmative guaranty' as that contained in Art. X. An 'affirmative guaranty' implied forcible coercion, and that in its turn implied the predominance of the Great Powers and the abandonment of the principle of international democracy or the equality of states. Mr. Lansing asserts that in the course of 1916 President Wilson became 'convinced that the use of force was the practical method of checking aggressions'.[3]

(*e*) *Limitation and inspection of armaments.* Next, as to the obligation (Art. VIII) not to exceed the limits of armaments proposed by the Council and adopted by the country concerned, and to interchange full and frank information as to programmes. Here the question was not so much as to the obligation itself, as concerning the method of its enforcement. Should there be inspection by the League of national

whole Covenant. Without it the League would be hardly more than an influential debating society.' Could this be fairly said of it if it only forbade forcible annexation? It has been suggested that his recollection of action taken by the United States on several occasions in Southern and Central America may have influenced the President's mind in this matter.

[1] France had in addition the hope of a promise of direct military assistance from Great Britain and the United States in case of unprovoked aggression. But this did not materialize, *v.* Vol. II, pp. 125–7; Vol. III, pp. 337–40.

[2] *v. supra*, pp. 349–50.

[3] *The Peace Negotiations*, p. 32. See Baker, *op. cit.*, I. 223.

armament factories and dockyards? It is no secret that the French pressed for it, and for the establishment of 'une commission chargée des constatations nécessaires'.[1]

Strong as the arguments in favour of *contrôle* appear on paper, the majority of the Commission decided against it on grounds both of expediency and practicability. It was maintained that there were proud nations which, though prepared to carry out the obligation loyally, would never allow their loyalty to be checked and verified by an international committee, and grave doubts were expressed as to whether any really secret information would ever be obtained by such a committee. At any rate in this case the advocates of logicality, definiteness, and compulsion were worsted.[2]

(*f*) *Sanctions.* With regard to the ultimate sanctions for breach of the Covenant, it was generally agreed what these should be (see Art. XVI), but there was some debate as to which of the obligations undertaken should be thus enforced. Should they apply to the obligation to comply with an arbitral award, or not to exceed the agreed limit of armaments? It was decided that they should only apply to the agreements not to resort to war contained in Arts. XII, XIII, and XV. This decision is an extreme instance of the Commission's resolve not to make more demands on national compliance than the barest minimum required to avert sudden war.

(*g*) *Their Enforcement.* On the matter of the execution of these sanctions great differences of opinion existed. There was no question of an international army, navy, or air force, but the French, not unnaturally in view of historical and geographical facts, desired permanent machinery for bringing the sanctions into force without delay. They wanted a body charged with the duty of working out in advance schemes of co-operation, and proposing definite contingents to be supplied by different Powers. At first sight this proposal seems logical and reasonable, but the majority of the Commission held it impracticable. It is an axiom of strategy that plans cannot be drawn up in the air; you must envisage a definite enemy. This leads to a

[1] See Tardieu, *The Truth about the Treaty*, p. 135.

[2] However, the French secured the adoption of Art. 213 of the Treaty of Peace with Germany: 'So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.' See Tardieu, *op. cit.*, p. 140.

dilemma: either you must select a prospective enemy and exclude him from your discussions, which is contrary to the whole spirit of a universal League of Nations, or else all nations will plan against one another, which is absurd, since naturally no nation will disclose the confidential information as to its own resources which is required for concerting joint operations. As things stand, contingents and policy must be settled by agreement as each case arises. This may sound an extreme and fatal concession to national sentiment, but it should be remembered, first, that some nations would undoubtedly not agree to the French proposal; secondly, that preliminary plans of action will of course be concerted by nations fearing a threatened assault; and lastly, that everything that is practicable will really be done by the Commission to be established under Art. IX.

(*h*) *Unanimity in Council and Assembly.* The execution of the sanctions raises the vital question of agreement on the Council.[1] Was the Commission wise in generally requiring unanimity both in that body and in the Assembly to give effect to their conclusions. In fact, both in Council and Assembly a bare majority can regulate procedure; a two-thirds majority of the Assembly can admit new members; a bare majority of the Assembly, if all the states on the Council concur, can ratify amendments to the Covenant; and most important of all, the consent of parties to a dispute is not required.[2] The insistence on the need for unanimity has been more criticised than any other point in the Covenant. It is claimed that it will paralyse the action of the League. To say that it merely accepts existing diplomatic tradition is no answer. It must be considered on its merits. First, then, its assailants may be reminded that, in almost every case, what the Council and Assembly have to do, under the Covenant, is not to legislate or to order but to *recommend.* Now the force of a recommendation

[1] In the Draft Covenant presented to the Peace Conference on the 14th February, this body was styled the Executive Council. The misleading adjective was subsequently dropped.

[2] For the difficulties caused by the ambiguous wording of Art. 26, and their solution, see H. W. V. Temperley, *The Second Year of the League*, pp. 59 ff. In 1921 a compromise was agreed to by the Assembly, requiring a three-fourths majority for the acceptance and a bare majority for the ratification of amendments; in each case the Council's unanimous assent is needed. Note that it is provided that a bare majority of the Council may alter stipulations of the Minorities treaties.

depends on the power and prestige of those who recommend, and not upon legal machinery; and in practice the expressed will of the leading Great Powers is not likely to have much more force when the other Powers agree with them than when the former merely form a majority, or even are in a minority. This consideration may appear cynical, but is really the purest common sense. That it escapes notice is due to the fact that most of its critics instinctively think of the League as a kind of super-state, executive and coercive. It is not. Let us take instances. Under Art. VIII, the Council is to 'formulate' plans for the reduction of armaments, but these plans have no force until 'adopted' by the several Governments. The Council is to 'advise' how the obligation of Art. X shall be fulfilled—an obligation which, as President Wilson told the Senate 'is a moral, not a legal, obligation'. Under Art. XIII the Council is to 'propose' the steps to be taken should a state fail to carry out an arbitral award. Under Art. XVI it is to 'recommend' what armed force the members of the League are to contribute for the coercion of a Covenant-breaking state; but there is no obligation on any member to accept its recommendation, even though each member will, under paragraph 5 of Art. IV, have been invited to send a representative to 'sit as a member' of the Council during the discussion. Under Art. XVII it is to 'recommend' what is to be done in a dispute where a state not a member of the League is concerned; if both parties to the dispute are non-members and refuse to accept the obligations of the League, the Council may 'take measures' as well as 'make recommendations', but these measures can, in fact, only be recommendations. Under Art. XIX the Assembly has the right to 'advise the reconsideration' of treaties. In all the above cases, what practical difference would be made if the decision of a majority were substituted for that of all?

But we have not considered the most controversial cases, those arising under Arts. XV and XVI. Article XV provides that in the case of a dispute submitted to the Council, and not settled by it to the satisfaction of the parties, the Council shall 'either unanimously or by a majority vote' issue a report. But whereas the members of the League undertake not to go to war with a state which complies with the 'recommendations' of a report unanimously agreed to (not counting the parties to the dispute), they reserve to themselves full liberty of action if

the report is not unanimous. (In neither event, we must remember, do the parties promise to comply with the recommendations of the report.) That is to say, if no unanimous report can be arrived at, not only are both parties to the dispute then at liberty to take up arms, but the other members of the League may help the party they champion. Thus a general war might come about, for, as we have seen, the Covenant does not profess to forbid war in the last resort. In this case the theoretical result of the requirement for unanimity is evident, but whether it would make much difference in practice is very doubtful.

The decision (see Art. XVI) whether any of the engagements under Arts. XII, XIII, or XV, have in fact been broken, was not entrusted to the Council under the Covenant, but was left to the individual judgment of members, each of whom undertook thereupon to break off relations with the covenant-breaker. But by one of the amendments of 1921 this decision is given to the Council, though the rupture of relations still remains a matter for the several states. The less important right of declaring a defaulting state to be no longer a member of the League is entrusted to the Council by the last paragraph of Art. XVI.

Except for this last case, the Council and Assembly have no right of deciding whether members of the League have or have not fulfilled their obligations, as President Wilson was at great pains to explain to the Senate.[1] This applies to the withdrawal clause in Art. I, to Art. VIII, to the obligation under Art. X, and to the question arising under Art. XX as to what obligations are inconsistent with the Covenant.[2] Nor is there any body whose function it is to interpret the Covenant itself. Throughout his discussion with the Senate Committee, the President insisted that the real authority of the League must be moral, not legal; it must depend on 'an attitude of comradeship and protection'; should a state be tempted to violate the spirit of its under-

[1] See Senate Document, No. 106, p. 501.

[2] Even in the most extreme instance of all, that of admission of states to the League, the independence and sovereignty of each state is preserved. States are admitted on a vote of two-thirds of the Assembly. But no state resisting this admission is obliged to give diplomatic recognition to the state thus admitted. Albania was admitted to the League in December 1920, but was not recognized by the Great Powers, who had opposed its admission, till November 1921. If the League were a 'super-state' such collective admission would imply individual recognition.

takings, 'the only restraining influence would be the public opinion of the world'. He trusted to what he called in 1914 'the moral compulsions of the human conscience', mobilized by publicity and given time to act.

Such, indeed, was the point of view taken by the chief British and American promoters of the League of Nations, and on the whole embodied in the Covenant. The rejection of the idea of giving binding force to a majority vote is the logical fulfilment of the Anglo-Saxon principle of freedom and elasticity, the principle of not trying to bind the nations of the future, but of trusting them to be at least as wise as those of the present. Critics inclined to challenge it should ask themselves very seriously whether, with national feeling as powerful as it was known to be in the United States and the British Dominions, for example, it would have been either wise or practical to make provision for voting down a Great Power on a matter which it considered vital. May it not be more profitable to emphasize the real fact that agreement is necessary in important international questions, if harmony is to be attained in practice? That agreement is possible is shown by the experience of the League of Nations Commission.

(*i*) *The Functions of the League in Peace.* The most controversial and the most arresting features of the Covenant are those which have just been discussed, namely, those dealing with the avoidance of war and international action in emergencies. Fortunately, however, life does not consist wholly, or even mainly, of emergencies; while it is plain that action in emergencies depends on the instincts and habits developed in ordinary times. So it may well be that the most practically important sections of the Covenant are those dealing with the functions of the League in peace (see Arts. XXII–XXV). These activities all centre round the permanent secretariat, which is charged with their co-ordination and development. Its importance can hardly be overrated. When contempt is poured, as is so frequently the case, on the record of international action in the past, instances are usually taken in which some definitely political interest was closely involved, as in the Balkans and Morocco. The many cases of successful non-political administration are forgotten. For the future the League will provide facilities for a wide extension of common action in non-political matters, and so create a powerful

tradition of co-operation between nations in the affairs of peace—a tradition which may gradually win acceptance in more controversial spheres.

6. *The French, Italian, Dutch, Swiss, Scandinavian, and German Schemes.* After this sketch of the main features of the Covenant as adopted, it may be of interest to contrast with it the other official schemes laid before the Commission. Of these the French and Italian drafts were presented at the first meeting; the Dutch, Swiss, and Scandinavian were chiefly studied in the interval after the publication of the Draft Covenant, during which the representatives of thirteen neutral Powers were heard orally; the German scheme was published on the 23rd April, and was considered by members of the Commission along with the other German counter-proposals in June.

(*a*) *The French Scheme.*[1] The French scheme, which is dated June 1918, consists of five sections:

(1) Statement of the principles to be taken as basis of a League of Nations;
(2) Diplomatic, legal, and economic sanctions;
(3) Military sanctions;
(4) Scope and functions of the International Body;
(5) Composition of the International Council and of the Permanent Delegation.

It makes plain at the outset that 'the object of the League of Nations shall not be to establish an international political state. It shall merely aim at the maintenance of peace by substituting right for might as the arbiter of disputes. It will thus guarantee to all states alike, whether small or great, the exercise of their sovereignty'. It is to be represented by 'an International Body, composed of the responsible heads of governments or of their delegates'. This body is to have the right of referring a dispute which cannot be settled amicably to an International Tribunal, or of deciding it itself. 'It shall enforce the execution of its decisions and those of the International Tribunal; at its demand every nation shall be bound, in agreement with the other nations, to exert its economic, naval, and military power against any recalcitrant nation.' For this purpose there is to be an international force; the Inter-

[1] A translation is printed as Document 17 in Baker, *op. cit.*, Vol. III.

national Body is to determine its strength 'and fix the contingents which must be held at its disposal'. There is also to be a permanent staff whose functions are thus defined:

'It shall be the duty of the permanent international staff to deal, under the supervision of the International Body, with everything relating to the organization of the joint forces and eventual conduct of military operations. It will in particular be charged with the task of inspecting international forces and armaments in agreement with the military authorities of each state, and of proposing any improvements it may deem necessary either in the international military organization or in the constitution, composition, and methods of recruiting of the forces of each state.... The International Body shall be entitled, at any time, to require that the member states introduce any alteration into their national system of recruiting which the staff may report to be necessary.'

The International Body is elsewhere spoken of as the 'International Council'; decisions of importance can only be taken at a plenary meeting of the Council, but there is to be a 'Permanent Delegation' of fifteen elected members of the Council to conduct its correspondence and other secondary business between meetings. It is not stated whether the Council may decide by majority vote, but, in view of the insistence on the need for 'respect for the sovereignty of states', and of the invariable diplomatic tradition, it may be assumed that unanimity is required.

The French scheme differs from the Covenant in the following important points among others: (1) The League can compel members to accept its decisions and those of the International Court. (2) The League has considerable powers over the military policy of its members; it can fix the size of their contingents to the international force, and regulate their method of recruitment, e. g. it can enforce conscription. (3) These powers are in the hands of a large body of between forty and fifty members. (4) The activities of the League are limited to the prevention of war. Thus, while (1) and (2) give the League in theory much greater powers than does the Covenant, (3) would make the exercise of these powers extremely difficult, even if national sentiment sanctioned them, which in several countries it certainly would not.

(*b*) *The Italian Scheme.* The Italian scheme begins by laying down certain fundamental principles by which international relations are to be regulated. They include control of the

international distribution of foodstuffs and raw materials, and the prohibition of secret treaties. The organs of the League are to be a Conference in which all member-states have one vote, a Council composed much as under the Covenant, a Permanent Secretariat, an Economic, a Labour and a Military Commission, and a Court of International Justice. Resolutions of the Conference, which is charged with the development of the principles of International Law, require a two-thirds majority. Disputes must be submitted either to arbitration or to the Council, which can either refer them to the Court of International Justice, deal with them itself, or refer them to the Conference. 'Any solution of a dispute adopted by two-thirds of the Conference or of the Council shall be binding on the parties concerned. The minority shall in any case be accorded the right to draw up its own reasoned finding and to publish it together with the finding of the majority. Failing a two-thirds majority, the opinion of the majority shall have the weight of a simple recommendation.' If a state fails to comply with the decision of the Court or of two-thirds of the Conference or Council, the Council can subject it to penalties ranging from rupture of diplomatic negotiations to joint war. Should a state go to war without waiting for a decision, all other members become automatically in a state of war with it.

Thus the Italian scheme goes a good deal farther than the Covenant as regards the obligations accepted by members.

(*c*) *The Dutch Scheme.* The Dutch memorandum on a League of Nations takes the view that only the principles and most necessary organs of the League should be established by the original treaty, and consequently only sketches its main outlines. It is chiefly concerned with the procedure for settling disputes, and, while forbidding war and making a judicial settlement of justiciable disputes compulsory, it makes no provision for immediate discussion and action in a crisis, and does not seriously consider the question of sanctions. There is no mention of any executive council, permanent secretariat, or representative assembly, but international legislation is contemplated. Alliances are forbidden, the League is open to all states, and members may withdraw after a fixed number of years. Compared with the other schemes that we have considered, the Dutch is only a skeleton.

(*d*) *The Swiss Scheme.* The Swiss project, on the other hand,

is a very full and carefully drawn up document. In it the League takes the form of an 'indissoluble alliance' of states which engage in no case to go to war with one another, except in execution of the decisions of the League. There is consequently a very elaborate provision for the settlement of disputes by one of three methods—conciliation, judicial process, and mediation. The awards made in the two latter are in the last resort binding. Unanimity in awards and decisions is not required. The chief organ of the League is a Council of Mediation, a permanent council of resident ambassadors. Commissions of Conciliation are formed *ad hoc* out of the Council of Mediation. The representatives on the Council of Mediation of those states which undertake to guarantee the execution of the League's decisions form the Permanent Delegation, which mediates in cases where the offer of conciliation has been refused and judicial process is inadmissible. Its decisions apparently need not be unanimous. If a state is refractory, the Permanent Delegation considers the necessary measures and submits its decisions, taken by a bare majority, to the Council of Mediation, which must sanction them by a double two-thirds majority—both of the states represented on it and of their aggregate population. If the peace has already been broken, the Permanent Delegation can itself, by a bare majority, decide what measures should be taken. There is also a Conference of States, in which each state fixes the composition and numbers of its own delegation, but has only one vote. The admission of new members requires a simple majority both of the states in the Conference of States and of their aggregate population. (No state may count more than 100 millions of population.) As to amendment, certain fundamental provisions can only be altered with the consent of all the states concerned. Other important constitutional amendments require a simple majority of the states and total population represented at a Conference of States, and a two-thirds majority of the same at another Conference held from two to five years later.

The Swiss project demands a considerably greater sacrifice of state sovereignty than does the Covenant, and at the same time fails to recognize the special position of the Great Powers, on whom the chief burdens must fall. Its machinery also has the disadvantage of being very complicated, and the method of reckoning populations, which would give China greater weight

than France, Germany, Italy, or Japan, is less satisfactory than ingenious. The influence of the Swiss constitution is very noticeable.

(*e*) *The Scandinavian Scheme.* The Scandinavian memorandum is the work of a joint commission representing the governments of Sweden, Norway, and Denmark. It is primarily concerned with the prevention of war by the settlement of disputes. Its proposals are based on the following general principles: (1) The legal equality of all states is recognized. (2) Members of the League undertake not to go to war before submitting their disputes either to a Permanent Court for judicial decision, to the existing Hague Tribunal for arbitration, or to a Commission of Conciliation modelled on the commissions set up under the Bryan Treaties. (3) Reference to the Permanent Court or the Hague is voluntary, not compulsory. (4) Decisions of the Court and of arbitral tribunals are binding; the recommendations of a Commission of Conciliation are not, and parties not satisfied with them may go to war after a month. (5) The sanctions of the League are regarded as a matter in which small states have no right to take the initiative, and no suggestions are made on this head. (6) International co-operation does not figure largely in the draft, and permanent organs of international administration are not proposed. (7) But there are to be international conferences, modelled on those of the Hague, every five years, to develop international law; each state is to have one vote, and is not to be bound without its own consent. (8) There is also to be an International Council, consisting of fifteen members, elected for a term of six years by a panel of electors on which each state is to have one representative. This Council is to perform some of the functions of a standing committee, and some of a secretariat, but is not intended to have the authority of the Council of the Paris scheme.

(*f*) *The German Scheme.* The German scheme is extremely elaborate. It defines the especial objects of the League of Nations as: (1) Prevention of international disputes. (2) Disarmament. (3) Assurance of free commercial relations and of general economic equality. (4) Protection of national minorities. (5) Creation of an international labour charter. (6) Regulation of colonial matters. (7) Co-ordination of existing and future international institutions. (8) Creation of a World

Parliament. The organs of the League are to be: (*a*) The Congress of States, deciding by two-thirds majority; each state has from one to three representatives, but all the representatives of one state must vote the same way, as in the Bundesrat of the German Empire. (*b*) The World Parliament, to which each national parliament is to elect from one to ten delegates. (*c*) The Permanent International Tribunal; (*d*) the International Board of Mediation; (*e*) the International Administrative Boards; (*f*) the Chancellery. In the intervals between meetings of the Congress of States, business is to be conducted by its permanent Standing Committee. All disputes must be referred either to the International Tribunal, which is given much wider powers than under the Covenant, or to the Board of Mediation, which consists of fifteen members chosen by an electoral college of four nominees of each state. The decisions of either are binding. If a state refuses to comply, or otherwise violates the constitution of the League, the Board of Mediation may decide on the application of the usual coercive measures. (The lack of authority of such a Board, as compared with the Council of the Covenant, may be noted in passing.) Disarmament is to be effected by mutual agreement, and there is to be international control over its observance. No warships are to be allowed except those of an international marine police force. There is to be freedom of transit, and no economic discrimination.

The German project, which has sixty-six articles in all, is of course far more ambitious than the Covenant, but it takes much less account of existing feeling, and, while attributing extensive functions to the League, provides no really powerful body, like the Council of the Paris scheme, capable of acting on its behalf. It is, in fact, a typical product of German liberalism.

(*g*) *Summary.* Taken together, the various Continental schemes for a League of Nations show the idealism and the ingenuity to be expected of their distinguished authors. But whereas the Covenant is the work of practical statesmen, these schemes rather express the point of view of jurists and international lawyers. They tend to pay more attention to the settlement of disputes than to the means of securing international co-operation in normal times, while with regard to disputes they are more concerned in arriving at an ideally just

settlement than at one with the requisite authority to back it. The framers of the Covenant, on the other hand, approaching the subject in the light of Allied war experience, are content to establish a powerful body—the Council—representing the actual distribution of the organized political force of the world, and to trust to its wisdom and authority to preserve the peace by one means or another.

7. *Other Functions of the League of Nations under the Peace Treaties.* To return to the Paris scheme, by no means all the functions of the League are enumerated in the Covenant. The elastic nature of this document, and the speed with which it was produced, made it possible, in accordance with the hopes of its authors, for additional activities of various kinds to be assigned to the League in other parts of the peace treaties. For instance, there is the Labour Charter, with its parallel system of periodical conferences and a permanent secretariat, the latter controlled by a Governing Body. Then, by the treaty with Germany, the Council is assigned rights with regard to the extension of the period of some of the economic clauses (Art. 280), and also to the revision and extension of certain stipulations in the section dealing with Ports, Waterways, and Railways. The government of the Saar valley is assigned for fifteen years to the League as trustee, and is to be exercised through a Commission appointed by the Council. The Free City of Danzig is placed under the guarantee of the League, which is to nominate a High Commissioner. By other treaties the rights of religious and racial minorities in some of the countries of Central Europe are placed under the guarantee of the League, and the provisions establishing them are not to be modified without the consent of a majority of the Council. The government of the country agrees also to refer any dispute on these subjects between it and a member of the Council to the Permanent Court of International Justice, and to accept the Court's award. Austria moreover agrees to regard her independence as inalienable 'otherwise than with the consent of the Council.'

These are all examples of the part the League may play, under existing agreements, in the international relations of the future.

8. *Conclusion.* We should now be in a position to realize what are the essential and distinctive features of the League of Nations as constituted at Paris.

1. It is a prominent association of the self-governing nations of the world for the double purpose of 'promoting international co-operation' and 'achieving international peace and security'. It is not an organization that will only be set in motion at seasons of crisis. Its function is far wider; it is to apply the collective wisdom and conscience of organized mankind to the settlement of all cases where national effort alone must be inadequate.

2. It works by means of periodical conferences of statesmen and a permanent secretariat of officials and experts. A permanent Court of Justice was also to be established, and is now in being.

3. Its object is to secure agreement, not to enforce decisions; to help what is good in the nations to assert itself, not to compel the nations to be good. It is a league of nations, not a world-state. In other words, it depends on public opinion in the several countries.

4. In order to facilitate agreement, its members promise not to go to war till a peaceful settlement of a dispute has been tried; they pledge themselves to regard any state that breaks this promise as a public enemy.

5. No more has been put in the Covenant than what appeared the necessary minimum to give the League a fair start; its future lines of development are left to itself.

When these principles are grasped, we can understand why the makers of the Covenant were not concerned to include much that lawyers and theorists demand.

There is no express recognition, or disavowal, of the 'equality of states'. All states are represented in the Assembly, only certain ones in the Council—both for practical reasons. Since the Council and Assembly can only 'recommend', a declaration in either sense would seem to be irrelevant.

There is no body representing the popular, as opposed to the official, element in the several states. So long as the League can only recommend, this omission cannot be considered of vital importance. A popular assembly may perhaps be added later with advantage, but it is not required by the principles of the League.

There is no insistence on the submission of legal issues to legal or even quasi-legal decision; and there is no non-political Council of Mediation or Conciliation. Why? Because so long

as all possible methods of peaceful settlement are in fact left open, as they are under the Covenant, its framers wished to make as few rules and restrictions as possible. They had no mind to tie the hands of the Council.

There is no international armed force, no international general staff, no compulsory abolition of conscription, nor inspection of armament works, nor reduction of armaments to a limit fixed by the League. Why? Because all such inroads upon national sovereignty would provoke great opposition in many countries, while they were not considered essential for the starting of the League.

There is no body entitled to interpret the Covenant, or to pronounce as to what is, or is not, consistent with it.[1] This omission would be indefensible if the Covenant were a body of legal obligations, like a national constitution; it is intelligible if we look on it as a statement of principles by which the signatories express their intention of being guided. The agreement of to-day must be repeated and consummated in the future. That is the spirit of the League. It is to be a league of free, not of fettered nations. But this is a hard saying for legalistic minds.

Indeed, there is something of a paradox in the contrast drawn in this chapter between the desire of the Anglo-Saxon statesmen for elasticity and that of the French for definiteness. For we are accustomed to think of England and America as homes of the Rule of Law, while we credit the French with a love for abstract statements of rights and duties. The fact is that the Anglo-Saxon legal and constitutional tradition teaches us to distinguish very clearly between what is and is not the sphere of positive law—to draw the line sharply, for instance, between law and convention. Where there is law, we insist that it shall rule, but we are acquainted with what we may call a non-Austinian space, where the place of law is taken by understandings and conventions. Here we are prepared for an elasticity resulting in a lack of definiteness, it is true, but allowing for organic development, and perhaps none the less effective in its results. Such is the atmosphere of the Paris Covenant. Continental statesmen may find such ideas unfamiliar or uncongenial, and may see no value in understandings with only semi-legal authority. We may not presume

[1] Except in the case mentioned on p. 450.

to judge between the two points of view. We can only hope that the operations of the League will harmonize them by succeeding.

In the success of these principles we of British nationality have a double interest; for they are those by which the British Commonwealth exists. Its central organ is the Imperial conference, a body very similar to the Council of the Covenant, a body meeting occasionally, composed of statesmen responsible to their own peoples, and dependent on unanimous agreement. In the case of the League of Nations the bonds of common allegiance and common descent are lacking, but the bond of common interest is there, the bond of common suffering in the past, and of the certainty, if the League fails, of common suffering in the future.

CHAPTER VI

INTERNATIONAL DEVELOPMENTS UNDER THE LEAGUE OF NATIONS

PART II

THE INTERNATIONAL LABOUR SECTION OF THE TREATIES [1]

General. The genesis of the Labour Section of the Peace Treaties [2] has been explained in an earlier volume of this work.[3] It was one of the constructive experiments in the direction of creating an international comity of nations which distinguishes the work of the Peace Conference from that of previous Peace Conferences; and it was not the least audacious of these experiments. The International Labour Organization, which it created, was bred of the belief, widely if only half-consciously held at the time of the Armistice, that the solution of purely political problems would be sterile, unless some solution could also be found to the social problem, which the war had brought into sharp relief in every country, belligerent or neutral, and upon which the fires of the Russian Revolution had thrown a lurid light. Just as the League of Nations itself was designed to bring about co-operation between nations in the political sphere, the International Labour Organization was planned to promote a like international effort in the social field.

1. *The Constitution of the International Labour Organization.* The constitution of the Organization is detailed and precise. In the Preamble to Part XIII its functions and scope are clearly set out. The constitution of the General Conference and that of the Governing Body of the International Labour Office are defined.

(*a*) *Relation to the League.* It is provided by the Treaty

[1] Complete to July 1922.

[2] Part XIII of the Treaty of Versailles, Vol. III, pp. 314–28; Part XIII of the Treaty of Trianon; Part XIII of the Treaty of St. Germain; Part XII of the Treaty of Neuilly.

[3] See Vol. II, Chap. I, Part II.

(Art. 392) that 'the International Labour Office shall be established at the seat of the League of Nations as part of the organization of the League', and its expenses, together with those of the Conference and the Governing Body, are paid out of the general funds of the League. In other words, the International Labour Organization is the instrument set up to carry out Art. XXIII (a) of the Covenant, by which the members undertook to 'endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend'. It is therefore an integral part of the League, but by virtue of its constitution, as laid down in Part XIII of the Treaty, possesses an autonomous character unlike that of the other League organizations, such as those dealing with Health and Transit. The Council of the League has no control over the activities of the Governing Body and the Conference, nor is the International Labour Office part of the Secretariat. Its Director is responsible only to the Governing Body, and through them to the Conference. On the other hand, in matters of finance the Assembly of the League is of course supreme, as being alone vested with the power of voting money. In practice, the Labour Office works in close collaboration with the Secretariat, and is represented on several of the Commissions appointed by the League, notably on those dealing with Mandates and Upper Silesia.

(*b*) *Constitution of the Office.* The duties of the Office itself, the powers of its Director, and even the method of its recruitment are indicated. Finally, the procedure for giving effect to the decisions of the Conference, and for ensuring their application, is laid down in some detail. Though the difficulties of interpretation and the want of elasticity inherent in written constitutions have occasionally made themselves felt, there can be no doubt that the Organization has benefited by the possession of statutes regulating the working of its component parts. Doubts and disputes on vital questions arising at the beginning might well have raised obstacles fatal to its progress. Uncertainty or vagueness as to how the Convention and Recommendations adopted by the Conference should be made effective might have doomed them to perish of inanition. Failure to limit the scope of the Organization might have tempted it to

stray into other fields, where its authority would have been open to question. It is true that the border-line dividing industrial questions from larger economic issues is sometimes hard to trace; but even where the work of the International Labour Office has brought it face to face with such issues, it is only with their industrial aspects that it has concerned itself. Generally speaking, it may be said that the framework of the Treaty has stood the test of practice. Though experience has shown the need of some modifications, its machinery has worked with smoothness and precision. Without it the idea which it was designed to carry out would in all probability have failed to produce practical results.

(*c*) *Labour Parliament.* The General Conference has held three annual meetings—at Washington in 1919, at Genoa in 1920, and at Geneva in 1921 and in 1922. At each a great deal of work was accomplished, and they exhibited a growing sense of cohesion and of parliamentary consciousness. Each country has four delegates, two representing the Government and two appointed in agreement with the 'most representative organizations of employers and workers respectively'.

This novel kind of industrial assembly has its own rules of procedure, which in spite of differences of language and parliamentary custom enable it to transact its business on regular and methodical lines. As Lord Burnham, who presided over its 1921 Session said, 'To those who have not had our experience the sum of agreement would pass belief.' Its conclusions are framed either in the form of Conventions or Recommendations requiring a two-thirds majority for their adoption, which have to be submitted to the 'competent authority' in each country within eighteen months for acceptance or rejection. If a draft Convention is accepted, ratification follows, together with the necessary legislative or administrative measures for execution. In the case of a Recommendation, no international engagement is involved, but the Members of the Organization have to inform the Secretary-General of the League of such action as they may take.[1]

2. *The Washington Conference, 1919.* What has so far been accomplished? The Washington Conference met in an atmosphere of optimism, which the critical attitude of the United States, engrossed in the Treaty fight, did little to chill.

[1] Treaty of Versailles, Art. 405.

To the 121 delegates representing 39 countries, social reform appeared necessary and urgent, not only because there were revolutionary rumblings in every industrial country, but because the community of sacrifice and effort called forth during the war had bred the idea of a like common effort to improve social conditions. Moreover, on the surface there seemed little to suggest that the world might not rapidly become richer and happier. Industry was thriving on an artificial boom which blinded most people to the stringency and impoverishment which the huge war debts, the destruction of wealth, and the shrinkage of productive power both in men and machines inevitably foreboded when the first demands for peace goods had been satisfied.

The Washington Conference went forward therefore with boldness and unity of purpose. Its first act was not its least remarkable achievement. By a majority of 71 votes to 1 it admitted Germany and Austria to membership of the International Labour Organization, a recognition of the fact, which subsequent events have abundantly emphasized, that in the economic sphere all countries are interdependent, whatever the political or sentimental barriers which may stand between them.[1] This decision, however established the principle that, although under Art. 387 of the Treaty membership of the League of Nations shall carry with it membership of the International Labour Organization, it was nevertheless possible for the Conference to admit countries before they had joined the League.

The Conference adopted six Draft Conventions and six Recommendations.

3. *The Eight Hours Convention.* First and unquestionably the most important was the Draft Convention dealing with hours of work in industry. It provided that the 8-hour day and the 48-hour week should be regarded as the normal working periods in industrial undertakings, but it was far from fixing these as absolute limits, as has sometimes been represented. Overtime was not prohibited by the Convention, but was only subjected to such limits as might be imposed by regulation after

[1] It is, moreover, interesting to record that this decision was in accordance with a Note from the Supreme Council, dated the 27th May, 1919, recommending the admission of Germany and Austria to the favourable consideration of the Conference.

consultation with the employers' and workers' organizations and to extra remuneration of not less than time and a quarter being given. Various other exceptions were provided to meet the exigencies of particular occupations, including a 56-hour week in continuous process industries and permanently longer hours for men engaged in intermittent work. There was, in fact, nothing revolutionary in the Convention, which for the most part was based on the French Eight Hours Act already in operation, and upon the proposals of the British Industrial Conference summoned by the Prime Minister in February 1919. Moreover, the 48-hour week was already the law or the practice in almost every European country, though not on the American Continent.

One other feature of the Convention calls for remark, namely, the special articles devoted to India and Japan. In framing the Treaty it had been recognized that 'differences of climate, habits and customs, of economic opportunity and industrial tradition make strict uniformity in the conditions of labour difficult of immediate attainment',[1] but the Conference felt that Western standards could not be maintained unless the rising industrial communities in the East gradually sought to adopt them. For their part the representatives of the Indian and Japanese Governments, often supported by their employers, showed themselves anxious to advance, provided that they were not driven too precipitately, as some of the European delegates ignorant of Asiatic conditions would have wished. In the end, thanks largely to the wise and patient chairmanship of Mr. G. N. Barnes, who presided over the special committee entrusted with this delicate problem, an agreement satisfactory to all parties was reached. For India the general principle of a 60-hour week was adopted, while for Japan 57 hours was to be the normal working week, except in the raw silk industry and in underground work in mines, where 60 hours and 48 hours respectively should be the rule. These provisions marked a very great advance on the existing conditions. In India the law permitted a 72-hour week, while the Japanese Factory Act permitted 13 hours work a day for seven days a week together with 120 hours overtime during the year. In the silk industry these hours, amounting to an average of 93 per week, were usual, while in other industries

[1] Treaty of Versailles, Art. 427.

an 84-hour week was customary. The importance of the Convention for the East needs no further emphasis.

Without tracing the stages by which the various articles were elaborated, it must suffice to state that in its final form the Convention was adopted by 82 votes to 2. It may further be noted that the principle of the 8-hour day and the 48-hour week was not contested even by the employers, save those of Norway and Canada. The main points on which the Employers moved amendments were concerned with widening the Convention rather than with changing its fundamental principles. Indeed, in regard to overtime they proposed a limitation of 300 hours per year, though after discussion even this limitation was abandoned by common consent. They also insisted on the necessity of the Convention being ratified by all the principal countries, a point which, as will be seen, has had a considerable bearing on the fate of the Convention.

4. *Progress in ratification.* The Eight Hours Convention was the most prominent achievement of the Conference. Its subsequent history well illustrates the difficulties which international labour legislation, to use a convenient if not altogether accurate expression, is bound to encounter, and some of the defects in the constitution of the International Labour Organization.

In March 1922 the Convention had been formally ratified by five Governments only, namely, Greece, Rumania, India, Czecho-Slovakia, and Bulgaria. This is not, however, a fortuitous or insignificant collection of states. In all of them the social problem is one of particular urgency. In Eastern Europe not only have the repercussions of the Russian upheaval made themselves specially felt, but the democratic communities which have emerged from the ruins of the Habsburg Empire have begun their career with the conviction that a programme of progressive social legislation is essential to their new national life. In the case of India similar causes have been at work. There the war has produced a great social ferment and a great industrial revolution, requiring new methods and new conditions to meet them. In a word, those countries have ratified just where public opinion in favour of social advancement is most active. The fact that the list of ratifications is as yet so short does not, however, imply that it is closed or that the Convention has definitely failed to standardize the hours of labour in

industry. A consideration of some of the obstacles which have stood in the way of ratification in various countries may be briefly indicated.

The first of these obstacles consists in the shortness of the time allowed for ratification. The maximum period of eighteen months contemplated by the Treaty has proved in practice too short to permit of the necessary legislation being carried. Parliamentary time available for discussing new measures is in all countries restricted, even in normal periods. In an abnormal period like the present, emergency business of all kinds, the instability of Governments amid the recasting of programmes and the recrystallizing of parties, and the paramount urgency of fundamental political questions, have inevitably relegated social problems to a secondary place. In these circumstances it is anything but surprising that most countries have failed to live up to the rigorous time-table of the Treaty. Nevertheless, many of them have made very considerable progress towards ratification, progress which without such a time-table would almost certainly not have been realized. In nine countries besides those which have ratified, Bills have been introduced by the Government for the purpose of securing ratification of the Convention—in the Argentine, Austria, Belgium, Brazil, Chile, France, Germany, Poland, and Spain—and it may be expected that in most, if not all, of these countries, the necessary parliamentary authority for ratifying will be obtained.

5. *Difficulties experienced in securing ratification.* From this, however, it does not follow that the ratifications will be immediately deposited with the Secretary-General of the League, who under the Treaty is authorized to receive them. An international engagement being more binding and more irrevocable than a national law, many countries—particularly the smaller ones—have naturally hesitated to ratify until they were assured of ratification on the part of their principal industrial rivals. This point has been raised in the discussions which have taken place in Belgium, Poland, Holland, Italy, and Germany with regard to ratification. It is even possible that a number of countries may signify their intention to ratify provisionally subject to certain other countries following their example. This question is clearly one of fundamental importance. It not only illustrates one of the essential

difficulties of the International Labour Organization, but also demonstrates its practical necessity. If it is difficult to secure the adhesion of countries to an international agreement, which they have all accepted through their representatives, what chance would there be of progress without such an agreement to pave the way, but with every country waiting for its neighbour to take the first step?

In the case of the Eight Hours Convention several countries have ascribed their hesitancy to the fact that Great Britain and the United States—particularly the former—have not seen their way to ratify. The case of Great Britain illustrates another difficulty which was bound to arise in connexion with the framing of International Conventions, and another point in the constitution of the International Labour Organization which seems to require amendment. For all practical purposes the 8-hour day and the 48-hour week have been operative in the great majority of industries in Great Britain since the Armistice. The Joint Committee of the National Industrial Conference further recommended the passage of a Bill legalizing the 48-hour week, but though such a Bill was introduced by the Government in 1919, it never passed into law. Consequently, save in the mines, hours of labour for men are only regulated by agreement between employers' associations and trade unions, though these cover a very large proportion of the industrial field. In fact, the British Ministry of Labour in a letter explaining the reasons for which the Government found difficulty in ratifying, stated that 'the normal hours of work in almost all industrial undertakings are 48 a week or less'.

What then are the difficulties which have hitherto prevented ratification? The Government was advised that the terms of the Convention were not wide enough to meet the case of some existing trade agreements, notably on the railways. The International Labour Office thought that the articles in question might possibly bear a wider interpretation, but its opinion could have no legal authority. As an alternative the British Government suggested that the points in question should be cleared up by way of amendment. The Treaty, however, provides no way of amendment, except the adoption of an amending Convention, which would in turn have to pass through the whole of the prescribed procedure. This case

brings out two important difficulties in the way of creating a body of international law, those of interpretation and amendment. To draft, in two languages, an international Convention which shall be sufficiently wide to meet the varying conditions obtaining in the countries of the five Continents, and at the same time so perfect in point of draughtsmanship as to need no subsequent modification or addition, is no easy task in the rush of an International Conference. Moreover, differences of view are likely to arise as to the meaning and intention even of the most perfect Acts of Parliament. The Treaty provides that recourse may be had to the Permanent Court of International Justice at the Hague in the case of dispute as to the meaning of a Convention, but it may be doubted whether this Court will depart from the well-founded judicial practice of not giving rulings on hypothetical cases. It will deal with concrete cases as they arise, but will probably refuse to give general interpretations as to the meaning of particular articles. There is no other organ which has authority to give a ruling on the meaning of Conventions. Yet without an authoritative ruling a Government may well hesitate to ratify an Article of which the interpretation appears to be doubtful. Hence the need for amendment may quickly arise. Moreover, even the most perfect draughtsmanship cannot preclude the possibility which has already occurred in the case of Switzerland and several other countries in connexion with the Eight Hours Convention, namely, that their experts may overlook some exception or some branch of industry requiring special treatment, and may accordingly omit to secure the insertion of some essential provision. Some simple method of amendment therefore appears to be called for, if Conventions are to escape shipwreck on more or less technical points.

6. *Other Results of the Washington Conference.* The history of the Eight Hours Convention has been treated at some length, as it illustrates the general procedure in connexion with ratification and the difficulties which it is liable to encounter. It would have been over-sanguine to expect that ratification, which in most cases implies Parliamentary discussion, would automatically follow a favourable vote at the Conference. Experience alone can indicate the obstacles which have to be overcome, and can teach the means of overcoming them. But when the total amount of national legislation

which has arisen out of the Washington Conference is reviewed, it cannot be contended that within the three years which have elapsed since its close important results have not flowed from its decisions. In addition to the Eight Hours Convention, other Conventions were adopted dealing with unemployment, the care of women in industry before and after child-birth, the prohibition of the employment of women at night in industry, the minimum age of admission of children to employment and the prohibition of the night employment of young persons under 18. Space does not permit of the steps already taken towards ratifying each of these Conventions being set out in detail. It must suffice to say that 54 ratifications have been deposited and 8 have been authorized for these various Conventions, and that ratification is being recommended in 48 other cases.[1]

In addition to the Conventions, Recommendations were passed to which effect has been given by legislation in a considerable number of countries. The Recommendations deal with unemployment insurance, the reciprocity of treatment of foreign immigrants, protection against lead poisoning and anthrax, and the establishment of Government Health Services. Altogether 70 legislative measures[1] have been introduced or passed to give effect to the decisions of the Washington Conference—a not inconsiderable result when the parliamentary and other difficulties outlined above are borne in mind, and when the great obstacles to social legislation raised by the economic crisis through which the world has since been passing are remembered.

7. *The Genoa Conference, 1920.* The prospects of economic and social reconstruction which seemed so bright at Washington were destined to be quickly dimmed. When the second Conference met at Genoa in June 1920 the presages of hard times were already becoming apparent, though, as yet, they were far from being fully realized. Instead of being general in character like its predecessor, this Conference was an assembly of specialists competent to deal with conditions of work at sea. As the number of countries possessing a mercantile marine is comparatively limited, the attendance was necessarily smaller, only 27 countries taking part. As at Washington, the principal question at issue related to hours of work, but in

[1] Figures correct to 31st December 1922.

the maritime sphere the ground had been much less prepared than in the industrial. In only one country (France) had legislation been adopted applying the principle of the 48-hour week on board ship, and the peculiar conditions of the seaman's calling made its application more difficult in his case than in that of the factory worker. The whole problem was therefore not only complex in itself, but largely unexplored. It gave rise to long discussions, both in Committee and in the Conference, without producing any solution which seemed likely to gain general acceptance. Finally, the Draft Convention proposing a 48-hour week with certain modifications was lost by 49 votes to 25. The necessary two-thirds majority was therefore wanting by a fraction, but the result may perhaps be considered as proving the soundness of the provision of the Treaty requiring a two-thirds majority for the adoption of a Convention. As the minority consisted not only of shipowners but also of the Government representatives of such important seafaring countries as Great Britain, Japan, Norway, Denmark, Spain, and Portugal, it is certain that the Convention would have stood little chance of being generally carried out. Nevertheless, the Conference adopted three other Conventions dealing with the means of finding employment for seamen, the payment of compensation for unemployment due to shipwreck, and the minimum age of employment of boys at sea, together with Recommendations relating to unemployment insurance, the establishment of national Seamen's Codes, the hours of work in the fishing industry, and inland navigation. Bills have been introduced to ratify all the Conventions in Belgium, Chile, Denmark, Germany, Poland, and Spain, while Great Britain, Rumania, Finland, India, and Sweden have ratified the Convention relating to the age of employment at sea, and Norway, Sweden, Finland, and Japan, that relating to means of finding employment. Ratification of the two Conventions had been authorized by Parliament in Bulgaria. Steps are also being taken in twenty-seven other countries to give effect to the Recommendations.[1]

The Conference provided for the continuance of its work by deciding on the appointment of a Permanent Joint Maritime Commission which consists of six representatives of the Shipowners and six of the Seamen's Organizations, presided over

[1] Figures correct to 31st December 1922.

by the Chairman of the Governing Body of the International Labour Office. This Commission has met from time to time in order to carry on the work of the Conference. In particular it has given further consideration to the question of hours of work. Soon after the Conference an international seamen's strike, which would have caused immense dislocation and suffering in the famished regions of Europe, was threatened in order to enforce the demand for a 48-hour week at sea. The intervention of the International Labour Office succeeded in averting such a catastrophe, and in bringing about direct negotiations on an international basis between shipowners and seamen, but in the present depressed state of the shipping industry, progress has been slow and difficult.

8. *The Geneva Conference, 1921.* Whereas the Genoa Conference was confined to a single industry, the Third Conference, which met in Geneva in October 1921, was of a more general character. As at Washington 39 countries attended, sending 69 Government Delegates, 24 Employers, and 25 Workers. They met under circumstances of undoubted difficulty. The effects of the economic crisis resulting from the War were now fully and painfully apparent. The conditions prevailing in industry had become disastrous. Many of the employers were faced with a situation far graver than any within their recollection and the number of bankruptcies during the previous 12 months was sufficient to indicate the danger which faced hundreds of establishments.

On the other side were the workers, harassed by equally pressing cares—in some countries in the shape of unemployment and in others in the guise of an interminable race between wages and prices, in which the latter always won. The setting of the Conference was therefore sombre. It was generally felt that it would be a severe test; there were many who despaired beforehand of its success.

9. *The Agricultural Question.* To these general difficulties were added others arising out of the Agenda itself. The principal questions for discussion related to the regulation of agricultural labour. This again was difficult ground. During the nineteenth century the wage-earner in agriculture was almost completely neglected, although the exodus from the land had been widely recognized and deplored. The war, however, wrought a considerable change in this, as in other

spheres. In some countries, such as the Serb-Croat-Slovene Kingdom, Austria, and Rumania, an agrarian solution of the problem had been attempted by dividing up the great estates into peasant holdings. In others, such as England, Germany, and Italy, more or less systematic attempts had been made to deal with the social conditions of agricultural labourers. In others, such as Czecho-Slovakia, a combination of both methods had been tried. Nevertheless, the instinctive conservatism of all those who have to do with the land made opposition to all such efforts inevitable. The French Government formally objected to the inclusion of agricultural questions in the Agenda, on the ground that it was inopportune to deal with them at the present time, in view of the need for increased production everywhere; and alternatively, though this contention was never put forward unambiguously, that the International Labour Organization was only competent under the Treaty to deal with matters relating to industry. The raising of such fundamental issues at the beginning of the Conference led to an animated debate. In reply (September 1920) to the Hungarian Government's objection to the Labour Section of the Treaty, on the ground that it appeared to apply to agriculture,[1] the Peace Conference clearly indicated their view that the International Labour Organization was competent to deal with agricultural questions. The majority of the Conference—including the British, Italian, and Dutch Delegations—took this view and asserted, moreover, that it could not shirk the duty of doing so. Finally, the Conference affirmed its jurisdiction to deal with the problem by 74 votes to 20, and retained all the agricultural questions on the Agenda, except that relating to the adaptation of the Washington Convention on hours of labour to agricultural conditions.[2] Once the question of principle had been removed from the path, so far as the Conference was concerned, it proceeded smoothly and agreed upon a series of Draft Conventions and Recommendations on

[1] See Vol. IV, Chap. VII, p. 427.

[2] With regard to this latter point it may be remarked that in its proposals based on the replies received from the various Governments to its Questionnaire, the International Labour Office suggested as a basis of discussion that hours of labour should be regulated by agreement between employers and workers' organizations, without indicating any limits, either weekly or daily. It had never been contended, even by the workers' organizations, that the limitations applicable in factories could be applied to agriculture without very substantial modifications.

agricultural questions,[1] which constitutes an initial attempt to apply to the agricultural labourer the principles of social protection which have long been recognized as applicable to the industrial worker.

The French Government, however, did not relinquish its opposition. It requested the Council of the League of Nations to submit the question to the Permanent Court of International Justice, in order to obtain an authoritative ruling as to the jurisdiction of the Office in agricultural matters. The case was heard by the Court in July 1922, at its opening Session. After a prolonged hearing at which arguments were presented to the Court on behalf of the French, British, Portuguese, and Hungarian Governments, as well as the International Agricultural Commission, the International Labour Office and the International Federation of Trade Unions, the Court delivered a judgement which clearly establishes the jurisdiction of the International Labour Organization to deal with matters relating to agricultural labour.

10. *Other Decisions.* Another question which aroused considerable controversy was the prohibition of the use of white lead in painting. Here the Organization was dealing with a problem which had been debated in all industrial countries for many years past. The fact that lead poisoning was responsible for considerable mortality and sickness among painters had long been generally admitted, but whether there was an effective means of combating it, short of total prohibition, was a matter still in dispute. Moreover, there were considerable economic interests involved, as a substantial portion of the business of the lead corroders and producers would be affected by the prohibition of the use of lead in the manufacture of paints. A large number of experts assembled at the Conference and a prolonged and highly technical discussion ensued. As a result general agreement was reached among all the medical men present as to the scientific elements of the problem, which paved the way to a compromise welcomed by all parties.

[1] The Draft Conventions relating to agriculture deal with (*a*) prevention of unemployment; (*b*) age of admission of children to employment; (*c*) workmen's compensation; (*d*) rights of association.

The Recommendations dealt with (*a*) social insurance; (*b*) living-in conditions; (*c*) protection of women before and after child-birth; (*d*) development of technical agricultural education; (*e*) night-work for women; (*f*) night-work for children.

A Draft Convention was eventually voted by 90 votes to 0 providing for the total prohibition of the use of white lead in interior painting, where the danger of poisoning was generally agreed to be greatest, subject to certain exceptions, and for the adoption of regulations in connexion with the exterior painting of buildings. The fact that this agreement was accepted by employers and workers alike may be regarded as a valuable achievement on the part of the Conference, and as having gone far to settle the problem of lead poisoning once and for all.

The Conference also adopted a Draft Convention for a weekly rest in industry, and others fixing the age of employment of youths as trimmers or stokers, and providing for the compulsory medical examination of youths employed at sea. Finally, it was decided to set up a Commission for the study of the prevention of anthrax—one of the most deadly of industrial diseases and one of the most difficult to combat.[1]

Apart from the actual drafting of the Conventions and Recommendations mentioned above, the Conference gave the opportunity for a general debate on the subject of unemployment which threw considerable light on the gravity of the economic situation from the employers' and workers' points of view, culminating in the adoption of a resolution proposing the urgent convocation of a general Conference to seek the means for remedying it. The meeting of the Genoa Conference in April, to which the International Labour Organization was invited to send a delegation, and which endorsed the value of its work as an element in the reconstruction of Europe, is the best justification of its attitude towards the economic crisis.

11. *Geneva Conference, 1922.* After the great activity displayed by the Third Conference, the Fourth Session, which was held in Geneva in 1922, may be regarded in the light of a breathing space. It was felt that so many Conventions and Recommendations had already been sent forward to the various Governments and Parliaments that it would be better not to add to their number at the 1922 meeting but to devote it primarily to taking stock of the constitutional machinery and improving the defects which four years' experience had shown

[1] This Commission was presided over in London in December 1922 by Sir William Middlebrook, and recommended the International Labour Conference to reconsider at an early date the question of a Convention on the compulsory disinfection of wool and hair.

to exist. There was, therefore, only one question on the agenda calling for a decision in the form of a Draft Convention or Recommendation, namely, the statistics of migration, which resulted in the unanimous adoption of a Recommendation asking for the communication to the International Labour Office at regular intervals of the available statistical and other information concerning emigration, immigration, and transit of emigrants.

Of the constitutional questions which the Conference discussed perhaps the most important was the enlargement of the Governing Body. Its composition had been the subject of some dissatisfaction ever since the days of the Washington Conference, where a Governing Body predominantly European in character was elected. This objection had, in point of fact, been met to a considerable extent by the decision of the Council of the League, given in September, to the effect that India had a right to the place previously occupied by Switzerland as one of the eight States of chief industrial importance. In spite of this, however, the general feeling of the Conference was that the Governing Body should be made more comprehensive in its character, and should accordingly be increased to 32 members, i. e., 16 Government, 8 Employers', and 8 Workers' representatives. An amendment to Article 393 of the Treaty was accordingly adopted and forwarded to the States for ratification in accordance with Article 422, this being the first instance of the amendment of Part XIII of the Treaty.[1]

A second question of no little moment was that of the periodicity of the Conference. Two alternative proposals were put forward, first that the Conference should only meet every two years, and, secondly, that it should hold alternate sessions of preparation and decision. The former of these ideas was mainly prompted by the real difficulty which the Overseas countries find in sparing their principal officials to attend annual meetings. The second was really an attempt to meet some of the difficulties in regard to the drafting of the Conventions which have already been pointed out in this Chapter (see paragraph 5). It was thought that in the case of a complicated Convention it would be better to do the preliminary

[1] Article 422 provides that an amendment cannot become operative unless it is ratified by all the States, whose representatives compose the Council of the League and by three-quarters of the Members of the Organization.

work at the first session and then before any final vote was taken refer the Draft Convention back for further consideration by the Governments during the ensuing year. Any points in which the drafting of the Convention had been found defective, or which on further examination might render it difficult of application in a particular country, could thus be brought up at the second Conference, during which the Convention would be put in a form which would render it easily and generally acceptable. This proposal was in effect adopted by the Conference, though it was left to the Governing Body to work out the precise method of applying it. On the other hand, it was decided not to alter the requirement of the Treaty that the Conference should meet annually.

Finally, the Conference considered the difficult question of amending Conventions once adopted. No definite solution was arrived at, as considerable legal difficulties were encountered, but the Office was requested to consult the Governments further on the matter and report again at the next Session.

Special attention should perhaps be called to one of the Resolutions passed by the Conference instructing the Office to make a special study of unemployment crises in collaboration with the Economic Section of the League of Nations. This problem, which has long been occupying the attention of economists in various countries, has never yet been approached from an international standpoint. It is hoped that this new method of approach may result in some light being thrown on the deep underlying causes which control the ebb and flow of production. If some measure of international forecast were made possible, methods might be adopted to diminish the violence of trade fluctuations, or at any rate to provide in time against the worst consequences of unemployment.

Of the Fourth Conference it may be said generally that, if it did not arrive at any sensational conclusions or adumbrate any important social reforms, it did much to consolidate and improve the internal working of the Organization, upon which its ultimate success must largely depend.

12. *The International Labour Office.* Such, in brief outline, is the work performed by the International Labour Conference up to date. The other branch of the Organization, the International Labour Office, which constitutes its administrative organ, now has a staff of some 350 persons, drawn from 28

different countries, under the direction of M. Albert Thomas, formerly French Minister of Munitions. In accordance with the conditions of the Treaty its principal work consists, on the one hand, of preparing the work of the Conference and of conducting the correspondence and negotiations involved in the execution of its decisions, and on the other hand of the collection and distribution of information about labour conditions all over the world by means of periodical and occasional publications, all of which are in French and English, and some of them in German, Italian, and other languages. Perhaps its most important duty is the preparation of the agenda of the Conference. On the basis of the reports prepared by the Office, the assembly when it meets, is able to go at once to the heart of each question knowing precisely how it stands in each particular country. The amount of time and irrelevant discussion saved by this procedure is incalculable. Any conference is the better for having the subjects on its agenda carefully sifted and concisely presented. An international meeting can hardly hope to overcome the numerous difficulties which naturally beset it, unless its work has been so prepared in advance. The experience of the Secretariat of the League and of the International Labour Office may be held to have proved the value of permanent international administrative organs to prepare the way for international assemblies and to follow up their decisions. They are gradually building up the technique of international administration, which is necessarily more complicated and more delicate than that of any national department, but which will in time become an indispensable cement for future international relations.

Even at the end of three years, however, it is too early to hazard any judgment as to the future of the International Labour Organization. Ideas—particularly novel ideas—are slow to penetrate and to take root in public opinion, upon which their fruitfulness must ultimately depend. To expect the rapid expansion of international co-operation into a perfect flower, despite all the material difficulties imposed by language and distance—to say nothing of the more impalpable but more blighting influences of conservative habit and mere unfamilarity—would be to ignore all the teachings of experience. The growth and maturity of such a delicate plant must be measured by decades rather than by years. All that can be

done as yet is to record what has so far been achieved in three years of exceptional difficulty, in a world thrown completely out of its economic gear, its citizens confused and often despairing, beset by immediate fears and cares which left them little inclination to seek the solution of more remote problems, however fundamental, content to escape the evils of to-day without having time to forestall the perils of to-morrow. That the International Labour Organization should not only have survived this period, but should have a not inconsiderable record of practical achievement to its credit, is the best proof that the Labour Section of the Treaties is far from being a dead letter, and the best earnest of its future possibilities.

CHAPTER VI

INTERNATIONAL DEVELOPMENTS UNDER THE LEAGUE OF NATIONS

PART III

THE PERMANENT COURT OF INTERNATIONAL JUSTICE [1]

1. *Provisions of the Covenant relating to a Court of Justice.* The Peace Conference at Paris in making its new settlement of the world did not establish a Permanent Court of International Justice. It established the League of Nations which the opinion of all civilized countries demanded as a protection against the renewal of the horrors of the Great War. But in creating the League it did not create what before 1914 everyone had agreed to be the most important institution for the promotion and maintenance of peace that could be set up. So far had ideas moved from those which dominated at the Hague in 1907.

But the idea of laying a legal foundation for a system of international justice was still strong enough to secure the insertion in the Covenant of provisions which required the subsequent establishment of the Court. This the Peace Conference itself had been unable to set up. These provisions have brought about the establishment of a Court which, within three years of the signing of the Peace, has been definitely constituted, has met twice, has established its code of procedure, has actually tried two cases, and has another pending (December 1922). The Covenant, moreover, contained some other most important provisions which indicated clearly the nature of the Court its authors intended should be set up, and which in many ways have guided, and will continue to guide, its development. These provisions and the way in which they were inserted into the Covenant are therefore of enduring and practical, as well as of historical interest.

2. *Connexion with the Covenant.* The provisions of the Covenant relating to the Court of Justice are, like most of the rest of the Covenant, a clear development from the past. It

[1] Complete till 31st December 1922.

is not generally appreciated to what a degree the institutions of the League are simply a growth from what had gone before. As has already been pointed out, the actual establishment of the League was far less of a violent revolutionary change than it appeared to be. The League Commissions, its Council, its Secretariat, and even in some degree its Assembly, are developments from the various movements towards international co-operation which had preceded the war, and from those brought about by the war itself. Just as these institutions resulted from the experience of international co-operation gained by the Allies, so the Court resulted from many years of previous effort to organize a system of international justice. It is, in a particular degree, a product of the subconscious, but almost universal, desire for the creation in international affairs of a system based on legal processes. It is, like the League itself, a forcible example of the power of opinion to create political morality and even to bring about the establishment of political institutions.

3. *Elements essential to a Court of Justice.* It may be worth while briefly to consider the history of previous efforts to establish a Court of Justice. It is only by considering the historical background of the Court, the efforts which had been made before the war to establish it, and the ideas on which those efforts had been founded, that the true significance of its actual establishment can be understood.

In every scheme for the abolition of war which had been devised by thinkers and statesmen, some form of judicial tribunal had been included. It was recognized in them all that the ideal to which they should tend was the establishment of a system under which disputes between states should be settled by judicial processes in accordance with legal rules, exactly as disputes between individual citizens within a state are settled; so that the last resort between states should be not war but law.

In the establishment of such a system there are three essential elements.

(1) There must be a judicial tribunal competent to hear any case which states may bring before it.

(2) An obligation must be imposed on every state not to resort to violence, and this must be an obligation without exception save for the exigencies of self-defence in the case of

unprovoked attack. This obligation would impose a general duty on all states not to disturb the peace, and it would be a duty on the carrying out of which every state must have the right to insist.

(3) To make the system completely effective there must be an obligation on every state to appear before the tribunal if summoned there, on the demand of any other state, and a means to enforce the verdicts which the tribunal renders.

If these three elements, which are common to the domestic legal systems of every civilized country, could be established in the law and practice of nations, they would, of course, have the necessary effect of abolishing war, and would establish the reign of justice. It is possible therefore to say that the principal ideal of the League of Nations will be achieved in proportion as these three elements become of binding effect between nations.

4. *The Hague Permanent Court of Arbitration*, 1899–1907. Before the war the efforts of statesmen and writers on international law had been concentrated on the first of these elements, that is to say, on the effort to create an international tribunal. The third of them—the obligation on every state to appear before this tribunal on the demand of any other state—had been discussed under the name of compulsory arbitration, but it could not be said that any important government had seriously considered it. The second of them, the obligation to keep the peace, had not come within the range of practical international politics. The only effort that had been made in the direction of establishing it even as a rudimentary principle had been the insertion of tentative provisions allowing for mediation as of friendly right, into one of the Hague Conventions of 1907. These provisions were themselves a development of still more rudimentary stipulations of the same sort which were inserted in the Paris Treaty of 1856. But neither in the fifty years which intervened, nor indeed until after the war, had any one observed their importance as the seed of a legal duty to be accepted by every state in the interest of all not to disturb the world's peace.

The efforts which had been made to secure the first element, the establishment of an international tribunal, had been persistent and in some degree successful. In 1899 the first Hague Conference established what was known as a Permanent

Court of Arbitration; and in 1907 the second Hague Conference approved and perfected the organization of this Court. And this Court, although still far from the ideal international tribunal, was able to try a number of cases and to settle them with complete success. It was in every important particular a true Court of international law. The difference between its working and its methods in settling the cases which were brought before it, and the methods which will be followed by the Court which has now been set up, is not nearly so profound as some writers have suggested. On this subject the remarks of Sir Frederick Pollock in the second edition of his book on the League of Nations are most illuminating.

5. *Defects of the Hague Permanent Court of Arbitration.* But although the Permanent Court of Arbitration was undoubtedly a great step in advance, it was not, even to the statesmen and jurists of the pre-war period, a wholly satisfactory tribunal. There were four features of the ideal Court of Justice in which it was notably deficient. First, it was not in any true sense a permanent court. It required for every case the special establishment of a new *ad hoc* body to be chosen by the parties from a large panel of nominated judges. It was not, therefore, immediately accessible at a moment of crisis. Second, as it was chosen by the parties and as the parties were represented upon it, it could not have the character of absolute impartiality and disinterestedness which a true court ought to have. Third, the cumbrous process of establishing the court, and the great costliness of calling together and conducting the proceedings before it, constituted a very real deterrent to states who wished their differences to be settled by arbitration. Fourth, it shared with every other system of international arbitration the defect that a decision given by any set of arbitrators is not binding on any subsequent set of arbitrators.

For these reasons and others of the same sort, the second Hague Conference endeavoured to establish, in addition to its Permanent Court of Arbitration, a new Court of International Justice, which should be definitely judicial rather than arbitral in character, which should be truly permanent, and should, as it was hoped, gradually evolve an international jurisprudence by the continuity of its decisions. It was recognized by every one that such a Court was needed; and in the course of its deliberations the second Hague Conference agreed on a complete

statute for the establishment of this Court, with the exception of the provisions concerning its constitution. The conference could not agree on the question of representation, for the small countries claimed an equal right to representation, basing their claim, quite fallaciously, on the so-called principle of the legal equality of states. Even this difficulty was overcome in the similar convention for an International Prize Court. In this convention representation was given to every country by a complicated system of rotation for varying periods of time. But on the Court of Justice the smaller countries were uncompromising and the project failed.

(*a*) *The Court of Justice and the League.* The point is of more than historical interest for the reason that it was exactly this same difficulty which prevented the Peace Conference at Paris from endeavouring itself to establish a Permanent Court of International Justice. As subsequent events proved, the difficulty of constituting the Court was really insoluble until the permanent political institutions of the League of Nations were brought into being. This was observed by no one until these institutions had been actually created, and every writer, without exception, who advocated the establishment of a Permanent Court, adhered to some more or less complicated and artificial system of rotatory representation. It was only when the institutions of the League were created that it was recognized that the plan, subsequently devised, of electing the members of the Court through the Council and the Assembly of the League, was the only right and natural solution.

But although the Conference of 1907 failed to solve this problem of representation, the rest of its work on the convention of the Permanent Court of Justice was of great and enduring value. It not only made the creation of the Court a natural and necessary development, but the actual provisions of the 1907 Convention concerning procedure and other matters were in large part adopted, almost as they stood, for the Court when it was created.

6. *Views of Lord Robert Cecil and President Wilson on the Court of Justice.* But although the Hague work was still of value, the intervening period between 1907 and 1919 profoundly modified the ideas of statesmen and publicists concerning progress in the organization of international affairs. Had the League of Nations been created in 1907 the first institution

which would have been established would undoubtedly have been the Court, and it would have been in connection with the Court that all efforts to work out principles of political representation would have been made. When statesmen came practically to consider the creation of the League in 1919 the Court was not the first, it was almost the last, element which was taken into account. The history of the war, and more particularly of the origin of the war, led everyone to concentrate his attention, first, on the obligation not to break the peace, and second, on the creation of international political and co-operative institutions.

The Court of Justice, indeed, did not figure in many of the more important draft schemes which were prepared during the War and at the moment of the Armistice. Some of the official government schemes did not even allude to it. General Smuts, in his famous state paper, made no mention of it, and merely provided for arbitration more or less on the model of the old Hague system. Even the terms of reference of the Commission appointed by the Peace Conference at Paris to draft the Covenant of the League made no reference to a Court. It was recognized of course that there must be new provisions for the peaceable settlement of disputes, but the first consideration of the statesmen who had the matter in hand was to provide an obligation not to resort to war, and their hopes lay rather in political mediation than in judicial settlement.

Nevertheless, before the first Anglo-American draft was actually presented to the League of Nations Commission of the Peace Conference by President Wilson, the question of a Court had been definitely raised.[1] Lord Robert Cecil, the true

[1] *v.* App. I. Articles 13 and 14, as finally adopted and amended in 1921, are hefe given :

ART. 13. ARBITRATION OF DISPUTES.

* The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the Court of Arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good

architect of the Covenant, always held that in the long run the creation of an international jurisprudence, with an International Court of Justice to administer it, might prove to be of fundamental importance for the maintenance of peace. He was, from the beginning till the drafting of the Covenant was completed, the defender of this 'legalist' point of view against what may be called the anti-legalism of President Wilson. Before the first Anglo-American draft was finally agreed upon, therefore, he had persuaded President Wilson of the great importance of making some provision for a new supreme tribunal. He had not been able to offer any solution for the evident difficulties of the constitution, but he had brought him to accept the following provision: 'The Executive Council will formulate plans for the establishment of a Permanent Court of International Justice, and this Court will be competent to hear and determine any matters which the parties recognize as suitable for submission to it for arbitration . . .'

This was destined to remain the principal provision of the Covenant concerning the Court of Justice and was therefore a provision of great importance. It proved also to be a provision

faith any award that may be rendered, and that they will not resort to war against any Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ART. 14. PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

* *Art.* 13 *as amended in* 1921 *would read :*

The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement.

For the consideration of any such dispute, the Court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Art. 14, or any tribunal agreed.

of great wisdom, which brought about the actual establishment of the Court as quickly as the most sanguine could have hoped.

But this provision was not finally incorporated in the Covenant without some further difficulties. There was the hesitation, if not the actual opposition, of those who believed the existing 'Permanent Court of Arbitration' to be all that was required. It was for this reason that a provision was inserted in Art. XIII of later drafts of the Covenant that in any dispute between Members of the League the Court of Arbitration, to which the case was referred, should be 'the Court agreed on by the parties or stipulated in any Convention existing between them'. This provision, while comparatively harmless from the point of view of those who wished to establish a new Court with a wide jurisdiction, overcame the difficulties raised by the adherents of the Hague system. As a result of its acceptance the clause quoted above, laying a duty upon the Council to formulate a plan for the establishment of a Court, went through substantially unchanged to the final draft of the Covenant.

7. *Progress in the construction of a Court (1919–20).* It is clear that this result was a definite victory for the legalism of Lord Robert Cecil over the anti-legalism of President Wilson. It was all that could be obtained by Lord Robert Cecil before the first draft of the Covenant was published to the world on the 14th February 1919. But by itself it was not very satisfactory from his point of view. It did not define what sort of Court was to be established. It did not indicate, otherwise than by its title, whether this Court was to be more definitely judicial than the old 'Permanent Court'. It did not indeed make clear any way in which it was to differ from the 'Permanent Court', except that, by implication, it provided for some new form of constitution, and imposed on the members of the League the obligation to accept its verdicts whenever they brought their disputes before it for decision.

But after the publication of the first draft of the Covenant on the 14th February, and during President Wilson's visit to the United States, the current of opinion ran very strongly in favour of the legalist view of Lord Robert Cecil. It was, as has been said, natural that after the terrible events of the War the first pre-occupation of statesmen should have been the political aspects of the League. But after the 14th February, when the obligation not to resort to war and provision for the

political settlement of disputes had both been, so it seemed, definitely secured, the minds of those engaged in making and in writing about the Covenant were free to examine the matter from other points of view. And not only within the Peace Conference Commission itself, but also outside, there was a strong pressure of opinion in favour of a clearer definition of the judicial character of the Court to be established, and of the jurisdiction which it was to have. Many eminent jurists published articles on the subject. A number of governments prepared and circulated definite schemes for the organization of the Court and for the definition of its character and competence. The Neutral Powers, who were called to Paris to discuss the first draft of the Covenant and to suggest changes, were all, with practical unanimity, in favour of more clearly emphasizing the judicial character of the Court.

There was, moreover, not only this general movement in favour of what has been called the legalist view of the League and the Covenant; there was also a strong opinion, particularly among the neutrals and some members of the Commission, in favour of the immediate creation of the Court. It was urged that the Court would be required almost at once after the peace settlement had been made; that after every big international settlement there arose inevitably large numbers of disputes concerning the interpretation of the new treaties; and that for the settlement of such disputes the new Court would be needed. The history of the years after the peace settlement of Vienna in 1815 was quoted in support of this view and it was urged that the work which the Court would have to do, arising out of the peace settlement, would be by far the best way of establishing permanently its authority and power.

It was not possible, however, even with the support of this body of opinion, to secure the immediate creation by the Peace Conference Commission of a Court of Justice. The difficulties of its constitution and the problem of representation were so great that every time the question arose it was decided to adhere to the device adopted in the first draft of the Covenant, of laying upon the Council of the League when it came into being the duty of drawing up a plan.

It has already been said that this in itself was a great achievement. It was, as subsequent events have proved, not only the simplest, but also the wisest, plan that could have been

adopted. Seen from the standpoint of 1922 it had every advantage. It brought about the establishment of a Court as rapidly as it was needed. It enabled the neutral states to take part on a footing of complete equality in planning the constitution and in drawing up the Statute of the Court. It freed the Court from the charge of being a part of a not wholly just peace settlement—and in connexion with the Court this fact was of real importance. Most valuable of all, it gave the time which was required for the mature consideration of the very difficult questions which the Statute of the Court involved. It cannot be disputed that any scheme for a Court made in Paris during the negotiations for peace would have been hasty and probably faulty. Nor can it be disputed that the Statute, as it was finally agreed upon by the Assembly of the League, was the most carefully prepared and perhaps the most successful piece of international legislation ever carried through.

For when the preparation of the Statute of the Court was at length begun, every detail was considered with meticulous care. Every government was given the fullest opportunity of expressing its views and its objections. Every precaution was taken to leave no important point undealt with. The most eminent jurists in every country considered the matter during the year which succeeded the publication of the final draft of the Covenant. Almost as soon as it came into being the Council of the League—at its second meeting in February 1920—established a committee of eight of the most eminent legal authorities of the world to prepare a preliminary draft. The eight members of this committee individually prepared its work for four months. They then met for two months at the Hague and after fifty-nine meetings agreed upon a draft Statute.[1] Their draft was considered at three successive meetings by the Council, who approved it in its most important particulars and amended it in others before December of the same year, when they laid it before the Assembly. The Assembly created a special legal committee on which every member State was represented to consider it. This legal committee in turn appointed a sub-committee of its most distinguished lawyers. The report of this sub-committee was adopted by the full committee and by the Assembly. The resulting Statute was a more careful and com-

[1] This is printed in the *League of Nations*, Vol. III, September 1920, published by World Peace Foundation, Boston, U.S.A.

plete piece of work than had perhaps ever been done by international lawyers. In consequence of the methods adopted, the Statute was immediately accepted by practically every government in the world.[1]

The work of the Peace Conference on the Court therefore, although it seemed at the time a defeat for those who were the warmest adherents of the Court of Justice, proved subsequently to have been based on the soundest possible lines.

8. *Inconsistency of certain phrases in the Covenant with the idea of a Court of Justice.* If the 'legalists' of the Peace Conference who hoped for the immediate establishment of the Court were disappointed, in other ways the movement of opinion which took place after the 14th February brought more successful results. At the second series of meetings of the League of Nations Commission, in which the original draft of the Covenant was revised in the light of the results obtained at the meetings with the Neutral Powers, various other provisions concerning the Court were introduced. They were introduced on the initiative of Lord Robert Cecil, who still led those in the Commission who wished to lay the foundations of a true system of international jurisprudence. They were not introduced without opposition, and every single word of them was the subject of prolonged and careful consideration. When it is remembered that the Commission included, besides Lord Robert Cecil himself, such distinguished lawyers as Professor Larnaude, Doyen of the Faculty of Law of the University of Paris, and Signor Scialoja, it will be understood why the results that were achieved constituted the maximum of solid progress that it was possible to achieve. And not in the full Commission alone were these questions discussed. It was in a sub-committee, consisting primarily of distinguished lawyers, and after prolonged debate, that Arts. XIII and XIV were agreed to in their final form.

In this final form there is no doubt that the two articles constitute a real victory for the legalists. For besides laying down that the Council of the League was to prepare a plan for a Court, these articles further defined what was to be the competence of the Court and what were the sort of cases with

[1] For text of Protocol of Permanent Court of International Justice *v.* Parl. Papers. An important minor point is that, in contrast with the Covenant and the International Labour clauses of the Versailles Treaty, it is provided, Art. 37, that 'the official language of the Court shall be French'. For the general dispute about this problem in the Treaties see Vol. I, pp. 253–4.

which it was hoped that it could deal. They thus made it perfectly clear what sort of Court was intended and what sort of justice it was hoped it would secure.

But though it was a victory of substance for the legalists it was not a complete victory of form. In Art. XIII it is still stipulated that the Members of the League shall submit their disputes '. . . to arbitration'. In defining the disputes which it is thought should be settled by the Court the definition is one which declares these cases to be generally suitable for submission to arbitration. This use of the word 'arbitration' leaves it in doubt as to whether the authors of the Covenant really intended that the Court should be more strictly judicial than the previous Hague Court of Arbitration. The truth is that this use of the word 'arbitration' was a concession to the anti-legalists of the Peace Conference Commission. The fact that it introduced an ambiguity was subsequently recognized by the Assembly when, after it had drawn up the Statute of the Court, it introduced as amendments into Arts. XII, XIII, XIV, and XV of the Covenant the words 'or judicial settlement (decision)', wherever 'arbitration' was mentioned.

9. *Arbitration and Justice.* But if the Covenant as it was finally adopted by the Peace Conference Commission left this doubtful use of the word 'arbitration', the other provisions which were inserted after the 14th February into Arts. XIII and XIV substantially cleared up the point. For these provisions included, first, the definition of the cases which the Members of the League agreed should normally be submitted to 'arbitration', as this word was used in the Covenant, and, second, the definition of the jurisdiction of the Court which was to be established. Since these provisions have been, and will be, of great importance in the development of the Court and of its jurisdiction, it is perhaps worth while to say a few words about how they were introduced into the Covenant.

The definition of the cases 'generally suitable for arbitration' is as follows:

'Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.'

This definition shows beyond a doubt what was the sense in which the Commission employed the word 'arbitration'. For this definition was in fact a very well-known definition of what had come to be called by international lawyers 'justiciable' disputes. It was a definition which had been worked out by a Committee of Jurists in England, and which had been approved by Professor Oppenheim as the best definition of the class of international dispute which was capable of being settled by judicial process. The word 'justiciable' was used by Professor Oppenheim, and the original authors of this definition, as an alternative to 'arbitrable'. In other words, they regarded judicial process as different from, and more clearly legal than, arbitration.

The insertion of this definition shows, therefore, beyond doubt the sort of Court which it was the duty of the Council under Art. XIV to establish. It shows that the Commission had in view a true Court of Law, the purpose of which should be to build up, by strictly judicial procedure and on the basis of existing international law, a system of international jurisprudence.

There are one or two other points in connexion with this definition in Art. XIII which are worth noting. In the first place, in addition to its indicative value which has just been mentioned, this definition may perhaps, as will be shown later on, have a real practical value in determining, and perhaps in widening, the competence of the Court in its later development. In the second place, it is relevant to the competence of the Court, for it brought the Peace Conference Commission very near to the acute controversy concerning compulsory arbitration. Both in connexion with this Article and in connexion with Art. XIV, it was proposed by a number of Members of the Commission that the Members of the League should be placed under an obligation to submit their disputes on the demand of one party alone to settlement by the Court. This proposal was warmly defended by some of the smaller Powers; but the opposition of the representatives of the Great Powers rendered its acceptance from the first impossible. The issue arose in an intricate but acute form in connexion with the definition of Art. XIII. If at the conclusion of the definition the Members of the League had declared, not that such cases were 'generally' suitable for arbitration, but that they were simply 'suitable' this would

have been, if not tantamount to giving the Court a compulsory jurisdiction, at least tantamount to a definite obligation upon Members of the League to submit their cases to it, or (in accordance with the last paragraph of Art. XIII) to some other judicial tribunal upon which they might agree. And it is not commonly known how nearly the saving word 'generally' was omitted. At one moment the decision to omit it was practically taken. It was only reinserted after a keen discussion and out of deference for the leader of those who wished to leave a greater elasticity in the development of the League.

In point of fact it may well be that both the best legal opinion and the verdict of history will be in favour of those who wished to include the word 'generally'. For the real difficulty in establishing compulsory jurisdiction for a Court of International Justice lies in this fact: that however perfect a definition of 'justiciable' disputes may be obtained, that definition cannot really solve all the difficulties which in practice are bound to arise. These difficulties must arise because the system of international law is imperfect; because in its customary and written rules there are vaguenesses and lacunae. There must, therefore, arise cases which, although they would fall within the definition of 'justiciable', yet cannot be decided by a body of judges on legal grounds alone. This, in the present state of international law, is the real difficulty about giving a compulsory jurisdiction to the Court; and it is the justification for the insertion in Art. XIII of the word 'generally'.

10. '*Compulsory Jurisdiction.*' The definition of Art. XIII, as it stood in the final drafting of the Covenant, constituted, therefore, in itself a definite repudiation of compulsory jurisdiction. Had there been any doubt remaining it was cleared up by Art. XIV, in which from the very beginning it had always been stipulated that the Court should be 'competent to hear and determine any dispute of an international character which the *parties* thereto submitted to it'. This in the earlier drafts of the Covenant, and particularly in the draft of the 14th February, constituted the whole definition given in the Covenant of the competence of the Court. In the final form of the Covenant a most important addition was made. A new sentence was added to the following effect: 'The Court may also give an *advisory opinion* upon any dispute or question referred to it by the Council or by the Assembly.'

The Court is, therefore, under the Covenant, competent to deal with two sorts of cases: first, disputes brought to it by the parties by common agreement; second, questions referred by the Council or the Assembly—but *not* by the parties—for advisory opinions. But in considering its competence it must be remembered that cases may be brought by the parties in accordance with general treaties between them, by which they undertake to submit their disputes to the Court. And in fact in this way the Court is already securing a very considerable compulsory jurisdiction. There are many general treaties, for example, which were made during the Peace Conference, and which have been made since, in which it is stipulated that disputes arising out of their interpretation or application shall be referred on the demand of *one* party to the Court for settlement. There is no need to give illustrations: disputes arising out of the labour treaties, transit treaties, and many others, contain this clause. It is evident that this clause involves none of the difficulties of unrestricted compulsory jurisdiction, for clearly a Court of Law ought always to be able to settle a case arising out of the interpretation of a treaty.

11. *The Optional Protocol.* The adherents of compulsory jurisdiction have, however, made a much more important advance than this towards their goal. It is a point worth consideration, for it illustrates how rapidly and how effectively international, political, and legal obligations may develop when the institutional basis for such development has been created. The advance which they have made consists in what is known as the Optional Protocol attached to the Statute of the Court, and adopted in this optional form by the first Assembly of the League. This Protocol provides that any state which adheres to it thereby undertakes to submit all its disputes with any other signatory to the jurisdiction of the Court. It also contains a device for avoiding what has been called above the true difficulty of compulsory jurisdiction, the difficulty, namely, of knowing whether any given case is truly 'justiciable' or not. The Optional Protocol leaves this question for decision to the Court itself. This is evidently the best solution, for the reason that, of all people able to decide whether existing international law is sufficiently clear and defined to permit of a judicial decision in any given case, the judges of the Court are clearly the most competent.

This Optional Protocol has already been signed by nineteen states, and seventeen of them have ratified their signature.[1] More than a third of the Members of the League have therefore agreed among themselves to give the Court complete obligatory jurisdiction. This is very real and very substantial progress by the adherents of obligatory jurisdiction, and it seems probable that other powers will follow this example. This is evidently an important way of perfecting the international legal system, even before the rules of international law reach the completeness and precision to which they are tending.

12. *Advisory Opinions.* There remains of those mentioned above one provision of the final draft of the Covenant concerning the competence of the Court which is worth attention. This is the provision allowing the Court to give advisory opinions on the questions submitted to it by the Council or the Assembly. Since the Court was established there has been some controversy as to whether this was a duty which the Court could properly be asked to fulfil. There have been some legal purists, and among them persons of great authority, who have held that no court of law ought to be asked to give advisory opinions on matters which may subsequently be submitted to them for definite decision. They further argue that the questions on which their opinion may be asked by the Council or the Assembly may constitute a part and not the whole of the matter at issue, and that any opinion which they give on these questions might therefore be different from the opinion which they would have given had they had the whole subject-matter under their consideration, and that in this way they might be called upon to commit legal injustice. The defenders of this theory further hold that, even if the Court agreed in principle to give such opinions it would in fact be so reluctant to do so that, in the long run, the power would be of no practical importance. They quote in support of this contention the experience of the Judicial Committee of the Privy Council, which in a hundred years has given only four opinions and these of quite secondary importance.

In reply to those who argue thus it can only be said that

[1] Austria, Brazil, Bulgaria, China, Costa Rica, Denmark, Finland, Holland, Liberia, Lithuania, Luxemburg, Norway, Panama, Portugal, San Salvador, Switzerland, Uruguay.

Sweden and Haiti have signed the optional clause or adhered to it without making it subject to ratification.

the authors of the Covenant, in adopting this provision, only did so with a view to promoting the practical utility of the Court. They believed that cases might arise in which the main substance of an international dispute might be essentially political, but in which, nevertheless, there would be legal issues on which a separate legal decision might be required. And certainly experience has already shown that there is much to be said in favour of this view. The very first dispute brought before the League—the controversy over the Aaland Islands—involved a preliminary legal question on which the Council would certainly have asked for the opinion of the Court, had it been in existence. In fact, as the Court had not then been established, they asked for an opinion of a committee of three distinguished lawyers, and based their subsequent action on this opinion.[1] In such a case as this the system of advisory opinions seems in every way legally justifiable and practically of great value. The fact that the first two cases with which the Court had to deal at its session of 1922 were both questions on which its advisory opinion was asked seems again an argument in favour of this final provision of Art. XIV.

There is, moreover, another way in which this provision may be of use in the maintenance of peace and in the securing of justice in international disputes. Under Art. XI any Member of the League may in its discretion bring any dispute with another state before the Council of the League. In the Council it can argue that any part or the whole of its dispute is strictly justiciable in nature and falls within the definition contained in Art. XIII. It may urge that the Council in considering its case cannot properly come to a decision except by obtaining a judicial opinion on the legal merits. It can request the Council, in accordance with this last sentence of Art. XIV, to refer its question to the Court for an advisory opinion. And since such a reference is evidently a matter of procedure the Council can, in accordance with Art. III of the Covenant, decide to refer to the Court by a majority vote.

Whether the Members of the League will actually utilize the provisions of the Covenant in this way cannot be foreseen. But it would seem that to do so would be perfectly justifiable and would be a valuable way of overcoming the disadvantages which admittedly result from not giving the Court full obligatory

[1] Cp. also Bolivia and Chile, 1921.

jurisdiction. It could never lead to substantial injustices. Unless the contentions of the plaintiff state were in every way valid the Council would not consult the Court. If, on the other hand, it did so and the Court gave its opinion, it cannot be doubted that both the Council and the parties to the dispute would accept this opinion as finally decisive.

13. *Summary.* We have now passed in review all the provisions of the Covenant which concern the Court of Justice and have endeavoured to give some explanation of the way in which they came to be placed in the Covenant, and of the grounds upon which their inclusion was defended. It has perhaps appeared from this account of what took place, and of the reasons for it, that these provisions of the Covenant have been, and will be, of real importance in shaping the character and the future of the Court. It is clear, in particular, that the provisions of the Covenant which concern the competence and jurisdiction of the Court will probably do much to make its jurisdiction legally or morally obligatory on any state which may be engaged in a 'justiciable' dispute with its neighbours.

But even if these supplementary provisions of the Covenant, introduced, as has been said, after the publication of the first draft on the 14th February, had not been adopted, it is probable that the jurisdiction and authority of the Court would, not the less surely, though perhaps more slowly, have been extended. For in making provision for the establishment of a supreme international tribunal and in abolishing the right of immediate recourse to war the Covenant provided the two essential elements upon which an efficacious legal system could be built. The mere abolition of the right of immediate recourse to war operates powerfully to induce states to bring every case which is capable of judicial decision to the most competent Court of Law which it can find. It was this very process which established the authority of the English Courts of Law in the fifteenth century, when Henry VII succeeded in destroying the right of the barons to resort to war. And the same process has already begun in the League of Nations itself. The case of Tunis, which has just (October 1922) been referred by Great Britain and France to the Court, is a most forcible example. After prolonged negotiations the British Government suggested that this case, which seemed to them eminently a matter of international law, should be referred to any form of arbitration

which the French Government might desire. The French refused. The British Government, thereupon, laid the matter, in accordance with Art. XI, before the Council of the League. Under Art. XI the French Government could not refuse its consideration by the Council. As it was therefore necessary for them to accept international consideration and decision of the dispute in some form or another, the French Government, after a preliminary examination of the matter by the Council of the League, agreed to refer the dispute for final decision to the Court of Justice. There could be no clearer example of the way in which the giving to every state of a right to summon any other state before the Council of the League, together with the establishment of a supreme legal tribunal, will promote the development of the international legal system.

The Tunis case is interesting in another way. It illustrates another truth about the Court: that it is not an isolated institution but an essential part of the whole fabric of the League of Nations. It is as a part of the new international political system, which it is the function of the League of Nations to work out, that the Court of Justice will be of greatest value. It may well be that as part of that system, and in proportion as a world sentiment for justice is developed, the Court will become the keystone of international peace.

If this prevision is correct—as the history of the Court of Justice to the present time gives ground for hoping that it may be—the verdict of historians will be that the work of the Peace Conference in Paris on the Court of Justice was perhaps cautious, but for that very reason wise and successful.

CHAPTER VI

INTERNATIONAL DEVELOPMENTS UNDER THE LEAGUE OF NATIONS

PART IV

THE MANDATORY SYSTEM [1]

1. *Art. XXII of the Covenant.* During the progress of the War the spokesmen of the Allied countries stated on more than one occasion that the Allied war aims did not include any desire for the annexation of territory belonging to the Central Powers or to Turkey. They proclaimed in the clearest possible terms that their aim in the War was the liberation of peoples subject to German and Turkish misrule, rather than any desire for further territorial expansion on the part of the Allies. The entry of the United States of America into the War led to the further emphasis of this principle, and both in regard to the German colonies and the non-Turkish provinces of the Ottoman Empire the declared intentions of the principal Allied Powers received increased support. On the 8th January 1918 President Wilson formulated his 'Fourteen Points'. The twelfth point stated that 'the nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development'. In regard to the German colonies he further stated 'that the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined'.

The defeat of the Central Powers cast upon the Peace Conference in Paris the task of giving effect to these declarations. It became necessary to provide for the unmolested autonomous development of the non-Turkish provinces of the Ottoman Empire and to provide a form of Government for the backward races of the German colonies in Africa and the Pacific which was not inconsistent with the declarations that

[1] Complete till September 1922.

had been made. The suggestion that this policy could best be carried out by associating the problem with the League of Nations came in the first instance from General Smuts. This suggestion was adopted, and the matter was discussed not only by those sections of the Allied delegations appointed to deal with the Turkish and colonial problems, but also by the authors of the Covenant of the League. From these deliberations there emerged Art. XXII of the Covenant, and the actual wording of this article is due in the main to General Smuts and Mr. Philip Kerr.[1]

Art. XXII of the Covenant of the League of Nations which appeared as Part I of each of the Peace Treaties runs as follows:

'To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust to civilization, and that securities for the performance of this trust should be embodied in this Covenant.

'The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

'The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

(*A*) 'Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

(*B*) 'Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also

[1] *v.* also Vol. II, pp. 234–43, for German views *v.* Vol. II, pp. 295–8, and for Allied Reply *v.* Vol. II, pp. 300–2.

secure equal opportunities for the trade and commerce of other Members of the League.

(*C*) 'There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

'In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

'The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

'A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.'

2. *Origin of the Mandatory System.* The origin of the mandatory theory goes back in part to a concept of Roman law and in part to the British legal conception of 'trusteeship'. It formed an important new departure in international affairs. Suggestions had been put forward for creating international administration in the territories under consideration. Under the Sykes-Picot agreement of 1916 a proposal for the international administration of Palestine had been put forward, and similar policy in regard to the ex-German colonies had been advocated by certain sections of opinion and notably by spokesmen for the Labour Parties in the various Allied countries. However, the experience of the world in regard to international administration had shown the unsatisfactory nature of such a form of government owing to the difficulty of fixing responsibility upon any one of the participating Powers. The mandatory system created by Art. XXII provides for national responsibility subject to international criticism and supervision. The only previous analogy in history to the mandatory system is to be found in the Berlin-Congo Act of 1885 whereby the principal European Powers concerned in Africa entrusted the task of administering the Congo Basin to King Leopold II of the Belgians subject to the limiting conditions of the Berlin-Congo Act. The most notable of these limiting conditions was the securing not only in the Congo but in the whole belt of tropical Africa of equal opportunities for the trade and commerce of all nations. The unsatisfactory feature of the Berlin-

Congo Act, which Art. XXII of the Covenant seeks to remedy, was the failure to provide any effective machinery for examining and reporting upon the carrying out of the trust by the Trustee or of securing the strict observance by the Trustee of the limiting conditions of the trust. The carrying out of the policy agreed by the Peace Conference at Paris depends first and foremost upon the provisions contained in Art. XXII for the rendering by the mandatory power of an annual report with reference to the territory committed to its charge to the Council of the League, and the constitution of a permanent Commission to receive and examine these annual reports and to advise the Council on all matters relating to the observance of the mandate.

3. *The 'B' and 'C' Mandates assigned, 7th May 1919.* Under the terms of the Treaty of Versailles all German rights in her former colonies were transferred not to the League of Nations but to the Allied and Associated Powers. The selection, therefore, in the first instance, of the mandatory Powers to be appointed in connexion with the various territories in question became a matter for the supreme Council and not one for the League of Nations. As a matter of fact, in the case of the German colonies the selection of the mandatories by the Allied and Associated Powers was effected by a meeting of the Supreme Council attended by Great Britain, France, Italy, Japan, and the United States of America on the 7th May 1919, at which the following decisions were reached:

I. *Togoland and Cameroons*: France and Great Britain shall make a joint recommendation to the League of Nations as to their future ('B' Mandate).

German East Africa: The 'B' Mandate shall be held by Great Britain.

German South-West Africa: The 'B' Mandate shall be held by the Union of South Africa.

The German Samoan Islands: The 'B' Mandate shall be held by New Zealand.

The other German Pacific possessions south of the Equator (excluding the German Samoan Islands and Nauru): The 'C' Mandate shall be held by Australia.

Nauru: The 'C' Mandate shall be given to the British Empire.

German Islands north of the Equator: The 'C' Mandate shall be held by Japan.

4. '*B' Mandates: Ruanda and Urundi (Belgium), Togoland and Cameroons,*[1] *21st August 1919.* In view of representations then made by the Belgian Prime Minister, M. Hymans, the North-Western portions of German East Africa (Ruanda and Urundi) were separated from the remainder of the territory and for this Belgium was selected as mandatory. With regard to the joint recommendation to be made in regard to Togoland and Cameroons, the position is made clear by the preamble of the draft mandates for the territories in question submitted by the two Governments to the Council of the League. In each case the larger parts of the territories are allocated to France and the smaller portions to Great Britain. The preamble in question runs as follows:

'Whereas by Art. CXIX of the Treaty of Peace with Germany signed at Versailles on the 28th June 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein Togoland; and

'Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

'Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a Mandate to administer in accordance with Art. XXII of the Covenant of the League of Nations that part of Togoland lying to the east of the line agreed upon in the Declaration of the 10th July 1919, of which mention is made in Art. I below, should be conferred upon the French Republic; and

'Whereas by the terms of the said joint recommendation the Governments of France and Great Britain have proposed that the Mandate should be formulated in the following terms; and

'Whereas the French Republic has agreed to accept the Mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations.'

[1] *v.* also Vol. II, pp. 241–6. The Belgo-British Agreement of 30th May 1919 was accepted by the Supreme Council, 21st August 1919.

5. *'A' Mandates (Syria, Palestine, Mesopotamia) assigned, 5th May 1920.* In regard to the selection of mandatories for parts of the ex-Ottoman Empire, it was provided in the Treaty of Sèvres that the only portions of such territory to which the mandatory principle should be applied were Syria, Palestine, and Mesopotamia. It had been hoped that Armenia would have been included in the mandatory system and that the United States of America would have accepted the invitation of the other Allied Powers to assume the mandate. Owing to political developments in the United States, President Wilson was compelled to intimate that his country could not see its way to undertake the responsibility, and accordingly Armenia was dropped out of the system. Further, it was decided that the mandatory system should not apply to Central Arabia, or to the four ex-Turkish provinces of Hejaz, Asir, Yemen, and El-Hasa, but should be confined to Syria, Palestine, and the three Mesopotamian vilayets. The selection of mandatories for these three territories was made by the Supreme Council at San Remo on the 25th April 1920, France being selected as mandatory for Syria, and Great Britain for Palestine and Mesopotamia, the assignment being final on 5th May.

6. *Resolutions of the Council of the League, 26th October 1920; delay in the Drafts.* The mandatory system came into effective legal being on the 10th January 1920 by the ratification of the Treaty of Versailles containing Art. XXII of the Covenant. On the 5th August 1920 Signor Quinones de Leon as President of the Council of the League addressed a letter and a memorandum drawn up by the Belgian member of the Council (M. Hymans) to the four principal Powers on the general subject of mandates. This letter requests the principal Allied Powers to inform the League officially what are the boundaries of the territories to which the mandates refer and the names of the powers appointed by the Supreme Council to act as Mandatories, and to communicate to the Council 'the terms and conditions which the principal Allied Powers propose that the Council should adopt in respect of such mandates'. This letter was followed on the 26th October 1920 by the four following resolutions adopted by the Council of the League sitting at Brussels on that day:

I. The Council decides to request the principal Powers to be so good as: (*a*) to name the Powers to whom they have decided to allocate

the Mandates provided for in Article XXII; (*b*) to inform it as to the frontiers of the territories to be administered under these Mandates; (*c*) to communicate to it the terms and the conditions of the Mandates that they propose should be adopted by the Council in accordance with the prescriptions of Article XXII.

II. The Council will take cognizance of the Mandatory Power appointed and will examine the draft Mandates communicated to it, in order to ascertain that they conform to the prescriptions of Article XXII of the Covenant.

III. The Council will notify to each Power appointed that it is invested with the Mandate, and will, at the same time, communicate to it the terms and conditions thereof.

IV. The Council instructs the Secretary-General to prepare in accordance with the recommendations set forth in this report, a draft scheme for the organization of the Mandates Commission provided for by Article XXII, Paragraph 9.

These resolutions are important as they set forth the relations between the principal Allied Powers and the League of Nations in regard to mandates and define the functions of the League. From these resolutions it was clear that the terms of the mandates were to be drawn up by the principal Allied Powers in consultation with each other and were to be communicated by them to the League. It would then be the duty of the League to examine the drafts so as to ensure that the conditions laid down in Art. XXII of the Covenant were in every case complied with, and further, on its own initiative the League must proceed to organize and appoint a permanent Mandates Commission. Work on the draft mandates had been commenced in the summer of 1919 by the delegates in Paris at the Peace Conference, and an inter-allied Committee under the presidency of Viscount Milner was appointed to prepare the drafts. Unfortunately the drafts were not completed, nor had the Allied Governments given their assent to such drafts as were completed by the time the Peace Conference broke up. Consequently the further preparation of the drafts was left over for subsequent diplomatic negotiation. Difficulties had arisen in regard to certain clauses of the draft mandates for Togoland and Cameroons, while political developments of a serious character took shape in Syria and Mesopotamia.

7. *Withdrawal of the United States from the League; subsequent policy.* The chief difficulties, however, arose from the decision of the American Senate declining to ratify the Covenant of the League or the Treaty of Versailles, and the effective

withdrawal of the Government of the United States of America from the Supreme Council of the Allies. However, this withdrawal of the United States was not complete in regard to the particular question of the mandates. As one of the principal Allied and Associated Powers to whom the ex-German colonies had been transferred, America remained interested in their fate, and the American Government had from the first shown the liveliest interest in the terms of the various mandates. Immediately after the assignment of Great Britain as mandatory for Palestine and Mesopotamia by the Supreme Council at San Remo on the 5th May 1920, the American Ambassador in London addressed a letter to Lord Curzon dated the 12th May 1920 dealing in particular with the claims of the United States of America to equal treatment with members of the League in mandated territories and especially in respect to economic rights. The first two and fifth paragraphs of this letter set out very clearly the position persistently adopted by the Government of the United States throughout. They run as follows:

(*a*) *United States' letter, 12th May 1920.*

PURSUANT to the instructions of my Government, I have the honour to inform your Lordship that the Government of the United States has been unofficially informed that the mandates for Mesopotamia and Palestine have been assigned to Great Britain; the mandate for Mesopotamia being given subject to friendly arrangement with the Italian Government regarding economic rights.

2. The Government of the United States desires to point out that during the peace negotiations at Paris leading up to the Treaty of Versailles, it consistently took the position that the future peace of the world required that, as a general principle, any alien territory which should be acquired pursuant to the Treaties of Peace with the Central Powers, must be held and governed in such a way as to assure equal treatment in law and in fact to the commerce of all nations. It was on account of, and subject to this understanding, that the United States felt itself able and willing to agree that the acquisition of certain enemy territory by the victorious Powers would be consistent with the best interests of the world. The representatives of the principal Allied Powers, in the discussion of the mandate principles, expressed in no indefinite manner their recognition of the justice and far-sightedness of such a principle, and agreed to its application to the mandates over Turkish territory.

5. With this thought in mind the Government of the United States ventures to suggest the following propositions, which embody or illustrate the principles which the United States Government would be

pleased to see applied in the occupied or mandated regions, and which are submitted as furnishing a reasonable basis for discussions. In the event of such discussions, it would be assumed that the legal situation as regards economic resources in the occupied or mandated regions would remain *in statu quo* pending an agreement.

(1) That the Mandatory Power strictly adhere and conform to the principles expressed and agreed to during the peace negotiations at Paris, and to the principles embodied in mandate 'A' prepared in London for adoption by the League of Nations by the Commission on Mandatories.

(2) That there be guaranteed to the nationals or subjects of all nations treatment equal in law and in fact, to that accorded nationals or subjects of the Mandatory Power with respect to taxation or other matters affecting residence, business, profession, concessions, freedom of transit for persons and goods, freedom of communication, trade, navigation, commerce, industrial property, and other economic rights or commercial activities.

(3) That no exclusive economic concessions covering the whole of any mandated region or sufficiently large to be virtually exclusive shall be granted, and that no monopolistic concessions relating to any commodity or to any economic privilege subsidiary and essential to the production, development, or exploitation of such commodity shall be granted.

(4) That reasonable provision shall be made for publicity of applications for concessions and of governmental acts or regulations relating to the economic resources of the mandated territories; and that in general regulations or legislation regarding the granting of concessions relating to, exploring, or exploiting economic resources, or regarding other privileges in connexion with these, shall not have the effect of placing American citizens or companies, or those of other nations or companies controlled by American citizens or nationals of other countries, at a disadvantage compared with the nationals or companies of the mandate nation, or companies controlled by nationals of the mandate nation or others.

(*b*) *Lord Curzon's Reply, 9th August 1920.* Lord Curzon did not reply to this letter until the 9th August 1920. The important paragraphs of Lord Curzon's reply are 13, 14, and 15, which run as follows:

13. I will now refer to the propositions enumerated by you on which discussion is invited and which have been put forward with the object of guaranteeing to the commerce of all nations the practical fulfilment in the mandated regions of the principles of equal treatment in law and in fact. Reference is made in this connexion to the desirability of the adherence of the mandatory Power to the principles expressed and agreed to during the peace negotiations at Paris, as well as to the principles embodied in mandate (A) prepared in London by the Commission on Mandates, for adoption by the League of Nations.

14. I would first point out that in consequence of a divergence of

views, the Commission on Mandates proceeded no further with the draft of the mandate form (A), which was consequently abandoned.

15. The draft mandates for Mesopotamia and for Palestine, which have been prepared with a view to secure equality of treatment and opportunity for the commerce, citizens, and subjects of all States who are members of the League of Nations, will, when approved by the Allied Powers interested, be communicated to the Council of the League of Nations. In these circumstances, His Majesty's Government, while fully appreciating the suggestion for discussing with the United States Government the various propositions mentioned by you, with which they are in full sympathy, are none the less of the opinion that the terms of the mandates can only properly be discussed at the Council of the League of Nations by the signatories of the Covenant.

The mandate form (A) referred to in the above extracts was the general formula drawn up in Paris by the Milner Committee and is the basis for the draft mandates for Togoland, Cameroons, and German East Africa.

(*c*) *Reply of the United States, 20th November 1920.* The further reply of the Government of the United States is dated from Washington 20th November 1920, and was received by the British Foreign Office on the 7th December. The important paragraphs of this letter run as follows:

'It is assumed accordingly that your statements with reference to mandate "A", together with the statement that the draft mandates for Mesopotamia and Palestine have been prepared with a view to secure equality of treatment for the commerce and citizens of all States which are members of the League of Nations, do not indicate a supposition on your part that the United States can be excluded from the benefits of the principle of equality of treatment.

'This Government is pleased to find that His Majesty's Government is in full sympathy with the principles formulated in its communications of the 12th May and of the 28th July. But it is unable to concur in the view, contained in paragraph 15 of your note, that the terms of the mandates can properly be discussed only in the Council of the League of Nations and by the signatories of the Covenant. Such powers as the Allied and Associated nations may enjoy or wield in the determination of the governmental status of the mandated areas accrued to them as a direct result of the war against the Central Powers. The United States as a participant in that conflict and as a contributor to its successful issue cannot consider any of the Associated Powers, the smallest not less than itself, debarred from the discussion of any of its consequences, or from participation in the rights and privileges secured under the mandates provided for in the Treaties of Peace.

'This Government notes with interest your statement that the draft mandates for Mesopotamia and for Palestine, which have been prepared, with a view to secure equality of treatment and opportunity for the commerce, citizens, and subjects of all States which are members of the

League of Nations, will when approved by the interested Allied Powers, be communicated to the Council of the League of Nations. The United States is undoubtedly one of the Powers directly interested in the terms of the mandates, and I therefore request that the draft mandate forms be communicated to this Government for its consideration before their submission to the Council of the League. It is believed that His Majesty's Government will be the more ready to acquiesce in this request, in view of your assurance that His Majesty's Government is in full sympathy with the various principles contained in the two previous notes of this Government upon this subject.

'The establishment of the mandate principle, a new principle in international relations, and one in which the public opinion of the world is taking a special interest, would seem to require the frankest discussion from all pertinent points of view. It would seem essential that suitable publicity should be given to the drafts of mandates which it is the intention to submit to the Council, in order that the fullest opportunity may be afforded to consider their terms in relation to the obligations assumed by the Mandatory Power and the respective interests of all Governments which are or deem themselves concerned or affected.

'The fact cannot be ignored that the reported resources of Mesopotamia have interested public opinion of the United States, Great Britain, and other countries as a potential subject of economic strife. Because of that fact they become an outstanding illustration of the kind of economic question with reference to which the mandate principle was especially designed, and, indeed, a peculiarly critical test of the good faith of the nations which have given their adherence to the principle. This principle was accepted in the hope of obviating in the future those international differences that grow out of a desire for the exclusive control of the resources and markets of annexed territories. To cite a single example: because of the shortage of petroleum, its constantly increasing commercial importance, and the continuing necessity of replenishing the world's supply by drawing upon the latent resources of undeveloped regions, it is of the highest importance to apply to the petroleum industry the most enlightened principles recognized by nations as appropriate for the peaceful ordering of their economic relations.'

The two most important points in this dispatch are the demand of the United States Government for equality of treatment for the United States and its citizens with states which are members of the League and their nationals, and secondly the demand for the publication of the draft mandates before their final approval by the Council of the League. This second demand synchronized with a similar demand put forward in the Parliament and Press of the United Kingdom for such publication, and the demand was acceded to as far as the British Government was concerned in the middle of the following year. The draft mandates for Togoland and Cameroons were pub-

lished in May 1921, and the draft mandates for Palestine and Mesopotamia in August 1921.

8. *Delay in the Drafts of the Mandates, 1920.* The first meeting of the Assembly of the League of Nations took place in November 1920, and, as might be expected, the delay in the coming into full force of the mandatory system gave rise to considerable discussion, more particularly on the constitutional point regarding the relation of the Council of the League to the Assembly of the League. In this as in other matters it is clearly laid down by the terms of Art. XXII of the Covenant that questions concerning mandates are reserved to the Council of the League, and that the status of the Assembly is limited in regard to Art. XXII to two functions. First, the general review which the Assembly is entitled to make each year of the work of the Council, and second, any amendment of Art. XXII as of any other article of the Covenant. The Council of the League was undoubtedly placed in a difficult position, as up to that time and even up to the 30th November, no draft mandates had been submitted to the League by the mandatories or by the Allied and Associated Powers.

Communications regarding the submission of the draft mandates were submitted by the Council of the League to the Prime Ministers of France, Great Britain, Italy, and Japan on the 5th August 1920, the 26th October 1920, and finally on the 30th November 1920. The last communication signed by M. Hymans as then President of the Council runs as follows:

'In order to give the principal Allied Powers adequate time to complete their negotiations relative to the terms and conditions of the Mandates which they are proposing for adoption by Council, the Council had decided not to present its report on this question to the Assembly until towards the end of the Session.

'As, however, so far, no draft Mandates have yet been submitted, and as this has stirred the public opinion of the world, the Council takes the liberty of urging the extreme importance of a prompt solution. However great may be its desire that the Principal Allied Powers should be in complete agreement upon the draft Mandates which they submit, the Council cannot in default of this agreement indefinitely postpone the execution of the obligations incumbent upon it.

'It is probable that the Assembly will remind the Council of the provisions of the Covenant by which the degree of authority, of control, or of administration to be exercised by the Mandatory is to be determined by the Council in the absence of a previous Agreement.

'The Council therefore urgently requests you to be good enough to communicate any draft Mandates upon which agreement may have

been reached between the Principal Allied Powers at a sufficiently early date to allow the Council to give the Assembly all the necessary information before the end of the present Session.'

9. *Constitution of Permanent Mandates Commission, 1st December 1920.* This letter was written while the Council of the League was in Session, and without waiting for any drafts the Council proceeded to constitute the permanent Mandates Commission. The constitution of the permanent Mandates Commission was approved by the Council of the League on the 1st December 1920 in the following form:

(*a*) *Constitution.* The Council of the League of Nations, in accordance with paragraphs 7 and 9 of Art. XXII of the Covenant, namely,

'In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.'

'A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories, and to advise the Council on all matters relating to the observance of the mandates.'

has decided as follows:

(*a*) The Permanent Mandates Commission provided for in paragraph 9 of Article XXII of the Covenant shall consist of nine Members. The majority of the Commission shall be nationals of non-Mandatory Powers.

All the Members of the Commission shall be appointed by the Council and selected for their personal merits and competence.[1] They shall not hold any office which puts them in a position of direct dependence on their Governments while Members of the Commission.

The International Labour Organization shall have the privilege of appointing to the Permanent Commission an expert chosen by itself. This expert shall have the right of attending in an advisory capacity all meetings of the Permanent Commission at which questions relating to labour are discussed.

(*b*) The Mandatory Powers should send their annual report provided for in paragraph 7 of Article XXII of the Covenant to the Commission through duly authorized representatives who would be prepared to offer any supplementary explanations or supplementary information which the Commission may request.

(*c*) The Commission shall examine each individual report in the presence of the duly authorized representative of the Mandatory Power from which it comes. This representative shall participate with absolute freedom in the discussion of this report.

[1] It was frequently and strongly stressed that members of the Mandates Commission were in no respects the representatives of their Governments or called upon to act as such. Members were chosen as individuals though it was understood that each Mandatory Power should have one of its nationals as a member of the Commission.

(*d*) After this discussion has ended and the representative of the Mandatory Power has withdrawn, the Commission shall decide on the wording of the observations which are to be submitted to the Council of the League.

(*e*) The observations made by the Commission upon each report shall be communicated to the duly authorized representative of the Mandatory Power from which it comes. This representative shall be entitled to accompany it with any comments which he desires to make.

(*f*) The Commission shall forward the reports of Mandatory Powers to the Council. It shall annex to each report its own observations as well as the observations of the duly authorized representative of the Power which issued the report, if the representative so desires.

(*g*) When the Council publishes the reports of the Mandatory Powers and the observations of the Permanent Commission, it shall also publish the observations of the duly authorized representatives of those Mandatory Powers which have expressed such a desire.

(*h*) The Commission, acting in concert with all the duly authorized representatives of the Mandatory Powers, shall hold a Plenary Meeting to consider all the reports as a whole and any general conclusions to be drawn from them. The Commission may also utilize such a meeting of the representatives of the Mandatory Powers to lay before them any other matters connected with Mandates which in their opinion should be submitted by the Council to the Mandatory Powers and to the other States Members of the League. This Plenary Meeting shall take place either before or after the presentation of the annual reports as the Commission may think fit.

(*i*) The Commission shall regulate its own procedure subject to the approval of the Council.

(*j*) The Commission shall sit at Geneva. It may summon technical experts to act in an advisory capacity for all questions relating to the application of the system of Mandates.

(*k*) The Members of the Commission shall receive an allowance of 100 gold francs[1] per day during their meetings. Their travelling expenses shall be paid. Expenses of the Commission shall be borne by the League of Nations.

(*b*) *Personnel.* The nine countries originally invited by the Council of the League to submit names for the Commission were:

Powers Mandatory.	*Representative.*
1. France.	M. Beau, former Governor of Indo-China, ex-Ambassador to Switzerland.
2. Great Britain.	The Hon. W. Ormsby-Gore, M.P.; Sir F. Lugard.[2]
3. Japan.	M. Kunio Yanagida, formerly Secretary-General to House of Peers.
4. Belgium.	M. Pierre Orts, formerly Under-Secretary of Foreign Affairs.

[1] The amount of remuneration to the Members of the Permanent Commission has since been reduced to seventy gold francs per day.

[2] On Mr. Ormsby-Gore's becoming Under-Secretary the Colonies (1922). [Editor's Note].

Non-Mandatory.	*Foreign Affairs.*
5. United States of America.	(Spain) M. Raman Pina, ex-Ambassador.[1]
6. Italy.	Marchese Alberto Theodoli, former Under-Secretary of State for the Colonies.
7. Holland.	M. Van Rees.
8. Portugal.	M. Freire d'Andrade, former Minister of Foreign Affairs, and ex-Governor of Portuguese East Africa.
9. Sweden.	Madame Anna Bugge Wicksell, LL.D., Swedish Delegate in the Assembly.

The Government of the United States, however, felt unwilling to permit participation of a national of the United States, and eventually, as seen above, the Council selected a Spaniard to take the vacant place.

The Council of the League further appointed Monsieur W. Rappard (Swiss), Professor of Economic History at the University of Geneva, as permanent director of the Mandates Section and as Secretary of the Commission.

10. *'C' Mandates approved, 17th December 1920.* In response to the letters addressed by the Council of the League to the Principal Allied Powers the agreed drafts for the 'C' Mandates, e. g. for ex-German colonies in the Pacific and for South-West Africa, were received by the Secretary-General of the League on the 9th December 1920, and these drafts were considered and approved by the Council of the League at Geneva on the 17th December 1920. With this approval the Mandatory system came into full operation in regard to ex-German South West-Africa (Union of South Africa), New Guinea (Australia), Samoa (New Zealand), Nauru (the British Empire), and the Caroline and Marianne Islands (Japan).

(*a*) *Form of 'C' Mandate.* The form of the Mandates is almost identical and the Mandate for Samoa is given on pp. 639–40.

(*b*) *Comments on Art. II in 'C' Mandates; Japan's protest.* The important provision to be noted in regard to the 'C' Mandates is Art. II, which permits the Mandatory to apply its own laws to the mandated territory.[2] This provision has

[1] He resigned July 1922 and was replaced by Count Ballobar, for seven years Spanish Consul at Jerusalem.

[2] ART. 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Dominion of New Zealand and may apply the laws of the

far-reaching consequences. It must be remembered that the laws of both Australia and New Zealand provide for protective measures in regard to immigration and navigation. These laws are the result of what is known as 'the white Australia policy' and are designed to prevent further Asiatic immigration. Their application to the mandated territories of New Guinea and Samoa necessarily involves the limitation of Japanese as against European rights, and consequently the Japanese representative on the Council of the League, under the instructions of the Japanese Government, deposited the following declaration with the Council of the League on the occasion of their ratification of the 'C' Mandates:

'From the fundamental spirit of the League of Nations and as the question of interpretation of the Covenant, His Imperial Japanese Majesty's Government have a firm conviction in the justice of the claim they have hitherto made for the inclusion of a clause concerning the assurance of equal opportunities for trade and commerce in 'C' Mandates. But from the spirit of conciliation and co-operation and their reluctance to see the question unsettled any longer, they have decided to agree to the issue of the Mandate in its present form. That decision, however, should not be considered as an acquiescence on the part of His Imperial Japanese Majesty's Government in the submission of Japanese subjects to a discriminatory and disadvantageous treatment in the Mandated territories: nor have they thereby discarded their claim that the rights and interests enjoyed by Japanese subjects in these territories in the past should be fully respected.'

A somewhat similar protest was made by Mr. Sastri, the Indian delegate, at the second meeting of the Assembly with regard to ex-German South-West Africa, where the laws of the Union of South Africa provided for discrimination against further Indian immigration into the territory of the Union.

11. *The Yap Controversy and Treaty, 11th February 1922.* The most serious controversy, however, that arose out of the 'C' Mandates was in regard to the Japanese Mandate for the Island of Yap, one of the Caroline Islands. It must be remembered that on the 7th December the British Foreign Office received the request of the Government of the United States, dated the 20th November, for the submission to the Government of the United States and for the publication of

Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

all draft mandates before ratification by the Council of the League. The Council of the League, on the 17th December 1920, however, proceeded to dispose of the 'C' Mandates without their having been either published or submitted to the Government of the United States for their consideration. The consequence was that no little storm arose in the United States of America on this subject. Yap, which is the most westerly island of the Caroline group, is of considerable strategic importance, as it lies directly between the American Island and cable centre of Guam to the East and the American Philippine Islands on the west. Yap is in itself an important cable junction, being connected by cable not only with Guam and the Philippine Islands, but also with the Dutch East Indies. Under the laws of Japan none but Japanese subjects are entitled to own or work cables or cable stations in Japanese territory, and in view of the then state of feeling between the United States of America and Japan on all questions concerning the Pacific, and of the attitude of the greater part of American public opinion and the Senate to the League of Nations, it is perhaps not surprising that Yap became a storm-centre of public discussion. This controversy lasted for a whole year, but was finally and satisfactorily disposed of at the Washington Conference early in 1922 by the Four Power Treaty and by the special Yap Treaty dated the 11th February 1922. Under the Four Power Treaty the protection accorded is extended to the mandated islands, while at the same time 'the making of the Treaty shall not be deemed to be an assent on the part of the United States of America to the Mandates and shall not preclude agreements between the United States and the Mandatory Powers respectively in relation to the mandated islands'. This particular phrase would, however, seem to have been made inoperative by Art. I of the Yap Treaty of the 11th February 1922, whereby 'the United States of America consent to the administration by Japan pursuant to the aforesaid Mandate of all the former German Islands in the Pacific Ocean lying north of the Equator'. The greater part of the Yap Treaty consists of an assurance given by the Japanese Government to the United States of American rights and interests in the use and working of the cables.

12. *Nauru under the Mandate.* Reference should be made to the peculiar position of the Island of Nauru. Nauru is

a small island, formerly belonging to Germany, immediately south of the equator near the Gilbert Ellice group, which are administered from the Colonial Office in London. Nauru lies over a thousand miles north-west of Samoa and approximately a thousand miles north-east of New Guinea. The island contains valuable phosphate deposits formerly worked by a German company. On the outbreak of war the rights of the German company were sequestrated and vested in an English company. It will be remembered that under the decision of the Supreme Council of the 7th May 1919 it was decided that the Mandate for this valuable island should be conferred upon the British Empire as a whole. On the 2nd July 1919 an Agreement was signed by Mr. Lloyd George for and on behalf of 'His Majesty's Government in London', by Mr. Hughes for and on behalf of the Commonwealth of Australia, and by Mr. Massey for and on behalf of the Dominion of New Zealand, regarding the administration of the island and the working and utilization of the phosphate deposits. This Agreement was ratified by the Australian and New Zealand Parliaments and by the Imperial Parliament in the form of a Nauru Island Agreement Act which received the royal assent on the 4th August 1920.[1] Clause 1 of this Act sets out that 'the Agreement is hereby confirmed subject to the provisions of Art. XXII of the Covenant of the League of Nations'. The Agreement is set out in the Schedule, and provides that the administration of the island shall be vested in an administrator who shall have power to make laws and ordinances for the peace, order, and good government of the island and particularly to provide for the education of children on the island, to establish and maintain the necessary police force, and to establish and appoint courts and magistrates with civil and criminal jurisdiction. The first administrator shall be appointed for a term of five years by the Australian Government, and thereafter the administrator shall be appointed in such manner as the three Governments (parties to the Agreement) may decide.

The position thus created is peculiar when viewed in comparison with other Mandates. It is also of interest in connexion with internal constitutional problems of the British Empire. The Mandate having been conferred upon the British Empire

[1] There was some severe criticism of the Nauru Mandate in the House of Commons Debate of the 16th June 1920. [Editor's Note].

as a whole, it would appear that Canada, the Union of South Africa, and India surrendered their claim to participate both in the supervision and exercise of the mandate as well as in the advantages to be derived from the exploitation of the phosphates.

13. *Progress with Drafts and Reports, 1921.* After the decision of the Council in regard to the 'C' Mandates in December 1920 and before the next meeting of the Assembly of the League in September 1921, little further progress was made in the development of the mandatory system. The British drafts for the 'A' and 'B' Mandates were drawn up and agreed with the French Government and the boundaries between the British and French mandated areas in Togoland and Cameroons were decided, the joint recommendations of the British and French Governments as to the future of the territories being agreed on the 17th December 1920. The principal cause of the further delay in the final issue of the mandates was due to the relations between the British and French Governments on the one hand and the Government of the United States of America on the other, and the Council felt themselves unable to deal with the 'A' and 'B' Mandates as long as the negotiations with the American Government remained unsettled.

However, at the second meeting of the Assembly in September 1921 important new developments took place as a result of the initiative displayed in the Commission of the Assembly appointed to examine the position of mandates by Lord Robert Cecil and Dr. Nansen. On the 20th September 1921, Mr. Fisher on behalf of the British Government gave an undertaking in this Commission that his Government would administer the mandated territories over which they had charge in accordance with the terms of the draft mandates by then published, and, further, that although the British Government could not recognize the legal right of the Council of the League or of the Permanent Mandates Commission to receive or examine Annual Reports in respect of territories where the mandate had not been finally approved by the Council, yet the British Government were prepared to allow the permanent Mandates Commission to examine the reports which had in fact been received by the British Government in regard to these particular territories. Following this declaration by the British repre-

sentative, the representatives of France and Belgium agreed to a similar course of action. The British Government immediately submitted to the League three documents which had been laid as Parliamentary papers dealing with the administration of Palestine, Mesopotamia, and Tanganyika Territory. The French Government submitted two very full reports dealing with their portions of Cameroons and Togoland, and the Belgian Government also submitted a report on Urundi and Ruanda. The permanent Mandates Commissioners were accordingly summoned forthwith to Geneva and commenced their first session before the Assembly had risen. The permanent Mandates Commission was inaugurated by Dr. Wellington Koo (China) the then President of the Council of the League and proceeded to draw up its rules of business. The Marchese Theodoli (Italy) was elected Chairman and Mr. van Rees, Vice-Chairman. In view of the fact that the reports submitted to the Commission had not been drawn up expressly for the Commission, no report was made by the Commission to the Council on the contents of the reports, but the Commission proceeded from their study of the reports to draw up full questionnaires dealing with all the points upon which it was desirous of being informed by the mandatory powers in regard to the execution of the various mandates. The questionnaires were approved by the Council and transmitted by them to the mandatory powers as a guide for future annual reports. In the course of their examination of the reports the attention of the permanent Commission was drawn to the difficulty of determining under the terms of the draft mandates the question of the national status of native and non-native citizens of mandated territories, and the Council invited the Chairman to form a special sub-committee of the permanent Mandates Commission to explore this problem in consultation with the Governments of the various mandatory powers. Accordingly the Marchese Theodoli, accompanied by M. d'Andrade and M. Rappard, visited London, Paris, and Brussels in November 1921, holding conferences with the Governments of Great Britain, France, and Belgium, and with the High Commissioners of the three interested British Dominions, and presented a report on the views thereby collected to the Council of the League at their meeting in May 1922.

14. *The Second Meeting of the Permanent Mandates Com-*

mission, July 1922. On the 12th May 1922 the Council reviewed the results of the inquiries made by the sub-committee, and invited the Permanent Mandates Commission as a whole to submit definite proposals to the Council of the League for the solution of the difficult problem that had arisen. The Permanent Mandates Commission met accordingly during the first week of August 1922 and unanimously agreed to the following proposals.

1. It is important, in order that the principles laid down in Art. XXII of the Covenant may be respected, and subject to the provision of paragraph 3 below, that the native inhabitants of 'B' and 'C' mandated territories should be granted a national status wholly distinct from that of Nationals of the Mandatory Power.

2. A special law should be promulgated by the Mandatory Power determining the status of these native inhabitants, who might be given a designation such as 'Persons administered or protected under Mandate of the Mandatory Power'.

3. It is open (*loisible*) to the Mandatory Powers to whom 'B' and 'C' mandated territories have been entrusted to make arrangements in conformity with their own laws for the individual and purely voluntary acquisition of their nationality by the inhabitants of these territories.

This third proposal arose out of a suggestion coming from the Union of South Africa regarding the naturalization *en masse* of the German inhabitants of the mandated territory of South West Africa. In explanation of their view the Permanent Mandates Commission added the following paragraph on this point.

'It seems contrary to the spirit of the Covenant and to the essence of the institution of Mandates to permit the compulsory naturalization by single act of all the inhabitants of territories under "B" or "C" Mandates. The legal relations which exist between a Mandatory Power and the territory which it administers on behalf of the League of Nations do not appear to permit of a measure which a state annexing a territory cannot apply with regard to the inhabitants annexed except by virtue of provisions expressly inserted in the Treaty of Cession. The Treaty of Versailles, by the terms of which the former German Colonies were handed over to the Principal Allied and Associated Powers, to be administered on behalf of the League of Nations by Powers called "Mandatory", contains no clause imposing the nationality of the Mandatory Power on the inhabitants of those colonies.'

15. *Council approves 'A' and 'B' Mandates except Meso-*

potamia, July 1922. The Council of the League met again in London during the last week of July 1922 and approved the terms of all the outstanding mandates except Mesopotamia, where political conditions did not permit of the matter being pressed. Accordingly, by the end of July 1922 the mandatory system came into full operation in regard to all the ex-German colonies and in regard to Palestine and Syria.

The nature of these mandates can best be understood by examination of the actual documents. The mandate for Tanganyika Territory (British), formerly German East Africa, is, with small variations,[1] the type adopted for all the six 'B' Mandates. In the 'A' Mandates the French mandate for Syria and the Lebanon follows closely, except of course in regard to the clause dealing with the Jewish National Home and the Holy Places, the British mandate for Palestine. Accordingly the terms of the mandates for Tanganyika Territory and Syria are given respectively on pp. 641–5, 645–54.

16. *Character of Mandates.*

(*a*) *'A' Mandates, Syria and Palestine.* Having dealt with the origin, it remains to add a few further general remarks upon the character and objects of the system. The three classes of mandate 'A', 'B', and 'C' are quite clearly differentiated. In the case of the Class 'A' Mandates it is clear that the exercise of powers by the mandatory are to be regarded as purely temporary, and that the rôle of the mandatory is to provide such protection, advice, and assistance as will enable the three countries of Mesopotamia, Syria, and Palestine to become independent States Members of the League. It is highly probable that the function of the mandatory in Mesopotamia will be of comparatively limited duration and that as soon as the Arab state of Mesopotamia is sufficiently organized to maintain itself against external aggression or absorption, and to secure internal order, the Arab state of Mesopotamia, now in its infancy, will apply to be admitted as a State Member of the League on the same footing as Persia, and, one presumes, Egypt.[2] Equally it is clear from the more difficult internal problems in Syria and Palestine that the exercise of functions by the mandatory power will in all

[1] For chief difference *v.* French Mandate for Togoland p. 642 n. [Editor's Note].

[2] *v. supra* for Syria, p. 169; for Mesopotamia, pp. 187–91. Text of draft mandate, pp. 609–13; for Egypt, pp. 203–5.

probability be more extensive and of longer duration than the mandatory functions required in the case of Mesopotamia. This is particularly true of Palestine, where in addition to the presence of important Jewish and Christian minorities there are important international interests to be safeguarded. Religious and racial difficulties arise in Palestine in intensified form in a degree unequalled in any other country in the world, and the primary function of the mandatory power will for long consist in the maintenance of internal peace and order among so mixed a population. But in Palestine the position of the mandatory is further complicated by the duty imposed upon the mandatory of carrying out a policy agreed by the Allied and Associated Powers during the War and at the Peace Conference of facilitating the creation of a Jewish national home in Palestine. The Balfour Declaration of the 2nd November 1917, to which the Governments of France, Italy, Japan, and the United States of America gave their definite adherence, imposes upon the mandatory an international task of peculiar delicacy, e. g. that of securing such social, political, and economic conditions in Palestine as will enable a renaissance of Hebrew culture and civilization to spring up once again in the land of the Bible. In view of historic, racial, and religious animosities, the carrying out of such a policy cannot be otherwise than controversial, and it must be remembered that the Balfour Declaration while supporting the Zionist movement, specifically guarantees the civil and religious rights of the non-Jewish inhabitants of the country and, further, imposes the limitation that whatever is done in Palestine should not affect the political status of Jews in other parts of the world. In the minds of most people this last provision cuts out the possibility of regarding Palestine as a potential Jewish state. In Syria, France has the difficult task of reconciling the interests and aspirations of the Lebanon, with its predominant Christian majority, with a federation of other Arabic-speaking provinces where the Mahommedans are in an overwhelming majority, and of bringing cohesion and unity to a country where local particularism has long been the distinctive feature of the country.

(*b*) '*B*' *Mandates*. In the territories under Class 'B' Mandates there live African populations of varying degrees of development, from the primitive and almost savage character

to the most highly developed negro elements, amounting in all to between twelve and thirteen millions. The aim of the mandatory system is to secure disinterested and progressive colonial administration of the more backward races by experienced European Powers. Successful conduct of such an experiment may have far-reaching influences upon the character of European administration throughout Africa, and the whole world will watch with interest what is, and can be done by the application of the spirit and letter of Art. XXII of the Covenant to this great and growing problem.

(*c*) '*C*' *Mandates.* Class 'C' Mandates provide for the maintenance of a standard of administration in such territories not lower than the standard obtaining internally in the territory of the mandatory powers themselves, and for special safeguards in the interests of the indigenous native populations. Perhaps the most interesting feature of the 'C' Mandates is the fact that in the main they are conferred directly upon British self-governing Dominions, who are thereby called upon to follow the example of the parent country, Great Britain, in the task of colonial or native administration. Such a development is of peculiar interest in the constitutional development of the British Empire and the status of the British self-governing Dominions as equal members with Great Britain in the League of Nations.

Note.—Date on which Mandates came into force.

'*A*'. 24th July 1922. The Council of the League approved the mandates for Syria and Palestine, and stated they would both come into force automatically as soon as Italy and France reached agreement on certain points in the Syrian Mandate.

'*B*'. 20th July 1922.

'*C*'. 17th December 1920 (1922.)

CHAPTER VI

INTERNATIONAL DEVELOPMENTS UNDER THE LEAGUE OF NATIONS

PART V

GUARANTEES AGAINST WAR [1]

1. *Introductory.* Clearly the best guarantee against war is to remove the causes of war. The preamble to the Covenant of the League of Nations sets forth the means by which it is proposed to achieve this result. These means are, firstly the promotion of international co-operation, secondly the acceptance of obligations not to resort to war, thirdly the recognition of the principles and understandings of international law. The methods by which it hoped to promote international co-operation have been described in a previous chapter, and they are the foundation upon which the structure of the League has been erected, for it is obvious that if the principle of such co-operation can be established the causes of war will be reduced if not eliminated. The effectiveness of those methods depends mainly upon whether the inducement to co-operate is sufficient to overcome the influence of national interests, national rivalries, and national jealousies amongst a sufficient number of nations. Effective co-operation between the Allied and Associated Powers in the Great War was slowly established as the result of bitter experience and in the presence of a common danger. The existence of a common danger and the urgent need for taking steps to readjust the balance of European Power, which was affected by the development of Germany's military and naval strength, brought about the establishment of the Entente between Great Britain, Russia, and France, and this in turn led to the immediate adjustment of interests which had long been in conflict. Agreements were satisfactorily concluded upon the Persian question, the Newfoundland fisheries dispute, the British occupation of Egypt, and other problems which had embittered relations between the Entente Powers, and which

[1] Complete till December 1922, and see note p. 538.

constituted possible causes of war. For long years the rival group of Powers which formed the Triple Alliance succeeded in adjusting their differences by agreement, despite the fact that not long before the Alliance was consummated Austria had fought both Italy and Prussia. The idea, then, of international co-operation is not new, but such co-operation has in the past been limited to groups of Powers with a common interest. The efforts of European statesmen were directed to securing peace by organizing a balance of military power sufficiently exact to make the risk of attack by the group in one scale upon the group in the other prohibitive. This procedure failed of its purpose because the members of each group constantly endeavoured to measure the weight in the opposite balance and to add to that in their own on the real or supposititious ground that the scale was being depressed against them. The result was competition in armaments and the charging of Europe with explosives for which a detonator was certain sooner or later to be found.

2. *League Machinery for the purpose.* The Covenant of the League of Nations endeavours to find a better guarantee against war by substituting for the small groups of Powers a single group so large that its authority cannot be challenged with impunity. The Balance of Power is replaced by the Concert or Concentration of Power. Omitting the United States of America as having refused membership of the League, the original group constituting the League consisted of forty-two nations, which left outside the League, in addition to the United States, Russia, Germany, Austria, Hungary, Bulgaria, Turkey, Mexico, and a number of smaller states. There was no intention of excluding these nations permanently from the League, when in the opinion of its members they were worthy of admission, and if the League was to fulfil its purpose it was obviously undesirable that so large a group should be left outside its ambit. From the time of the first meeting of the Assembly, efforts were made to increase the membership of the League, and by the end of 1921 Austria, Albania, Bulgaria, Costa Rica, Esthonia, Finland, Latvia, Lithuania, and Luxemburg had been admitted, so that the members of the League then numbered fifty-one. Until the remaining European Powers, at least, are members, there remains the possibility of the formation of a rival group which may in time become formidable. But the fifty-one

nations, including as they do four of the great Powers with a fifth as at worst a benevolent neutral, control such an enormous proportion of the world's resources that their ability to enforce any policy upon which they are agreed and prepared to act will hardly be disputed. What are the inducements held out to them to co-operate in order to prevent war? These inducements are the provision of other means than war for settling disputes, and the penalties which recourse to war will involve.

The principles of the constitution of the League have already been described, and I need not here deal at any length with the functions of its Council, Assembly, and Secretariat or of the Permanent Court of International Justice, in the settlement of disputes, but I would remind my readers that during the latter part of the war a valuable precedent was established for the operation of international machinery analogous to that which is envisaged by the Covenant. The Supreme War Council of the Allies, commonly called the Versailles Council, was an assemblage of the leading statesmen of the Allied Powers. It was not permanently in session, but came together when questions of policy affecting more than one of the Allies required decision. Its Permanent Secretariat was, with the various commissions attached to or in communication with it, so constituted as to be able to survey the whole field of Allied activities, not merely the field of naval and military activity. The various commissions were concerned with such matter as the distribution amongst the Allies of, and the resettlement of problems connected with, munitions, financial assistance, food, raw materials, and transport, though naturally, as it was a war organization, the Permanent Secretariat was largely military in composition and dealt chiefly with military problems. The Secretariat watched the situation from the standpoint of the common interest, and called the statesmen together betimes to consider problems upon which an agreed decision for common action was necessary. It prepared the agenda for such meetings and the cases for discussion, and after decisions had been reached it supervised the execution of the decisions. This procedure was a great advance upon the conferences of Allied statesmen who assembled hastily in the early years of the war, as the need for discussion arose, without the aid of any permanent organization, and it was undoubtedly fruitful in promoting Allied co-operation.

Now the machinery of the League of Nations is, if allowance be made for the fact that its prime object is the promotion of international co-operation in peace and not in war, very similar to that of the Supreme War Council during and shortly after the war. The Council of the League consists of prominent statesmen of the nations which compose it. It is not permanently in session, but has a Permanent Secretariat so organized as to be able to watch the international situation as a whole and to give warning of any difference between the nations which appears to be likely to lead to war. The Secretariat has sections of its own or commissions attached to it which are concerned with such matters as international finance, economics, labour, health, ports and waterways, naval, military, and air affairs, treaties, mandates, and international law. There is, therefore, no subject of international interest which it should not be able to survey from the point of view of the general interest of all the members of the League. By Art. XI of the Covenant any war or threat of war, whether immediately affecting any of the members of the League or not, is declared a matter of concern of the whole League, and the Secretary-General shall, on the request of any member of the League, forthwith summon a meeting of the Council.[1] Further each member of the League has the right to bring to the attention of the Assembly or of the Council any matter affecting international relations which threatens to disturb the peace. By Art. XI the members of the League agree to refer any dispute likely to lead to rupture either to arbitration or to inquiry by the Council, and they further agree not to resort to war until three months after the award by the arbitrators or the report of the Council. By Art. XVII if a dispute arise between a member of the League and a state which is not a member of the League, or between two states which are not members of the League, those states are to be invited to become members for the purpose of such dispute. In the event of refusal

[1] A remarkable example of action under this Article was furnished in the latter part of 1921. After a prolonged dispute between Albania and the Serb-Croat-Slovene state, Yugo-Slav forces crossed the frontier of Albania at the end of October. On the 7th November the British Government called the attention of the Council of the League to the situation and demanded the application of Art. 10 of the Covenant (the article instituting a blockade of an offending nation) if the Serb-Croat-Slovene state refused to execute its obligations under the Covenant. The Serb-Croat-Slovene state at once began to withdraw its troops from Albania and the risk of a serious Balkan war was averted. (*v.* also note on p. 538).

the states in question become subject to the penalties which I propose to describe later.

If the machinery which I have just described can be made operative, it will clearly provide a better guarantee against war than any which has yet existed. It provides in the first place a simpler and more direct means of communication between states than that provided by Foreign Offices and Ambassadors. It brings the responsible statesmen of the nations concerned in a dispute together to discuss the subject of difference round a table instead of by minute or by telegram. If the Secretariat of the League is watchful and efficient, and there is no reason to suppose that it will not be both, the statesmen should be brought together before an acute crisis has developed and not while it is raging. Finally it enables those parties to the dispute, who are contemplating war, to see and measure the forces which will be arrayed against them. To any one who has studied the history of the events which immediately preceded the outbreak of the Great War, it must appear at least probable that, if such machinery had been in existence in 1914, the murder of an Austrian Arch-Duke could not have become the pretext for a war of nations.

3. *Moral Sanctions and an International Army.* The large group of Powers having been formed and adequate provision made for adjusting disputes by means other than war, the questions remain whether the bonds which keep the group together are sufficiently strong to stand the strain to which they may be subjected, and whether the members of the League can be relied upon to use the means provided for them. At present the chief purpose of the League, the chief inducement to nations to join it and become loyal supporters of its principles and rules, is the avoidance of such another horror as the last war. The sceptic asserts that this is an inducement which will not always be potent, that memories are short and that a new generation will grow up to which national aspirations and rivalries will make a stronger appeal, at least in times of excitement, than will the desire for peace. It must be admitted that history gives some support for this view, but it must equally be admitted that the dread of another war of nations amongst the peoples of the principal powers is at present sufficiently strong, and is likely to last sufficiently long, to give time for new methods to be tested and to gain support if they are effective.

In the interval the obligation to support the principles of the Covenant is almost wholly moral, though material inducements are, as I will explain, not lacking. The members have pledged themselves not to have recourse to war without first applying the provisions of the Covenant for the settlement of disputes. The moral obligation will become a material obligation as and when the authority of the League becomes established and recognized.

Many critics of the League, some friendly and some hostile, have declared that the absence of material sanctions at the outset of its career is a fatal weakness in its constitution. They have asserted that it must have force under its control, if its decisions are to be respected, and that no human law can be effective unless it has force behind it. They have therefore asked for the creation of an international army under the sole authority of the League. Such a measure would involve the preparation of an entirely new Covenant fundamentally different in principle from that which has been accepted. The League as constituted is an agreement voluntarily accepted by its members, who in all essentials preserve their autonomy. It does demand some surrender of national independence in that nations aforetime, and particularly the more powerful nations, recognized as much or as little of the obligations of international law as suited their purpose. They interpreted that law themselves in accordance with their power to enforce their interpretation upon others. Just as the physically powerful individual surrenders some of his personal liberty in the general interest when he accepts the obligations of civil law and does not knock his neighbour down or seize his property, so the powerful state surrenders something of independence for the common good when it agrees to refer its disputes with other nations to discussion instead of settling them in its own way. Further than that the Covenant does not go in the direction of interference with the affairs of the members of the League, and it could not go further without setting up a super-government, a permanent organization above and more powerful than any state or group of states. The world is clearly not yet ready for such a revolution in its affairs.

It is difficult to conceive of an international force uncontrolled by an international government. Either the men composing such a force would be specially enlisted on the lines of an expanded and glorified Foreign Legion, or the force would

consist of a number of contingents supplied by the members of the League. In the first case the force would tend to become a sort of praetorian guard, the commander of which would, if he were a man of strong character and ambition, possess enormous power and be the target for endless intrigue. It is not difficult to picture in such circumstances the rise of a new Napoleon, who would reorganize the governments of the world according to his taste. It is impossible to imagine the peoples of modern nations agreeing to the creation of a body with such power and beyond their control. In the second case the difficulties and dangers are almost equally great. There would still be a military force for which no permanently constituted government was responsible, since only the Secretariat of the League is permanent; there is still the difficulty of command, for a time will come before long when there is no soldier of such pre-eminence that there will be no rival claimants to his position; there is the natural unwillingness of nations to send their sons abroad in time of peace beyond their control; there are the difficulties of language and of obtaining uniformity of training, equipment, and organization in an army composed from a number of nations, and there is the difficulty of regulating the size and number of such contingents. If the armed forces of the League are limited to contingents from a few of the Great Powers, the League is open to the charge that it is nothing more than a Junta of those Powers formed by them to impose their will with a minimum of trouble and expense upon the remainder of the world. If they are composed of a large number of small contingents provided by any members of the League who may wish to be represented by military force, then they will tend to become a joke in the military world. It has been suggested that the League should have a monopoly of all the most deadly weapons of war, such as tanks, poison gas, heavy artillery, and bombing aeroplanes, and that the construction and ownership of such weapons except by the League should be prohibited.[1] Here, again, the difficulty of control arises unless a super-government is instituted, and it is easy to foresee endless differences of opinion arising as to what categories of weapons should and should not be under the control of the League. We, for example,

[1] Various proposals for limiting the use of poison gas and submarines were at the end of 1921 before the Temporary Mixed Commission of the League on Armaments. These problems, which had not then been solved, are quite distinct from that of giving the League a monopoly.

and France have great possessions bordered by uncivilized or semi-civilized peoples, not under the jurisdiction of the League. Are we to be prevented from policing our frontiers in the most efficient and economical manner? Are we to be compelled to send our men to fight without the most efficient equipment? If the League were to loan us some of the special equipment, of which it had control, for a specific purpose and for a limited time, our soldiers would be without experience of the latest methods of employing such equipment, while such equipment maintained in Europe would not be available for use in case of a sudden emergency on the North-West frontier of India or on the borders of the Sahara. On the other hand, could the League be reasonably expected to grant a special licence to Great Britain and France entitling them to use weapons denied to other powers?

4. *Articles XVI and XVII.* On all these grounds the provision of the League, as at present constituted, with special sanctions of its own sufficient to enable it to enforce its behests, appears impracticable and to involve a change in its constitution so drastic as to be far beyond anything which its members are ready to accept. This does not mean that we may not see before long a military or police force directly under the control of the League or maintained for the purpose of safeguarding some territory for which the League has itself accepted a mandate, but this is obviously very different from an international army formed to maintain the peace of the world or to punish any breach of such peace. That an international army has not been created does not mean that the League is without sanction. I have already pointed out that the machinery of the League, by which the Council is summoned *ad hoc* upon any threat, makes it possible that there will be no misconception, as there was at the end of July 1914 on the part of the German Government, of the forces which will be arrayed against a state or states contemplating war. By Arts. XVI and XVII of the Covenant, if a member of the League is guilty of a breach of the Covenant, and if a state which is not a member of the League refuses to accept the obligations of membership for the purpose of a dispute, then the remaining members of the League are pledged to place their resources at its disposal in order to protect the Covenant. It is possible to conceive that in such circumstances the armed forces at the disposal of the League might be brought

somewhat tardily into operation and that the recalcitrant state or states might imagine, as did Germany in 1914, that they could obtain an initial advantage so great as to be overwhelming. Such a sanction might therefore prove to be inadequate, but it is not the only sanction which the League possesses. By these same Arts. XVI and XVII, if a member state resorts to war in disregard of the Covenant, and if a non-member state refuses to submit itself to the jurisdiction of the League, they are *ipso facto* decreed to have committed an act of war against all other members of the League, who are pledged to sever at once with the states in question all trade and financial relations, and to prohibit all intercourse, whether financial, commercial, or personal, between their nationals and the nationals of the Covenant-breaking states. This would be in effect as terrible a weapon as was the papal excommunication in the Middle Ages. It means the immediate establishment of a blockade far more complete in its effects than was the blockade of the Central Powers during the Great War. Devastating as was the effect of that blockade it was at no time absolute, for intercourse between Germany, Sweden, and Holland went on until the very end, while in the early years of the war the Central Powers were able to draw supplies from other sources. Now recent history has shown that no nation or considerable group of nations can hope to wage a great war if it is dependent upon its own resources alone without risking utter ruin. The Great War has demonstrated the inter-dependence of civilized nations. The risks involved in facing an absolute blockade are so tremendous, therefore, that it is difficult to conceive of any state being ready to accept them. If a group of nations were formed sufficiently large to be independent of the rest of the world and to defy blockade it could impose its will without war. The threat of blockade, or as it is sometimes termed, the economic weapon, should therefore be a more effective means of preserving peace than the balance of military power. It supplies a very material inducement to members of the League to observe the terms of the Covenant and to non-members to hesitate before they reject its intervention.

The guarantees against war which the League provides are, then, first the moral obligation accepted by its members not to resort to war without recourse either to arbitration or to the machinery of the League, secondly the influence which the

League through its members and the resources of its members must exercise upon those states which are not members, thirdly, the fact that the numbers and strength of the members of the League prepared to uphold its authority will be known to those who propose to break the peace, and, lastly, there is the dread power of the economic weapon or blockade. These guarantees are not likely to prevent all war, at least until the authority of the League has become firmly established and the efficacy of its machinery for adjusting disputes is recognized. There are many parts of the world which are still uncivilized or at best in a state of semi-civilization, and there the warrants of the League will not run. It is possible that disputes may arise between small states, for example in the Balkans, in which the League may have difficulty in enforcing its commands owing to the unwillingness of its members to resort to military action in cases in which their peoples are but remotely interested. But the guarantees already provided promise to make an attempt by any one state or group of states to win by force the power to dominate its neighbours far more dangerous to its originators than it has been in the past. The war of nations which was a development arising out of the balance of power, will tend under the concentration of power to become less and less possible and may eventually become impossible.

5. *Other Effects of International Co-operation.* The Covenant inaugurates other changes in international machinery and relations, which, while they cannot be classed as guarantees against war, promise to supplement the effect of the promotion of international co-operation in reducing the causes of war. It is of the nature of treaties of peace that they are concluded while the feelings aroused by war are still high. It is therefore rare to find a treaty of peace so just, so far-sighted, and so durable that its provisions have not created a sore which has poisoned international relations and led directly or indirectly to further war. To take only recent history, the Treaty of Paris of 1856 which ended the Crimean War created a situation in Eastern Europe out of which arose the Russo-Turkish War of 1877. The Congress of Berlin which followed upon the end of that war created a number of problems in the Balkans, and those in turn produced a whole crop of wars, kept the relations of the great continental Powers almost constantly strained, and eventually contributed to the causes which led to the Great War.

The loss of Alsace-Lorraine to Germany by the Treaty of Frankfurt of 1871 kept alive in France the idea of *revanche* which in turn was a contributory cause to the formation of the modern balance of power and of the arming of Europe. Treaties of peace, once signed, sealed, and delivered, have hitherto been as the Laws of the Medes and Persians. There has been no machinery by which they could be revised as time and experience showed revision to be desirable and the cooling of passions made revision possible. The Covenant now provides such machinery, and in Art. XIX it is declared that 'the Assembly may from time to time advise the reconsideration by members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world'. It is hardly necessary to point out that the power to revise the Treaty of Versailles and its subsidiary treaties which have solved a number of territorial and economic problems in a manner provocative of further problems may be a potent factor in the preservation of the world's peace.

6. *Reduction of Armaments.* The attitude of the Covenant towards armaments is regulated by the same principle which has governed its attitude towards sanctions, that is to say, it has followed upon the constitution of the League as a free association of free nations, and has avoided all dictation as from a super-government. Art. VIII of the Covenant recites that 'the members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations'.

'The Council taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

'The members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes, and the condition of such of their industries as are adaptable to warlike purposes.'

The procedure which the Council has followed in the formulation of plans for the reduction of armaments has developed gradually and was still in process of development at the beginning of 1923. In accordance with the Covenant an

Armaments Commission, consisting of representatives of the naval, military, and air forces of certain Powers was appointed to advise the Council. It was soon found that this Commission, which consisted of regular officers of the various countries and services, was not competent to tender adequate advice on the question of the reduction of armaments which involves problems of policy and of finance. Therefore at the first meeting of the Assembly it was decided to entrust this question to a Temporary Mixed Commission composed of statesmen, financiers, and others in addition to the naval, military, and air experts. This Commission was still at the stage of inquiry when the Washington Conference was held. That conference in no way conflicted with the aims and objects of the League of Nations, and was necessary as the problems to be discussed, naval armaments and the political situation in the Pacific, concerned closely the United States of America, not a member of the League. The solution reached as regards naval armaments followed upon lines entirely compatible with the spirit of the Covenant, and the methods actually adopted, that of reduction on an agreed ratio, have been under the consideration of the Temporary Mixed Commission. That Commission has asked each of the members of the League to supply it with an *exposé* of the considerations which it deems necessary to present regarding the exigencies of its national security, of its international obligations, of its geographical position, and of its special conditions. Upon the information so obtained it proposes to prepare a proposition for the reduction of standing armies on an agreed ratio.

In the days before the war every increase in the armies and navies of one Power led to corresponding increases by other Powers, and so the race in armaments went on. In those days proposals were made by ourselves to Germany for the mutual reduction of armaments, but they proved abortive. The experience of the Washington Conference has shown that open bargaining round a table may end in more satisfactory results. But it is generally recognized that in the case of continental Powers with long and exposed land frontiers, satisfactory results are not to be expected until the problems of security have been brought nearer to solution. With that object, proposals to add to the Covenant definite pacts of guarantee were under consideration in 1923. Once the fear of aggression is reduced or removed, real progress in the reduction of armaments

becomes possible. The means which the League will have of getting its views upon armaments accepted is through the influence it will be able to exercise upon public opinion. That influence will be unquestionably great. If the representatives of a state refuse to respond to the suggestions of the Council, the Council will be able to say to the world, 'We have reviewed the whole ground and are of the opinion that armaments of such size are sufficient to provide for the security of such a state. Unfortunately the representatives of this state in the League do not agree'. It will then be for the Government of this state to make good its position to its own people, who of course have to pay the bill. Modern governments will be very chary of putting themselves in such a position, and will need to be very sure of their ground before they do so.

There is a further highly important aspect of the power which the League may exercise in the reduction of armaments. By the treaties of peace imposed on our late enemies, they are required to carry out very drastic changes in the size of their armies and fleets, which become little more than armed police forces, while stringent regulations have been designed to prevent any future expansion or the accumulation of munitions of war. Now in the past attempts to secure the reduction of armaments by treaty have failed. The most conspicuous example of this is the renaissance of Prussia's military power after she had been crushed by Napoleon in 1806, when he garrisoned her fortresses and imposed upon her conditions which he believed would effectually prevent her from again placing large armies in the field. The Prussians succeeded in outwitting Napoleon, and from 1813 to the battle of Waterloo, Prussia took a great part in consummating the downfall of the French Emperor. The Treaty of Paris of 1856, to which I have already referred, prohibited Russia from placing ships of war upon the Black Sea and denied her access to the Danube. In 1871 when France was fully occupied and Great Britain indisposed to act, Russia violated both these clauses of the treaty. There are numerous other examples in history to the same effect. If a nation is determined to arm either in order to secure its safety, to right what it holds to be a wrong, and to avenge past defeats, treaties cannot be devised which will make such measures impossible for all time, even when they are backed up by what appears to be sufficient force. It is therefore very desirable that some

inducement other than the fear of *force majeure* should be given to those nations whose armaments have been reduced by treaty to observe the terms of such treaties. Such an inducement would be offered to them by including them in the League, where they would obtain the same guarantees against aggression as are offered to the other members of the League, and the same facilities for the settlement of international disputes. If to these inducements is added the necessity for economy in unproductive expenditure on the part of nations which find their finances in the utmost disorder as the result of the war, the motives for observing the armaments clauses of the recent treaties will certainly be stronger than those which have existed in the case of any treaty in the past which has imposed similar conditions.

Lastly, again by Art. VIII, the Covenant proposes measures to abolish the evils which resulted in the past from the activities of great armament firms. It is notorious that great businesses such as that of Krupp commanded great political influence not only within but without their own country. It was not uncommon for Germany to grant financial facilities to small nations on the understanding that they should place orders for armaments with Krupp. Representatives of great armament firms were constantly lobbying in the legislative chambers of the smaller nations and endeavouring to influence deputies and ministers to increase armaments and to place orders with them. The arms traffic with native races was very lucrative, and was maintained despite continuous and costly efforts on our part to repress it in those parts of the world in which we are particularly interested. The times have never been more favourable than they are at present for the suppression of these evils, for as the result of the war the world is overstocked with munitions of war and armament firms have been forced in their own interests to turn their energies to the development of peaceful industries. It would appear to be a simple matter for the members of the League to agree to confine the manufacture of armaments within limits sanctioned by the League, and to make such manufacture subject to governmental licence in each state. But there are states on whom this would press hardly, seeing that they have not the resources to manufacture arms for themselves. The members of the League, while agreeing that the manufacture of arms by private enterprise is open to grave

objection, have therefore left it to the Council to determine how to prevent the evil effects of such manufacture, with due regard to the interests of those members of the League which cannot provide their own armaments. A great difficulty in the solution of this problem is that the United States, one of the greatest of manufacturing powers, is outside the League. The Assembly made the proposal to overcome this difficulty by calling a general conference on the private manufacture of arms, which should include the United States. They placed the consideration of the method of calling such a conference in the hands of its Temporary Mixed Commission.

The influence of the League upon the reduction of armaments will grow gradually as it gains the confidence of its members and of their peoples, as it shows that it is able to settle international differences upon other questions than armaments, differences which in former days produced friction and sowed the seeds of war. With the growth of confidence will come an increased sense of security, greater willingness to rely upon arbitration as a means of settling disputes, and a diminishing regard for national insurance by means of armaments. These things may not come quickly, but given faith, goodwill, and a sincere desire to do everything that is possible to prevent war, they will come surely. The Covenant does not attempt to change human nature, nor does it proclaim a new era upon earth, but it does open up a prospect of obtaining better co-operation between nations and more sensible means of adjustment of conflicting interests than have yet been within reach of governments and peoples.

Note.—The case of Italian action in seizing Corfu in August 1923 is too recent for discussion here, but reference to a summary of the facts in relation to the League may be found in Wilson Harris *Greece, Italy and the League*, published by the League of Nations Union, 1923.

EPILOGUE

SOME GENERAL CONSIDERATIONS ON THE PEACE CONFERENCE AND ITS AFTERMATH [1]

I.

THE WILSONIAN PRINCIPLES AND THE NEGOTIATIONS LEADING TO PEACE

1. *Survey of the Negotiations leading to Signature of the German Treaty, 28th June 1919.* The procedure by which peace was finally obtained was unique in diplomatic history. It does not remotely correspond to any previous example. A series of notes were exchanged between President Wilson and the German state, as a result of which the latter promised to give a popular and representative character to its government, and thus paved the way for the abdication of the Kaiser. President Wilson offered to make peace with Germany on the basis of the practical application of his principles, as stated in the 'Fourteen Points' and others of his addresses in 1918. His Allies concurred in this offer, with certain reservations as to Point two (Freedom of the Seas) and a definition of loss and damage. This offer was accepted by Germany, the Armistice being left by the President to military advisers (by which he meant the Allied military advisers), with the proviso that the Allied military superiority should be maintained in the Armistice conditions. This offer, as accepted, formed the basis of the pre-Armistice agreement, of which the legally binding character was subsequently admitted by the Allies in their reply to Germany of the 16th June 1919.

So far there seems to be no dispute on either side. Whether the Armistice made any difference to this agreement, particularly as regards Art. XIX of the Armistice Convention, which deals

[1] This general sketch of the results of the Peace Conference and of the prospects for the future is intended to supplement the accounts given in the text of the History by newer information when that is available, and generally to sum up the principles and aims of the Treaties, and their extension or promotion under the activities of the League and other international organizations. References are given to all the more important topics in this and the preceding volumes.

with Reparation, has been matter for some question.[1] But the fact has been recently disclosed that the Armistice was actually settled in principle by the Allies, before the 4th November.[2] On that date the Allied Memorandum was submitted to President Wilson, and presented by him to Germany on the 5th. This last formed the pre-Armistice offer of the Allies and was accepted by Germany. These facts seem decisively to prove that the Armistice was intended to be a military agreement only and that no political matter could be other than extraneous to it, or at best interpretative of, and not additional to, the terms stated in the pre-Armistice agreement. This interpretation was disputed by the French during the Conference, but seems to have been ultimately adopted by the Allies in their Reply to the German Observations, the 16th June 1919.

The difficulty of interpreting the pre-Armistice agreement lies in the fact that the basis of it consisted of the principles of President Wilson as expressed in his utterances. As has been exhaustively stated elsewhere, political speeches cannot always be the subject of exact analysis. They necessarily possess a vagueness and a generalized aspect which unsuit them for diplomatic interpretation, and Wilson's are, in point of fact, in some places inconsistent with one another.[3] These inevitable defects were rendered more serious still by the fact that they deal briefly and unsatisfactorily with the most crucial of all questions at the Conference, that of Reparation. None the less their indications, such as they are, are against punitive damages, penal indemnities, etc.[4] The inclusion of pensions in the Reparation seems hardly to agree with these utterances, and also it seems irreconcilable with the Allied definition of loss and damage in the 5th November Memorandum. This difficulty appears to have been felt by the Allies themselves. Even apart from Reparation, there can be no question that the defects of basing a diplomatic treaty on political speeches are many and grave. They contained statements about the restoration and evacuation of Belgium, Serbia, etc., the recovery of Alsace and Lorraine

[1] *v.* Vol. II, pp. 401–4; Vol. V, pp. 370–2.

[2] *v.* General Tasker H. Bliss, *American Journal of International Law*, Vol. XVI, 1921. A useful and authoritative account of the Armistice, giving new information.

[3] *v.* Statement of Wilson himself, Vol. IV, p. 434 n., and also Vol. I, pp. 275–7; Vol. II, pp. 366–7, 381–4, 388–93.

[4] *v.* Quotations, Vol. I, pp. 415–16, 437, and corrigendum of Vol. I, p. 437 on p. vii of Vol. III.

by France, the independence of Poland, and the like, which would ordinarily have been inserted in the preliminaries of peace. It is probably safe to regard the pre-Armistice agreement as the preliminaries of peace, but to admit at the same time that its character was so unusual as to increase the difficulty of arriving at an ultimate peace. There can be no doubt, at least on this head, that neither party to the pre-Armistice agreement realized at the time exactly what the adoption of the Wilsonian principles meant. Hence it was natural that they should differ infinitely in their interpretation of these principles.

In order to remedy the admitted difficulties of this new-fangled diplomacy the first endeavour of the Allied and Associated Powers was to sign what they called a Preliminary Peace, and this attempt was persisted in until the end of March and perhaps even beyond that date.[1] What the Allies meant was to make Germany sign an agreement embodying the general principles of the Treaty, leaving the details to be worked out mainly by experts in a series of subsequent agreements. In April 1919 this project was seen to be impracticable and was abandoned in favour of a general Treaty.

It is probable that, on the model of the Treaty of Vienna,[2] the Allies meant to include the five principal Treaties with the five enemy states in one great all-comprehensive Treaty. This project again proved impossible for various reasons, and the clumsy device had to be adopted of preparing five separate Treaties, each containing certain general parts (e. g. the Covenant and International Labour), which were a verbatim reproduction of those in the German Treaties, and others such as Prisoners of War, and Graves, Communications, Commerce, etc., which were only partially modified to meet each particular case. This produced striking results, forcing a whole crowd of South American states to masquerade as belligerents against all five enemies, and even causing a Great Power, like the United States, to sign the Treaty with Bulgaria against whom she had not been at war. A single Treaty might, of course, have avoided such anomalies. The cumulative effect of all these difficulties was of a very serious nature.

As regards the actual incidents leading to signature of peace

[1] Vol. I, pp. 261–2.

[2] Of course the Treaty of Vienna was preceded by the Treaty of Paris, but the latter represented terms on which all were agreed.

the procedure of the Peace Conference was unusual. It is even doubtful whether it has the right to be called a Conference (or a Congress) at all. For a Conference or Congress generally implies oral discussion of the peace terms between both parties signatory to the peace. No such verbal discussion ever took place, and every transaction was conducted in writing. It is doubtful if this procedure was wise, and it is certain that it was unusual. Written exchange of views did not prevent considerable modifications taking place in the Draft Treaties, as originally presented to the Five Enemy Powers, but it did prevent much salutary exchange of views and much verbal elucidation of ambiguities, which would certainly have had very good results in the final drafting of the articles of the treaties.

The explanation of almost all these defects lies in a single word—Passion. The rival Powers were passionately anxious to cease hostilities in November 1918. They could not wait until proper preliminaries were drawn or a proper Armistice framed. They were passionately anxious again to sign a general peace and passionately anxious to sign a final one. But finality and passion are fatal to one another, and will always be at variance.

One last point is worth mentioning. The peculiarity of the Peace Conference lay in the fact that not only were Treaties concluded, but that a permanent international organization was also created for correcting, revising, or extending the obligations of these Treaties. Thus one could not work without the other. This project met with great opposition at the time, not only from the American Senate but from European diplomats.[1] The League, said Wilson, was to be so intertwined with the tissue of the Treaty that they could not be separated. He carried this point against serious opposition and had won the day by the 21st March 1919. That day was probably the most memorable in the history of the Treaty and certainly in that of the League. Few will agree with M. Clemenceau that a 'Peace of miracles' was signed, but some may agree with President Wilson that in the Covenant he brought back from Paris 'one of the greatest of human documents'.

[1] e.g. Even so late as the 23rd June 1921 Lord Curzon voiced his regret in the House of Lords that the League had not been separated from the Treaty. Cp. this with R. S. Baker, *op. cit.*, I, 240–3.

2. *The 'final triumph of Justice and Fair Dealing'*. The expectation that Treaties could be negotiated, which would amount in substance to 'a final settlement', was widely proclaimed before and during the Peace Conference.[1] It was almost necessarily a vain hope. For, as it turned out, peace was imposed by four or five Great Powers on vanquished nations who were not allowed to debate or to discuss the terms, and on minor Powers who exercised small influence in such discussions. The Wilsonian principles did not, in themselves, comprise a body of doctrine sufficiently intelligible and precise to be interpreted in diplomatic terms. It seems, however, that the great personalities were not too well provided themselves with any far-reaching schemes of settlement; the diplomats understood the technique but were not always consulted. Even had they been, the pre-existing treaties or other obligations as to Italy or to Japan would have hindered the application of any intelligible principles whatsoever. These undesirable obligations always committed three or four of the Five Great Powers to actions and to policies to which they had been compelled under stress of need to subscribe, and which none but the interested party in fact approved. The Treaties necessarily, therefore, resulted in undesirable compromises between the vagueness of Wilsonian doctrines and the precision of the pre-existing obligations; such compromises were fatal to finality. Even had these not existed there was enough difference between the national temperaments and policies of the Five Great Powers to have rendered far-reaching and permanent agreement on many subjects impossible. Views as to law, as to commercial policy, as to military service, and as to reparation, varied almost indefinitely. The result was either an undesirable vagueness or ambiguity of phrase in the Treaties which covered irreconcilable differences, or a compromise which none of the parties concerned was likely to favour or eager to execute.

[1] *v.* quotations, Vol. I, pp. 389–90; Vol. II, pp. 344–6.

II

MR. LLOYD GEORGE'S SCHEME OF A PEACE

3. *Mr. Lloyd George's Memorandum, 25th March 1919.* It has often been stated that President Wilson's ideals, as propounded in the 'Fourteen Points' and other communications and addresses till September 1918, were not always embodied in the Peace Treaties. This contention is, in some respects, incontestably true, in others it is a matter of dispute. But it is less well known that the aims, to which Mr. Lloyd George committed himself after three months' experience at the Peace Conference, were by no means realized in the Treaties.

In his most remarkable Memorandum of the 25th March 1919 Mr. Lloyd George recommended to the Peace Conference a definite programme. The broad lines of his recommendations were as follows:

	Execution. (*References are, unless otherwise stated, to the History.*)
1. *Russian Section*[1]	
(1) Germany to renounce all rights under Brest-Litovsk Treaty.	(1), (2), (3) *Executed.* Art. 116–17, Vol. III, p. 177; Versailles Treaty, Art. 433, Vol. III, pp. 330–1.
(2) Germany to renounce all rights under Treaty of Bukarest.	
(3) Germany to renounce all arrangements by Allied and Associated Governments with reference to previous Russian territory, including special arrangements with new states.	(3) Vol. I, pp. 338–46; Vol. VI, Chap. III, Parts I and II.
(4) If, however, the Peace Conference is really to secure peace and prove to the world a complete plan of settlement which all reasonable men will recognize as an alternative preferable to anarchy, it must deal with the Russian situation. Bolshevik imperialism does not merely menace the states on Russia's borders. It threatens the whole of Asia and is as near to America as it is to France. It is idle to think that the Peace Conference can separate, however sound a peace it may have arranged with	(4) *Not executed.* Peace Conference separated without settling anything here, Vol. VI, Chap. III, Part II. *De facto* recognition by Great Britain of Bolsheviks, 16th March 1921, Vol. V, p. 162. Bolsheviks summoned to Genoa in 1922, where they concluded Treaty of Rapallo with Germany, 16th April 1922, Vol. VI, pp. 330–1.

[1] These extracts are from *Some Considerations for the Peace Conference before they finally draft the Terms*, D. Lloyd George, 25th March 1919, Parl. Paper, Cmd. 1614, 1922.

Germany, if it leaves Russia as it is to-day. I do not propose, however, to complicate the question of the peace with Germany by introducing a discussion of the Russian problem. I mention it simply in order to remind ourselves of the importance of dealing with it as soon as possible.

2. *The League of Nations*

(1) All high contracting parties, as part of the Treaty of Peace, to become members of the League of Nations, the Covenant of which will be signed as a separate Treaty by those Powers that are admitted, subject to acceptance of the following conditions:

(i) An agreement between the principal members of the League of Nations in regard to armaments which will put an end to competition between them.

(i) No agreed limitation of armaments arrived at before signature of Covenant.

Success achieved, as regards limiting fleets, at Washington Conference, 1922. Disarmament discussed at Council and Assembly of League, 1921–3.

(ii) The lesser members of the League of Nations to accept the limitation of armaments and the abolition of conscription.

(ii) Disarmament not effected except for Austria, Hungary, Bulgaria, Vol. IV, pp. 141, 158, 166.

(iii) An agreement to be made between all members of the League of Nations for the purpose of securing equal and improved conditions of labour in their respective countries.

(iii) *Executed.* Part XIII, Labour in Treaties. Vol. III, pp. 314–28. *v.* also Vol. II, pp. 36–9, 334–6; Vol. VI, Chap. IV, Part II.

. . . 'The first condition of success for the League of Nations is, therefore, a firm understanding between the British Empire and the United States of America and France and Italy that there will be no competitive building up of fleets or armies between them. Unless this is arrived at before the Covenant is signed the League of Nations will be a sham and a mockery. It will be regarded, and rightly regarded, as a proof that its principal promoters and patrons repose no confidence in its efficacy. But once the leading members of the League have

made it clear that they have reached an understanding which will both secure to the League of Nations the strength which is necessary to enable it to protect its members and which at the same time will make misunderstanding and suspicion with regard to competitive armaments impossible between them, its future and its authority will be ensured. It will then be able to ensure as an essential condition of peace that not only Germany, but all the smaller States of Europe undertake to limit their armaments and abolish conscription. If the small nations are permitted to organize and maintain conscript armies running each to hundreds of thousands, boundary wars will be inevitable and all Europe will be drawn in. Unless we secure this universal limitation we shall achieve neither lasting peace, nor the permanent observance of the limitation of German armaments which we now seek to impose.

(2) I should like to ask why Germany, if she accepts the terms we consider just and fair, should not be admitted to the League of Nations, at any rate as soon as she has established a stable and democratic government.'

(2) *Not executed.* Germany not admitted to League (end of 1923). Vol. II, pp. 270–4.

3. *Political*

A. *Cession of territory by Germany and the consequential arrangements*

A. *Execution.*

Eastern Boundaries of Germany.

(1) Poland to be given a corridor to Danzig, but this to be drawn irrespective of strategic or transportation considerations so as to embrace the smallest possible number of Germans.

(1) Vol. II, pp. 283–93; Vol. VI, pp. 260–1.

(2) 'I am, therefore, strongly averse to transferring more Germans from German rule to the rule of some other nation than can possibly be helped. I cannot conceive any greater cause of future war than that the German people, who have certainly proved themselves one of the most vigorous and powerful races in the world, should be surrounded by a number of small states,

(2) Instead of 2,100,000 some 2,500,000 Germans transferred to Poland. Vol. II, pp. 214–15, 283–93; Vol. VI, Chap. II, Part II.

many of them consisting of people who have never previously set up a stable government for themselves, but each of them containing large masses of Germans clamouring for reunion with their native land. The proposal of the Polish Commission that we should place 2,100,000 Germans under the control of a people which is of a different religion and which has never proved its capacity for stable self-government throughout its history must, in my judgment, lead sooner or later to a new war in the East of Europe.'

(2) a. Rectification of Bohemian frontier. (Still to be decided after hearing Report of Czecho-Slovak Commission.)

(2) a. *Executed.* Vol. IV, pp. 267–77.

(3) No attempt is made to separate the Rhenish Provinces from the rest of Germany. These Provinces to be demilitarized; that is to say, the inhabitants of this territory will not be permitted to bear arms or receive any military training, or to be incorporated in any military organization either on a voluntary or compulsory basis, and no fortifications, depots, establishments, railway construction, or works of any kind adapted to military purposes will be permitted to exist within the area. No troops to be sent into this area for any purpose whatsoever without previous notification to the League of Nations. As France is naturally anxious about a neighbour who has twice within living memory invaded and devastated her land with surprising rapidity, the British Empire and the United States of America undertake to come to the assistance of France with their whole strength in the event of Germany moving her troops across the Rhine without the consent of the Council of the League of Nations. This guarantee to last until the League of Nations has proved itself to be an adequate security.

(3) Germany west of the Rhine demilitarized and under temporary Allied occupation for 15 years, Vol. II, pp. 126–7; Vol. III, pp. 329–30—an occupation whose termination some French authorities have made to depend on Germany's fulfilment of her engagements.

Western Boundaries of Germany.

(4) Germany to cede Alsace-Lorraine to France.

(4) *Ceded.* Vol. II, pp. 167–9, 280–2.

(5) Germany to cede to France the 1814 frontier, or, in the alternative, in order to compensate France for the destruction of her coal-fields, the present Alsace-Lorraine frontier with the use of the coal-mines in the Saar Valley for a period of 10 years. Germany to undertake, after the expiration of 10 years, to put no obstacle on the export of the produce of these coal-mines to France. . . . A large army of occupation for an indefinite period is out of the question. Germany would not mind it.'

(5) All of 1814 frontier not ceded to France. Saar territory under League. Mines property of France, but to be bought back by Germany if plebiscite at end of 15 years is for Germany. Vol. II, pp. 179–84, 277–80.

(6) Abrogation of Customs Union with Luxembourg and other Luxembourg questions. (Still to be decided.)

(6) Abrogated. Vol. II, p. 277.

(7) Germany to cede to Belgium Malmedy and Moresnet.

(7) Ceded. Vol. II, pp. 190–1, 275–6.

(8) Heligoland and Dune (still to be decided). Kiel Canal to be open to all nations.

(8) Demilitarized. Vol. II, pp. 151–2, 294.

Kiel Canal opened. Vol. II, pp. 200–1; Vol. III, pp. 312–13.

(9) Germany to cede certain portions of Schleswig to Denmark as provided by Danish Commission.

(9) Ceded. Vol. II, pp. 205–6, 293–5.

(10) Germany to cede all rights in the ex-German colonies and in the leased territory of Kiauchow.

(10) Ceded. Colonies, Vol. II, pp. 229–34, 295–302. Kiauchow, Vol. II, p. 301; Vol. VI, pp. 380–7, 390 n.

B. *Disposal of Magyars*

(1) 'What I have said about the Germans is equally true of the Magyars. There will never be peace in South-Eastern Europe if every little state now coming into being is to have a large Magyar Irredenta within its borders. I would therefore take as a guiding principle of the peace that as far as is humanly possible the different races should be allocated to their mother-lands, and that this human criterion should have precedence over considerations of strategy or economics or communications, which can usually be adjusted by other means.'

B. *Treaty of Trianon.*

The Magyars	
Left to Hungary	6,250,000
Transferred to Czecho-Slovakia	955,000
to Yugo-Slavia	560,000
to Rumania	1,550,000
to others	30,000
Total Magyars transferred	3,065,000
Total Magyars	9,345,000

Vol. V, pp. 151–5.

C. *Turkish Section*

(1) Germany to recognize the cession by Turkey of the whole of her territory to mandatories responsible to the League of Nations. As far as Germany is concerned, mandates to be settled by the Allied and Associated Powers.

Note.—Included in the Turkish Section also will be a number of provisions arising out of the Report of the Financial Commission, the Commission on the Breaches of the Laws of War, e. g. the surrender of Turks hiding in Germany, with their property, as well as an undertaking by Germany to be bound by terms of the treaty of peace with Turkey and a recognition of the British Protectorate over Egypt with renunciation of extra-territorial privileges and recognition of transfer to His Majesty's Government of the Sultan's rights under the Suez Canal Convention.

C. *Treaty of Sèvres.*

Mandates assigned for:

Mesopotamia (not complete). Vol. VI, pp. 187, 521.

Palestine. Vol. VI, pp. 170–7, 521.

Syria. Vol. VI, pp. 169, 521.

Hejaz, etc., independent. Vol. VI, pp. 187–8.

Egypt. British Protectorate recognized, and then independent. Vol. VI, Chap. I, Part IV.

Not executed.

Other portions of Turkish Empire returned to Turkey (e.g. Anatolia, East Thrace, and Smyrna, Cilicia, etc.).

Financial and other provisions unratified.

Position at Lausanne Treaty (24 July 1923. Vol. VI, pp. 114–7.

D. *Penalties and Guarantees*

I. *Breaches of the Laws of War*

(1) Demand and surrender of the Kaiser and all individuals responsible for the War, and also of all individuals responsible for inhuman breaches of the laws of war.

(2) Creation of Court.

(3) Jurisdiction and procedure.

(4) Punishment of offenders.

D. *Execution*

I. *Not executed.*

Articles inserted in Treaty. Vol. II, pp. 304–8, 396–7.

(1) Kaiser not surrendered by Holland.

(2) Court not created.

(3) Jurisdiction, &c., not settled.

(4) Some offenders tried in German courts, some punished.

II. *Guarantees*

Finally, I believe that until the authority and effectiveness of the League of Nations has been demonstrated, the British Empire and the United States ought to give to France a guarantee against the possibility of a new German aggression. France has special reason for asking for such a guarantee. She has twice been attacked and twice invaded by Germany in half a century. She has been so attacked because she has been the

II. *Not executed.*

Treaty of guarantee against unprovoked aggression by Germany signed with France by United States and by Great Britain, 28th June 1919, respectively. British guarantee was dependent on United States' ratification and lapsed on its not being given. Vol. II, pp. 125–7, Vol. III, pp. 337–40.

principal guardian of liberal and democratic civilization against Central European autocracy on the continent of Europe. It is right that the other great Western democracies should enter into an undertaking which will ensure that they stand by her side in time to protect her against invasion, should Germany ever threaten her again or until the League of Nations has proved its capacity to preserve the peace and liberty of the world.

E. *Economic, &c.*

(*a*) *Reparation*

Secondly, I would say that the duration for the payments of reparation ought to disappear if possible with the generation which made the war.

(Certain other proposals, the most important being the proportion of reparations: 50 per cent. to France, 30 per cent. Great Britain, 20 per cent. others.)

E. *Execution*

Nothing settled definitely on this head, end of 1922.

Proportion altered. 52 per cent. France, 22 per cent. Great Britain, 26 per cent. others. Spa Agreement, 16th July 1920.

(*b*) *Economic*

Germany to be given full access to raw materials and markets of the world on the same terms as Allies directly she signs the peace. The Allied and Associated Powers to do all they can to put her upon her legs once more. In addition we await the report of Economic and Financial Commissions, etc.

Not accepted.

Non-reciprocity commercial clauses inserted in Treaty. Vol. II, pp. 318–22; Vol. V, pp. 66–72.

4. *Success and failure of Mr. Lloyd George's recommendations as to the Peace Treaties.* To summarize this story, Mr. Lloyd George failed to achieve (1) his idea of reconciling Russia to the League of Nations and the Peace Conference. (2) He failed to obtain an agreed general disarmament previous to the signature of the Covenant or Germany's early admission to the League. (3) In matters political the Germans and Magyars ceded more territory and population, and the Turks less than he desired. (4) The Penalties on War Criminals have not been effective and the Guarantee Treaties have not been ratified. (5) Finally, the settlement of Germany's economic condition has not been made and the problem of Reparation

remains unsolved. Nevertheless, some substantial results were achieved, for which Mr. Lloyd George has not usually obtained all the credit that he deserves. In the first place it seems to have been primarily due to him that the Germans signed the Treaty and, for this purpose, his insistence on the plebiscite being applied in Upper Silesia was extremely important, as was also his solution of the Danzig problem. His attempt to get a limitation of armaments among the Allies was a failure, but his contribution to the scheme for disarming the enemy was a distinct success. Moreover, the difficulties under which he laboured should be recognized. A telegram, stated to have been signed by 370 M.P.s, reached him on the 7th April, at the moment of the gravest news of the Peace Conference, and forced him to disclaim moderation with reference to Reparation. Yet even this influence was not the most serious in defeating his views. The most important influence was that of France.

(*a*) *The influence of France.* M. Tardieu has declared that the essential guarantees for France, i. e. occupation of the left bank of the Rhine, ownership of the Saar mines, and creation of Saar valley territory, prohibition of Austria's union to Germany, and 'réparation intégrale des dommages et remboursement des pensions' were not granted till the second week in April,[1] and that even after that Mr. Lloyd George attempted to revise these conditions in the second week of June.[1] Mr. Lloyd George has himself confirmed this view. On being told 'that you brought back not a Liberal peace but a reactionary peace' in October 1920, he replied: 'Quite apart from Germany's deserts, the peace that we signed at Versailles was the minimum that France would have accepted. . . . Should England have stood out of the peace as America did?'[2] To this there is but one answer, it may have been possible for the United States to stand out. It was not so possible for Great Britain or for Italy.

(*b*) *The influence of the United States and the failure of the Guarantee Treaties.* The failure of the United States to ratify the Treaty has hampered the whole conclusion of peace. The success of the Disarmament Conference at Washington in 1922

[1] *v.* Vol. II, pp. 19–20.
[2] Interview with Harold Spender in *Lloyd George Liberal Magazine*, October 1920.

suggests that great results might have followed on a similar and more universal Conference held by the League with American co-operation. More fatal than all, however, has been the American failure to ratify the Guarantee Treaty, promising to protect France against the unprovoked aggression of Germany for ten years. For the British guarantee depended on the American being taken up, and lapsed when American ratification was refused.[1] That guarantee was a separate instrument and not part of the Peace Treaties as such. Yet its failure to materialize has most painfully affected France, and for that failure the United States is responsible. The subsequent French policy can only be understood when we realize their disillusionment and disappointment in this matter. In their eyes security was the main object of the Peace Treaties. It was obtained by the Guarantee Treaties, and these no longer exist. So long as they do not exist peace does not exist in French eyes.

III

CERTAIN PRINCIPLES IN THE PEACE TREATIES

5. *Disarmament in the Treaties.*

(*a*) *Voluntary versus Compulsory Service.* In this sphere there can be no doubt that the treaties have shown that important results can be achieved. Germany was effectively disarmed on land, on sea, and in the air,[2] so was Bulgaria;[3] Austria and Hungary were rendered nugatory[4]; even Turkey surrendered part of her armaments. This disarmament was, in the most important case of Germany, achieved without effective occupation of the capital. Germany and all the other states except Turkey have not only been disarmed, but have been rendered incapable for many years of replacing their old armaments. For a generation Europe is safe from Germany's attack, that is, if it is to be made with the same kind of weapons and munitions as were produced before or during the War. Such methods may lead her to devise subtler and more concealed weapons of destruction, such as different and deadlier aeroplanes, bombs, gases, or poisons. But Dreadnoughts and submarines and 42-inch guns cannot be manufactured in secret

[1] Vol. II, pp. 125–7; Vol. III, pp. 337–40. [2] Vol. II, pp. 129–58.
[3] Vol. IV, pp. 166–70. [4] Vol. IV, pp. 144–57, 162–5.

under the conditions which now exist. That is a great and successful achievement of the Peace Treaties, and it leaves the road open for a limitation of armaments for all nations in the next fifteen years. It must be confessed, however, that few Powers have shown any desire to avail themselves of this respite.

The enforcement of long-period voluntary service armies is a new and ingenious device for keeping the European peace.[1] It has been vitiated in practice, because the numbers of the voluntary armies assigned to Germany and to other Powers are too small to be workable. The principle works unequally, for recruits abound in industrial countries like Germany, and are not to be found in agricultural ones like Bulgaria, so that the former is likely to find herself with too many troops and the latter with too few. It will probably not work in Turkey at all, but in more civilized countries there can be no doubt that this ingenious method does limit an enemy's power for aggression or offence. Of course, neither voluntary service nor limitation of armaments can be permanently successful unless they are adopted by friends as well as by enemies. Germany cannot go on having a smaller army than that of Belgium for ever, and the combined armies of Austria, Bulgaria, and Hungary cannot always remain inferior to that of Yugo-Slavia. None the less, some progress has been achieved by inquiry and discussion of methods of limiting armaments. But the extensive scheme at the Peace Conference of limiting the armaments of all the small states broke down in practice.[2] The refusal of admission of new states to the League, unless their armaments are reasonably limited, has certainly had some effect on states desiring admission to it. Except, however, for the Washington Conference, with its great step forward in limiting naval armaments, little progress in disarmament has been made by the Great Powers. And the Washington Conference has no direct connexion with the Peace Treaties.

(*b*) *Demilitarization of Areas.* The Allies have been able to impose on the enemy the demilitarization of certain areas such as the Left Bank of the Rhine, Heligoland, the Kiel Canal. They have also prohibited the construction of new fortifications in certain parts of Germany, Austria, and Bulgaria.

[1] This was due to Mr. Lloyd George *v.* Vol. II, pp. 129–30.
[2] *v.* Vol. IV, pp. 138, 152, 170.

Some other schemes of demilitarizing areas as e. g., the boundary between Italy and the Yugo-Slav State, and elsewhere broke down.[1] None the less, one striking success has been achieved by mutual agreement between the Allies. The Mandates Commission reported in August 1922 that the mandated areas of the 'C' Mandates, i. e. various Pacific isles and South-West Africa, were 'entirely demilitarized'. The area of the Aaland Isles has also been demilitarized by the pressure of the League on Sweden and Finland. Much has also been done at Washington to demilitarize the whole area of the Pacific Ocean.

6. *Reparation in the Treaties.* The passions which modern warfare excites, and the destructiveness which it entails, presented problems to the Peace Conference of a practically insoluble character. If Mr. Lloyd George's above-quoted declaration that the Versailles Treaty represented 'the minimum demands of France' is correct, then proper settlement of the reparation question on the 28th June 1919 would seem to have been impossible. The hatred and indignation of France, very natural and intelligible in themselves, led to the formulation of impracticable demands, to their being forced both on unwilling Allies and on a reluctant and helpless Germany, and to the inevitable result of failure, disillusion, and disappointment when it came to execution. A graver matter for which British public opinion at least as much as French was responsible, was the inclusion of pensions in Reparation against the manifest intention and declared purpose of the Allied Powers themselves as expressed in the Pre-Armistice agreement. The attempt to justify it by clause 19 of the Armistice seems not really defensible, and it is clear that the Allies themselves felt the difficulty.[2]

The proof of the adverse influence of public opinion is to be found in Mr. Lloyd George's Memorandum circulated on the 25th March 1919. In that he states 'The duration for the payments of reparation ought to disappear if possible with the generation which made the war'. He further suggested that the amount 'chargeable under full reparation greatly exceeds what, on any calculation, Germany is capable of paying',

[1] Vol. IV, p. 306. Danzig has, however, been demilitarized.

[2] *v.* quotations, Vol. I, pp. 415–16; Vol. II, pp. 311–12; and comments, Vol. II, pp. 47, 401–4; Vol. V, pp. 370–4.

that 'Germany should pay an annual sum for a stated number of years', and be allowed 'a number of years within which to work up to payment of the full annual amount', and that a permanent commission should have power 'to postpone some portion of the annual payment' and to 'cancel the payment of interest on postponed payments during the next few years'. The actual concrete proposals of the Treaty were really quite impossible. They fixed the total sum at some eight thousand millions, but gave the Allies power, if necessary, to decrease the annual payment, thus showing a possible desire for moderation.[1] The inability to effect this resulted almost wholly from the popular pressure brought to bear on the various Plenipotentiaries, most notably on M. Clemenceau and Mr. Lloyd George.

If the Austrian and Hungarian Reparation terms are examined it will be found that they differ from the German, slightly in the direction of moderation.[2] They are not possible terms of Reparation but they approach possibility. Those relating to Bulgaria were intended by the framers of the Treaty to be not only possible but practicable terms, and the Principal Powers were not subjected in this matter to popular pressure.[3] They include such improvements on the German Treaty as laying down a fixed lump sum for ultimate payment, and constituting the Reparation Commission on a basis which enables it to exercise great powers, and, generally speaking, to exercise those powers for the benefit of Bulgaria rather than of the Allies. Yet it is a deeply significant fact that all these improvements do not seem to have succeeded in producing a really workable scheme. It is at any rate, significant that the Commission and the Bulgarian Government, after reaching a deadlock, have definitely agreed to remit three-quarters of the debt. Thus the sum fixed was too high and even this scheme of Reparation, which was really drawn up with strict reference to the practical and real merits of the case, had no success. The fact of the matter seems to be that an essential part of successful reparation is the at least partial consent of those who are vanquished, as well as of those who are victorious. The real determining factor is not what ministers sign but what peoples consent to do. Unless the stimulus to pay and

[1] v. Vol. II, pp. 49–56, 66–91.
[2] Vol. V, pp. 1–16.
[3] Vol. V, pp. 39–47.

the advantage and necessity of paying are both clear to the defeated party no satisfactory reparation is likely to be obtained.

7. *Plebiscites and self-determination in the Treaties.*

(*a*) *Difference between the new and old plebiscites.* The method of deciding the allocation of important areas by plebiscite was necessarily implied in the theory of self-determination. But, while the method was not new, the principle was applied in a way that had seldom been contemplated before. The old plebiscites of Nice and Savoy and in various provinces of Italy were of a simpler character. They were usually concerned with ascertaining the desire of a defined unit or state to belong to or to revert to an old established state or nationality. The plebiscites of the Peace Conference were usually quite different from this. They were concerned with the desire of a unit not always hitherto separate or defined, such as Orava, to belong to one or other of two totally new states; or of a heterogeneous district like Klagenfurt to choose between a truncated Austria and an enlarged Balkan State. Sometimes, as in the case of Upper Silesia, they represented a political expedient destined to soften the blow to a defeated enemy, or to get over a difficult diplomatic crisis.

(*b*) *Their application in the Peace Treaties.* On the whole, plebiscites were more talked about than conceded. The Minor Powers were generally opposed to them. They were definitely refused in the case of the Slav areas annexed by Italy, of the German Brenner district annexed by Italy, and of Thrace. They were refused under a species of not very creditable camouflage in the case of Eupen and Malmedy, they were declined in all but one part of Hungary. They were deferred for a period of fifteen years in the Saar valley, East Galicia, and Smyrna. In the case of Teschen, Orava, and Spisz the dispute was settled without a plebiscite by agreement between the claimants.[1] In five cases, Schleswig, Klagenfurt, Marienwerder, Allenstein, and Oedenburg,[2] they met with definite success and

[1] Teschen, Vol. IV, pp. 362–3; Orava and Spisz, Vol. IV, p. 366.

[2] Schleswig, Vol. II, pp. 205–6; Klagenfurt, Vol. IV, pp. 379–81; Marienwerder, etc., Vol. VI, pp. 256–7. The Oedenburg plebiscite had not been held when the article on German West Hungary (Vol. IV, pp. 382–8) was written. This was for the town and environs of Oedenburg (Sopron), and on the 17th December 1921, 15,334 voted for Hungary, and 8,227 for Austria. The town, therefore, went to Hungary. The plebiscite for East Galicia was abolished in 1923 *v.* p. 283 n.

settled the fate of the area in dispute on reasonable and generally accepted grounds. The areas, however, were not of striking importance. In the most important case of all, that of Upper Silesia, the decision was a difficult one and the award by the League has not met with the approval, or with anything but the enforced consent, of the Germans.

(*c*) *Difficulties of plebiscites.* It will be seen, therefore, that the method has been less applied and, where applied less successful, than the logic of the Wilsonian principles demands. The fact is that the practical difficulties are as great as are the theoretical advantages. In principle such solutions are right, for they prevent peoples being bartered from sovereignty to sovereignty like chattels without their consent, they enable transfers of sovereignty to be effected without the sense of soreness which attends on mere annexation, and they give finality and permanence to a decision in the days when the sovereignty of the people is the accepted criterion of government. Moreover, in many cases, the only sure test is that of the plebiscite. For instance, in German Poland language was not always the test of nationality and, even if it had been, the statistics of language in the census had been 'doctored' and were misleading. Nor is race or ethnic identity always a test, for at Klagenfurt many Slavs voted for Austria, and at Allenstein and Marienwerder many Poles voted for Germany. Religion may be equally misleading as a test. Yet if these tests are dispensed with, and the vote decided on, many difficulties at once arise. For where populations are backward, illiterate, and easily intimidated, as in parts of Upper Silesia or at Klagenfurt, it is almost equally difficult to take the vote at once or to defer it for a long period. If the first course is adopted the result may not represent the real wishes of the majority, if the second the process involves a large number of inter-allied officials and neutral troops occupying the country for a considerable period, with opportunities for friction, intrigue, and uncertainty at every turn.[1]

(*d*) *Methods of holding plebiscites.* One final point is of

[1] In the case of the Saar valley there is to be a plebiscite in fifteen years (Vol. II, pp. 180–2), during which period the inhabitants are exposed to considerable propaganda owing to the French control of the mines. In the case of East Galicia, if the plebiscite had taken place after fifteen years, Polish (i.e. non-neutral) troops could have intimidated the population in the interval. At the end of such a period the results of intimidation will appear, however the plebiscite itself may be conducted.

great importance. Much depends on the methods of plebiscite which are adopted. The question actually put to the voters may be of great importance in itself. In the case of Upper Silesia the results might have been very different if the voters had had the option of voting for becoming an independent autonomous state, and the same, *mutatis mutandis*, is true of Klagenfurt. A great deal also turns on the method of voting. At Klagenfurt the voting was taken in a single zone and the total numerical majority decided the fate of the whole area. If the voting here had been by communes the southern part would have remained Yugo-Slav. On the other hand, the method of voting by communes may involve great complications and produce real injustice. It was highly successful in Schleswig where it led to a much-needed adjustment of boundary. But in Upper Silesia it caused infinite heartburnings and the event proved that better results would have been secured by another system. The fact is, the whole plebiscite system is in an experimental stage, and the experiment is now almost as likely to injure, as to benefit, those who submit or appeal to it.

(*e*) '*Self-determination as an imperative principle of action.*' Self-determination as 'an imperative principle of action' was proclaimed by Wilson on the 11th February 1918, in one of the speeches which formed the legal basis of the German Treaty.[1] It was closely connected with the plebiscite and has shared, to some extent, in the relative discredit into which that system has fallen. The objection to it is the difficulty of knowing what constitutes a unit of self-determination. Trotsky is stated by some to have invented the principle in order to disrupt Europe, and Mr. Wilson, who adopted it at the Conference, was stated by Mr. Lansing to have played with 'loaded dynamite'. That the principle is a disruptive, as well as a cohesive, force goes without saying. The difficulty of deciding how large an area or a population must be before it has a right to self-determination seems fundamental. Had the Slovaks a right to determine their destinies apart from the Czechs, had the Germans of Bromberg or of Bohemia a right to separate from the Poles or the Czechs, or the Serbs of Lusatia from the Saxons? Is East Galicia capable of standing alone

[1] *v.* quotations, Vol. I, pp. 398–9; for German and Allied views, Vol. II, pp. 266–8; for the principle in Austrian, Hungarian, and Bulgarian Treaties, Vol. IV, pp. 429–34.

or have the thirty millions in the Ukraine the distinguishing marks of a nation, and must East Galicia be subject to them? If self-determination is pushed far enough not only every town, but every hamlet, has the right to vote itself out of a state of which it may have been a part for five centuries. One hint has been given by the League. In admitting states into its circle it has laid down that certain states, such as Luxemburg, Lichtenstein, and San Marino, are too small to become members of the League. This is a rough and ready test which may have importance in the future, especially in more backward states. For if, let us say, a tribe in Albania, were to make good its resistance to the Central Government, its small size might deter it from being received into the League. There are other instances, however, in which the League has decided such a question on its merits without necessary reference to size. It is possible, and it is very important, that this process of judgment before the League may supply the needed criterion. A highly important case was that of Lithuania, for it is connected and separated from, Poland in much the same way as Ulster is connected with and separated from, the rest of Ireland. The League, however, decided that Lithuania had the characteristics of a state and, as such, she was admitted to its membership. Whatever be the fate of Lithuania, or its connexion with Poland in the future, the situation will never be the same again, for its right to self-determination was thus explicitly stated by an international assembly and the moral effect of that decision will be permanent.

8. '*Open Diplomacy*' *and Publicity.* By Point one of the 'Fourteen Points', which the Allies admitted to be binding, they pledged themselves to quite 'open covenants of peace openly arrived at'.[1] This pledge was not maintained as regards 'oral discussion' with the Germans, nor was the press or public informed at all adequately of the progress of the Peace Treaty.

At the Conference itself the publicity arrangements were generally condemned and reached a point of absurdity which can rarely, if ever, have been equalled. The secrecy of the 'Four' was perhaps necessary and right, but attempts were also made to restrain the publication of documents whose suppression cannot in any way be defended. The text of the German Treaty was denied to the press but was published

[1] *v.* discussion, Vol. II, pp. 347–8 and Vol. I, pp. 254–6.

in toto in English both by *The Times*, by the German Government, and by the American Senate before the official ban on its publication was removed. Not the minutes only, but the actual recommendations, of such bodies as the Territorial Commissions were denied to the public. They have only reached them through the garbled or coloured or restrained utterances of statesmen or journalists. The main facts have become generally known but the harm done by partial disclosures has remained.[1]

The German Observations on the Peace Treaty have never been published in France or Great Britain, though the Allied Reply has been given an extensive circulation. The British Prime Minister has stated that France has specially opposed the publication of many of these documents. If so, she has a heavy responsibility. In practice this secrecy has not paid the governments or individuals who attempted to enforce it. The most secret documents, as for example General Smuts' Memorandum on Reparation (31st March 1919, Vol. V, pp. 372–4) and Lloyd George's Memorandum of the 25th March 1919, the conversations about Fiume in January 1920 (Vol. IV, pp. 318–9), the discussions of the 'Four' on Upper Silesia and Prinkipo, the *procès-verbal* of the meeting which settled the terms of the Armistice, have all seen the light.[2] Had the Governments adopted a policy of publicity, issuing some documents after six months' delay, some after a year, etc., they would have avoided many of the difficulties and some of the censure to which they have exposed themselves. Ultimately it is quite certain that they will have to adopt some such policy, for no secrets now remain secret for long.[3] At the League

[1] Vol. I, pp. 277–8. Such recommendations were, of course, sometimes altered by the 'Four', but a reasoned statement for the alterations could have been published.

[2] The last three are in Mermeix, *Négociations secrètes*, 1919, pp. 226–77; *Le Combat des Trois*, 1922, pp. 235–55, 288–99.

[3] Cp. R. W. Seton-Watson, *The Historian as a Political Force in Central Europe*, p. 18. 'The secret conventions of 1912, upon which the Balkan League against Turkey was based, were almost certainly made known to Austria-Hungary before ever war broke out that autumn, and in the course of 1913 almost all the important facts bearing upon their conclusion became public property. . . . The essential details (of the Secret Treaty of London, 26th April 1915) did not merely become known almost instantly to the enemy, but within a week of its conclusion had reached even me, then an entirely unofficial person, from other no less unofficial sources in Petrograd and Paris.' (This is the same treaty of which President Wilson professed entire ignorance at the Peace Conference in 1919), *v.* Vol. III, p. 71.

itself some real progress has certainly been made towards publicity. The meetings of the Commissions, which report to the Assembly, were thrown open to the public in 1921, and Sessions of the Council are now not often secret. Generally speaking, the examination of any question by the League results in publicity lighting up some of the dark corners of diplomacy. It is difficult, for example, for anyone who cares to study the subject to suppose that the administration of the Saar valley satisfies its inhabitants as well as does that of Danzig; that Poland is in the right in her quarrel with Lithuania; or that Italy is enthusiastic for the registration of treaties.

It is, however, only right to add that popular influences on diplomacy both before and since the German Treaty have not always been fortunate. The demands for 'hanging the Kaiser' and 'making Germany pay' have been responsible for an immense amount of mischief without, in any way, achieving the objects at which they were aimed. The Kaiser is at Doorn and not in the Tower of London, and German reparation payments to Great Britain have so far (August 1922) not quite met the expense of her army of occupation on the Rhine. Even the most secret and undisturbed diplomacy could have accomplished as much as that. It would almost certainly have accomplished more, for, by not insisting on absurd spectacular demands, it would have obtained substantial concessions in other ways. The negotiators seem to have been helpless in the grip of the public, unable to avow the truth either to their own or to the German peoples. Under the circumstances empty verbiage or unreal demands or ambiguous (and therefore disputed) clauses in the Treaties were inevitable. Had the public attention been directed more exclusively to points like 'freedom of access to the sea', or furtherance of the activities of the League, or denunciations of all secret treaties, more valuable results would certainly have been achieved. As it is, public opinion has been almost as powerful to destroy as it has been to create. Moreover, there are many subjects—more particularly in the Treaties subsequent to Versailles—on which public opinion has been neither clear nor informed nor articulate. In somewhat earlier days when public opinion was allowed to influence foreign affairs George Canning knew how to inform and to direct it in such a way as to strengthen

influences for good not only in the cause of England but in the world at large. But to-day the dangerous and subtly intoxicating influences of war-propaganda have marred the prospects of peace settlements and still continue to trouble the waters of diplomacy. As it is now, statesmen are first the inspirers, and ultimately the victims, of their own propaganda. A healthy and sane public opinion on foreign policy can only arise to-day if statesmen resolutely apply themselves to instructing and not to inciting their publics.

Registration of Treaties. In one direction certain progress has already been made. Registration of Treaties and of international engagements is prescribed by Art. 18 of the Covenant. Much discussion has taken place as to what instruments shall be registered and what shall not. On the whole the interests of all seem to be served either by arranging that all diplomatic instruments need not be registered, or by not insisting that all agreements submitted for registration should be registered *in toto*. Some portions of certain agreements clearly cannot be registered. The Franco-Belgian Military Convention is a case in point. It has been registered but its technical military details have been omitted. This practice seems reasonable enough. What the world wants to know is that there *is* such an agreement. It cannot expect to know how many divisions France will place in Belgium on the outbreak of war. Similarly there are certain classes of agreements, as e. g., certain financial or other instruments, which it is unreasonable to expect nations to disclose and which they will, in any case, not disclose. Under such circumstances it is better to try and obtain what is possible rather than to aim too high. On the whole progress in registration has been good. Some 364 treaties have already (August 1922) been registered, together with a large number of other international agreements.[1]

[1] Registration by Principal Allied Powers to December 1922: Great Britain, 103; France, 32; Italy, 1; Japan, 3; Conference of Ambassadors, 15.

IV

PROMOTION OF INTERNATIONAL CO-OPERATION SINCE 1919

9. *Diplomacy by Conference.* As regards the machinery of Conference important discoveries were certainly made. The institution of the 'Council of Four' at the end of March 1922 probably saved the situation. The essence of that system was an entire absence of formality and the settlement of all questions in a friendly and unofficial fashion by a very small number of persons. Agreement was reached by holding friendly conversations not by signing protocols. At first an interpreter only, Professor Mantoux, was present, afterwards Sir Maurice Hankey acted as Secretary. These methods, tested at the British Committee of Imperial Defence, at the Cabinet, and at Imperial Conferences, were applied with success to even more complex problems and discussions. Secrecy was also effectively preserved which certainly had not been the case when the 'Ten' ruled instead of the 'Four'.[1] But the reasons for that success were special and peculiar. 'The Four' were in a hurry to get back to their respective states, they were compelled by public opinion to decide quickly or not to decide at all. The previous discussions on the Commissions and by the 'Ten' had 'roughed out', or made more precise, many of the subjects for decision. The pre-requisities of agreement, as definition of subject, and urgency for decision, explain much of that success. Even as it was, however, some serious blunders were made, while some important problems, as for instance that of Fiume, received no solution either from the 'Four', or from the 'Five' who succeeded them.

The example from the Congress of Vienna. Arguing from the success of the various Inter-Allied organizations during the war and of the 'Council of Four', a theory has arisen that this so-called 'Diplomacy by Conference' is a method of solving all or most international difficulties.[2] This argument is, however, unhistorical, for similar attempts have been tried and have failed in the past, and it is less convincing in fact in 1922 than in 1920.

[1] Vol. I, pp. 262–6.

[2] *v. Diplomacy by Conference* by Sir M. Hankey, G.C.B., *Proceedings of British Institute of International Affairs*, No. 1, 2nd November 1920.

There are, however, important lessons to be drawn from precedents of the same kind in the past. The close informal union between the chief ministers and sovereigns established by Lord Castlereagh at Vienna in 1814–15 lasted for a few years. But the first signs of disunion appeared when the military evacuation of France began in 1818; in other words, with the removal of the need of close union for mutual protection. Fundamental differences appeared in 1820, and, just after Castlereagh's death, the Congress of Verona definitely announced the disunion of the different Great Powers. They had reached a stage at which it was safe to differ from one another, and no amount of good feeling or of old recollections of co-operation could remove those differences. Canning, in fact, took the bold step of stating that these differences rendered congresses undesirable.

If we regard the period 1914–20 as an abnormal one, like that of 1815–18, necessitating close co-operation of the Powers for common action, there is a curious analogy between the periods. The history of the Supreme Council (i. e. the meetings of the supreme controllers of the different Governments) subsequent to the year 1920 shows that no procedure, no lubricating oil of exceptional devices, will serve to produce agreement.[1] Where decisions must be quick, and when there is serious pressure on the Governments, either in the shape of a German army before Paris or of excited millions demanding a speedy peace, then agreements will be reached. When that pressure is withdrawn characteristic differences assert themselves, and cleavages correspond to those differences. One state finds its salvation in infinite delay, another in evasion of a crucial issue, a third in flat negation. Differences, which might not loom large on the paper of ordinary diplomatic intercourse, assume serious proportions when a Prime Minister has travelled hundreds of miles to a Conference and finds himself unable to go home and report its success. The methods of the Supreme Council increase in difficulty, for the agenda are not prepared by one secretariat but by several successively at Paris, at Genoa, or at London. The actual case, in which the Supreme Council broke up without coming to an agreement on the 7th August

[1] The 'Ambassadors'' Conference at Paris is merely a meeting of diplomatists, who work out the technical details of the treaty under the control of their Governments. It is not a meeting of the controllers or heads of these Governments.

1921 over Upper Silesia, showed that this method had definitely failed. The subsequent failures at Genoa and The Hague did little to suggest that the method of 'Diplomacy by Conference' was a cure for the ills of Europe.[1]

10. *Procedure of the League.* Something, however, is to be learnt from these failures. If appropriate procedure has not solved the differences between the heads of states over main problems it has done very much to promote international co-operation between the representatives of different states in lesser problems. International intercourse ceased to function after 1822 because the conferences of principal Powers ceased to meet, but to-day, whatever may be the failure of the principals, the machinery of the League provides for permanent international policies and for periodic international reunions. The procedure of the League is in reality based on the procedure of the British Committee of Imperial Defence as modified for international purposes and adapted for the use of the Supreme War Council and the 'Council of Four'. The League has imitated and improved upon these methods. Both the International Labour and the League Secretariats are alike permanent, impartial, and international in character and in aim. Their procedure is, to some extent, fixed and known. It works with a minimum of friction, for there are securities that each nation will find its peculiar ideas and idiosyncrasies respected or represented on the secretariats. The delay, conflict, and confusion so often seen at the beginning of international conferences is now a thing of the past, and, to this extent at any rate, this procedure not only saves infinite time and trouble, but does actually mark a new era. The defect is that Great Powers do not like to submit their main problems to such bodies. But the reference of so vital a problem as Upper Silesia to the Council of the League, and the agreement of England and France to abide by a decision of non-interested parties, shows that even the greatest Powers are sometimes compelled to take the line of least resistance in such matters. It is not easy to see how the matters of minor international importance can again be withdrawn from this species of international control, and there is an increasing possibility that the

[1] The Washington Conference was one at which heads of states were not present, and had those characteristics of subordinate diplomats, limited agenda and precise objects, and popular pressure which remove it from the category above mentioned.

more important matters may ultimately be drawn within this orbit.

11. *Relations of Great Powers to Minor Powers.* The minor Powers did not like their treatment at the Peace Conference, and had certainly much reason for their dissatisfaction.[1] But it is not easy to find in history, or to see in practice, any other procedure than that adopted which could have settled their affairs and concluded the Treaties in so short a time and with any fairer or more impartial results. The settlement of many problems, more particularly between Allied minor Powers, marks a definite advance on previous methods. The frontiers drawn in Hungary between Rumania and the Serb-Croat-Slovene kingdom,[2] or in Teschen between Poland and Czecho-Slovakia,[3] were genuine attempts to arrive at a fair compromise. In other cases an enemy sometimes obtained advantages from a minor Power which it could not have done, had the minor Power not been compelled to accept the award. An example of this is the frontier between Serbia and Bulgaria.[4] Further, the Minorities Treaties would certainly not have been accepted by the minor Powers without similar pressure.[5] Whatever their defects these represent a stride forward in the protection of racial and religious minorities, which can hardly fail to be of considerable value and importance for the future.

So far as the League itself is concerned the minor Powers enjoy considerable advantages which serve, in themselves, as a compensation for what they had to endure at the Peace Conference itself. Originally five and now six of them have representation on the Council and thus their representation exceeds that of the four Great Powers.[6] In the important case of altering the stipulations of a Minority Treaty decision is by a majority of the Council, and not by unanimity. Every member of the League further enjoys the privilege of criticizing the Great Powers in the Assembly, while a majority of them can actually overrule these Great Powers on so important a question as the admission of a state as a member of the League.

[1] Vol. I, pp. 269–70, 277.
[2] Vol. IV, p. 211.
[3] Vol. IV, pp. 361–3.
[4] Vol. IV, pp. 211–12, 455–6.
[5] Vol. IV, pp. 234–5; Vol. V, pp. 146–9.
[6] By a decision of the Council of the 19th September 1922. The four permanent members are France, Great Britain, Italy, Japan; the six non-permanent ones are Belgium, Brazil, China, Spain, Sweden, and Uruguay (September 1922).

It was an impressive spectacle also to see the destiny of Upper Silesia, about which Great Britain and France differed, decided by the representatives of the non-interested Powers, of whom only one, Japan, was a Great Power. There are great possibilities for the influence which may be exercised by small Powers at the League, provided that they show persistence, and profit by the political experience and education in which the working of the League is abundantly rich.

12. *Admission of States to the League.* Admission to membership of the League is closely connected with the relations of the Great and the small Powers to one another. For the admission of a state to the League is decided ultimately (Art. I of the Covenant) by the vote of two-thirds of the Assembly. This means that, if they wish, the small Powers can control the Great and admit a state to membership against their wishes. This power was actually exercised in the case of Albania, which was admitted to the League in December 1920 after the preliminary opposition of Great Britain. As none of the four Great Powers recognized the Albanian Government for nearly a year it may be presumed that none of them was enthusiastic in her support. Yet Albania was admitted as a member, and her admission constituted an asset of infinite moral and material value to her. The same may be said, though in a less degree, with regard to Lithuania, whose admission was vainly opposed by France in 1921. It is apparent that the Assembly in such matters will not submit to the dictation of one, or even a group, of the Great Powers. This fact is important, for the offer to vote for the admission of a state to the League appears to be used as a resource of diplomacy. It was made to Iraq by Great Britain, and to Turkey by the three Allied Powers. It is perhaps well for such Powers to remember that the state presenting itself for submission has to pass certain tests in committee as to stability and constitutionality of government, limitation of armaments and fulfilment of international obligations, and, in some cases, protection of minorities. It is not easy to see that Kemalist Turkey has fulfilled any of these tests. But the remedy lies in the hands of the small Powers, who can refuse her permission, whatever the Great Powers may or may not have promised beforehand.

13. *General and International Clauses in the Treaties, their*

connexion with the League. Various provisions in the Treaties were directed towards laying down universal principles for the direction and control of interests and activities, which were essentially international in character, such as commerce and the means of transportation, whether by air, road, rail, or waterway. Individual interests were, in many cases, too strong to permit more than a limited success being obtained in these directions. But the importance of the ideals shadowed forth must not be neglected.

(*a*) *Commerce.* As regards freedom of commerce some progress was made and far-reaching principles laid down. There was, at one time, a fair chance that freedom for raw materials might be obtained, but this foundered on the rock of individual national interests. As regards Mandated territories of the 'A' and 'B' varieties, great and important concessions have been made permitting freedom of competition to all members of the League and prohibiting monopolies. The United States, though not a member of the League, has also obtained equality of treatment in Palestine and perhaps elsewhere, so that the area of international equality of treatment has been widened as a result of the War in these areas.

(*b*) *Communications.* As regards international rivers, the systematic extension of the principles originally laid down at the Congress of Vienna has led to the strange result that all the rivers of Germany are controlled by River Boards which are not German, and on which Germany cannot ever have a preponderant influence.[1] The extension of this principle can hardly be defended in such instances, and will ultimately have to be amended, but the securing of free zones in harbours to land-locked states is certainly an advantage and a precedent to be imitated in the future. Bound up with it is the principle of securing access to the sea for inland states, which has received an extensive application in the Treaties.[2] The general principles of transportation have received some extension since the Treaties in the Transport Conference and Convention of Barcelona. Progress has been made in such matters as promoting uniformity of passport systems and of transportation

[1] Vol. II, p. 100 n.

[2] Unfortunately while successful at Danzig and through Germany, the troubles at Fiume have hindered Austrian and Hungarian access there (Vol. IV, pp. 386–7), and nothing has been done by Greece to secure Bulgaria's access to the Aegean (Vol. IV, pp. 458–9).

rates. As economic facts are likely soon to convince even the most recalcitrant Powers of the dangers of isolation and the folly of prohibitive barriers, these principles will certainly make further progress in the future.

(*c*) *International Labour.* The progress here registered has been fully discussed in this volume (Chap. VI, Part II), and undoubtedly forms an advance on any kind of international organization that has preceded it in this direction.

(*d*) *Other international activities.* Nothing need here be said of the League itself, but certain international activities, such as the drafting of regulations and conventions for such objects as the suppression of the opium trade, of dangerous trades, of the white slave traffic, &c., as provided for in the Treaties, have already been developed and extended by the League. Other activities, such as the repatriation of prisoners from Russia, by which some 440,000 were repatriated, the campaign for the destruction of typhus, and the co-ordination and centralization of health organizations, are temporary or permanent manifestations of international efforts for which the League has been responsible. Even the United States has been unable to resist co-operating in some of these efforts, and it is probable that the League will both increase and extend these activities.

(*e*) *The Permanent Mandates Commission and the Permanent Court of International Justice.* These institutions are fully described elsewhere (Chap. VI, Parts III and IV), but certain aspects demand notice here. In each case the problem has been solved of creating a general international body qualified to pronounce on international questions, without having to appoint a representative from every member of the League. Thus a genuine international representation has been provided by an ingenious system. The Mandates Commission has a majority of members of non-interested states, and the Court of Justice contains members drawn from the different systems of law prevailing in the world. In each case the theoretical principle was preserved that members were elected for personal, and not for national, reasons. This marks an interesting ideal, and is not wholly a fiction when an American sits in an international court established by and for members of the League. Apart from the representative international character of these two bodies their functions and powers are also of great importance. Those of the Mandates Commission are, indeed,

practically confined to temperate but authoritative supervision or remonstrance. Those of the Permanent Court of Justice are more extensive, for seventeen states have already submitted to 'compulsory jurisdiction' for settlement of their international differences. In these, as well as in many other, directions the power of the Court may well be extended. One thing is certain, and that is that, if it continues to exist, it will devise a more correct standard of 'International Justice' than has ever yet been attained.

14. *The Protection of Racial, Linguistic, and Religious Minorities.* The form and purpose of the Minorities Treaties signed by Allies and the minorities clauses applying to Enemy Powers has been fully discussed and explained in the fifth volume.[1] The principle has received a wider extension and application than ever before. It was hotly resisted both by Rumania and the Serb-Croat-Slovene kingdom as an infringement of sovereignty, and this fact in itself seems to show that such treaties cannot be regarded as waste paper, but imply a definite protection to minorities such as they have not before enjoyed. The fact that these questions can come before not only the Council but also the Assembly of the League has already proved to be of great importance. Czecho-Slovakia has won an honourable renown by the readiness she has displayed to give all information to the League as to her treatment of minorities, and her organization of her Ruthene autonomous province, as expounded by M. Osusky at the Second Assembly, proved that expectations had been fully realized in that area.[2] It is also clear that the German and Hungarian schools of Czecho-Slovakia are fully up to the proportionate percentage required in her Minority Treaty. A careful procedure has been elaborated for examination into complaints put forward by a minority.

It is as follows:

'This method, which consists in friendly and semi-official communications with the various Governments, was recognized by the Assembly (of 1922) as well calculated, in ordinary circumstances, to secure the establishment of good relations between the Governments and minorities concerned. The procedure consists briefly in the following steps: the Secretariat, when it receives a petition from a minority, communicates

[1] Vol. V, Chap. II, *passim*; and Wilson's speech of 31st May 1919, Vol. V, pp. 130–2.

[2] For Ruthenia, Vol. IV, pp. 272–3; for M. Osusky's speech *v. My Second Year of the League*, p. 79.

it to the Government concerned, before even passing it on to the Council, in order to permit this Government to make any remarks it considers necessary. Thereupon, the petition is studied, together with the remarks of the Government concerned, by a Council Committee consisting of the President and two Members of the Council. If this Committee considers that action should be taken on the petition, the latter is communicated to the Council, which can henceforward decide on what measures it considers suitable. This procedure was approved by the Assembly.' [1]

Every care is thus taken to provide against the premature circulation of unjust accusations. At the same time it is difficult to see how a state which is really violating its obligations in this matter can escape from embarrassment when the matter comes before the League.

(*a*) *Minority Treaties with Allied States.* The Minorities Treaties were, in effect, imposed by the principal Powers upon certain smaller ones who received part of the territories conquered and gave in return promises to protect religious and racial minorities. These stipulations are primarily guaranteed by the four Great Powers, but they are also declared 'objects of international concern and placed under the guarantee of the League'. Any member of the Council can call attention to infractions of a Minority Treaty and disputes as to law and fact can under certain conditions go up to the Permanent Court of International Justice, whose decision is final.[2]

(*b*) *Minority Clauses in the Treaties with Austria, Hungary, Bulgaria, and Germany.* Clauses protecting minorities have also been inserted in the Austrian and Hungarian, Bulgarian and Turkish Treaties.[3] These provide the same safeguards as do the Treaties, and the same possibilities of appeal to the Court of International Justice.

Recently Germany has, as a result of the Upper Silesian Award, been added to this group. She has been compelled to subscribe to the principal parts of the Polish Minorities Treaty 'at least for the transitional period of fifteen years . . . as regards those parts of Upper Silesia definitely recognized as part of Germany'.

[1] *Monthly Summary League of Nations*, Vol. II, No. 9, September 1922, p. 219.

[2] *v.* for example Art. 11 of Serb-Croat-Slovene Minorities Treaty, 10th September 1919, Text in Vol. V, pp. 451–2.

[3] Text, Austrian, Art. 62–9, Hungarian, Art. 54–60 in Vol. V, pp. 197–8: Bulgarian, Art. 49–57, Vol. V, pp. 316–17.

(c) *The League obtains Declarations as regards Minorities from Albania, Esthonia, and Latvia.* Thus, as the Treaties come into force, the League in effect assumes control, and that control is likely to increase. But the League has not been satisfied with watching over the observance of Minorities Treaties, etc. It has negotiated agreements of its own. Not being a state or a super-state the League has had to content itself with obtaining declarations from various Powers on their admission to the League with regard to the protection of minorities. On the 22nd September 1921 Albania signed a declaration which was, in effect, a Minorities Treaty promising, among other things, to provide 'an electoral system giving due consideration to the rights of racial, religious, and linguistic minorities', to give full detailed information, and to 'take into account any advice it might receive from the League of Nations with regard to this question'. Similar declarations were obtained in 1921 from Lithuania and in 1922 from Esthonia and Latvia. In the case of Finland the Council resolved (2nd October 1921) that, under the existing internal laws, minorities were already protected, and a declaration was needless.[1] It is not clear that this principle is sound. For the advantage of a Minorities Treaty, clause, or declaration is that it gives the Government time to resist a wave, say, of anti-Semitic Chauvinism in its own country. Before any protective clauses can be abrogated in deference to popular demand the League must be consulted and give its consent. In this way the League undoubtedly strengthens Governments in their resistance to prejudice or clamour. Further, the possibility of appeal to the Permanent Court of International Justice still further lengthens the time before which any decision can be taken. The protection of minorities has certainly not been achieved, but a long step forward has been taken in providing international machinery to achieve that end. It should be noted that none of the four Great Powers has itself consented to sign Treaties guaranteeing the same protection to racial and other minorities as it is prepared to exact from the smaller Powers. Therefore it is the latter, and not the former, who are open to effective criticism by the League in this matter. The Third

[1] Except for the inhabitants of the Aaland Isles, whose Swedish population was placed under the guarantee of the League by a resolution of the Council (27th June 1921).

Assembly of the League has, however, formally 'expressed the hope that states not bound to the League by any legal obligation, such as that contained in the Minorities Treaties, would nevertheless observe in their relations with racial, religious, or linguistic minorities, at least the same degree of justice and tolerance as is required by the treaties watched over by the Council.'[1]

15. *Protection of the backward races.* Much thought was devoted to the condition of the more uncivilized races at the Peace Conference and the Mandates represent a remarkable effort to meet their needs, a result due to the insistence of President Wilson. Their objects are more fully expanded elsewhere.[2] A few observations may be here made. Even the 'C' Mandates do not represent pure annexation, and the 'A' and 'B' Mandates impose limits on the Mandatory Powers from which some of them would be glad to be exempted. It appeared to be a defect that the Mandates seemed, according to the Covenant, to be eternal, so that there was no way provided by which a 'C' Mandatory may become 'B', or 'A' become independent. More than one article in Mandates, however, now contemplates the possibility of a termination of the existing Mandate so that this objection is removed.[3] Apart from this, the, League watches over the interests of the native and has the power first to pronounce the Mandate to be in accordance with the Covenant, and in succeeding years to turn the searchlight of publicity on the questionable acts of the Mandatory. It also approves changes in the terms of Mandates or their termination. So far so good. But it is regrettable that the Arms Convention has, so far, been ratified only by Siam and Greece, two powers not specially interested in supplying munitions to natives, and though liquor is prohibited in mandated territories of the 'C' order, the control of liquor elsewhere and the ratifications of the Liquor Convention are not in a wholly satisfactory state.

It is premature to pronounce on the possibilities or activities of the Mandates Commission, but an extract from the official report of their Second Session dealing with their examination

[1] *Monthly Summary of the League*, Vol. II, No. 9, September 1922, p. 219.
[2] Chap. VI, Part IV, *passim*.
[3] *v.* App. V, Part III, Art. 19 of Mandate 'A' Syria; and App. II, Part III A, Art. 20 of Mesopotamia Draft, and Part III B, Art. 18 of Iraq Treaty.

of the annual reports of the 'C' Mandated Areas will give, better than anything else, some idea of the present position. These were the only Mandates in full working order in July 1922.

'These Reports (of the 'C' Mandated Areas)[1] were examined in the presence of the accredited representatives of the Mandatory Powers: Sir Joseph Cook, for Australia; Sir James Allen, for New Zealand; and M. Matsuda, for Japan. The South African Government was not represented.

'The Commission studied these reports, taking as its basis the questionnaire sent to the Mandatories and asking their representatives to furnish explanations and additional information whenever the reports seemed lacking in clearness and precision. The Commission came to the conclusion that, in general, the provisions of the mandates were being strictly carried out: slavery, even in a domestic form, does not exist in these territories; forced labour is practically unknown and liberty of conscience is everywhere guaranteed; traffic in arms and munitions is rigorously controlled, the importation and consumption of liquor by the natives is strictly forbidden; finally, these territories are entirely demilitarized.

'On two points only did the Commission make any reservation. The first concerned the presence in all the Pacific Islands of Chinese workmen who had been brought there in order to compensate the lack of native labour. The situation of these workmen, who in most cases have signed contracts for three years, might perhaps cause some anxiety. Moreover, the Commission foresaw the possibility of social evils arising from the presence among the native population of these workmen without their wives. It therefore requested the Mandatories to keep it informed of the measures taken to protect these Chinese workmen and to prevent the social evils that might arise from their presence.

'The second question concerned the administration of Nauru, an island in the Pacific, about eight square miles in area, and containing very rich phosphate deposits. This island, the mandate for which was given to His Britannic Majesty, is at present administered by Australia. The exploitation of the phosphates is under the control of three Commissioners appointed respectively by the Governments of Australia, Great Britain, and New Zealand. The Commission wondered whether a state of affairs involving the exercise by the Mandatory of a monopoly for the exploitation of the sole natural wealth of the island, was compatible with the spirit of the Covenant. Moreover, it would appear to give the phosphates commissioners a position which might endanger the authority of the Administrator responsible for the material and moral welfare of the inhabitants. As a matter of fact, the Commissioners are appointed for an unlimited term of years by the British, Australian, and New Zealand Governments, while the Administrator of the island is appointed for five years by the Australian Government. The Commission decided to draw the attention of the Council to the situation and to ask the Mandatory for supplementary information.'[1]

[1] *League of Nations Monthly Summary*, Vol. II, No. 8, August 1922, p. 186.

16. *The Concert of Power and the Balance of Power.*

(*a*) *Leagues within the League.* There can be no doubt that one of the main inducements to the small Powers to accept the position of superiority given to the Great Powers in the organization of the League was the security and protection afforded to them by Article X. The underlying conception was simple and grand and was frequently emphasized by President Wilson. The idea was that the 'Balance of Power' represented a discredited system. Under it nations entered into competing leagues, alliances, and rivalries, which were sometimes actually intended, and were likely if unintended, to lead to warfare. To oppose this a Concert of Power was to be created, a general League in which no separate alliances were possible and which, in the case of a lawless act or act of warfare by any one member, brought down at once on the guilty party the wrath of the whole League and a universal economic boycott. This system was too advanced and too ideal to be realized at once. It was violated by President Wilson himself as well as by France and by Great Britain in the two Guarantee Treaties (respectively Franco-British and Franco-American) against unprovoked aggression by Germany. It has been violated since by such instruments as the French Military Conventions with Belgium and with Poland and by the 'Little Entente' treaties. The situation thus created is a difficult one, but a way out has been suggested by the ingenuity of Dr. Beneš, who proposed an amendment to the Covenant in 1921. It was not rejected but deferred. This would have had the effect of enabling the League to supervise proposed alliances and agreements between its members before they were contracted, and to advise as to their terms. It would thus have got over the awkward anomaly now presented by the existence of 'Leagues within the League'.[1] It was a highly interesting proposal and it may be hoped that it will be ultimately adopted in one form or another. Its acceptance would have the effect of recognizing that certain groups of states had regional interests, but that these should be pursued under the aegis of the League.[2] It is clearly better

[1] For German and Allied observations on this point *v.* Vol. II, pp. 353–4.

[2] Art. 21 of the Covenant runs: 'Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.

The proposed Czecho-Slovak amendment was: 'Agreements between

that the League should supervise or promote such arrangements, rather than know nothing of them until they are completed.

(*b*) *Guarantee of territorial integrity under Article X and protection of Members of the League under other articles.* The obligation taken under the Covenant by Members of the League 'not to go to war suddenly and secretly' with one another, and the guarantee of territorial integrity under Article X are the two chief securities afforded by the League to its members. Neither obligation has previously ever been made the object of such extended and concerted agreement. These have been fully discussed elsewhere (Chap. VI, Part I, pp. 443–6), but it is worth while to point out that, though the tendency is to construe Article X in an elastic rather than a rigid sense, it is still considered by many states to have a very definite and positive value. Canada has shown a great and evident desire to have it defined or amended in such a way as to prevent her being under any obligations to send troops overseas on account of territorial disturbances in Europe.[1] France, on the other hand, has shown the utmost tenacity in resisting this amendment and her view has prevailed. These facts prove that the cynical sneer, that Article X is meaningless, is erroneous. If it were really so Canada would not be so anxious to amend or France so desirous of retaining its form unaltered.

The Economic Weapon, i.e. the economic boycott of a recalcitrant state under Article XVI, was relied upon by many as the chief means of preserving peace or averting war. It must be confessed that the prospect of its universality has been greatly diminished since the Assembly has expressed the view that the duty of the Council was to express the opinion as to whether a state had broken the Covenant and to invite members to apply economic pressure. But the Assembly went on to say that 'it is the duty of each member of the League to decide for itself whether a breach of the Covenant has been committed'. In other words, each state is to judge individually whether it shall, or shall not, apply the economic boycott. This ruling

members of the League tending to define or complete the engagements contained in the Covenant for the maintenance of peace or the promotion of international co-operation may not only be approved by the League, but also promoted or negotiated under its auspices, provided these agreements are not inconsistent with the covenant. Special conferences of the members of the League concerned may be summoned for this purpose by the Council or by the Assembly.'

[1] *v.* Chap. IV, Part I, § 10, pp. 349–50.

on the question was made by the Assembly in September 1921, and was regarded by many as constituting the end of the usefulness or universality of the economic blockade. Two months afterwards the croakers were confounded. Owing to various incidents on the northern frontier of Albania the threat of an economic blockade was applied to the Serb-Croat-Slovene kingdom at the instance of Great Britain. The mere threat was sufficient to cause the immediate evacuation of North Albanian territory by the Serb forces.[1] It is not easy to see how these sanctions or guarantees may be developed, strengthened or applied in the future. But the history of them to date seems decisively to show that they are neither a nullity nor a fiction. There is a real force in the 'Concert of Power', though the force exercised is more often moral than material. Yet it is material, too, for the areas directly under the protection of the League, such as Danzig and the Saar, enjoy complete immunity from the irruption of unauthorized bands from outside. Fiume, a free State, guaranteed by Italy and the Serb-Croat-Slovene Kingdom, is perpetually a prey to them. So that while the guarantee of two Powers is unreal, that of the 'Concert' is real and is enforced. Territorial integrity has really been guaranteed by the League in these two cases.

17. *The Enemy Powers and the Countries outside the League.* The comity or family of nations existed before, but the League set up a new Family of Nations, a family professing new ideals of international honour and justice and pledged to practise them towards one another, so as to attain to a closer common feeling among nations. The ultimate success of this experiment clearly depends on the character of the League becoming all-embracing. When the League has all its enemies inside the League it will no longer have enemies. It is of more than temporary significance that three of the defeated Powers—Austria, Bulgaria, and Hungary—have sought for, and received, admission within its ranks. No less important is it that a small unrecognized State, like Albania, has owed its freedom from external interference, its international status, and its very existence to the League. Yet four Powers, and each of the greatest typical importance, have hitherto stood aloof from the League and all or almost all its works.

(*a*) *The United States.* Of these the United States at present

[1] *v.* above Chap. VI, Part V, p. 527 n.

stands for the principle that the American Continent is sufficient unto itself, that the barriers set up by Washington and Monroe still remain, and that the written provisions of the Covenant are a net of ingenious devices to catch the feet of the unwary. How far this attitude will be permanent time alone can decide. But there are not wanting signs that the United States is beginning to grasp the unreality of some of her previous fears, and to see the difficulty of resisting an international movement and organization so widespread, so persistent, and, in not a few ways congenial to that pacific idealism which has struck so deep a root in American character. It is possible that the United States, while not becoming a member of the League, will become at least able to co-operate in certain ways effectively with the Court of Justice.

(*b*) *Germany.* Germany, which still stands aloof from the League, does so on the ground that the League was the creation of the men who made the Peace at Paris, and that the Covenant itself was signed at the same time as German plenipotentiaries were humiliated in the very hall where the German Empire was proclaimed. That is a bitter memory; an even bitterer one is the award made by the League with regard to Upper Silesia. It is easy to see the feelings with which the Germans regard the League and their reluctance to associate themselves with it. Yet, in the end, it is they who will lose most by standing aloof from it. And from the very first, even in 1919, Germany was admitted to the International Labour Conference.

(*c*) *The Turks.* The Turks, like their neighbours the Bolsheviks, have hitherto stood out stiffly against the League and all its works. Their attitude is, however, different from that of the Bolsheviks and apparently from that of other Oriental nations. Chinese, Japanese, Indians, and Persians have all, in greater or less degree, shown a desire to understand Western political ideals and standards which make it possible for them not only to enter into the family of the League, but to add to it the contribution of their culture. The Turks have shown no such desire, and it must be regarded as doubtful whether they are capable of doing so. The fact that the Three Allied Powers have promised to vote for their admission must, however, argue some corresponding belief that the Turks will be able to play their part in the comity of nations. We may hope

that they may. But the record of the Turks as to international engagements, either in the past or the present, is not good. They represented in the past an element of force, which no moral influence has hitherto been able to check.

(*d*) *The Bolsheviks.*[1] The attitude of the Bolsheviks was determined by their political and economic theories. Lenin from the first showed resolute hostility to the League. On the 29th March 1920 he declared that 'our enemies possessed no internal cohesion. Capitalism perverted them and converted the Allies into wild beasts.' Again on the 30th May he said there were 'two groups of world-bandits, the Anglo-French-American or the German group, they entered into an alliance with the bourgeoisie against the revolutionary struggle of the proletariat', and the League was the expression of their bourgeois and capitalistic desires. The design of the Bolsheviks was therefore to induce the workers in every capitalistic State to revolt against their masters, and both the States themselves and the League were to be discredited and broken.

That Mr. Wilson, and still more M. Clemenceau, feared the effect of this movement is well known, and the following extracts from his Memorandum of the 25th March 1919 show the danger as equally apparent to Mr. Lloyd George:

'The extreme figures of the Terror are still in command in Russia. The whole of Europe is filled with the spirit of revolution. There is a deep sense not only of discontent, but of anger and revolt, amongst the workmen against pre-war conditions. The whole existing order in its political, social and economic aspects is questioned by the masses of the population from one end of Europe to the other. . . .

'But there is a danger that we may throw the masses of the population throughout Europe into the arms of the extremists whose only idea for regenerating mankind is to destroy utterly the whole existing fabric of society. These men have triumphed in Russia. They have done so at a terrible price. . . .

'If Germany goes over to the spartacists it is inevitable that she should throw in her lot with the Russian Bolshevists. Once that happens all Eastern Europe will be swept into the orbit of the Bolshevik revolution and within a year we may witness the spectacle of nearly three hundred million people organized into a vast red army under German instructors and German generals equipped with German cannon and German machine guns and prepared for a renewal of the attack on Western Europe. This is a prospect which no one can face with equanimity. Yet the news which came from Hungary yesterday shows only too clearly that this danger is no fantasy.'

[1] *v.* Chap. III, Part 2.

To this danger he suggested the antidote of the League:

'It is not, however, enough to draw up a just and far-sighted peace with Germany. If we are to offer Europe an alternative to Bolshevism we must make the League of Nations into something which will be both a safeguard to those nations who are prepared for fair dealing with their neighbours and a menace to those who would trespass on the rights of their neighbours, whether they are imperialist empires or imperialist Bolshevists. An essential element, therefore, in the peace settlement is the constitution of the League of Nations as the effective guardian of international right and international liberty throughout the world.

Since 1921 the danger from the Bolshevik international class-war has lessened, and the fears of Mr. Lloyd George in 1919 find less of an echo to-day. In Holland, Hungary, and Italy strong anti-Bolshevik reactions have taken place, and in other countries the propaganda for a universal revolutionary class-war shows signs of weakening. As has been mentioned elsewhere, the Bolsheviks, like the later Jacobins, show some signs of recognizing the necessity of establishing relations with Governments opposed to them in political or economic principle. They have signed treaties with Germany, with Poland, and the Baltic States, and met the negotiators of Europe in conference at Geneva and the Hague. It is interesting, however, to observe that their first appearance at an international gathering was at a Health Conference of the League.

The League is thus faced with four opponents who refuse to enter it and who deny its authority. The circumstances, which may cause them to abandon their negative attitude, are so various that speculation is at this stage unprofitable. But some approach to a *modus vivendi* has, in each case, taken place.

Of one thing we may be sure. Whatever its views or ideals, a State is better within the League than without it, from the point of view, at any rate, of the League. For though the League now includes over fifty States and over two-thirds of the world, it can only be truly universal in its influence when its membership is actually world-wide.

18. *Conclusion.* The history of the Peace Conference was a disillusionment in more senses than one. There are few who do not recognize that many high hopes were disappointed and

that the aims of 'broad-visioned justice and mercy' were too often defeated. 'A supply of ideals has seldom failed the critics of peace treaties.' It does not seem wholly fair to blame the statesmen who made this peace for the evils and errors which it contained. None of them was, or even professed to be, other than the mouthpiece of his respective people. 'Statesmen', said President Wilson, 'must follow the clarified common thought or be broken.' The statesmen have been broken, but the common thought has not yet been clarified. The Peace Conference, indeed, defeated the extremer aims of the French militarists and of Yugo-Slav, Rumanian, or Polish Chauvinists. But it failed to prevent the infliction of some racial injuries, of much economic distress, and it left behind it a broad trail of bitter memories. For these results the atmosphere in which the Peace Conference worked was chiefly responsible. The issues were mingled and obscured in a seething furnace of passions. The obligation of secret pledges given at need, the strife of nationalities, the pride of victory, the bitterness of defeat, the memory of unspeakable wrongs, all these inflamed and kept open the wounds of a suffering world.

It is true, however, to say that the idea of nationality did really underlie the Peace settlement. Even the secret treaties could not prevent the spread of this influence. The 'Break-up' of Austria was one of the boldest attempts to realize the national idea that has ever been made. For the first time in history responsible statesmen denied that Austria, that swallower of nationalities, was 'a European necessity'. National aspirations were not always victorious, but progress in realizing them was actually made.

Yet those who went to the Peace Conference 'came away wiser, but they came away sadder', said Lord Grey. Of what Peace Conference cannot the same story be told? One plenipotentiary, who played a distinguished part at the Peace Conference, has said more than this. 'It was not Wilson who failed them (the people) in Paris, but humanity itself; sincerely as we believed in the moral ideals for which we had fought, the temptation of a large booty to be divided proved too great.

'And in the end not only the leaders but the peoples preferred a bit of booty here, a strategic frontier there, a coalfield or an oil-well, an addition to their population or resources—to all the faint allurements of the ideal.'[1]

One who had studied the subject more deeply than any statesman said that 'History is likely to make men wise, and is sure to make them sad'. But while history has much in it of sadness, it has something also of promise and of hope. It teaches that ideals cannot be realized at once, it tells also that, if sincerely felt, they cannot be extinguished. The world that was the world of 1914 could not be bettered or reformed at a stroke, but none the less that world will never be restored. For if there was much that was lost at Paris, there was something also that was saved, a leaven which may one day leaven the whole earth. Even General Smuts, who has taken so tragic a view of the present, has seen the promise of the future.

'What was really saved at Paris was the Covenant of the League of Nations. The Covenant is Wilson's souvenir to the world.

'The Peace Treaty will fade into merciful oblivion, and its provisions will be gradually obliterated by the great human tides sweeping over the world. But the Covenant will stand as sure as fate. It must succeed, because there is no other way for the future of civilization.'[2]

[1] General Smuts in *New York Evening Post*, 3rd March 1921. The criticisms of Mr. Keynes and Signor Nitti are even more severe.

[2] General Smuts, *loc cit.*

APPENDICES

APPENDIX I

DRAFT AND REVISED COVENANT OF 1919; AMENDMENTS OF 1921.

THE following table gives in the left-hand column the Covenant as revised, and at the bottom of this column the amendments of 1921;[1] the right-hand column gives the textual differences of the original Draft. For a brief analysis and commentary on these, *v.* Vol. III, pp. 56–7, and for Wilson's speech on 14th February 1919, *v.* Vol. III, pp. 60–65. For a full discussion *v.* Vol. VI, pp. 482–61.

THE COVENANT OF THE LEAGUE OF NATIONS (As Revised 28 April 1919; in force 10th January 1920.)	THE DRAFT AGREEMENT FOR THE LEAGUE OF NATIONS PRESENTED TO THE PLENARY CONFERENCE 14 Feb. 1919.
THE PREAMBLE. THE HIGH CONTRACTING PARTIES. In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, Agree to this Covenant of the League of Nations.	PREAMBLE. [Same as Revised Covenant except 'THE POWERS SIGNATORY' *for* 'HIGH CONTRACTING PARTIES'. 'secure' *for* 'achieve'. 'adopt this constitution' *for* 'agree to this Covenant'.]

[1] *v.* pp. 486–7.

ARTICLE 1. (MEMBERSHIP.)

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant, and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

DRAFT ARTICLE 7 (*for* Article 1, Revised Covenant).

For 1st and 2nd paragraphs in Revised Covenant, Draft gives 'Admission to the League of States not signatories to the Covenant and not named in the Protocol hereto as States to be invited to adhere to the Covenant, requires the assent of not less than two-thirds of the States represented in the Body of Delegates, and shall be limited to fully self-governing countries, including Dominions and Colonies. No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.'

ARTICLE 2. (EXECUTIVE MACHINERY.)

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 1 (*for* Article 2).

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of a Body of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

ARTICLE 3. (ASSEMBLY.)

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals, and from time to time as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League, or affecting the peace of the world.

At meetings of the Assembly, each Member of the League shall have one vote, and may have not more than three Representatives.

DRAFT ARTICLE 2 (*for* Articles 3 and 4).

Meetings of the Body of Delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League, or at such other place as may be found convenient, and shall consist of representatives of the High Contracting Parties. Each of the High Contracting Parties shall have one vote, but may have not more than three representatives.

ARTICLE 4. (COUNCIL.)

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be Members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.[1]

DRAFT ARTICLE 3 (*for* Articles 3 and 4).

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, Members of the League. The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of shall be members of the Executive Council.

Meetings of the Council shall be held from time to time as occasion may require, and at least once a year at whatever place may be decided on, or failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting

[1] *Article 4, as amended by Assembly,* 1921, *would have the following clause inserted here :*

The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed and no decision taken at any meeting will be binding on such Power unless so invited.

ARTICLE 5. (VOTING AND PROCEDURE.)

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the Meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the Meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

DRAFT ARTICLE 4 (*for* Article 5).

First paragraph omitted. Next two paragraphs the same except that here, as elsewhere, *for* 'Assembly' *read* 'Body of Delegates', *for* 'Council' *read* 'Executive Council', *and for* 'Members of the League' *read* 'States represented at the Meeting'.

ARTICLE 6. (SECRETARIAT.)

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The Secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

[1] The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

DRAFT ARTICLE 5 (*for* Article 6).

The permanent Secretariat of the League shall be established at which shall constitute the Seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League, who shall be chosen by the Executive Council; the Secretariat shall be appointed by the Secretary-General, subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 7. (SEAT. QUALIFICATIONS FOR OFFICIALS. IMMUNITIES.)

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connexion with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy

DRAFT ARTICLE 6 (*for* Article 7).

First three paragraphs omitted.

Representatives of the High Contracting Parties and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefit of extra-territoriality.

[1] *Article 6. This last paragraph as amended* (1921) *would read:*

The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.

The allocation of the expenses of the League set out in Annex 3 shall be applied as from the 1st January 1922, until a revised allocation has come into force after adoption by the Assembly.

diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE 8. (REDUCTION OF ARMAMENTS.)

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military,

DRAFT ARTICLE 8 (*for* Article 8).

The High Contracting Parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The High Contracting Parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The High Contracting Parties undertake in no way to conceal from each other the condition of

naval, and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programmes.

ARTICLE 9. (PERMANENT MILITARY COMMISSION.)

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military and naval and air questions generally.

DRAFT ARTICLE 9 (*for* Article 9).

A permanent Commission shall be constituted to advise the League on the execution of the provisions of Article 8 and on military and naval questions generally.

ARTICLE 10. (GUARANTEES AGAINST AGGRESSION.)

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

DRAFT ARTICLE 10 (*for* Article 10).

Same except 'High Contracting Parties' *for* 'Members of the League' and 'all States Members of the League', *for* 'all Members of the League'.

ARTICLE 11. (ACTION IN CASE OF WAR OR DANGER OF WAR.)

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the

DRAFT ARTICLE 11 (*for* Article 11).

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates or of the Executive Council to any circumstance affecting international intercourse which threatens to disturb international peace or the good

Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

understanding between nations upon which peace depends.

ARTICLE 12. (DISPUTES TO BE SUBMITTED TO ARBITRATION OR INQUIRY.)

[1] The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

DRAFT ARTICLE 12 (*for* Article 12).

The High Contracting Parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a Member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

Second paragraph is the same.

ARTICLE 13. (ARBITRATION OF DISPUTES.)

[2] The Members of the League agree that whenever any dispute shall arise between them which

DRAFT ARTICLE 13 (*for* Article 13).

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be

[1] *Article* 12 *as amended* (1921) *would read :*

The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators or the judical decision or the report by the Council.

In any case under this Article, the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

[2] *Article* 13 *as amended* (1921) *would read :*

The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be

they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the Court of Arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against any Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 14. PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration. For this purpose the Court of Arbitration to which the case is referred shall be the Court agreed on by the parties or stipulated in any Convention existing between them. The High Contracting Parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

DRAFT ARTICLE 14 (*for* Article 14).

The Executive Council shall formulate a plan for the establishment of a Permanent Court of International Justice, and this Court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission

among those which are generally suitable for submission to arbitration or judicial settlement.

For the consideration of any such dispute, the Court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed.

an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE 15. DISPUTES NOT SUBMITTED TO ARBITRATION.

* If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and

to it for arbitration under the foregoing article.

DRAFT ARTICLE 15 (*for* Article 15).

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendations which the Council think just and proper for

* *Article* 15. *The first paragraph as amended* (1921) *would read*:

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

publish a report containing a statement of the facts of the dispute and the recommendations which are just and deemed proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will not go to war with any party which complies with the recommendation and that, if any party shall refuse so to comply, the Council shall propose the measures necessary to give effect to the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute.

to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the Members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16. ('SANCTIONS' OF THE LEAGUE.)

* Should any Member of the League resort to war in disregard of its covenants under Article 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or finan-

DRAFT ARTICLE 16 (*for* Article 16).

Draft is the same with a few slight verbal alterations. The last paragraph 'Any Member of the League', &c., is omitted.

* *Article* 16, *as amended* (1921) *would read :*

Should any Member of the League resort to war in disregard of its covenants under Article 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the Covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between persons residing in the territory of the Covenant-breaking State and persons residing in the territory of any other State, whether a Member of the League or not.

It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed shall not be counted.

The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this Article.

Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such Member.

cial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconveniences resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE 17. (DISPUTES WITH NON-MEMBERS.)

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

DRAFT ARTICLE 17 (*for* Article 17).

Same with small verbal alterations. One important change is that 'League', the last word of the first paragraph, was changed to 'Council' in the Amended Covenant.

ARTICLE 18. (REGISTRATION AND PUBLICATION OF ALL FUTURE TREATIES.)

Every treaty or international engagement entered into hereafter by any Member of the League shall

DRAFT ARTICLE 23 (*for* Article 18

Same with small verbal alterations.

be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE 19. (REVIEW OF TREATIES.)

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

DRAFT ARTICLE 24 (*for* Article 19).

Same with small verbal alterations.

ARTICLE 20. (ABROGATION OF INCONSISTENT OBLIGATIONS.)

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

DRAFT ARTICLE 25 (*for* Article 20).

Same with small verbal alterations.

ARTICLE 21. (ENGAGEMENTS THAT REMAIN VALID.)

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.

Not in Draft.

ARTICLE 22. (MANDATORIES. CONTROL OF COLONIES AND TERRITORIES.)

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

'A.' Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

DRAFT ARTICLE 19 (*for* Article 22).

Apart from small verbal alterations the really important change from the Draft is the substitution of 'Council' *for* 'League'. *v.* below.

'B.' Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave-trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

'C.' There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

Last paragraph but three: 'League' for 'Council'.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

Last paragraph but two: After 'Council' was added 'in a special Act or Charter'.

A permanent Commission shall be constituted to receive and examine the annual reports of the

Last paragraph runs in Draft: 'The High Contracting Parties further agree to establish at the

Mandatories and to advise the Council on all matters relating to the observance of the Mandates.

ARTICLE 23. (SOCIAL ACTIVITIES.)

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(*a*) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control;

(*c*) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(*d*) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connexion, the special necessities of the regions devastated during the war of

seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observances of the terms of all Mandates.'

DRAFT ARTICLE 20 (*for* Article 23).

The High Contracting Parties will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labour.

DRAFT ARTICLE 21 (*for* Article 23).

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914–18.

1914–1918 shall be borne in mind;

(*f*) will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE 24. (INTERNATIONAL BUREAUX.)

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE 25. (PROMOTION OF RED CROSS.)

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

DRAFT ARTICLE 22 (*for* Article 24).

The High Contracting Parties agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the control of the League.

ARTICLE 26. (AMENDMENTS.)

* Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such Amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

DRAFT ARTICLE 26 (*for* Article 26).

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates.

Note. It is probable that the word 'three-fourths' in the Draft was changed to 'a majority' by a slip in the Amended Covenant. The 1921 amendment to Article 26 is designed to meet this difficulty by a compromise.

* *Article* 26, *as amended, would read :*

Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the Members of the Council represented at the meeting, will take effect when ratified by the Members of the League whose Representatives composed the Council when the vote was taken and by the majority of those whose Representatives form the Assembly.

If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect.

The Secretary-General shall inform the Members of the taking effect of an amendment.

Any Member of the League which has not at that time ratified the amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a Member of the League.

APPENDIX II

AGREEMENTS CONNECTED WITH THE TURKISH EMPIRE

INTRODUCTION

THE ALLIED SECRET AGREEMENTS

THESE are four in number and all given in the text of this volume;

(i) *The Constantinople Agreement.* 18th March 1915. pp. 4–10.
(ii) *Secret Treaty of London.* 26th April 1915. pp. 10–13.
Relevant articles, pp. 12–13, 19–20.
(Complete text in Vol. V, pp. 384–93.)
(iii) *Sykes-Picot Agreement.* 16th May 1916. pp. 16–18.
(iv) *St. Jean de Maurienne.* 17th April 1917. pp. 18–20.
(Indications only.)

The Tripartite Agreement, signed 10th August 1920, has been published, of which the general tenor is given, pp. 22, 30, 34, 37n., 90–2, 112.

APPENDIX II. PART I

THE ANGLO-FRENCH SAN REMO OIL AGREEMENT 24TH–25TH APRIL 1920

The following is the complete text [1] of the agreement on the subject of oil supplies, signed at San Remo on 24th, confirmed 25th, April 1920:

By order of the two Governments of France and Great Britain, the undersigned representatives have resumed, by mutual consent, the consideration of an agreement regarding petroleum.

2. This agreement is based on the principles of cordial co-operation and reciprocity in those countries where the oil interests of the two nations can be usefully united. This memorandum relates to the following States or countries: Rumania, Asia Minor, territories of the old Russian Empire, Galicia, French Colonies, and British Crown Colonies.

3. The agreement may be extended to other countries by mutual consent.

4. *Rumania.*—The British and French Governments shall support their respective nationals in any common negotiations to be entered into with the Government of Rumania for—

(*a*) The acquisition of oil concessions, shares, or other interests belonging to former enemy subjects or bodies in Rumania which have been sequestrated, e.g. the Steaua Romana, Concordia, Vega, etc., which constituted in that country the oil groups of the Deutsche Bank and the Disconto Gesellschaft, together with any other interests that may be obtainable.

(*b*) Concessions over oil lands belonging to the Rumanian State.

5. All shares belonging to former enemy concessions which can be secured and all other advantages derived from these negotiations shall be divided, 50 per cent. to British interests and 50 per cent. to French interests. It is understood that in the company or companies to be formed to undertake the management and the exploitation of the said shares, concessions, and other advantages, the two countries shall have the same proportion of 50 per cent. in all capital subscribed, as well as in representatives on the board and voting power.

6. *Territories of the late Russian Empire.*—In the territories which belonged to the late Russian Empire, the two Governments will give their joint support to their respective nationals in their joint efforts to obtain petroleum concessions and facilities to export, and to arrange delivery of petroleum supplies.

7. *Mesopotamia.*—The British Government undertake to grant to the French Government or its nominee 25 per cent. of the net output of crude oil at current market rates which His Majesty's Government may secure from the Mesopotamian oil fields, in the event of their being developed by Government action; or in the event of a private petroleum company being used to develop the Mesopotamian oil fields, the British Government will place at the disposal of the French Government a share of 25 per cent. in such company. The price to be paid for such

[1] Miscellaneous, No. 11 (1920). Cmd. 675, also pp. 181–3.

participation to be no more than that paid by any of the other participants to the said petroleum company. It is also understood that the said petroleum company shall be under permanent British control.

8. It is agreed that, should the private petroleum company be constituted as aforesaid, the native Government or other native interests shall be allowed, if they so desire, to participate up to a maximum of 20 per cent. of the share capital of the said company. The French shall contribute one-half of the first 10 per cent. of such native participation and the additional participation shall be provided by each participant in proportion to his holdings.

9. The British Government agree to support arrangements by which the French Government may procure from the Anglo-Persian Company supplies of oil, which may be piped from Persia to the Mediterranean through any pipe line which may have been constructed within the French mandated territory and in regard to which France has given special facilities, up to the extent of 25 per cent. of the oil so piped, on such terms and conditions as may be mutually agreed between the French Government and the Anglo-Persian Company.

10. In consideration of the above-mentioned arrangements the French Government shall agree, if it is desired and as soon as application is made, to the construction of two separate pipe lines and railways necessary for their construction and maintenance and for the transport of oil from Mesopotamia and Persia through French spheres of influence to a port or ports on the Eastern Mediterranean. The port or ports shall be chosen in agreement between the two Governments.

11. Should such pipe line and railways cross territory within a French sphere of influence, France undertakes to give every facility for the rights of crossing without any royalty or wayleaves on the oil transported. Nevertheless, compensation shall be payable to the landowners for the surface occupied.

12. In the same way France will give facilities at the terminal port for the acquisition of the land necessary for the erection of depots, railways, refineries, loading wharfs, etc. Oil thus exported shall be exempt from export and transit dues. The material necessary for the construction of the pipe lines, railways, refineries, and other equipment shall also be free from import duties and wayleaves.

13. Should the said petroleum company desire to lay a pipe line and a railway to the Persian Gulf, the British Government will use its good offices to secure similar facilities for that purpose.

14. *North Africa and other Colonies.*—The French Government will give facilities to any Franco-British group or groups of good standing, which furnish the necessary guarantees and comply with French laws, for the acquisition of oil concessions in the French colonies, protectorates, and zones of influence, including Algeria, Tunis, and Morocco. It should be noted that the French Parliament has resolved that groups so formed must contain at least 67 per cent. French interests.

15. The French Government will facilitate the granting of any concessions in Algeria which are now under consideration as soon as the applicants have complied with all the requirements of the French laws.

16. *British Crown Colonies.*—In so far as existing regulations allow,

the British Government will give to French subjects who may wish to prospect and exploit petroliferous lands in the Crown Colonies similar advantages to those which France is granting to British subjects in the French colonies.

17. Nothing in this agreement shall apply to concessions which may be the subject of negotiations initiated by French or British interests.

18. This agreement has to-day been initialled by M. Philippe Berthelot and Professor Sir John Cadman, subject to confirmation by the French and British Prime Ministers respectively.

J. CADMAN.
P. BERTHELOT.

San Remo, *24th April*, 1920.
Confirmed:
D. LLOYD GEORGE.
A. MILLERAND.
25th April 1920.

APPENDIX II. PART II A

THE NATIONAL PACT OF ANGORA [1]

Adopted by certain Turkish Deputies in Constantinople 28th January 1920, and by Angora Assembly, 1921

The following is a translation of the preamble and the six articles of the pact as published in the Official Gazette:

PREAMBLE

The members of the Ottoman Chamber of Deputies recognize and affirm that the independence of the State and the future of the nation can be assured by complete respect for the following principles, which represent the maximum of sacrifice which can be undertaken in order to achieve a just and lasting peace, and that the continued existence of a stable Ottoman Sultanate and society is impossible outside of the aforesaid principles.

FIRST ARTICLE.—Inasmuch as it is necessary that the destinies of the portions of the Turkish Empire which are populated exclusively by an Arab majority, and which on the conclusion of the Armistice of 30th October, 1918, were in the occupation of enemy forces, should be determined in accordance with the votes which shall be freely given by the inhabitants, the whole of these parts, whether within or without the said Armistice line, which are inhabited by an Ottoman Moslem majority, united in religion, in race, and in aim, imbued with sentiments of mutual respect for each other and of sacrifice, and wholly respectful of each other's racial and social rights and surrounding conditions, form a whole which does not admit of division for any reason in truth or in ordinance.

SECOND ARTICLE.—We accept that in the case of the three *Sanjaks* (Batum, Kars, Ardahan) which united themselves by a general vote to the Mother Country when they first were free, recourse should again be had, if necessary, to a free and popular vote.

[1] *v.* pp. 32, 54, 97, 102, 108–9.

THIRD ARTICLE.—The determination of the juridical status of Western Thrace also, which has been made dependent on the Turkish peace, must be effected in accordance with the votes which shall be given by the inhabitants in complete freedom.

FOURTH ARTICLE.—The security of the city of Constantinople, which is the seat of the Caliphate of Islam, the capital of the Sultanate, and the headquarters of the Ottoman Government, must be protected from every danger. Provided this principle is maintained, whatever decision may be arrived at jointly by us and all other Governments concerned with regard to the opening of the Bosphorus to the commerce and traffic of the world is valid.

FIFTH ARTICLE.—The rights of minorities as defined in the Treaties concluded between the Entente Powers and their enemies and certain of their associates shall be confirmed by us, in reliance on the belief that the Moslem minorities in neighbouring countries will have the benefit of the same rights.

SIXTH ARTICLE.—It is a fundamental condition of our life and continued existence that we, like every country, should enjoy complete independence and liberty in the matter of assuring the means of our development, in order that our national and economic progress should be rendered possible, and that it should also be possible to conduct affairs in the form of a more modernized and regular administration. For this reason we are opposed to restrictions inimical to our development in political, financial, and other matters. The conditions of the settlement of our proved debts shall likewise not be contrary to these principles.

APPENDIX II. PART II B

ANGORA AGREEMENT (FRANCE), 20TH OCTOBER 1921

Dispatch from His Majesty's Ambassador at Paris, enclosing the Franco-Turkish Agreement signed at Angora on the 20th October 1921 [1]

(Translation.)

Enclosure No. 1.

Agreement signed at Angora on the 20th October 1921, between M. Franklin-Bouillon, former Minister, and Yussuf Kemal Bey, Minister for Foreign Affairs of the Government of the Grand National Assembly of Angora.

ARTICLE 1. The high contracting parties declare that from the date of the signature of the present agreement the state of war between them shall cease; the armies, the civil authorities and the people shall be immediately informed thereof.

ARTICLE 2. As soon as the present agreement has been signed, the respective prisoners of war and also all French and Turkish persons detained or imprisoned shall be set at liberty and conducted, at the cost of the party which detained them, to the nearest town which shall be designated for this purpose. The benefit of this article extends to all

[1] Parl. Paper (Cmd. 1556), 1921. Cp. pp. 33–5, 53–4, 166–7.

detained persons and prisoners of both parties, irrespective of the date and place of detention, of imprisonment or of capture.

ARTICLE 3. Within a maximum period of two months from the date of the signature of the present agreement, the Turkish troops shall withdraw to the north and the French troops to the south of the line specified in article 8.

ARTICLE 4. The evacuation and the occupation which shall take place within the period provided in article 3 shall be carried out according to a form to be decided upon by mutual agreement by a mixed commission appointed by the military commanders of the two parties.

ARTICLE 5. A complete amnesty shall be granted by the two contracting parties in the regions evacuated as soon as they are reoccupied.

ARTICLE 6. The Government of the Grand National Assembly of Turkey declares that the rights of minorities solemnly recognized in the National Covenant will be confirmed by it on the same basis as that established by the conversations on this subject between the *Entente* Powers, their enemies and certain of their Allies.

ARTICLE 7. A special administrative régime shall be established for the district of Alexandretta. The Turkish inhabitants of this district shall enjoy every facility for their cultural development. The Turkish language shall have official recognition.

ARTICLE 8. The line mentioned in Article 3 is fixed and determined as follows:

The frontier line shall start at a point to be selected on the Gulf of Alexandretta immediately to the south of the locality of Payas and will proceed generally towards Meidan-Ekbez (leaving the railway station and the locality to Syria); thence it will bend towards the south-east so as to leave the locality of Marsova to Syria and that of Karnaba as well as the town of Killis to Turkey; thence it will join the railway at the station of Choban-bey. Then it will follow the Bagdad Railway, of which the track as far as Nisibin will remain on Turkish territory; thence it will follow the old road between Nisibin and Jeziret-ibn-Omar where it will join the Tigris. The localities of Nisibin and Jeziret-ibn-Omar as well as the road will remain Turkish; but the two countries shall have the same rights to the use of this road.

The stations and sidings of the section between Choban-bey and Nisibin shall belong to Turkey as forming parts of the track of the railway.

A commission comprising delegates of the two parties will be constituted, within a period of one month from the signature of the present agreement, to determine the above-mentioned line. This commission shall begin its labours within the same period.

ARTICLE 9. The tomb of Suleiman Shah, the grandfather of the Sultan Osman, founder of the Ottoman dynasty (the tomb known under the name of Turk Mezari), situated at Jaber-Kalesi shall remain, with its appurtenances, the property of Turkey, who may appoint guardians for it and may hoist the Turkish flag there.

ARTICLE 10. The Government of the Grand National Assembly of Turkey agrees to the transfer of the concession of the section of the Bagdad Railway between Bozanti and Nisibin as well as of the several branches constructed in the vilayet of Adana to a French group

nominated by the French Government, with all the rights, privileges and advantages attached to the concessions, particularly as regards working and traffic.

Turkey shall have the right to transport troops by railway from Meidan-Ekbez to Choban-bey in Syrian territory and Syria shall have the right to transport troops by railway from Choban-bey to Nisibin in Turkish territory.

In principle no differential tariff shall be levied over this section and these branches. However, should a case arise, the two Governments reserve the right to examine by mutual agreement any departure from this rule which may become necessary.

Failing agreement, each party will resume its liberty of action.

ARTICLE 11. A mixed commission shall be constituted after the ratification of the present agreement with a view to the conclusion of a Customs Convention between Turkey and Syria. The terms and also the duration of this Convention shall be fixed by this commission. Until the conclusion of the above-mentioned Convention the two countries will preserve their liberty of action.

ARTICLE 12. The waters of Kuweik shall be shared between the city of Aleppo and the district to the north remaining Turkish in such a way as to give equitable satisfaction to the two parties.

The city of Aleppo may also organize, at its own expense, a water-supply from the Euphrates in Turkish territory in order to meet the requirements of the district.

ARTICLE 13. The inhabitants, whether settled or semi-nomadic, who enjoy rights of pasturage or who own property on one or other side of the line fixed in Article 8 shall continue to exercise their rights as in the past. They shall be able, for this purpose, freely and without payment of any duty of customs or of pasturage or any other tax, to transport from one side to the other of the line their cattle with their young, their implements, their tools, their seeds and their agricultural produce, it being well understood that they are liable for the payment of the imposts and taxes due to the country where they are domiciled.

Enclosure No. 2

Yussuf Kemal Bey to M. Franklin-Bouillon

Your Excellency, *Angora*, 20th *October* 1921.

I REJOICE in the hope that the agreement concluded between the Government of the Grand National Assembly of Turkey and the Government of the French Republic with a view to effect a definitive and durable peace will result in re-establishing and consolidating the close relations which formerly existed between the two nations, the Government of the French Republic endeavouring to settle in a spirit of cordial agreement all the questions relating to the independence and the sovereignty of Turkey.

The Government of the Grand Assembly, desirous on its part to promote the development of the material interests common to the two countries, authorizes me to inform you that it is disposed to grant the concession for the iron, chrome and silver mines in the Karshut valley

for a period of ninety-nine years to a French group, which, within a period of five years from the date of the signature of the present agreement, must begin to work this concession through a company constituted in accordance with Turkish law, in which Turkish capital shall participate to the extent of 50 per cent.

In addition the Turkish Government is prepared to examine with the utmost goodwill other requests for concessions for mines, railways, ports and rivers which may be put forward by French groups, on condition that these requests are in accordance with the reciprocal interests of Turkey and of France.

On the other hand, Turkey desires to benefit from the collaboration of French specialist instructors in her professional schools. To this end, she will at a later date acquaint the French Government with the extent of her requirements.

Finally, Turkey hopes that after the conclusion of the agreement the French Government will authorize French capitalists to enter into economic and financial relations with the Government of the Grand National Assembly of Turkey.

I have, etc.
(Signed) YUSSUF KEMAL.

APPENDIX II. PART III A

MESOPOTAMIAN DRAFT MANDATE, 1921

The first draft presented to the League by Mr. Balfour, 7th December 1920, differs from the final in a few small particulars noted below.

FINAL DRAFT OF THE MANDATE FOR MESOPOTAMIA FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.[1]

THE COUNCIL OF THE LEAGUE OF NATIONS

Whereas by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Mesopotamia; and whereas by Article 94 of the said treaty the High Contracting Parties agreed that Mesopotamia should, in accordance with the fourth paragraph of Article 22 of Part I (Covenant of the League of Nations), be provisionally recognized as an independent State, subject to the rendering of administrative advice and assistance by a Mandatory until such time as it is able to stand alone, and that the determination of the frontiers of Mesopotamia, other than those laid down in the said treaty, and the selection of the Mandatory would be made by the Principal Allied Powers;[2] and

[1] Parl. Paper, Cmd. 1500, 1921. This Mandate has been delayed for technical reasons. (v. pp. 189–91.)

[2] This preamble will now have to be altered (v. p. 37 n).

Whereas the Principal Allied Powers have selected His Britannic Majesty as Mandatory for Mesopotamia; and

Whereas the terms of the Mandate in respect of Mesopotamia have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of the said territories and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows:

ARTICLE 1. The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia, which shall be submitted to the Council of the League of Nations for approval, and shall, as soon as possible, be published by it. This Organic Law shall be framed in consultation with the native authorities, and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the Organic Law, the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate.

ARTICLE 2. The Mandatory may maintain armed forces [1] in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security, he may organize and employ local forces necessary for the maintenance of order and for the defence of these territories. Such local forces may only be recruited from the inhabitants of the territories under the Mandate.

The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory. The Mesopotamian Government shall not employ them for other than the above-mentioned purposes, except with the consent of the Mandatory.[2]

Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Mesopotamia for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 3. The Mandatory shall be entrusted with the control of the foreign relations of Mesopotamia, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Mesopotamia when outside its territorial limits.

ARTICLE 4. The Mandatory shall be responsible for seeing that no Mesopotamian territory shall be ceded or leased to or in any way placed under the control of the Government of any foreign Power.

[1] First draft 'troops'.

[2] In the first draft the last sentence runs 'over these forces by the Mandatory who shall not employ them for other than the above-mentioned purposes except with the consent of the Mesopotamian Government'.

ARTICLE 5. The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Mesopotamia.

ARTICLE 6. The Mandatory shall be responsible for seeing that the judicial system established in Mesopotamia shall safeguard: (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Mesopotamia with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakf shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 7. Pending the making of special extradition agreements with foreign Powers relating to Mesopotamia, the extradition treaties in force between foreign Powers and the Mandatory shall apply to Mesopotamia.

ARTICLE 8. The Mandatory will ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. No discrimination of any kind shall be made between the inhabitants of Mesopotamia on the ground of race, religion or language. Instruction in and through the medium of the native languages of Mesopotamia shall be promoted by the Mandatory.

The right of each community to maintain its own schools for the education of its own members in its own language (while conforming to such educational requirements of a general nature as the Administration may impose) shall not be denied or impaired.

ARTICLE 9. Nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of the sacred shrines, the immunities of which are guaranteed.

ARTICLE 10. The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Mesopotamia as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Mesopotamia to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 11. The Mandatory must see that there is no discrimination in Mesopotamia against the nationals of any State member of the League of Nations (including companies incorporated under the laws of such State) as compared with the nationals of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Mesopotamia against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid the Mesopotamian Government may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary and take such steps as it may think best to

promote the development of the natural resources of the country and to safeguard the interests of the population.

Nothing in this article shall prevent the Mesopotamian Government on the advice of the Mandatory, from concluding a special customs arrangement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 12. The Mandatory will adhere on behalf of Mesopotamia to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, laws of aerial navigation, railways and postal, telegraphic and wireless communication, or artistic, literary or industrial property.

ARTICLE 13. The Mandatory will secure the co-operation of the Mesopotamian Government, so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 14. The Mandatory will secure the enactment within twelve months from the coming into force of this Mandate, and will ensure the execution of a Law of Antiquities, based on the contents of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all States, members of the League of Nations.

ARTICLE 15. Upon the coming into force of the Organic Law an arrangement shall be made between the Mandatory and the Mesopotamian Government for settling the terms on which the latter will take over Public Works and other services of a permanent character, the benefit of which will pass to the Mesopotamian Government. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE 16.[1] Nothing in this Mandate shall prevent the Mandatory from establishing a system of local autonomy for predominantly Kurdish areas in Mesopotamia as he may consider suitable.

ARTICLE 17. The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 18. The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

ARTICLE 19. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 20.[1] In the event of the termination of the Mandate

[1] Not in first draft.

conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for securing under the guarantee of the League that the Mesopotamian Government will fully honour the financial obligations legally incurred by the Mandatory during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

Made at the day of

APPENDIX II. PART III B

THE IRAQ TREATY, 12TH OCTOBER 1922 [1]

The following is the text of the Treaty signed at Baghdad on the 10th October 1922 between the British and Iraq Governments:

HIS BRITANNIC MAJESTY of the one part: and HIS MAJESTY THE KING OF IRAQ of the other part:

Whereas His Britannic Majesty has recognized Feisal Ibn Hussein as constitutional King of Iraq: and Whereas His Majesty the King of Iraq considers that it is to the interests of Iraq and will conduce to its rapid advancement that he should conclude a Treaty with His Britannic Majesty on the basis of alliance: and Whereas His Britannic Majesty is satisfied that the relations between himself and His Majesty the King of Iraq can now be better defined by such a Treaty of Alliance than by any other means:

For this purpose the High Contracting Parties have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA: Sir Percy Zachariah Cox, G.C.M.G., G.C.I.E., K.C.S.I., High Commissioner and Consul-General of His Britannic Majesty in Iraq:

HIS MAJESTY THE KING OF IRAQ: His Highness Sir Saiyid 'Abd-ur-Rahman, G.B.E., Prime Minister and Naqib-al-Ashraf, Baghdad:

Who, having communicated their full powers, found in good and due order, have agreed as follows:

ARTICLE 1. At the request of His Majesty the King of Iraq, His Britannic Majesty undertakes subject to the provisions of this Treaty to provide the State of Iraq with such advice and assistance as may be required during the period of the present Treaty, without prejudice to her national sovereignty. His Britannic Majesty shall be represented in Iraq by a High Commissioner and Consul-General assisted by the necessary staff.

ARTICLE 2. His Majesty the King of Iraq undertakes that for the period of the present Treaty no gazetted official of other than Iraq nationality shall be appointed in Iraq without the concurrence of His

[1] v. p. 188–91.

Britannic Majesty. A separate agreement shall regulate the numbers and conditions of employment of British officials so appointed in the Iraq Government.

ARTICLE 3. His Majesty the King of Iraq agrees to frame an Organic Law for presentation to the Constituent Assembly of Iraq and to give effect to the said law, which shall contain nothing contrary to the provisions of the present Treaty and shall take account of the rights, wishes and interests of all populations inhabiting Iraq. This Organic Law shall ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It shall provide that no discrimination of any kind shall be made between the inhabitants of Iraq on the ground of race, religion or language, and shall secure that the right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Government of Iraq may impose, shall not be denied or impaired. It shall prescribe the constitutional procedure, whether legislative or executive, by which decisions will be taken on all matters of importance, including those involving questions of fiscal, financial, and military policy.

ARTICLE 4. Without prejudice to the provisions of Articles 17 and 18 of this Treaty, His Majesty the King of Iraq agrees to be guided by the advice of His Britannic Majesty tendered through the High Commissioner on all important matters affecting the international and financial obligations and interests of His Britannic Majesty for the whole period of this Treaty. His Majesty the King of Iraq will fully consult the High Commissioner on what is conducive to a sound financial and fiscal policy and will ensure the stability and good organization of the finances of the Iraq Government so long as that Government is under financial obligations to the Government of His Britannic Majesty.

ARTICLE 5. His Majesty the King of Iraq shall have the right of representation in London and in such other capitals and places as may be agreed upon by the High Contracting Parties. Where His Majesty the King of Iraq is not represented he agrees to entrust the protection of Iraq nationals to His Britannic Majesty. His Majesty the King of Iraq shall himself issue exequaturs to representatives of Foreign Powers in Iraq after His Britannic Majesty has agreed to their appointment.

ARTICLE 6. His Britannic Majesty undertakes to use his good offices to secure the admission of Iraq to membership of the League of Nations as soon as possible.

ARTICLE 7. His Britannic Majesty undertakes to provide such support and assistance to the armed forces of His Majesty the King of Iraq as may from time to time be agreed by the High Contracting Parties. A separate agreement regulating the extent and conditions of such support and assistance shall be concluded between the High Contracting Parties and communicated to the Council of the League of Nations.

ARTICLE 8. No territory in Iraq shall be ceded or leased or in any way placed under the control of any Foreign Power; this shall not prevent His Majesty the King of Iraq from making such arrangements as may be necessary for the accommodation of foreign representatives and for the fulfilment of the provisions of the preceding Article.

ARTICLE 9. His Majesty the King of Iraq undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners in consequence of the non-application of the immunities and privileges enjoyed by them under capitulation or usage. These provisions shall be embodied in a separate agreement, which shall be communicated to the Council of the League of Nations.

ARTICLE 10. The High Contracting Parties agree to conclude separate agreements to secure the execution of any treaties, agreements or undertakings which His Britannic Majesty is under obligation to see carried out in respect of Iraq. His Majesty the King of Iraq undertakes to bring in any legislation necessary to ensure the execution of these agreements. Such agreements shall be communicated to the Council of the League of Nations.

ARTICLE 11. There shall be no discrimination in Iraq against the nationals of any State, member of the League of Nations, or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a member of the said League (including companies incorporated under the laws of such State), as compared with British nationals or those of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Nor shall there be any discrimination in Iraq against goods originating in or destined for any of the said States. There shall be freedom of transit under equitable conditions across Iraq territory.

ARTICLE 12. No measure shall be taken in Iraq to obstruct or interfere with missionary enterprise or to discriminate against any missionary on the ground of his religious belief or nationality, provided that such enterprise is not prejudicial to public order and good government.

ARTICLE 13. His Majesty the King of Iraq undertakes to co-operate, in so far as social, religious, and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 14. His Majesty the King of Iraq undertakes to secure the enactment, within twelve months of the coming into force of this Treaty, and to ensure the execution of a Law of Antiquities based on the rules annexed to Article 421 of the Treaty of Peace signed at Sèvres on the 10th August 1920. This Law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all States members of the League of Nations, and of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a member of the said League.

ARTICLE 15. A separate agreement shall regulate the financial relations between the High Contracting Parties. It shall provide, on the one hand, for the transfer by His Britannic Majesty's Government to the Government of Iraq of such works of public utility as may be agreed upon and for the rendering by His Britannic Majesty's Government of such financial assistance as may from time to time be considered

necessary for Iraq, and, on the other hand, for the progressive liquidation by the Government of Iraq of all liabilities thus incurred. Such agreement shall be communicated to the Council of the League of Nations.

ARTICLE 16. So far as is consistent with his international obligations His Britannic Majesty undertakes to place no obstacle in the way of the association of the State of Iraq for customs or other purposes with such neighbouring Arab States as may desire it.

ARTICLE 17. Any difference that may arise between the High Contracting Parties as to the interpretation of the provisions of this Treaty shall be referred to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations. In such case, should there be any discrepancy between the English and Arabic texts of this Treaty, the English shall be taken as the authoritative version.

ARTICLE 18. This Treaty shall come into force as soon as it has been ratified by the High Contracting Parties after its acceptance by the Constituent Assembly, and shall remain in force for twenty years, at the end of which period the situation shall be examined and if the High Contracting Parties are of opinion that the Treaty is no longer required it shall be terminated. Termination shall be subject to confirmation by the League of Nations unless before that date Article 7 of this Treaty has come into effect, in which case notice of termination shall be communicated to the Council of the League of Nations. Nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of this Treaty, and those of the separate Agreements arising out of Articles 7, 10, and 15, with a view to any revision which may seem desirable in the circumstances then existing, and any modification which may be agreed upon by the High Contracting Parties shall be communicated to the Council of the League of Nations.

The ratifications shall be exchanged at Baghdad.

The present Treaty has been drawn up in English and Arabic. One copy in each language will remain deposited in the archives of the Iraq Government, and one copy in each language in those of the Government of His Britannic Majesty.

In witness of which the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals. Done at Baghdad in duplicate this 10th day of October One thousand nine hundred and twenty-two of the Christian Era, corresponding with the 19th day of Sofar, One thousand three hundred and forty Hijrah.

P. Z. COX, His Britannic Majesty's High Commissioner in Iraq.

'ABD-UR-RAHMAN, Naqib-al-Ashraf of Baghdad and Prime Minister of the Iraq Government.

[*Note.*—On the 3rd May, 1923, Mr. Baldwin announced in the House of Commons what were, in fact, certain amendments to the Treaty, which have been embodied in a protocol signed by the Iraq and British representatives. The effects of these are that, notwithstanding Article 18, 'the present Treaty shall terminate upon Iraq becoming a member of the League of Nations, and in any case not later than four years from the ratification of the peace with Turkey'. The British Government offer their good offices with the League on the fulfilment of two conditions: (i) Delimitation of the frontiers of Iraq and (ii) the establishment of a stable government in accordance with the Organic Law. The Treaty was still unratified in October, 1923.]

APPENDIX III

POLAND AND GERMANY

THE UPPER SILESIAN PLEBISCITE AND AWARD[1]

PART I. ARTICLES 88 AND 90 OF THE TREATY OF VERSAILLES

The governing clauses, under which the plebiscite was taken, are here given. The fourth section of the Annex was construed as permitting out-voters to vote (i.e. persons born in Upper Silesia and resident in other parts of Germany). This conclusion prevailed, though hotly contested by the French. It increased the German vote by over 100,000 votes.

ARTICLE 88

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland: [description of boundary follows, *v.* map opp. p. 264].

The régime under which this plebiscite will be taken and given effect to is laid down in the Annex hereto.

The Polish and German Governments hereby respectively bind themselves to conduct no prosecutions on any part of their territory and to take no exceptional proceedings for any political action performed in Upper Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country.

Germany hereby renounces in favour of Poland all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite.

Annex

1.

Within fifteen days from the coming into force of the present Treaty the German troops and such officials as may be designated by the Commission set up under the provisions of paragraph 2 shall evacuate the plebiscite area. Up to the moment of the completion of the evacuation they shall refrain from any form of requisitioning in money or in kind and from all acts likely to prejudice the material interests of the country.

Within the same period the Workmens' and Soldiers' Councils which have been constituted in this area shall be dissolved. Members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall be evacuated.

All military or semi-military unions formed in the said area by inhabitants of the district shall be immediately disbanded. All members of such military organizations who are not domiciled in the said area shall be required to leave it.

2.

The plebiscite area shall be immediately placed under the authority of an International Commission of four members to be designated by the following Powers: the United States of America, France, the British Empire and

[1] *v.* p. 265.

Italy. It shall be occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia.

3.

The Commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation. It shall also be substituted for the government of the province and the *Regierungsbezirk*.

It shall be within the competence of the Commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them, and to what extent they shall be left in the hands of the existing authorities.

Changes in the existing laws and the existing taxation shall only be brought into force with the consent of the Commission.

The Commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

The Commission shall provide immediately for the replacement of the evacuated German officials and, if occasion arises, shall itself order the evacuation of such authorities and proceed to the replacement of such local authorities as may be required.

It shall take all steps which it thinks proper to ensure the freedom, fairness and secrecy of the vote. In particular, it shall have the right to order the expulsion of any person who may in any way have attempted to distort the result of the plebiscite by methods of corruption or intimidation.

The Commission shall have full power to settle all questions arising from the execution of the present clauses. It shall be assisted by technical advisers chosen by it from among the local population.

The decisions of the Commission shall be taken by a majority vote.

4.

The vote shall take place at such date as may be determined by the Principal Allied and Associated Powers, but not sooner than six months or later than eighteen months after the establishment of the Commission in the area.

The right to vote shall be given to all persons without distinction of sex who:

(*a*) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place.

(*b*) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to the 1st January, 1919, or who have been expelled by the German authorities and have not retained their domicile there.

Persons convicted of political offences shall be enabled to exercise their right of voting.

Every person will vote in the commune where he is domiciled or in which he was born, if he has not retained his domicile in the area.

The result of the vote will be determined by communes according to the majority of votes in each commune.

5.

On the conclusion of the voting, the numbers of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.

6.

As soon as the frontier has been fixed by the Principal Allied and Associated Powers, the German authorities will be notified by the International Commission that they are free to take over the administration of the territory which it is recognized should be German; the said authorities must proceed to do so within one month of such notification and in the manner prescribed by the Commission.

Within the same period and in the manner prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory which it is recognized should be Polish.

When the administration of the territory has been provided for by the German and Polish authorities respectively, the powers of the Commission will terminate.

The cost of the army of occupation, and expenditure by the Commission, whether in discharge of its own functions or in the administration of the territory, will be a charge on the area.

ARTICLE 90

Poland undertakes to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia transferred to Poland in accordance with the present Treaty.

Such products shall be free from all export duties or other charges or restrictions on exportation.

Poland agrees to take such steps as may be necessary to secure that any such products shall be available for sale to purchasers in Germany on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or in any other country.

Note. The results of the plebiscite were as follows:

The Supreme Council, having failed to agree on the question of partition, appealed to the Council of the League, 12th August 1921.

APPENDIX III. PART II

OFFICIAL FIGURES OF THE PLEBISCITE

RÉSULTATS DÉFINITIFS DU PLÉBISCITE

	Inscrits.	*Votants.*	*Polonais.*	*Allemands.*
A. Districts du nord et de l'ouest:				
Kreuzburg	46,177	45,317	1,785	43,447
Rosenberg	35,976	35,108	11,150	23,857
Oppeln-Ville	22,930	21,984	1,908	20,816
Oppeln-Campagne	82,715	81,196	24,727	56,260
Lublinitz	29,981	29,195	13,679	15,454
Kosel et Ober-Glogau	88,389	86,415	16,717	67,476
Leobschutz	66,697	65,428	259	65,128
Ratibor-Ville	25,336	24,675	2,227	22,291
Ratibor-Campagne	45,900	45,052	18,516	26,854
Total	444,101	434,370	90,968	341,083
B. Districts du sud:				
Rybnik	81,985	80,435	52,347	27,918
Pless	73,781	72,277	53,378	18,675
Total	155,786	152,712	105,725	46,593

Brought forward	155,786	152,712	105,725	46,598
C. Bassin industriel :				
Beuthen-Ville . . .	42,990	40,091	10,101	29,890
Beuthen-Campagne . .	109,747	107,126	63,021	43,677
Gleiwitz . . .	41,949	40,700	8,558	32,029
Kattowitz-Ville . .	28,531	26,715	3,900	22,744
Kattowitz-Campagne .	122,390	119,458	66,119	52,892
Koenigshutte . . .	44,052	42,758	10,764	31,864
Zabrze (Hindenburg) .	90,793	89,152	43,256	45,212
Total	480,452	466,000	205,719	258,338
D. Districts du centre :				
Gross-Strehlitz . .	46,528	45,590	23,046	22,415
Tost	48,106	47,435	27,198	20,098
Tarnowitz	45,561	44,739	27,513	17,078
Total	140,195	137,764	77,757	59,591
Total général . .	1,220,514	1,190,846	479,359	707,605

Les chiffres sont reproduits tels qu'ils figurent dans les documents officiels, bien que les totaux généraux ne correspondent pas absolument à la somme des résultats par districts.

APPENDIX III. PART III. THE RECOMMENDATION OF THE COUNCIL OF THE LEAGUE, 12TH OCTOBER 1921[1]

The question of Upper Silesia was submitted to the Council of the League of Nations in a letter dated the 12th August and signed by M. Briand on behalf of the Supreme Council of the Principal Allied Powers.

The letter announced the decision which had been arrived at by the Supreme Council 'in pursuance of Article 11, paragraph 2 of the Covenant, to submit to the Council of the League of Nations the difficulties attending the fixing of the frontier between Germany and Poland in Upper Silesia, and to request it to be so good as to inform the Supreme Council of the solution which it recommends as to the delimitation of the frontier which the Principal Allied and Associated Powers should adopt.'

In a Note on the history of the question, dated the 24th August, M. Briand added that: '. . . each of the Governments represented on the Supreme Council had, in the course of the discussions, formally undertaken to accept the solution recommended by the Council of the League.'

The Council, at its meeting on the 29th August, decided to accept this invitation. It has made the weighty problem which was submitted to it the subject of long deliberations and thorough investigation. It has endeavoured to interpret faithfully and in an equitable spirit the provisions of the Treaty of Versailles with regard to Upper Silesia. The Council, being convinced that its duty was above all to endeavour

[1] The text is from the *League of Nations Official Journal*, pp. 1224–32.
[1] *v.* pt. IV, p. 623 n.

to find a solution in conformity with the wishes of the inhabitants, as expressed by the plebiscite, while taking into account the geographical and economic situation of the various districts, has been led to the conclusion that it is necessary to divide the industrial region of Upper Silesia. Owing to the geographical distribution of the population and the mixture of the racial elements, any division of this district must inevitably result in leaving relatively large minorities on both sides of the line and in separating important interests.

In these circumstances, the Council considered that it would be desirable to take measures to guarantee, during a provisional period of readjustment, the continuity of the economic life of this region, which, owing to the density of its population, the number of its industrial undertakings, the closely-woven network of its means of communication, possesses the character of a vast agglomeration. It was also of the opinion that it would be desirable to provide for the protection of minorities.

Such are the general principles by which the Council was governed.

The Council carefully examined various solutions for giving accurate and faithful expression to the results of the plebiscite.

It recognized that solutions based on calculations of the proportion of votes would give results which would constitute an injustice for one side or the other, and it endeavoured to find a system which, when applied, would assign to each State a number of electors not differing appreciably from the total number of votes given in its favour, and which would, at the same time, as far as possible equalize and reduce the minorities.

Guided by the above considerations, as well as by the geographical and economic considerations referred to in the Treaty, the Council came to the conclusion that the most equitable solution would be obtained by the frontier line which is described in Appendix No. I,[1] and the adoption of which it unanimously decided to recommend.

The measures which the Council considers necessary in order to ensure the continuity of the economic and social existence of Upper Silesia, and to reduce to a minimum the inconveniences of the period of readjustment, are chiefly designed with the following objects:

To preserve, for a certain time, for the industries of the territory separated from Germany their former markets, and to ensure the supplies of raw material and manufactured products which are indispensable to these industries; to avoid the economic disturbances which would be caused by the immediate substitution of the Polish mark for the German mark as the sole legal currency in the territory assigned to Poland; to prevent the working of the railways serving Upper Silesia from being affected by the shifting of the political frontier; to regulate the supplies of water and electricity; to maintain freedom of movement for individuals across the new frontier; to guarantee respect for private property; to guarantee, as far as possible, to the

[1] This Appendix is not included. The Conference of Ambassadors adopted the frontier line recommended by the Council of the League (see *infra*).

workers that they shall not lose, in the portion of territory assigned to Poland, the advantages which were secured to them by German social legislation and by their Trades Union organization; and, finally, to ensure the protection of minorities upon the basis of an equitable reciprocity.

The solution of these problems should be achieved by means of arrangements effected under the form of a general Convention between Germany and Poland. The Treaty of Versailles has provided, in several analogous cases, for Conventions of this kind. As regards Upper Silesia, the Treaty has regulated certain questions by means of special provisions.

Article 92 stipulated, moreover, that 'further agreements shall regulate all questions arising out of the cession of the above territory which are not regulated by the present Treaty'.

The conclusion between the parties of a general Convention which will place Upper Silesia under a special régime during the transitional period seems to correspond to the intentions already expressed by the States concerned. Both Germany and Poland have, indeed, already considered the establishment of special institutions for this region.

With a view to facilitating the preparation and to supervising the application of the temporary measures, of which a summary has been given above, and which should be incorporated in a general Convention, the Council considers that it is necessary to set up a Commission composed of an equal number of Germans and Poles from Upper Silesia, and of a President of another nationality, who might be designated by the Council of the League of Nations. This Commission might be called the 'Upper Silesian Mixed Commission'. It would be essentially an advisory organ.

Further, it would also be expedient to constitute an arbitral tribunal to settle any private disputes which might be occasioned by the application of the temporary measures.

All disputes in connexion with the carrying out and the interpretation of the general Convention should be settled in conformity with the provisions of this Convention and, where necessary, with the Covenant of the League of Nations.

A certain time will elapse before the temporary régime referred to above can be definitively adopted and put in force. It will be for the Principal Allied Powers to take all measures necessitated by this preliminary period.

A Frontier Delimitation Commission should mark out the course of the frontier on the spot. It will be the duty of the Inter-Allied Commission already in existence to take the necessary measures for the maintenance of order during this preliminary period.

Finally, it is important that the Mixed Commission referred to above should be appointed without delay in order that it may give its assistance to the Inter-Allied Commission, which, taking into account the provisions of paragraph 6 of the Annex to Article 88 of the Treaty of Versailles, will take measures for preparing the transition from the present situation to the provisional régime.

The Council of the League of Nations has the honour to communicate to the Supreme Council a Report, which is annexed,[1] containing a statement of the principles which, in the opinion of the Council, would serve as a basis for the general Convention between the parties.

A second annexed Report deals, in the same spirit, with the problems of nationality, domicile, and the protection of minorities, the solution of which constitutes an essential condition for the maintenance of economic life in Upper Silesia.[1]

The Council considers the above proposals with regard to economic conditions as forming a unity. The Council is convinced that this scheme, taken as a whole, and after certain necessary precisions have been introduced, will safeguard the interests of the population, the sacrifices which it requires from each of the Governments being compensated for by the guarantees which it affords in favour of such of their nationals as are to be transferred to another sovereignty.

With regard to the establishment of the organization referred to, and also with regard to anything else which will facilitate the carrying out of the programme, the Council of the League of Nations remains entirely at the disposal of the Supreme Council.

PART IV. THE UPPER SILESIAN AWARD, AS CONFIRMED BY THE CONFERENCE OF AMBASSADORS, 20TH OCTOBER 1921 [2]

The BRITISH EMPIRE, FRANCE, ITALY, and JAPAN, signatories, together with the United States of America, as Principal Allied and Associated Powers, of the Treaty of Peace of Versailles:

Whereas, by the terms of the last paragraph of Article 88 of the Treaty of Peace of Versailles, they are entrusted with the duty of fixing, in that part of Upper Silesia in which a plebiscite was to be held, the frontier-line between Germany and Poland resulting from this plebiscite;

Whereas, on March 20 1921, a vote was taken under the conditions laid down by the Annex to the aforesaid Article; and

Whereas, in view of the results of the voting which took place by communes, and of the geographical and economic situation of the localities, the cession of the districts concerned raises certain problems which it is important to settle;

Now, therefore, after having obtained the opinion of the Council of the League of Nations,

DECIDE that:

I. The frontier between Germany and Poland, in the part of Upper Silesia described in Article 88 of the Treaty of Peace of Versailles, is defined as follows:

The frontier-line follows [3] the Oder from the point where that river enters Upper Silesia as far as Niebotschau;

[1] These two Reports are not inserted. The text of the decision taken by the Conference of Ambassadors (see [1] pt. III, p. 620) is almost identical with that of the two Reports submitted by the Council of the League. The differences between the two texts are shown in foot-notes.

[2] The text is the decision of the Conference of Ambassadors taken the 20th October 1921. Save for the small variations noted it is identical with that of the Council of the League.

[3] Text of the Council of the League: *would follow*.

It then runs [1] north-east, leaving in Polish territory the communes of Hohenbirken, Wilhelmsthal, Raschütz, Adamowitz, Bogunitz, Lissek, Summin, Zwonowitz, Chwallenczitz, Ochojetz, Wilcza (upper and lower), Kriewald, Knurow, Gieraltowitz, Preiswitz, Makoschau, Kunzendorf, Paulsdorf, Ruda, Orzegow, Schlesiengrube, Hohenlinde; and leaving in German territory the communes of Ostrog, Markowitz, Babitz, Gurek, Stodoll, Niederdorf, Pilchowitz, Nieborowitzer Hammer, Nieborowitz, Schönwald, Ellguth-Zabrze, Sosnica, Mathesdorf, Zaborze, Biskupitz, Bobrek, Schomberg;

Thence it passes [2] between Rossberg (which falls to Germany) and Birkenhain (which falls to Poland);

Thence it runs north-west,[3] leaving in German territory the communes of Karf, Mieschowitz, Stollarzowitz, Friedrichswille, Ptakowitz, Larischhof, Miedar, Hanusek, Neudorf-Tworog, Kottenlust, Potemba, Keltsch, Zawadski, Pluder-Petershof, Klein-Lagiewnik, Skrzidlowitz, Gwosdzian, Dzielna, Cziasnau, Sorowski, and leaving in Polish territory the communes of Scharley, Radzionkau, Trockenberg, Neu-Repten, Alt-Repten, Alt-Tarnowitz, Rybna, Piassetzna, Boruschowitz, Mikoleska, Drathhammer, Bruschiek, Wüstenhammer, Kokottek, Koschmieder, Pawonkau, Spiegelhof (Gutsbezirk), Gross-Lagiewnik, Glinitz, Kochschutz, Lissau.

To the north of the latter place, it coincides with the former frontier between Germany and Russia as far as the point where that frontier joins the frontier between Germany and Poland, as laid down in Article 27 of the Treaty of Versailles.[4]

The Delimitation Commission provided for in Article 87 of the Treaty of Versailles will mark out the frontier on the spot. It will begin its work at once.

II. The German and Polish Governments will conclude, as early as possible and in accordance with the last paragraph of Article 92 of the Treaty of Peace, a Convention to give effect to the following provisions: [5]

A. *Railways.*—The administration of railway and tramway systems which belong to private concerns or municipalities shall continue to be governed by the terms of their concessions, as regards their rights and obligations. The railway system of the Schlesische Kleinbahn Aktiengesellschaft shall continue to be operated as a single unit for a period of fifteen years.

For the German State railways, both normal and narrow gauge, a joint system of operation shall be put into force in the plebiscite area,

[1] Text of the Council of the League: *it would then run.*

[2] Text of the Council of the League: *it would pass.*

[3] Text of the Council of the League: *and would take a north-westerly direction.*

[4] Text of the Council of the League: To the North of the *last* place it *would coincide* with the former frontier *of the German Empire as far as the point where the latter frontier joins the frontier already fixed between Germany and Poland.*

[5] Instead of the beginning of para. II, the text of the Council of the League has:

Transitional measures of an Economic Nature: The following provisions are designed to ensure continuity in the economic life of Upper Silesia after the partition, and to reduce to a minimum the difficulties of the period of adaptation.

for a period of fifteen years. The amount of rolling-stock allotted to the plebiscite area shall be determined in accordance with Article 371 of the Treaty of Versailles.

Railway rates shall be uniform. In conformity with Article 365 of the Treaty of Versailles, any special tariff in force between the German territory and a point within the plebiscite area shall apply to the whole plebiscite area.

The benefit of any special rate in force in the plebiscite area shall extend to goods of the same kind coming from or going to Poland, Germany or any other country.

The time-tables shall be drawn up in accordance with the needs of industry, and the delay to workers' trains crossing the frontier shall be as short as possible.

The administration of the State insurance and social insurance of employees of the Silesian railway system shall be undertaken by that system.

A single accounts office shall be set up for the whole system to deal with all revenue and expenditure, including the cost of maintenance of the permanent way and rolling-stock and sums set aside on account of depreciation. Expenses of new construction shall be charged to a separate account and shall be borne by the State on whose territory they are carried out.

The profits or deficits shall be divided between the two countries in proportion to the length of the line belonging to each and the amount of traffic.

B. *Water and Electric Power.*—In so far as the territory which comprises the existing water supply systems has not been entirely allotted to one of the two countries, in default of a special agreement between the parties, the existing systems shall be maintained. For this purpose a system of reciprocal obligation shall be established. The reserve water supply of the Tarnowitz and Olkucz district shall be at the disposal of the whole territory of Upper Silesia, under equitable conditions. The 'Oberschlesische Elektrizitätswerke' shall continue to operate as at present for a period of three years. After this the Polish Government may purchase the Chorsow power station and the system dependent thereon.

The above company shall furnish electricity on the same terms to both parts of the territory, so long as a Polish company shall not have been established.

C. *Monetary System.*—During a period which shall not exceed 15 years, the German mark shall remain the only legal unit of currency in the plebiscite area.

The two Governments may decide by common agreement to modify this system before the expiration of this period. Failing an agreement between the two Governments and in case a modification of the monetary system should become necessary, the Mixed Commission mentioned below [1] will fix the date from which the German mark shall cease to be the only legal unit of currency.

D. *Postal Services.*—During the period in which the German

[1] These *three* words are omitted from the text of the Council of the League. (*Editorial Note:* Probably *two* is meant. The note given is from League of Nations' Official Journal, December, 1921, p. 1228).

monetary system is maintained in the Polish zone, the postal, telegraph, and telephone charges shall be fixed in German currency.

E. *Customs Régime.*—The Customs frontier will be made to coincide with the new political frontier as soon as the latter has been fixed.

The German and Polish Customs law and Customs tariffs shall be applied, with the following exceptions:

1. During a period of six months, goods coming from other countries destined for the plebiscite area, on which the Customs duties levied at the German or Polish frontier have been paid before the date of the partition of Upper Silesia, shall cross the frontier free of duty.

2. During a period of fifteen years the natural products which originate in and come from one of the two zones of the plebiscite area, and are destined for consumption or use in the other zone, shall cross the frontier free of duty.

3. (*a*) During a period of six months, raw, half-manufactured and unfinished products of the industrial establishments of one of the two zones of the plebiscite area, destined to be used or finished in the industrial establishments of the other zone, shall cross the frontier free of duty. The permits issued for the entry of these products shall mention the names of the consignors and consignees.

(*b*) During a period of fifteen years, raw, half-manufactured and unfinished products originating in and coming from the industrial establishments of one of the two zones of the plebiscite area, which are to be finished in the industrial establishments of the other zone, shall cross the frontier free of duty when these products are intended for reimportation into the country of origin. The permits issued for the entry of these products shall mention the names of the consignors and the consignees.

4. In conformity with Article 268 of the Treaty of Versailles, natural or manufactured products which originate in and come from the Polish zone of the plebiscite area shall, on importation into German Customs territory, be exempt from all Customs duty during a period of three years. The period of three years shall[1] be reckoned from the notification of the delimitation of the frontier to Germany and to Poland.

With regard to the export regulations, the two countries shall undertake to facilitate during a period of fifteen years the export from their respective territories of such products as are indispensable for the industry of either zone of the plebiscite area, by supplying the necessary export licences and by authorizing the execution of contracts entered into between private individuals, it being understood that the entrance duties shall be paid by these goods upon their importation into German or Polish territory, apart from the exceptions detailed in the foregoing paragraphs.

Any arrangement with regard to the Customs régime on the new Polono-German frontier in Upper Silesia, which is not an application of the principle stated above, shall be considered as an ordinary commercial agreement between Poland and Germany.

[1] Text of the Council of the League: *should.*

F. *Coal. Products of the Mines.*—In conformity with Article 90 of the Treaty of Versailles, Poland shall permit for a period of 15 years, dating from the definitive allocation of the territory, the exportation to Germany of the products of the mines in the Polish zone of the plebiscite area.

As regards coal, account shall be taken in the application of this Article of the provisions of the different Treaties of Peace, and of the international decisions and agreements, between Germany, Poland, and the countries directly or indirectly concerned in the importation of coal from Upper Silesia, which impose obligations on Germany and Poland in respect of coal.

Germany shall permit for a period of 15 years the exportation to the Polish zone of the plebiscite area, of the products of the mines in its territory, under the conditions laid down in Article 90 of the Treaty of Versailles. The quantities of the products of the mines to which this provision shall apply shall be calculated on the basis of the average exchange of these products in the years 1911 to 1913.

G. *Employers' and Workers' Federations.*—The German and Polish Governments shall recognize for a period of 15 years the unions of employers and workers whose activities take place within the plebiscite area. These unions may enter into collective contracts throughout the whole plebiscite area.

H. *Social Insurance.*—The transfer of the funds of German social and State insurances to Poland, in so far as concerns the portion of Upper Silesia assigned to her, shall take place in conformity with the provisions and conditions of Article 312 of the Treaty of Versailles.

The beneficiaries of social and State insurance organisations will receive all the compensations and pensions which have been guaranteed to them.

The Polish Government shall establish, as soon as possible for the Polish zone, special insurance organizations and special jurisdiction for administrative matters and for the hearing of cases.

The local benefit societies, whether in the Polish zone or in the whole of the plebiscite area (Oberschlesischer Knappschaftsverein, Oberschlesische Bergbauhilfskasse, etc), shall be maintained for a period of 15 years, unless the two Governments agree to divide them at an earlier date.

I. *Movement between Zones.*—During a period of 15 years, any inhabitant regularly domiciled in the plebiscite area, or having a regular or professional occupation therein, shall receive a circulation permit free of payment, which will permit him to cross the frontier without other formalities.

J. *General Provisions.*—The provisions in force in the plebiscite area, especially with regard to mining, industrial or commercial undertakings and the existing labour—legislation including the systems of inspection—shall remain in force in the portion of the plebiscite area assigned to Poland until such time as Poland shall have passed, in regard to these matters, legislation applicable to the whole of its territory, which may be substituted for the above. Nevertheless, it is understood that Poland shall have the right to introduce in the Polish Silesian zone any modifications Germany shall see fit to adopt in her territory.

Without prejudice to Article 256 of the Treaty of Peace, the two countries shall recognize and respect, in the territory which shall be allotted to them, rights of all kinds—in particular, concessions and privileges acquired at the date of the partition by individuals, companies or other legal entities.

Poland shall renounce for a period of 15 years the powers granted by Articles 92 and 297 [1] as regards the expropriation of industrial undertakings, mines or deposits, save where, in the opinion of the Mixed Commission, such powers are indispensable to ensure continued operation.

Any dispute between the German and Polish Governments which may occur within a period of 15 years in respect of any legislative measure adopted by either of the two countries for the control of companies or industrial or commercial enterprises, and limiting in a manner contrary to justice the freedom of these companies or enterprises, as regards the nationality of their personnel, of their directors or of their capital, may be referred by the Government concerned to the Council of the League of Nations, whose decision both Governments undertake to accept.

The two countries may, by common agreement, modify or annul any of the provisions of the temporary régime.[2]

K. *Rights of Nationality and Domicile and Protection of Minorities in Upper Silesia.*—Questions relating to the nationality of persons domiciled, at the date of the definitive allocation of the territory of Upper Silesia, in the portion allotted to Poland, will be decided in accordance with Article 91 of the Treaty of Peace of Versailles, and Articles 3, 4, 5, and 6 of the Treaty of the 28th June 1919 between the United States of America, the British Empire, France, Italy, and Japan of the one part, and Poland of the other part.

All persons domiciled, at the same date, in this portion of the territory, who shall have opted in favour of German nationality, in accordance with Article 91 of the Treaty of Peace of Versailles, without availing themselves of the right to transfer their domicile to Germany within 12 months after exercising the right of option, together with persons mentioned in paragraph 2 of Article 91 of the Treaty of Versailles, shall have the right to retain their domicile in Poland for a period of 15 years from the date of the definitive allocation of the territory.

All Poles over 18 years of age who are German nationals and who are domiciled, at the date of the definitive allocation of the territory, in the portion allotted to Germany, shall have the right of opting for Polish nationality within two years from this date, in accordance with Article 91 of the Treaty of Versailles.

All Poles who are domiciled, at the same date, in those parts of Upper Silesia definitely recognized as part of Germany, shall have the right to retain their German domicile for a period of 15 years from this date. This rule shall apply to Poles who, being German nationals, have opted for Polish nationality in accordance with Article 91 of the Treaty of

[1] *And 297* not in the text of the Council of the League.

[2] Text of the Council of the League: *before the expiration of the period of* 15 *years.*

Peace of Versailles, as well as to Polish nationals who have not been German nationals.

The Treaty with regard to the protection of minorities, etc., concluded on the 28th June 1919 between the United States of America, the British Empire, France, Italy, and Japan of the one part, and Poland of the other, part, shall be applicable to those parts of Upper Silesia definitely recognized as part of Poland. The principles of equity and the maintenance of the economic life of Upper Silesia demand that the German Government should be bound to accept, at least for the transitional period of 15 years, dating from the definitive allocation of the territory, stipulations corresponding to Articles 1, 2, 7, 8, 9 (paragraphs 1 and 2), 10, 11, and 12 of the said Treaty, as regards those parts of Upper Silesia definitely recognized as part of Germany.

The provisions of the agreement to be concluded between the German and Polish Governments, in order to put into force the abovementioned principles, constitute obligations of international concern for Germany and Poland, and shall [1] be placed under the guarantee of the League of Nations in the same way as the provisions of the Treaty of the 28th June 1919.

Any petition addressed by one or more of the inhabitants of Upper Silesia to the Council of the League of Nations with regard to these provisions or the execution of the provisions of the Treaty of the 28th June 1919 in so far as these provisions affect persons belonging to racial, religious or linguistic minorities, shall be sent to the Government in whose territory the petitioners are domiciled. This Government shall be bound to forward them, with or without observations, to the Council of the League of Nations, for consideration.

The following bodies shall be constituted to supervise the carrying out of these measures :

1. An Upper Silesian Mixed Commission, consisting of two Germans and two Poles, from Upper Silesia, and of a President, of another nationality, appointed by the Council of the League of Nations ;

2. An Arbitral Tribunal, entrusted with the duty of settling any private disputes which may result from the application of the Convention referred to above. This Tribunal shall be composed of one arbitrator appointed by the German Government, and of one arbitrator appointed by the Polish Government. The Council of the League of Nations shall be requested to appoint the President of this tribunal.

All disputes regarding the execution and interpretation of this Convention shall be settled in conformity with the provisions of this Convention.

III. The Convention provided for by Article I above shall be concluded between a German and a Polish plenipotentiary under the presidency of a person appointed by the Council of the League of Nations, that person having a casting vote in case the parties fail to agree.

[1] Text of the Council of the League : *Should.*

The German and Polish Governments are requested to inform the Principal Allied Powers, within eight days from the date of the present decision, of the names of the plenipotentiaries whom they have respectively appointed to conclude, under the conditions laid down in the preceding paragraph, the Convention regarding economic questions and the protection of minorities, which is to be drawn up on the lines laid down in Article II. As soon as the plenipotentiaries have been appointed, it shall be the duty of the President to summon them to meet at any place which he considers suitable.

IV. As soon as the Principal Allied Powers consider that the Delimitation Commission has marked out the frontier, defined under Article I, with sufficient accuracy, and as soon as the negotiations provided by Article III have resulted in the adoption of a conventional régime in accordance with Article II, the Plebiscite Commission shall convey to the German and Polish Governments the notifications referred to in sub-paragraphs 1 and 2 of paragraph 6 of the Annex to Article 88 of the Treaty of Peace of Versailles.

V. The German and Polish Governments are requested to appoint within eight days their delegates for the Mixed Commission referred to in Article II (1). The Mixed Commission shall be immediately constituted to assist the Inter-Allied Commission in framing preparatory measures for the transition from the existing to the provisional régime.

VI. The present decision shall be officially communicated to the Plebiscite Commission and to the German and Polish Governments.

(*Signed*) HARDINGE OF PENSHURST.
JULES CAMBON.
BONIN.
K. ISHII.

PART V. EXECUTION OF THE AWARD

A Commission consisting of three: a President, M. Calcuder, a former Swiss President, nominated by the League; a German, and a Pole met at Geneva on the 23rd November 1921 to conclude a Convention on the above lines establishing the new status.

The Convention was finally signed on the 15th May 1922. Ratifications were exchanged on the 3rd June. On the 9th July the Allied troops left Upper Silesia, the Poles and Germans having already occupied those parts of the area to which they were entitled under the Award.

APPENDIX IV

CHINA AND JAPAN

PART I

THE TWENTY-ONE DEMANDS OF JAPAN, 18TH JANUARY 1915, AND CHINA'S SUBSEQUENT CONCESSIONS.

Below are the original demands of Japan and the documents agreed upon between the two States on the 25th May 1915. Demands 15–19 inclusive and 21 were not conceded by China. The demands not so realized may be considered as representing Japan's unfulfilled policy toward China at that time. The 24 Japanese demands of the 26th April 1915 were more nearly the basis of the agreements of the following May; they were formulated as the result of China's publishing the original 21 demands, and therefore do not throw as much light on Japan's intentions as their predecessors. The documents eventually signed received the assent of China after a Japanese ultimatum of the 7th May 1915 in which Japan offered the 'advice and hope that the Chinese Government, upon this advice, will give a satisfactory reply by 6 o'clock p.m. on the 9th day of May. It is hereby declared that if no satisfactory reply is received before or at the specified time, the Imperial Government will take steps they may deem necessary'.

1. JAPAN'S 21 DEMANDS, HANDED TO THE PRESIDENT, YUAN SHIH K'AI, BY MR. HIOKI, THE JAPANESE MINISTER, 18TH JANUARY 1915.[1]

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighbourhood existing between the two nations agree to the following articles:

Group I (Shantung)

ART. 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests and concessions, which Germany by virtue of treaties or otherwise, possesses in relation to the province of Shantung. [Shantung treaty, Art. 1.][2]

ART. 2. The Chinese Government engages that within the province of Shantung and along its coast, no territory or island will be ceded or leased to a third power under any pretext. [Exchange of notes B.]

ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungchow to join the Kiaochow-Tsinan Railway. [*Cf.* Shantung treaty, Art. 2.]

ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the province of Shantung as commercial ports. [Shantung treaty, Art. 3.]

What places shall be opened are to be jointly decided upon in a separate agreement.

[1] China's Official History of the Recent Sino-Japanese Treaties, 18–21. Cp. Vol. VI, pp. 372–6.

[2] For Shantung Treaty (4th Feb. 1922) *v.* p. 390.

Group II [Manchuria and East Mongolia]

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

ART. 5 [Art. 1]. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years. [South Manchuria treaty, Art. 1.]

ART. 6 [Art. 2]. Japanese subjects in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming. [*Cf.* South Manchuria treaty, Art. 2.]

ART. 7 [Art. 3]. Japanese subjects shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 8 [Art. 4]. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.

ART. 9 [Art. 5]. The Chinese Government agrees that in respect of the [two] cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:

a. Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

b. Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

ART. 10 [Art. 6]. The Chinese Government agrees that if the Chinese Government employs political, financial or military advisers or instructors in South Manchuria and Eastern Mongolia, the Japanese Government shall first be consulted.

ART. 11 [Art. 7]. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

Group III [Han-yeh-ping Company]

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Han-yeh-ping Company have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ART. 12 [Art. 1]. The two contracting parties mutually agree that when the opportune moment arrives the Han-yeh-ping Company shall be made a joint concern of the two nations and they further agree that, without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

ART. 13 [Art. 2]. The Chinese Government agrees that all mines in the neighbourhood of those owned by the Han-yeh-ping Company shall

not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which, it is apprehended, may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

Group IV

The Japanese Government and the Chinese Government with the object of effectively preserving the territorial integrity of China agree to the following special article:

ART. 14. The Chinese Government engages not to cede or lease to a third power any harbour or bay or island along the coast of China.

Group V [Miscellaneous]

ART. 15 [Art. 1]. The Chinese Central Government shall employ influential Japanese as advisers in political, financial and military affairs.

ART. 16 [Art. 2]. Japanese hospitals, churches and schools in the interior of China shall be granted the right of owning land.

ART. 17 [Art. 3]. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

ART. 18 [Art. 4]. China shall purchase from Japan a fixed amount of munitions of war (say 50 per cent. or more of what is needed by the Chinese Government), or there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

ART. 19 [Art. 5]. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hangchow, and another between Nanchang and Chaochow.

ART. 20 [Art. 6]. If China needs foreign capital to work mines, build railways and construct harbour-works (including dock-yards) in the province of Fukien, Japan shall be first consulted.

ART. 21 [Art. 7]. China agrees that Japanese subjects shall have the right of missionary propaganda in China.

By the treaty dealing with Shantung and South Manchuria respectively signed on the 25th May 1915 and by exchange of notes on the same day, China conceded all these demands to Japan except 11, 15–19 inclusive, and 21. Demand 11 was finally conceded by China in an exchange of notes of the 24th September 1918, *v. Chinese Official History of the Recent Sino-Japanese Treaties*, 43–4. Cp. Vol. VI, pp. 374–6.

PART II

ALLIED SECRET AGREEMENTS WITH JAPAN, 1917[1]

A. The British ambassador at Tokyo to the Japanese minister for foreign affairs

British Embassy,
Tokyo, 16th February 1917.

My dear Excellency: With reference to the subject of our conversation of the 27th ultimo, when your Excellency informed me of the desire of the Imperial Government to receive an assurance that on the occasion of a Peace Conference his Britannic Majesty's Government will support the claims of Japan in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the equator, I have the honour, under instructions received from his Britannic Majesty's principal secretary of state for foreign affairs, to communicate to you the following message from his Britannic Majesty's Government:

'His Britannic Majesty's Government accede with pleasure to the request of the Japanese Government for an assurance that they will support Japan's claims in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the equator on the occasion of the Peace Conference; it being understood that the Japanese Government will in the eventual peace settlement treat in the same spirit Great Britain's claims to the German islands south of the equator.'

I avail myself of this opportunity, M. le Ministre, to renew to your Excellency the assurance of my highest consideration.

Conyngham Greene,
His Britannic Majesty's Ambassador.

To his Excellency, Viscount Ichiro Motono, his Imperial Japanese Majesty's Minister for Foreign Affairs.

B (i). The Japanese minister for foreign affairs to the British ambassador at Tokyo

[extract]

Foreign Office,
Tokyo, 21st February 1917.

The Japanese Government is deeply appreciative of the friendly spirit in which your Government has given assurance and happy to note it as fresh proof of the close ties that unite the two allied powers. I take pleasure in stating that the Japanese Government on its part is fully prepared to support in the same spirit the claims which may be put forward at the Peace Conference by his Britannic Majesty's Government in regard to the German possessions in the islands south of the equator.

[1] New York *Times*, 22nd April 1919. Cp. Vol. VI, 376–7.

B (ii). The Japanese minister for foreign affairs to the Russian and French ambassadors

[EXTRACT]

Foreign Office,
Tokyo, 19th February 1917.

The Imperial Japanese Government has not yet formally entered into conversations with the Entente powers concerning the conditions of peace it proposes to present to Germany, because it is guided by the thought that such questions ought to be decided in concert between Japan and the said powers at the moment when the peace negotiations begin. Nevertheless, in view of recent developments in the general situation, and in view of the particular arrangements concerning peace conditions, such as arrangements relative to the disposition of the Bosporus, Constantinople, and the Dardanelles, being already under discussion by the powers interested, the Imperial Japanese Government believes that the moment has come for it also to express its desires relative to certain conditions of peace essential to Japan and to submit them for the consideration of the Government of the French Republic [Russian Empire].

The French [Russian] Government is thoroughly informed of all the efforts the Japanese Government has made in a general manner to accomplish its task in the present war, and particularly to guarantee for the future the peace of Oriental Asia and the security of the Japanese Empire, for which it is absolutely necessary to take from Germany its bases of political, military and economic activity in the Far East.

Under these conditions the Imperial Japanese Government proposes to demand from Germany at the time of the peace negotiations the surrender of the territorial rights and special interests Germany possessed before the war in Shantung and the islands situated north of the equator in the Pacific Ocean.

The Imperial Japanese Government confidently hopes the Government of the French Republic [Russian Empire], realizing the legitimacy of these demands, will give assurance that, her case being proved, Japan may count upon its full support on this question.

It goes without saying that reparation for damages caused to the life and property of the Japanese people by the unjustifiable attacks of the enemy, as well as other conditions of peace of a character common to all the Entente powers, are entirely outside the consideration of the present question.

C. The French ambassador at Tokyo to the Japanese minister for foreign affairs

[EXTRACT]

French Embassy, Tokyo, 3rd March 1917.

The Government of the French Republic is disposed to give the Japanese Government its accord in regulating at the time of the peace negotiations questions vital to Japan concerning Shantung and the German islands in the Pacific north of the equator. It also agrees to

support the demands of the Imperial Japanese Government for the surrender of the rights Germany possessed before the war in this Chinese province and these islands.

M. Briand demands, on the other hand, that Japan give its support to obtain from China the breaking of its diplomatic relations with Germany, and that it gives this act desirable significance. The consequences of this in China should be the following:

First, handing passports to the German diplomatic agents and consuls.

Second, the obligation of all under German jurisdiction to leave Chinese territory.

Third, the internment of German ships in Chinese ports and the ultimate requisition of these ships in order to place them at the disposition of the Allies following the example of Italy and Portugal. According to the information of the French Government there are 15 German ships in Chinese ports, totaling about 40,000 tons.

Fourth, requisition of German commercial houses established in China; forfeiting the right of Germany in the concessions she possesses in certain parts of China.[1]

D (i). M. Krupensky, Russian ambassador at Tokyo, to the Russian minister for foreign affairs [2]

Tokyo, 8th February 1917.

I never omit an opportunity for representing to the minister for foreign affairs the desirability, in the interests of Japan herself, of China's intervention in the war, and only last week I had a conversation with him on the subject. To-day I again pointed out to him that the present moment was particularly favourable, in view of the position taken up by the United States and the proposal made by them to the neutral powers to follow their example, and more particularly, in view of the recent speeches of the American minister at Peking. Viscount Motono replied that he would be the first to welcome a rupture between China and Germany, and would not hesitate to take steps in this direction at Peking if he were sure that the Chinese Government would go in that direction. So far, however, he had no such assurance, and he feared lest unsuccessful representations at Peking might do harm to the Allies. He promised me to sound the attitude of Peking without delay, and, in case of some hope of success, to propose to the cabinet to take a decision in the desired direction.

On the other hand, the minister pointed out the necessity for him, in view of the attitude of Japanese public opinion on the subject, as well as with a view to safeguard Japan's position at the future Peace Conference, if China should be admitted to it, of securing the support of the allied powers to the desires of Japan in respect of Shantung and the Pacific Islands. These desires are for the succession of all the rights and

[1] In reply Japan promised compliance with the request to get China to break relations with Germany, adding that it had spared no effort in that direction from the beginning.

At Rome, the Italian minister of foreign affairs gave the Japanese ambassador assurance that Italy would offer no objection in the matter.

[2] Manchester *Guardian*, 7th February 1918, p. 4.

privileges hitherto possessed by Germany in the Shantung province and for the acquisition of the islands to the north of the equator which are now occupied by the Japanese. Motono plainly told me that the Japanese Government would like to receive at once the promise of the Imperial [Russian] Government to support the above desires of Japan. In order to give a push to the highly important question of a break between China and Germany I regard it as very desirable that the Japanese should be given the promise they ask—this the more as, so far as can be seen here, the relations between Great Britain and Japan have of late been such as to justify a surmise that the Japanese aspirations would not meet with any objections on the part of the London cabinet.

(ii). SAME TO SAME

TOKYO, 1st March 1917.

The minister for foreign affairs asked me to-day whether I had received a reply from the Imperial [Russian] Government relating to Japan's desires on the question of Shantung and the Pacific Islands, and told me that the Japanese Government would very much like to have at the earliest a promise from us on the subject.

(iii). SAME TO SAME

TOKYO, 21st March 1917.

I communicated to-day to the minister for foreign affairs the contents of your high Excellency's telegram, and gave him a copy. Viscount Motono confined himself to the observation that he took note of my communication, and would report it to the council of ministers and the Emperor. The attitude of public opinion and the press here toward the revolution in Russia is, on the whole, sympathetic. It is regarded as a pledge of a successful prosecution of the war until complete victory has been obtained, and the end of the rule of the bureaucracy is welcomed. While paying due tribute to the Emperor's and the Grand Duke Michael Alexandrovich's patriotic acts of abdication, public opinion here expresses the hope that the new Government and the popular representatives to be summoned would not be inclined toward extreme decisions. The same attitude towards the events in Russia could be perceived in the few general words which I heard in this connexion from the minister of foreign affairs.

PART III

THE LANSING-ISHII AGREEMENT, BETWEEN THE UNITED STATES AND JAPAN, 2ND NOVEMBER 1917[1]

DEPARTMENT OF STATE,
Washington, 2nd November 1917

EXCELLENCY:

I have the honor to communicate herein my understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

[1] Cp. pp. 376–7.

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China and they declare, furthermore, that they always adhere to the principle of the so-called 'Open Door' or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I shall be glad to have Your Excellency confirm this understanding of the agreement reached by us.

Accept, Excellency, the renewed assurance of my highest consideration.[1]

ROBERT LANSING

His Excellency
Viscount KIKUJIRO ISHII,
Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission

[1] To this note Viscount Ishii replied on the same day:

SIR:

I have the honour to acknowledge the receipt of your note of to-day, communicating to me your understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our governments relating to the Republic of China. I am happy to be able to confirm to you, under authorization of my Government, the understanding in question set forth in the following terms; [the portions italicized in the Lansing Note then follow].

APPENDIX V

TEXTS OF SOME TYPICAL MANDATES

PART I

'C' MANDATES

The Terms of the 'C' Mandates were finally accepted by the First League Assembly, 17th December 1920 (Vol. VI, Chap. VI, pp. 514–20, 528). They were for German Pacific Isles north of the Equator (Japan); some south of Equator (Australia); Samoa (New Zealand), Nauru (British Empire), and German South-West Africa (Union of South Africa). The Terms of all are practically identical.

MANDATE FOR GERMAN SAMOA

The Council of the League of Nations:

Whereas by article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German Samoa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with article 22, part I (Covenant of the League of Nations), of the said treaty, a mandate should be conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Dominion of New Zealand, to administer German Samoa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Dominion of New Zealand, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations:

Confirming the said mandate, defines its terms as follows:

ARTICLE 1. The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Dominion of New Zealand (hereinafter called the Mandatory) is the former German colony of Samoa.

ARTICLE 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Dominion of New Zealand, and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral

well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 3. The Mandatory shall see that the slave trade is prohibited, and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on the 10th September, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4. The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4 and 5.

ARTICLE 7. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the Treaty of Peace with Germany.

Made at Geneva the 17th day of December, 1920.

Certified true copy.

ERIC DRUMMOND,
Secretary-General.

APPENDIX V. PART II

'B' MANDATES

The 'B' Mandates, British and French Togoland; British and French Cameroons; Ruanda and Urundi (Belgium), and East Africa (Tanganyika (British), were confirmed on the 1st August 1922 by the Council. With one important variation (French Togoland)[1] and certain other small ones, the Tanganyika Model may serve.

British Mandate for East Africa (Tanganyika)

The Council of the League of Nations:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German East Africa; and

Whereas, in accordance with the treaty of June 11th, 1891, between Her Britannic Majesty and His Majesty the King of Portugal, the River Rovuma is recognized as forming the northern boundary of the Portuguese possessions in East Africa from its mouth up to the confluence of the River M'Sinje; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said treaty a mandate should be conferred upon His Britannic Majesty to administer part of the former colony of German East Africa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas by the afore-mentioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1. The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line:

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilometres south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometres west of the confluence of the River Msilala;

If the track of the railway on the west of the River Kagera between

[1] *v.* note on next page. Cp. pp. 518–23.

Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa, point 2100, situated on the Uganda-German East Africa frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1 : 1,000,000 map, G.S.G.S. 2932, sheet Ruanda and Urundi. The boundaries of Bugufi and Urundi are drawn as shown in the Deutscher Kolonialatlas (Dietrich-Reimer), scale 1 : 1,000,000, dated 1906.

ARTICLE 2. Boundary Commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Boundary Commission shall give the precise description of this boundary as actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

ARTICLE 3. The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 4. The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organize any native military force in the territory except for local police purposes and for the defence of the territory.[1]

ARTICLE 5. The Mandatory:

(1) shall provide for the eventual emancipation of all slaves and

[1] In the French Mandate for Togoland there is an important addition here: *It is understood, however, that the troops thus raised may, in the event of general war, be utilized to repel an attack or for the defence of the territory outside that subject to the Mandate.* Cp. p. 521 and n.

for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 6. In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory will promulgate strict regulations against usury.

ARTICLE 7. The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the Members

of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 8. The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools, throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 9. The Mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter, with the approval of the League of Nations, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic, and wireless communication, and industrial, literary and artistic property.

The Mandatory shall co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 10. The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.[1]

ARTICLE 11. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year

[1] The following recommendations were made at the second session of the Mandates Commission, August 1922 (*Monthly Summary of League*, August 1922, Vol. II, No. 8, p. 187).

'At its first session in October 1921, the Commission had drawn attention to a possible conflict in the application of paragraph 5 of Article 22 of the Covenant, which provides for economic equality, and the clause whereby a Mandatory Power may incorporate a mandated territory into a customs union with its own neighbouring colonies. Whilst noting that the Belgian, English, and French colonies within the conventional Congo Basin are provided with a régime of economic equality, the Commission expressed the wish to be informed whether a preferential tariff obtained in any of the mandated territories of Central Africa.

'Another special recommendation concerned Ruanda. According to the Orts-Milner agreement, the Eastern part of this territory is ceded to Great Britain to be incorporated with Tanganyika. The Commission has been informed from several quarters that this is highly detrimental to the political and economic unity of this native kingdom, which by the terms of the agreement in question, is deprived of a part of its best pasture land. The Commission decided to draw the attention of the Council to a situation which seemed likely to impair the development of the country.'

and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 12. The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 13. The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States Members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said Court for decision.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

Certified true copy :

SECRETARY-GENERAL.

APPENDIX V. PART III

'A' MANDATE

The Syria and Lebanon Mandate is here given as simpler and less complicated than that of Palestine.[1] The Mesopotamia Mandate is not yet issued but the final draft is published (Parl. Paper Cmd. 1500, 1921) and printed on pp. 609–13.

LEAGUE OF NATIONS, 12TH AUGUST 1922

MANDATE FOR SYRIA AND THE LEBANON

The Council of the League of Nations : [2]

Whereas the Principal Allied Powers have agreed that the territory of Syria and the Lebanon, which formerly belonged to the Turkish Empire shall, within such boundaries as may be fixed by the said Powers, be entrusted to a Mandatory charged with the duty of rendering administrative advice and assistance to the population, in accordance with the provisions of Article 22 (paragraph 4) of the Covenant of the League of Nations ; and

Whereas the Principal Allied Powers have decided that the mandate for the territory referred to above should be conferred on the Government of the French Republic, which has accepted it ; and

Whereas the terms of this mandate which are defined in the articles below, have also been accepted by the Government of the French Republic and submitted to the Council of the League for approval ; and

[1] Cp. p. 169 and n, pp. 521–2.
[2] For change in original preamble *v.* p. 37.

Whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8) it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1. The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The Mandatory shall, as far as circumstances permit, encourage local autonomy.

ARTICLE 2. The Mandatory may maintain its troops in the said territory for its defence. It shall further be empowered, until the entry into force of the organic law and the re-establishment of public security, to organize such local militia as may be necessary for the defence of the territory, and to employ this militia for defence and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the Mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the Mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the Mandatory stationed in the territory.

The Mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies and fuel.

ARTICLE 3. The Mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign Powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the Mandatory.

ARTICLE 4. The Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign Power.

ARTICLE 5. The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable

in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organization provided for in Article 6.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 6. The Mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

ARTICLE 7. Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign Powers and the Mandatory shall apply within the territory of Syria and the Lebanon.

ARTICLE 8. The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 9. The Mandatory shall refrain from all interference in the administration of the Councils of management (Conseils de fabrique) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE 10. The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

ARTICLE 11. The Mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and

associations, of any State Member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory.

Subject to the above, the Mandatory may impose or cause to be imposed by the local governments such taxes and customs duties as it may consider necessary. The Mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special customs arrangements with an adjoining country.

The Mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to ensure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States Members of the League of Nations, but on condition that they do not infringe upon the authority of the local government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the State or through an organization under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favour of the Mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above.

ARTICLE 12. The Mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreements already existing, or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic or wireless communications, and measures for the protection of literature, art or industries.

ARTICLE 13. The Mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

ARTICLE 14. The Mandatory shall draw up and put into force within twelve months from this date a law of antiquities in conformity with the following provisions. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all States Members of the League of Nations.

(1) 'Antiquity' means any construction or any product of human activity earlier than the year 1700 A.D.

(2) The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3) No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent Department.

(6) Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

(7) Authorization to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The Mandatory shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8) The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 15. Upon the coming into force of the organic law referred to in Article 1, an arrangement shall be made between the Mandatory and the local governments for reimbursement by the latter of all expenses incurred by the Mandatory in organizing the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE 16. French and Arabic shall be the official languages of Syria and the Lebanon.

ARTICLE 17. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.

ARTICLE 18. The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 19. On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfilment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

ARTICLE 20. The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London on the twenty-fourth day of July, one thousand nine hundred and twenty-two.

Certified true Copy :

SECRETARY-GENERAL.

APPENDIX VI

TREATY OF PEACE BETWEEN THE UNITED STATES AND GERMANY[1]

A TREATY BETWEEN THE UNITED STATES AND GERMANY, SIGNED ON AUGUST 25, 1921, TO RESTORE FRIENDLY RELATIONS EXISTING BETWEEN THE TWO NATIONS PRIOR TO THE OUTBREAK OF WAR

GERMANY AND THE UNITED STATES OF AMERICA

Considering that the United States, acting in conjunction with its co-belligerents, entered into an Armistice with Germany on November 11, 1918, in order that a Treaty of Peace might be concluded ;

Considering that the Treaty of Versailles was signed on June 28, 1919, and came into force according to the terms of its Article 440, but has not been ratified by the United States ;

Considering that the Congress of the United States passed a Joint Resolution, approved by the President July 2, 1921, which read in part as follows :

'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

'Sec. 2. That in making this declaration, and as a part of it, there

[1] A Treaty between the United States and Austria with similar modifications in the clauses of the Allied treaty of St. Germain (10th September 1919), was signed on the 21st August 1921 at Vienna. A modification of the Treaty of Trianon with Hungary was signed between the United States and Hungary at Budapest, 29th August 1921. The United States was not at war with Bulgaria or with Turkey, and did not therefore need to make peace with them.

are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the Treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal Allied and Associated Powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

'Sec. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favoured-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.'

Being desirous of restoring the friendly relations existing between the two nations prior to the outbreak of war;

Have for that purpose appointed their plenipotentiaries:

The President of the German Empire, Dr. FRIEDRICH ROSEN, Minister for Foreign Affairs, and the President of the United States of America; ELLIS LORING DRESEL, Commissioner of the United States of America to Germany;

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Versailles which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States.

ARTICLE II

With a view to defining more particularly the obligations of Germany under the foregoing Article with respect to certain provisions in the Treaty of Versailles, it is understood and agreed between the High Contracting Parties:

(1) That the rights and advantages stipulated in that Treaty for the benefit of the United States, which it is intended the United States shall have and enjoy, are those defined in Section 1, of Part IV, and Parts V, VI, VIII, IX, X, XI, XII, XIV, and XV.[1]

The United States in availing itself of the rights and advantages stipulated in the provisions of that Treaty mentioned in this paragraph will do so in a manner consistent with the rights accorded to Germany under such provisions.

(2) That the United States shall not be bound by the provisions of Part I of that Treaty, nor by any provisions of that Treaty including those mentioned in paragraph (1) of this Article, which relate to the Covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations, or by the Council or by the Assembly thereof, unless the United States shall expressly give its assent to such action.[2]

(3) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Sections 2 to 8 inclusive of Part IV, and Part XIII of that Treaty.[3]

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that

[1] For text of Sect. 1 of Part IV, *v.* Vol. III, pp. 179–9; Parts V–VI, *v.* Vol. III, pp. 187–212; Parts VIII, IX, X, XI, XII, *v.* Vol. III, pp. 214–313; Parts XIV–XV, *v.* Vol. III, pp. 329–35.

[2] For text of Part I, *v.* Vol. III, pp. 111–23.

[3] For text of Parts II, III, *v.* Vol. III, pp. 124–77; Sect. 2–8, Part IV, *v.* Vol. III, pp. 179–87; Part XIII, *v.* Vol. III, pp. 314–28.

Treaty, and in any other Commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time to which reference is made in Article 440 of the Treaty of Versailles shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

ARTICLE III

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Berlin.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in Berlin this twenty-fifth day of August, 1921.

[SEAL.] ROSEN.
[SEAL.] ELLIS LORING DRESEL.

Note. It will be observed that this Treaty makes no mention of Part VII of the Versailles Treaty which deals with the trial of the Kaiser and of German war criminals, *v.* Vol. III, pp. 212–13.

On the 18th October 1921 this Treaty was ratified by the Senate by 72–28.

By a proclamation of the President signed November 14, 1921, war between the United States and Germany was declared to have terminated July 2, 1921.

CHRONOLOGICAL LIST OF EVENTS MENTIONED IN VOLUME VI[1]

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1793. Second Partition of Poland. 226.
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1815. Congress of Vienna. 220 n., 226, 489, 563–4, 568.
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1833.
8 July. Russo-Turkish Treaty of Unkiar-Skelessi (1833). 68.
1839. Treaty guaranteeing Belgian Neutrality. 355.
1840.
15 July. Anglo-Austro-Prusso-Russian Agreement concerning the Pacification of the Levant. 68.
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1861–78. Establishment of sovereign independent national state of Rumania. 59.
1871. Treaty of Frankfurt. 534.
" Treaty of Washington. 336.
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Dec. Decree of Mouharrem. 95.
1885. Berlin-Congo Act passed. 502–3.
1887. Colonial Conference held. 339.
1893. Convention regarding Franco-Canadian Trade. 337.
1894–5. Japano-Chinese War. 368.
1895. Treaty of Shimonoseki. 368 n.
1897. Colonial Conference held. 339.
" Germans seize Kiaochow. 368.
1898.
6 Mar. Rights in Shantung granted to Germany and defined in Convention signed by China. 369, 378, 382, 384–5, 387.
1899. First Hague Conference held. 434, 483.
Declaration by German, British, Russian, French, Italian, and Japanese Governments that they would observe 'open door' principle in respect of their spheres of interest in China. 370.
19 Jan. Anglo-Egyptian Convention. 204–5.

[1] A few important dates, not specifically referred to in Vol. VI, are added for the sake of completeness.

10 July.	Supplementary Convention relating to town of Suakin. Page 205.
1899–1902.	Boer War. 339.
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21 Mar.	Kiaochow-Tsinanfu Railway Agreement. 370.
1902.	Colonial Conference held. 339.
1904.	Anglo-French Agreement and Declaration *re* Egypt. 198.
1905.	Treaty of Portsmouth. 374.
4–5 Dec.	Lithuanian Convention held demanding autonomy for their country. 302.
22 ,,	Treaty of Peking. 374.
1907.	Colonial Conference held. 336–7.
	Second Hague Conference held. 483–5.
31 Aug.	Anglo-Russian Agreement. 6, 207–8, 211–12.
1909.	Declaration of London concluded. 339.
16 July.	Shah of Persia deposed.. 209.
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May	Roosevelt's speech at Christiania advocating a League of Nations. 397.
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1912.	Radio-Telegraphic Conference held. 337.
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30 May.	First Treaty of London. 40 n.
1914.	Conference on the Safety of Life at Sea held. 338.
13 Feb.	Certain Aegean Islands assigned to Greece. 40 n. (Confirmed by Treaty of Sèvres 10 Aug. 1920, 40 n., modified by Treaty of Lausanne 24 July 1923, 117.)
28 June.	Anglo-Persian Oil Company obtains from Turkish Government exclusive right to all oil in the vilayets of Mosul and Baghdad. 181.
3 Aug.	Declaration of Italian Neutrality. 3, 11.
4 ,,	Turkish Treaty with Germany. 2.
6 ,,	China declares her Neutrality. 371.
15 ,,	Japanese Ultimatum to Germany calling for surrender of Kiaochow. 372.
23 ,,	Japan declares war on Germany. 372.
3 Sept.	China declares 'war zone'. 372–3.
4 ,,	Franco-British Treaty. 34.
5 ,,	Anglo-French-Russian Declaration not to conclude separate peace. 13.
25 ,,	Mr. Asquith's speech pleading for 'a real European partnership'. 429.
24 Oct.	Sir H. McMahon's letter to Sherif of Mecca. 147.
31 ,,	Bombardment of Tsingtao begun. 372.
,, ,,	Turkey enters the War. 11.
Nov.	Government of India's Proclamation to Moslems *re* Arabian and Mesopotamian Holy Cities. 122–3.
5 ,,	Great Britain annexes Cyprus. 195, 205.
,, ,,	Great Britain declares war on Turkey. 195.
7 ,,	Germans capitulate at Tsingtao. 371–2.
10 ,,	Mr. Lloyd George's speech *re* Turkey. 24.

18 Nov. Great Britain declares Protectorate over Egypt. Pages 195, 199–200.

19 „ Proclamation deposing Abbas II and stating that succession had been offered to Prince Husein Kemal. 196.

1915.

Jan. Count Bulow's Mission to Rome. 12.

7 „ Chinese Government informs Japan of cancellation of 'war zone' in Shantung and asks her to withdraw her troops. 373.

18 „ Japanese Minister presents Memorandum containing the 'Twenty-One Demands' to President of China. 373, 631–3.

24 Jan. Murder of Captain Shakespeare at Riadh. 121.

19 Feb. Bombardment of Dardanelles by Allies. 5.

4 Mar. Memorandum from Russian Minister of Foreign Affairs to British and French Ambassadors *re* Constantinople, adopted by British Government 12 March and by French Government 12 April. 5, 7.

18 „ Secret Agreement between Great Britain, France, and Russia regarding the future of Constantinople, the Straits, and Persia. 1, 4–10, 14, 16, 45.

„ „ Telegram from M. Sazonoff to Russian Ambassador at Paris. 7.

20 „ Telegram from M. Sazonoff to Russian Ambassador in London. 8, 208.

Apr. Treaty between Government of India and Idrisi. 124, 133.

26 „ Italian Declaration acceding to Anglo-French-Russian Declaration of 5 September 1914. 1, 10–13. 19–20, 41 n., 560 n.

„ „ Treaty of London.

„ „ 21 Japanese Demands to China. 372–5, 631.

4 May. Italy denounces Triple Alliance. 3.

7 „ Japanese Ultimatum to China, giving her two days in which to comply with revised edition of 'Twenty-One Demands'. 373, 631.

13 „ American Note to Chinese Government. 373–4.

23 „ Italy declares war on Austria-Hungary. 13.

25 „ Japano-Chinese Agreements. 372–3, 378, 382–3, 385–7, 389, 631.

June 'American League to Enforce Peace' founded. 396–7, 418, 428.

9 „ Senator Lodge's address at Union College, Schenectady, favouring a League of Nations. 397.

Aug. Emir Husein's letter to British Government. 125, 132.

20 „ Italy declares war on Turkey. 13.

14 Oct. Bulgaria begins hostilities against Serbia. 3.

Nov. British Government's Reply to Emir Husein's letter of August 1915. 126–7, 132, 135, 147, 153, 156, 162–3, 164.

„ Pact of London. 13, 34.

„ Treaty of Alliance between Government of India and Ibn-Saud. 24, 133.

1916. Compulsory military service introduced in New Zealand. 340.

29 Jan. President Wilson's speech suggesting that American States should unite in 'guaranteeing to each other absolute political and territorial integrity'. 429.

15 May French Declaration *re* British Oil Concessions. 181–2.
16 „ Sykes-Picot Agreement. 1, 4, 7, 13–19, 21, 30, 42 n., 45, 83–4 n., 91, 128, 131–4, 137, 140–3, 145–8, 152–3, 159, 164–5, 167, 181, 502.
27 „ President Wilson's address to League to Enforce Peace at Washington, D.C. 397, 429.
24 June. Lansing succeeds Bryan as U.S.A. State Secretary.
7 July. Order in Council issued abandoning 'Declaration of London'.
17 Aug. Rumanian Secret Treaty. 4.
27 „ Rumania declares war on Austria-Hungary.
29 „ Authority given to President Wilson by Congress to invite great governments of world to send representatives to a conference to formulate plan for court of arbitration. 398.
30 „ Turkey declares war on Rumania.
29 Oct. Viviani resigns.
30 „ Briand becomes French Premier.
28 Nov. Venizelist Government at Salonica declares war on Germany.
2 Dec. Trepoff's Declaration *re* Constantinople Agreement. 9.
18 „ President Wilson's Peace Note. 429.
„ „ Mr. Balfour's Note to President Wilson. 23.
1917. Compulsory military service introduced in Canada. 340.
„ Independent National Republic of Erivan formed. 53.
„ Meeting of Imperial War Cabinet. 341, 352, 430.
Jan. Occupation of Wejh. 130.
10 „ Allied Reply to President Wilson's Peace Note of December 1916. 27.
Jan. & Feb. Japan asks British, French, Russian, and Italian Governments for pledges that they would support her claims with regard to Germany's rights in Shantung, etc. 376, 634–7.
Mar. First Russian Revolution. 285, 294, 311.
20 „ Ribot becomes French Premier.
Apr. Committee of Imperial War Cabinet recommends adoption of principle that signatories of Peace Treaty should agree not to go to war with one another without previously submitting their dispute to a conference. 430.
9 „ Russia declares her disinterestedness in Constantinople, etc. 41–2, 48.
„ „ Turkey severs diplomatic relations with U.S.A.
17 „ Agreement of St. Jean de Maurienne. 1, 4, 13, 17–22, 25, 41, 74–5, 91.
17 May. French Declaration of 15 May 1916 ratified by Great Britain and France. 181 n.
11 June. Constantine of Greece, abdication demanded; signed 12 June.
27 „ Venizelist declaration of war on Germany becomes effective for Greece as a whole.
18 July. Diet assumes supreme power in Finland. 286.

Aug.	British 'League of Nations Society' publishes its 'Project for a League of Nations'. Page 428.
20 ,,	Imperial Government pledges itself to introduce reforms, leading up to self-government in India. 342.
8 Sept.	Riga evacuated. 294.
9 ,,	Ribot resigns, Painlevé Premier (12 September).
18–22 ,,	Lithuanian National Council elected. 302.
Oct.	Japan establishes civil administration at important points along Tsinanfu Railway, etc. 375.
Nov.	Bolshevik Revolution. 334.
,,	Supreme War Council constituted. 431.
2 ,,	Balfour Declaration *re* Palestine. 86, 132, 135, 141, 170–7, 522.
,, ,,	Lansing-Ishii Agreement. 376–7, 637–8.
14 ,,	Painlevé resigns, Clemenceau becomes French Premier.
16 ,,	Lettish National Council constituted. 295.
24 ,,	Publication in Bolshevik 'Izvestia' of secret agreements. 16.
29 ,,	Count von Hertling's speech recognizing right of Lithuania, Courland, and Poland to dispose of their own destinies. 303–4.
6 Dec.	Independence of Finland as sovereign state proclaimed by Diet. 285, 287.
11 ,,	Vilna recognized as capital of Lithuanian State. 304.
20 ,,	Publication in Bolshevik 'Pravda' of Russian Secret Memorandum. 5.
1918.	Allied Maritime Transport Council formed. 432.
,,	Meeting of Imperial War Cabinet. 341, 352.
4 Jan.	Formal recognition of Finnish independence granted by Soviet Government. 287.
5 ,,	Meeting of All-Russian Constituent Assembly. 295.
,, ,,	Mr. Lloyd George's speech on Allied War Aims. 23, 24, 29, 360.
8 ,,	President Wilson's speech of 'Fourteen Points'. 24, 26, 238 n., 342, 349, 351, 353, 395, 403, 430, 500, 539, 544, 559.
9 ,,	Lord Islington's statement in House of Lords *re* Afghanistan. 9.
17–18 ,,	Lettish National Council holds its 2nd session. 295.
19 ,,	Publication in *Manchester Guardian* of translation of secret agreements published by Bolsheviks. 16.
,, ,,	Russian Constituent Assembly closed by Bolsheviks. 287.
27 ,,	German Government's letter *re* Lithuanian independence. 304.
29 ,,	Helsingfors seized by Social Democrats. 287.
11 Feb.	President Wilson's speech of 'The Four Principles'. 558.
16 ,,	Re-establishment of independent Lithuanian State. 304.
18 ,,	Russian Soviet determines to accept German Peace Terms.
22 ,,	Publication in *Manchester Guardian* of Russian Secret Memorandum *re* Constantinople. 5.
24 ,,	Reval Government established. 295.
Mar.	Phillimore Draft Convention *re* League. 428 n., 430.
,,	Treaty of Brest-Litovsk. 86 n., 284, 295, 304–5, 311, 544.
8 ,,	Germans land in Åland Islands. 288.

7 Mar. Treaty between Germany and Finland signed. Page 288.
8 „ Kaiser asked to accept Grand-ducal Crown of Courland. 295.
23 „ Recognition of Lithuanian independence granted by Kaiser. 305.
12 Apr. Von der Goltz enters Helsingfors. 288.
3 May. *De facto* recognition by British Government of Esthonian National Council. 297, 308.
26 „ General Mannerheim enters Helsingfors. 288.
June. French Scheme for League of Nations. 440, 452–3.
4 July. President Wilson's speech *re* League. 431.
11 „ Lithuanian National Council decides to call Duke William of Urach to the throne. 306.
2 Sept. Prince Lichnowsky's article in *Berliner Tageblatt re* Poland. 218.
24 „ Secret Agreements between Japan and China *re* Shantung. 375–6, 380, 382–3, 385–7, 389.
27 „ President Wilson's speech *re* League. 431.
1 Oct. Damascus surrenders to Allenby. 131.
3 „ Official Entry of Feisal into Damascus. 139.
5 „ Prince Max of Baden's speech in Reichstag in reply to Wilson. 306.
7 „ Proclamation by Feisal announcing formation of independent government for whole of Syria. 139.
19 „ Decision to offer Finnish Crown to German Princeling. 288.
20 „ Lithuanian National Council informed of German Government's decision to relegate legislative and administrative power to Lithuanian Government, to be organized by Council. 307.
„ „ Anglo-French Convention *re* Syria. 140.
25 „ President Wilson appeals for Partisan Aid. 392.
„ „ Republican response to President Wilson's appeal for Partisan Aid. 393.
28 „ Mr. Roosevelt's address at Carnegie Hall, N.Y. City. 394 n.
30 „ Turkish Armistice signed. 24–6, 42, 48, 52–4, 56, 64, 68, 82, 98, 104, 132–5, 140–1, 178–81.
31 „ Lord Robert Cecil's statement in House *re* Feisal's entry into Damascus. 139.
Nov. United States Elections. 394, 404 n.
2 „ Lithuanian National Council withdraws resolution of 11 July offering crown to Duke William of Urach. 307.
4–5 „ Allied Memorandum submitted to President Wilson and presented by him to Germany. 353, 355–7, 540, 554.
5 „ Professor Voldemaris becomes President of Lithuanian Cabinet. 307.
7 „ Anglo-French Declaration *re* Syria and Mesopotamia. 25, 140–1, 145, 153–4, 159–60, 180–1, 196.
„ „ Protest by Mr. Hughes *re* Imperial Government's decision as to 'Fourteen Points'. 342.
9 „ Rumania re-enters the war.
11 „ Armistice with Germany signed. 210, 219, 289, 293, 296–9,

305, 307–8, 318–19, 385, 392, 395, 398, 403, 432, 462, 469, 486, 539, 554, 560.

11 Nov. *De facto* recognition by Great Britain of Lettish Council. Pages 297, 308.

" " Lord Robert Cecil's speech at Birmingham *re* League. 433 n.

13 " Zaghlul Pasha and other Nationalists demand to be allowed to proceed to London to ask for 'complete autonomy'. 197.

18 " Conjoint National Assembly held at Riga. 298.

26 " Finland—Coalition Ministry under M. Ingman comes into power. 289.

" " Feisal lands at Marseilles. 142.

28 " Bolsheviks cross the Narova. 298.

Dec General Smuts' pamphlet *re* League of Nations. 347–50, 433–4, 437 and n., 438–9, 486.

2 " President Wilson's speech to Congress before leaving for France. 395.

4 " Canadian Cabinet urges representation of Dominions at Peace Conference. 343.

" " President Wilson sails for France. 395.

" " Senator Kellogg's speech *re* idea of League of Nations. 397.

6–10 Feisal revisits London and Paris. 142.

10 " Agreement *re* food supplies between Mr. Hoover and Dr. Holsti. 289.

12 " Finnish Diet elects General Mannerheim as acting Regent. 289.

21 " Senator Lodge outlines what he considers essentials of constructive Peace Treaty with Germany. 398.

29 " M. Pichon states French policy *re* Syria. 143.

1919. Treaty of St. Germain-en-Laye. 93, 95 n., 115, 266 and n., 571.

" Deportation of Zaghlul. 197.

" Washington Labour Conference held. 464–71, 477.

5 Jan. Bolsheviks enter Vilna. 308.

7 " Death of Ex-President Roosevelt. 423.

" " Feisal returns to Paris from England. 144.

10 " Revised version of 'Wilson Draft' for League of Nations shown to his advisers. 438.

15 " Rules of Peace Conference made public. 344.

16 " Conversations at Quai d'Orsay between heads of Allied States *re* Russia. 312.

18 " First Meeting of Peace Conference proper. 144, 312.

20 " British Draft Convention of League of Nations Covenant. 438, 440, 445.

21 " President Wilson reads to Council of Conference Mr. Buckler's Report on his conference with Mr. Litvinoff. 312.

22 " President Wilson's proposal that Russian and Allied representatives should meet to see if a basis of agreement could be discovered. 312–13.

25 " Plenary Session of Preliminary Peace Conference appoints Commission on the League of Nations. 346, 434.

27 " Baron Makino's claims at Peace Conference. 377–8.

27 Jan. Small Powers appoint representatives on League of Nations Commission. Page 434.
28 „ Mr. Wellington Koo's statement to Peace Conference *re* Chinese claims. 377.
30 „ Question of revision of Sykes-Picot Agreement discussed by Mr. Lloyd George, Sir M. Hankey, M. Clemenceau, and M. Pichon. 142.
Feb. British Industrial Conference summoned by Prime Minister. 466, 469.
1 „ General von der Goltz arrives at Libau. 299.
3 „ Wilson Draft Covenant presented to League of Nations Commission. 435, 438.
3–4 „ M. Venizelos appears before Council of Ten and claims Smyrna zone. 25.
4 „ Feisal receives Croix de Guerre. 144.
6 „ Feisal states Arab case to Peace Conference. 144.
9 „ Senator Lodge's address in National House of Representatives on Roosevelt's death. 423.
11 „ First provisional draft of Covenant of League agreed to. 435.
12 „ Polish Commission appointed. 239 n., 247, 250–1, 256–7, 259–62, 271, 275, 345, 358.
13 „ Central Syrian Committee appears before Peace Conference. 145.
14 „ Draft Covenant of League of Nations presented to Peace Conference. 488, 491–2, 494, 498.
15 „ Proposed date for Prinkipo Meeting. 313.
18 „ Mr. Bullitt instructed to proceed to Russia. 313–14.
19 „ American Reply to British views *re* Reparation. 355.
26 „ Polish Commission instructed to report on boundary between Poland and Germany. 247.
„ „ Confidential meeting at White House between President Wilson and Foreign Relations Committee of U.S. Senate. 399.
4 Mar. Close of 65th Congress. 394, 422.
„ „ President Wilson's New York address *re* German Treaty. 401.
„ „ Senator Lodge's 'Round Robin'. 400, 405.
5 „ President Wilson returns to France. 401.
12 „ Lord Allenby attends Peace Conference and advises on Syrian and Arabian Affairs. 197.
„ „ Report of Polish Commission completed.
14 „ M. Tchitcherin and M. Litvinoff draw up document containing terms Soviet Government undertook to accept if tendered not later than 10 April. 314.
19 „ Mr. Lloyd George receives Indian Delegation on the subject of the Turkish Treaty. 359–60.
20 „ Meeting of Supreme Council—question of Syria discussed. 145–8.
22–6 „ Meetings of League of Nations Commission. 435.
25 „ Lord Allenby appointed 'Special High Commissioner' of Egypt. 197.

25 Mar. Mr. Lloyd George's Memorandum. Pages 239 n., 313, 544–52, 554–5, 560, 579–80.
31 „ General Smuts' Memorandum on Reparation. 356, 560.
Apr. General Smuts' Mission to Budapest. 358.
1–8 „ Haller's Army transported to Poland via Danzig. 318.
3 „ Dr. Nansen's proposal for Commission for Relief of Russia. 316.
7 „ Telegram from 370 M.P.s to Mr. Lloyd George. 551.
10–11 „ Amended Text of Draft Covenant considered by League of Nations Commission. 435.
11 „ Mr. Hughes's offer to Baron Makino of principle of equality in respect of nationals resident in Australia as opposed to would-be immigrants. 352.
15 „ Mr. Lansing's proposal at Meeting of Council of Five that Germany be made to renounce all rights, etc., in and over territory outside her European frontiers. 379.
16 „ Colonel House's statement *re* proposal of U.S. Mandate for Constantinople and Straits. 27.
„ „ Mr. Lloyd George's statement in House *re* Bullitt Mission. 315.
„ „ Von der Goltz overthrows Lettish Provisional Government. 300.
18 „ Berenger-Long Oil Agreement. 182–3.
22 „ Japanese claims heard by Council of Three. 380, 386.
23 „ German scheme for League of Nations published. 452.
„ „ President Wilson's Manifesto *re* Fiume. 380.
„ „ United States recognize British Protectorate over Egypt. 199.
24 „ Italian Delegation leaves Paris. 25.
25 „ Chinese Delegation submits to Supreme Council proposal that Germany should renounce to Principal Allied and Associated Powers her holdings, rights, and privileges in Shantung for restoration to China. 380.
27 „ Revised and final text of Covenant given to U.S. Press by Acting Secretary of State. 406 n.
28 „ Revised Covenant of League unanimously adopted at plenary meeting of Peace Conference—France and Japan protest against certain points. 435, 441.
„ „ Baltic Commission appointed, functions enlarged 24 May. 300.
29 „ General Bliss's letter to President Wilson on conflicting claims *re* Shantung. 381.
„ „ Senators Lodge and Curtis's telegram to senatorial colleagues. 406 n.
30 „ Shantung decision reached in favour of Japan. 381, 386.
May. Supreme Council's decision for Greece to take over certain military commitments in Northern Turkey. 44.
„ Viceroy of India informs British Government of Moslem feeling *re* Constantinople. 27.
3 „ Question of recognition of Finnish independence discussed by Allied Powers. 289.

5 May. Baron Makino's statement to Press on Japanese policy *re* Shantung Peninsula. Page 386.
6 „ British recognition of Finnish independence. 289.
„ „ Chinese Delegation gives notice of reservation on its part to portion of Treaty which was to contain Shantung provision. 388.
7 „ Supreme Council selects Mandatories for German Colonies. 'B' and 'C' Mandates. 503, 517.
„ „ Draft German Treaty presented. 199, 211, 250, 261, 403, 405.
15 „ Greek troops land at Smyrna. 25–6, 42, 45–8, 72, 74.
16 „ Berenger-Long Oil Agreement ratified by French Foreign Office. 183.
17 „ Viscount Uchida's statement to Press *re* Japanese policy as to Shantung Peninsula. 386.
19 „ Sixth-sixth Congress assembles. 404.
21–22 Discussions between Clemenceau and Lloyd George *re* Mosul. 182.
22 „ Riga captured. 300.
24–7 „ Question of recognizing Admiral Kolchak. 316–17.
26 „ Chinese Delegation notify President of Council that they will sign Treaty subject to their reservation *re* portion containing Shantung provision. 388.
27 „ Supreme Council's Note to General Labour Conference recommending admission of Germany and Austria to their favourable consideration. 465 n.
30 „ Belgo-British Agreement *re* transferring part of German East Africa to Belgium. 504 n.
4 June. New Commission for Germany's Eastern frontiers. 251, 261.
9 „ Unofficial text of German Treaty reaches U.S. Senate. 405.
10 „ Senator Knox's resolution advocating separation of Covenant and Treaty. 405.
13 „ German retreat from Baltic provinces demanded by the 'Four', conveyed subsequently to Germany by Foch.
16 „ Allied Reply to German Observations. 27, 247 n., 249 n., 250 n., 257 n., 261 n., 501 n., 539–40, 575 n.
19 „ Poles authorized to continue advance to borders of Eastern Galicia. 272.
23 „ Senator Lodge produces Senator Root's letter *re* Treaty. 406.
24 „ Secretary-General of Peace Conference informs Chinese Delegation that reservations to the text of Treaty are not permissible. 388.
27 „ President Wilson's statement to Press *re* proposed United States Mandate for Constantinople. 28.
28 „ German Treaty signed. 93–5 and n., 115, 161, 263 n., 265 n., 275, 283 n., 405, 464 n., 466, 468–70, 474, 477 and n., 479, 491, 503–6, 520, 551, 554, 571.
„ „ Guarantee Treaties signed. 359, 549–50, 552, 575.
2 July. Nauru Island Agreement signed. 517.
3 „ Lettish Provisional Government concludes Armistice with Germany. 300.

10 July. Declaration *re* Togoland Mandate. Page 504.
" " President Wilson lays before Senate final official text of German Treaty. 405, 411.
14 " Official text of German Treaty placed in printed form in hands of Senate Committee. 408.
" " Senator Kellogg gives notice of intention to draw some distinction between amendments and reservations. 411.
16 " Venizelos appears before Council of Five to explain circumstances which led to Greek atrocities in Smyrna. 26.
17 " Bill passed giving Finland a democratic republican constitution. 290.
22 " Report of Baltic Commission on neutrality of Åland Isles.
29 " Agreement signed between M. Venizelos and M. Tittoni. 34.
" " Ex-Associate Justice Hughes's letter before Senate. 411
31 " Senate Committee Hearings open to public begin. 408.
2 Aug. Further statement by Viscount Uchida *re* Japanese policy. 386.
7 " Senator Kellogg on distinction between amendments and reservations. 411.
9 " Anglo-Persian Agreement. 211–17.
12 " Mr. Lansing testifies before Senate Committee on Foreign Affairs that he had no knowledge of Japanese Secret Agreements until February 1919. 376 n.
17 " Mr. Cecil Harmsworth's statement *re* Persia. 214.
19 " President Wilson gives Senate Committee on Foreign Relations information as to origin of his Draft Covenant of League. 408–9, 422, 437, 444.
21 " Supreme Council approves Belgo-British Agreement of 30th May 1919 (q.v.). 504.
Sept. Mr. Bullitt's statement before Foreign Relations Committee of American Senate. 314, 409, 426 n., 438 n.
" Mr. Doherty explains Covenant of League to Canadian House of Commons. 350.
" Franco-British Provisional Agreement *re* Syrian questions. 152, 154, 160–1.
3 " President Wilson leaves Washington on his Pacific Tour. 414 n.
10 " Majority Report of Foreign Relations Committee. 412.
11 " Minority Report of Foreign Relations Committee. 412.
12 " Final Hearing of Foreign Relations Committee. 408–9.
15 " Senator McCumber's Report. 412, 423.
16 " Senator Lodge's speech *re* Roosevelt's attitude *re* peace. 423.
17 " Mr Lloyd George's speech at Sheffield *re* Turkey. 28.
24 " *De facto* recognition of Lithuanian Government by Great Britain. 308.
25 " President Wilson taken ill at Colorado. 28, 413, 414 n.
8 Oct. Avaloff-Bermondt's army marches on Riga. 301.
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